

DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL

BOARD: TAZEWELL COUNTY

COMMITTEE: LAND USE

DATE/TIME: Tuesday, August 9, 2011 at 5:00 p.m.

PRESENT: Chairman Carroll Imig, K. Russell Crawford, Dude Meisinger, Rosemary Palmer, Mel Stanford, and Sue Sundell

ABSENT: Joyce Antonini, Paul Hahn, Terry Hillemonds

STAFF PRESENT: Kristal Deininger, Community Development Administrator; David Jones, County Administrator; Nicholas Hayward, Land Use Planner; Matt Drake, Assistant States Attorney; Mike Holly, Assistant States Attorney, James Newman, ZBA Chairman

OTHERS PRESENT: Mr. and Mrs. Huser, Ronald Klein, and County Board Member John Ackerman

CALL TO ORDER: Chairman Imig called the meeting to Order at 5:00 p.m.

MINUTES: Moved by Meisinger, seconded by Sundell, to approve the minutes of the July 12, 2011 Land Use meeting. On voice vote, **motion declared carried.**

PLATS

Huser Acres Resub of Lot D Administrator Deininger presented a preliminary plat for Huser Acres Re-Subdivision of Lot D in Elm Grove Township. Ms. Deininger stated that the proposed plat was for the re-subdivision of Lot D into 2 lots. Ms. Deininger stated that at Review Committee meeting was not held, however all agencies were notified including adjacent property owners. Ms. Deininger reviewed her Report with the Committee including all comments received from the Plat Review Committee agencies and stated that approval was recommended with conditions.

Moved by Stanford, seconded by Palmer, to approve the Preliminary Plat directing the Community Development Administrator to sign off on the Final Plat upon submittal of all other Final Plat criteria as required by the Subdivision Code with the following conditions:

1. No future division shall be allowed of the remaining lots and of the new lots proposed, unless a Public Township Road is proposed to be constructed to Subdivision Standards for access to accommodate any future division of the Lots.

Following discussion, on voice vote, **motion declared carried.**

NEW BUSINESS

Code Amendment

Member Crawford stated he has been approached by various constituents with regards to the current process of allowing the ZBA to have the final approval on Special Use and Variance cases. Member Crawford stated the new and current system is unfair to the citizens of Tazewell County as they are not allowed the “extra bite out of the apple”. Member Crawford added the ZBA does a good job and he usually supports their decisions, however of the 102 Counties in Illinois, 43 do not have Zoning but 47 Counties require County Board final approval on Special Use cases. Member Crawford said if he had been on the Board in 2003 he would have worked to mitigate the State’s Attorneys concern rather than changing the policy and procedures for Special Use cases. Mr. Crawford added there were only 2 concerns he knew of, one consisting of a potential conflict of interest where a Board Member should abstain from voting and the second being a lack of attendance or lack of reading the record of the ZBA and then the County Board Member should then also abstain from voting. Mr. Crawford added he did not want to take duties away from the ZBA as far as their Hearing procedures but only would like to see the County Board have the final authority and decision which had previously worked from the 1960’s to 2003. Member Crawford added that is was important to him as implementing the change is about the citizens of Tazewell County getting the maximum amount of accountability that is owed to the citizens by the County Board, which would do so by allowing further steps in the process with regards to a zoning request.

Member Meisinger questioned the ZBA procedures if the process would be amended.

Member Sundell stated the current process of ZBA’s final approval on Variance and Special Use cases has worked very well and the process was streamlined to remove the redundancies. Mrs. Sundell said the Board should not take a step backwards in the process as the ZBA does an excellent job. Mrs. Sundell added, referring to the Survey submitted, it was good to know how other Counties handled particular zoning cases, however it did not mean that final approval by the County Board was the right way. Ms. Sundell said leaving the system as it currently is and the Counties that allow a final decision by the ZBA versus the County Board is a form of best practices. Member Sundell stated she was opposed to changing the process.

Member Stanford stated rather than having one Public Hearing, there could be a potential for further testimony at the Land Use and County Board and if new testimony were allowed the matter would then be referred back to the ZBA. Mr. Stanford said he was in agreement with Member Sundell and if a Petitioner was unhappy with the process they were able to appeal through the court system. Mr. Stanford stated less politics are involved at the present way of allowing the ZBA to have the final authority.

Chairman Imig stated he had been on the Board for 10 years under the old procedure and 6 years under the new procedure. Mr. Imig said he had seen where the ZBA denied cases after not asking any questions of the Petitioner. Chairman Imig added changing the procedure back to how it originally was would provide a “checks and balance” for the system.

County Board Member John Ackerman stated although he was not presently a member of the Land Use Committee, he was a Land Use Member at the time the procedure was changed and has been opposed to the change all along. Mr. Ackerman said although politics came into play decisions must still be made ethically.

County Administrator David Jones stated that he understands the concerns with regards as to what to delegate and not delegate as the Board delegates authority whether it is an executive authority with vested interest under the Statutes or legislative. However there are other things that staff does on behalf of the Board. Mr. Jones said staff could be instructed to look at the concerns and try to find a way to improve rather than changing the procedure. Mr. Jones added that the Board does have a say in the decision making due to the Ordinances which have been approved and adopted by Board.

Administrator Deininger stated if cases were heard at Land Use and County Board and there were new evidence submitted or discussed that was not discussed at the Zoning Board level then a case must be sent back to the ZBA to begin the process again. Ms. Deininger said Petitioners have seemed pleased with the expedited process provided and changing would add at least 3 additional weeks to the process. Ms. Deininger said most Petitioners are ready to begin the project or construction immediately and generally will obtain the required permits the day following the final decision by the ZBA.

Following further discussion, moved by Crawford, seconded by Meisinger, authorizing the Community Development Administrator to prepare a Code Amendment to bring back to the Land Use Committee for review which authorizes the County Board versus the Zoning Board of Appeals to have the final decision with regard to Special Use requests

On roll call the vote was:

Ayes: 3 - Crawford, Meisinger, Chairman Imig

Nays: 3 - Palmer, Stanford, Sundell

Motion failed due to a tie vote.

**COMMUNITY
DEVELOPMENT ADM.**

Proposed Amendment 38

Administrator Deininger presented proposed Code Amendment No. 38 to the Land Use Committee. Ms. Deininger stated the Amendment was primarily changing items in the Zoning Code as directed by the Land Use Committee with regarding to Gravel Pit set back requirements. Ms.

Deininger said changes were also made to fencing regulations and cleaned up the verbiage.

Following discussion, moved by Stanford, seconded by Sundell, to recommend that the proposed Amendment be referred to the Zoning Board of Appeals for public Hearing. (see attached). **Motion carried by voice vote.**

BILLS:

Moved by Stanford, seconded by Sundell, to approve the bills for the Community Development Department as submitted. On voice vote, **motion declared carried.**

NEXT MEETING:

The next meeting of the Land Use Committee will be held on **Tuesday, September 13, 2011 at 5:00 p.m.** in the 3rd Floor Jury Meeting Room of the McKenzie Building.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:01 p.m.

Kristal Deininger, Secretary

Prepared by Melissa A. Kreiter
Administrative Assistant