

**DRAFT COPY - SUBJECT TO COMMITTEE APPROVAL**

**BOARD:** TAZEWELL COUNTY

**COMMITTEE:** LAND USE

**DATE/TIME:** Tuesday, October 14, 2014 at 5:00 p.m.

**PRESENT:** Chairman Terry Hillegonds, Monica Connett, K. Russell Crawford, Seth Mingus, Rosemary Palmer, Andrew Rinehart, Greg Sinn, Sue Sundell.

**ABSENT:** John Redlingshafer

**STAFF PRESENT:** Kristal Deininger, Community Development Administrator; Jaclynn Workman, Inspections Coordinator; Matt Drake, Assistant States Attorney; David Smesrud, Land Use Planner; James Newman, ZBA Chairman

**OTHERS PRESENT:** None

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

**MINUTES:** Moved by Sundell, seconded by Connett, to approve the minutes of the September 9, 2014 Land Use Meeting, as amended with regards to attendance. On voice vote, **motion declared carried.**

**CASES:**  
LU-14-10, Case 14-36-A Administrator Deininger presented proposed Amendment 42 to the Rural Residential section of the Zoning Code and said the proposed amendment would be to allow an adaptive re-use of an existing vacant building by Special Use, which was consistent with what the Zoning Code allowed for properties located in the R-1 District.

Member Crawford stated he was disappointed with the decision of the ZBA following the testimony from various objectors and the comments and concerns stated by the Land Use members in attendance with suggestions for mitigating risks. Mr. Crawford said there were specific concerns that should have been addressed with the conditions and he felt the ZBA ignored those concerns. Mr. Crawford added the ZBA are policy makers and they are put into a predicament with this type of request as they are being subjected to saying no to economic development and growing jobs.

Administrator Deininger stated the ZBA was limited to the conditions that could be placed and the ZBA felt limiting the number of employees was the best option to limit the intensity. Ms. Deininger said the proposed business would have been less intense than a church and the traffic would be limited via the number of employees. Ms. Deininger added if the business were to expand or exceed the number of employees they would be brought back before the ZBA. Ms. Deininger stated the conditions that could be placed upon a Special Use request would give a potential buyer a heads up if they intend to expand.

Chairman Hillegonds stated it was not for the ZBA to decide what happens in the future and that granting a Special Use such as this would effectively give a property limited commercial status. Mr. Hillegonds said it would be

difficult to deny a similar business that would want to apply or would want to expand. Mr. Hillegonds added he felt the ordinance needed to be changed to view the impact of an entire area more so than how it was being done.

Member Sinn asked if the ZBA could be given more tools to work with when these type of policy issues come up.

Administrator Deininger stated it would be possible to limit the types of requests that could apply for an Adaptive Reuse however, she stated that if the use would not be allowed in the rural residential districts then it should be removed from the zoning code all together. Ms. Deininger said the intent was to revive structures that may have been sitting vacant to deter deterioration of buildings. Ms. Deininger added Adaptive Reuses have been in the zoning code since its revision in 1998 and there have been 2 or 3 Special Use cases approved since that time. Ms. Deininger again stated that if Adaptive Reuses were not going to be allowed in the rural residential districts, then it should be removed from the R-1 districts as well.

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Chairman Hillegonds stated there was far more potential to create an impact with a 4 acre lot than a smaller lot that would be found in an R-1 district.

Moved by Mingus, seconded by Connett, to recommend approval of LU-14-10, Case No. 14-36-A, to the Tazewell County Board. On roll call vote, **motion failed.** 2 - Ayes: Connett, Sundell; 6 - Nays: Crawford, Mingus, Palmer, Rinehart, Sinn, Chairman Hillegonds

**UNFINISHED BUSINESS:**

Issuance of Refunds

Member Crawford questioned if Administrator Deininger had looked into options for issuing refunds.

Administrator Deininger stated she had not yet looked into refund options and stated her budget for refunds was already set for 2015.

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Oil Drilling

Member Sinn asked if anyone was aware of the oil drilling that was taking place in McLean County. Mr. Sinn stated their County Board approves Special Uses and he would like to keep up with what neighboring counties are doing. Mr. Sinn questioned what regulations Tazewell County had in place for oil drilling and would like to see procedures in place for large cases such as this.

Chairman Hillegonds asked Administrator Deininger to look into what other county standards are for oil drilling and fracking.

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LU-14-11 Subdivision  
Modification Ty and  
Courtney Simpson

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Member Sinn questioned who used the lane presently. Mr. Sinn stated he was concerned of the next generation who may purchase any of the now 3 dwellings and if they would understand their need for equipment to maintain the lane.

Moved by Connett, seconded by Mingus, to recommend approval of LU-14-11, to the Tazewell County Board and to include that no further division of

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Discussion regarding removal of an abandoned home – Heritage Lake

Administrator Deininger stated there was an abandoned home in the Heritage Lake Subdivision where a demolition permit was taken out in 2008, however the work was never completed and a foundation remained. Ms. Deininger stated there have been several liens filed against this property and the property was recently sold at a tax sale, however, the tax buyer viewed the property and later backed out of the purchase. Ms. Deininger said the county now owns the property and she would encourage the removal of the foundation from the property. Ms. Deininger added she had money in her condemnation cleanup line item to hire the work done, and has already received one quote for removal.

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**STAFF REPORT:**

Administrator Deininger presented the Committee a Staff Report detailing revenues, expenses and other office related activity for the month of February.

**NEXT MEETING:**

The next meeting of the Land Use Committee will be held on **Wednesday, November 12, 2014 at 5:00 p.m.** in the 3<sup>rd</sup> Floor Jury Meeting Room of the McKenzie Building.

**RECESS:**

There being no further business, the meeting recessed at 5:51 p.m.

Kristal Deininger, Secretary

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This item was for discussion purposes only, no action was taken.

Oil Drilling

Member Sinn asked if anyone was aware of the oil drilling that was taking place in McLean County. Mr. Sinn stated their County Board approves Special Uses and he would like to keep up with what neighboring counties are doing. Mr. Sinn questioned what regulations Tazewell County had in place for oil drilling and would like to see procedures in place for large cases such as this.

Chairman Hillegonds asked Administrator Deininger to look into what other county standards are for oil drilling and fracking.

This item was for discussion purposes only, no action was taken.

**COMM DEVEL ADMIN:**

LU-14-11 Subdivision  
Modification Ty and  
Courtney Simpson

Administrator Deininger presented a request of Ty and Courtney Simpson for a modification to the Subdivision Ordinance for a waiver of the road requirements to allow a private easement to access 1 new zoning lot of record. Ms. Deininger said the lots would not have frontage on a public road but would be accessed via an easement for ingress and egress for one new single family residence across land owned by the petitioner's father. Ms. Deininger stated the lane and 2 existing dwellings utilizing the lane were established prior to the zoning code.

Member Sinn questioned who used the lane presently. Mr. Sinn stated he was concerned of the next generation who may purchase any of the now 3 dwellings and if they would understand their need for equipment to maintain the lane.

Moved by Connett, seconded by Mingus, to recommend approval of LU-14-11, to the Tazewell County Board and to include that no further division of

the parcels shall be allowed to occur unless all provisions of the Tazewell County Zoning Code and Subdivision Code are met. On voice vote, **motion declared carried.** 1 - Nay: Sinn

Discussion regarding removal of an abandoned home – Heritage Lake

Administrator Deininger stated there was an abandoned home in the Heritage Lake Subdivision where a demolition permit was taken out in 2008, however the work was never completed and a foundation remained. Ms. Deininger stated there have been several liens filed against this property and the property was recently sold at a tax sale, however, the tax buyer viewed the property and later backed out of the purchase. Ms. Deininger said the county now owns the property and she would encourage the removal of the foundation from the property. Ms. Deininger added she had money in her condemnation cleanup line item to hire the work done, and has already received one quote for removal.

This item was for discussion purposes only, no action was taken.

**STAFF REPORT:**

Administrator Deininger presented the Committee a Staff Report detailing revenues, expenses and other office related activity for the month of February.

**NEXT MEETING:**

The next meeting of the Land Use Committee will be held on **Wednesday, November 12, 2014 at 5:00 p.m.** in the 3<sup>rd</sup> Floor Jury Meeting Room of the McKenzie Building.

**RECESS:**

There being no further business, the meeting recessed at 5:51 p.m.

Kristal Deininger, Secretary

Transcribed by Melissa Kreiter,  
Administrative Assistant