

**(DRAFT COPY – SUBJECT TO APPROVAL BY THE ZONING BOARD OF APPEALS)
MINUTES OF A PUBLIC HEARING AND THE DELIBERATIONS OF THE TAZEWELL
COUNTY ZONING BOARD OF APPEALS**

A Public Hearing of the Tazewell County Zoning Board of Appeals was held at 6:00 P.M. on Tuesday, March 6, 2012, Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois. Chairman James Newman called the meeting to order.

PRESENT: Chairman James Newman, JoAn Baum, Monica Connett, Alternate Sandy May, Loren Toevs, Alternate Phil Webb and Ken Zimmerman

ABSENT: Duane Lessen, Robert Vogelsang

STAFF: Kristal Deininger, Community Development Administrator; Nick Hayward, Land Use Planner; Melissa Kreiter, Administrative Assistant; and Land Use Members: Joyce Antonini, Paul Hahn, Terry Hillegonds, Carroll Imig, Darrell Meisinger, Rosemary Palmer, Mel Stanford and Sue Sundell

OTHERS

PRESENT: Petitioners and Objectors

MINUTES: Moved by Baum, seconded by Toevs, to approve the Minutes of the February 7, 2012 Zoning Board of Appeals Meeting as presented. **Motion carried by voice vote.**

CASE NO. 12-02-Z: The petition of Glen Gulette for a Map Amendment to the Official Elm Grove Township Zoning Map of Tazewell County to change the zoning classification of property from a C-1 Neighborhood Commercial Zoning District to a R-1 Low Density Residential Zoning District

The Tazewell County Land Use Planner submitted a report identifying 10 Positive Findings of Fact and 1 Neutral Findings of Fact.

Tazewell County Health Department made no comment regarding the proposed Rezoning request.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Rezoning request.

Tazewell County Farm Bureau submitted a report stating this case may have an impact on Agriculture and recommended approval regarding the proposed Rezoning request.

Ron Sieh, City of Pekin submitted a report stating no objection regarding the proposed Rezoning request.

Terry Lohnes, Elm Grove Township Road Commissioner made no comment regarding the proposed Rezoning request.

John Anderson, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

Joseph Crowe, IDOT submitted a report regarding the proposed Rezoning request stating no access shall be located directly onto IL Route 9, nor shall be within 200' of the edge of the pavement of IL Route 9.

School Districts 702 made no comment regarding the proposed Rezoning request.

Glen Gulette appeared to testify on behalf of the proposed Rezoning request. Mr. Gulette stated he would like to rezone 21 acres of a 37 acre parcel along Illinois Route 9. Mr. Gulette said the property could then be subdivided as an extension to Royal Colony Estates. Mr. Gulette added a preliminary plat was in the works that showed 2 proposed roadways. Mr. Gulette stated the proposed property was located immediately across the road from Scherer Mini Storage. Mr. Gulette said he only needed to rezone part of the property as part was already classified as R-1 Residential. Mr. Gulette added the lots would be serviced by City of Pekin water and individual septic systems.

Following all Public Hearings, moved by Connett, seconded by Baum, to recommend approval of **Case No. 12-02-Z** to the Tazewell County Board.

After considering all the evidence and testimony presented, the ZBA discussed the findings of fact and reviewed the Report of the Land Use Planner and arrived at the following findings of fact:

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

POSITIVE. The subject parcel for which this amendment is proposed is surrounded by the established subdivision of Royal Colony Estates to the West and South and agricultural land to the East and across Illinois Route 9 to the North. The general area surrounding the subject parcel is dominated primarily by single family homes and agriculture with a few light commercial uses in the immediate area. None of the commercial uses directly abut the subject parcel. The village of Tremont is situated approximately 3.5 miles to the East. Expansion of Royal Colony Estates subdivision best achieves clustered, orderly development within Tazewell County utilizing existing infrastructure with respect to roads, emergency services, and water.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

POSITIVE. The proposed amendment will allow and encourage single family residential development adjacent to existing single family residential homes within Royal Colony Estates subdivision. As such, potential land usage conflicts should be minimized, if not totally eradicated. Although the subject parcel appears to currently be in crop production, its underlying zoning classification of C-1 Neighborhood Commercial would allow for the construction of numerous types of commercial structures by right. These possible commercial structures and uses may or may not be suitable when situated immediately adjacent to a large, established single family residential subdivision such as Royal Colony Estates. From a planning perspective it is always preferred to develop property contiguous to existing development instead of practicing "leapfrog" development. At this time, the proposed zoning amendment possesses no foreseeable danger or risk to the public health, safety, morals or general welfare of Tazewell County or its residents.

3. *The request is consistent with existing uses of property within the general area of the property in question.*

POSITIVE. The subject parcel for which this amendment is proposed is surrounded by the established subdivision of Royal Colony Estates to the West and South and agricultural land to the East and across Illinois Route 9 to the North. The general area surrounding the subject parcel is dominated primarily by single family homes and agriculture with a few light commercial uses in the immediate area. None of the commercial uses directly abut the subject parcel. The village of Tremont is situated approximately 3.5 miles to the East. As such, the rezoning request is consistent with existing property uses in the general area.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

POSITIVE. The subject parcel is bounded entirely by R-1 Low Density Residential to the South, A-1 Agricultural Preservation to the East, Illinois Route 9 to the North and Mayflower Drive to the West. Two C-1 Neighborhood Commercial parcels are situated across Mayflower Drive while A-1 Agricultural Preservation land is situated across Illinois Route 9. As such, the requested rezoning of the subject parcel to R-1 Low Density Residential is in harmony with the underlying zoning classifications of parcels within the general study area.

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

POSITIVE.. The current C-1 Neighborhood Commercial zoning designation is designed to provide commercial areas for the convenience of adjacent residential areas, and to permit only such uses as are necessary to satisfy the day to day shopping and service needs of persons residing in the district and adjacent areas. Given the fact that the subject parcel is surrounded by Royal Colony Estates subdivision and the apparent lack of market demand for commercial property in the immediate area, the 21 acres of commercial land and its allowed uses are not advisable or necessary for the area. Therefore, the subject parcel in its entirety is deemed unsuitable for the uses permitted in the C-1 Neighborhood Commercial district. However, limiting residential development and preserving commercial corridors of a certain minimum depth along Illinois Route 9 would be consistent with generally accepted sound planning principles.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

POSITIVE. The R-1 Low Density Residential District is designed for single family and two family residential housing opportunities and to provide for the efficient use and orderly development of vacant land designated for residential uses. Given the fact that the subject parcel

is surrounded by Royal Colony Estates subdivision and the apparent lack of market demand for commercial property in the immediate area, one could argue that 21 acres of residential land and its allowed uses would be harmonious with the area. Therefore, the subject parcel in its entirety is deemed suitable for the uses permitted in the R-1 Low Density Residential district.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

POSITIVE. The trend of development in the general study area is towards residential, although the adjacent residential development of Royal Colony Estates appears to have been fully built out for several years. Opening up an additional 21 acres of residential land should spur a new wave of single family home construction.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

POSITIVE. The subject parcel appears to be in crop production. It has never been developed commercially as allowed by right given the underlying zoning classification of C-1 Neighborhood Commercial.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

POSITIVE. The subject parcel is NOT within 1.5 miles of a municipality with an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

POSITIVE. Restricting the subject parcel to its current underlying zoning classification of C-1 Neighborhood Commercial in its entirety may impose a hardship on the property owner, as it will prohibit the expansion of Royal Colony Estates subdivision and new single family residences from being developed to satisfy a more apparent land use demand. Although the subject parcel is zoned C-1 Neighborhood Commercial, it is situated at the edge of a large single family residential development so it is unsuitable for commercial use in its entirety and there is an apparent lack of commercial demand. New residential development will bring increased tax revenues. However, these will be somewhat offset by the cost of providing services to the new residences. Typically, residential development is a loss leader, with tax revenues from commercial enterprises funding the majority of governmental operations.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

POSITIVE. The proposed amendment is consistent with the following Tazewell County Comprehensive Plan implementation strategies:

- Provide sufficient land to accommodate new residents and businesses in accordance with the Comprehensive Plan.
- Locate new development contiguous to existing development to aid police and fire protection.
- Locate new residential development along local roads to facilitate efficient travel and maintain public safety.
- Avoid leapfrog development and isolated land development to preserve contiguous tracts of productive agricultural land.
- Locate new residential development in rural areas close to roadways to preserve contiguous tracts of farmland.
- Minimize conflict between land uses.

Moved by Baum, seconded by Connett, to accept the findings of fact of the Land Use Planner as modified. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-02-Z** the vote was:

Ayes: 7 – Baum, Connett, Alt. May, Toevs, Alt. Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 – Lessen, Vogelsang

Motion declared carried.

CASE NO. 12-03-A: Proposed Amendment No. 39 to the Tazewell County Zoning Code referred for hearing by the Tazewell County Land Use Committee to amend the following:

SECTION 1.

7 TCC 1-12 (b) Permitted Uses. The following uses are permitted uses in the C-1 District, in accordance with applicable regulations set forth in this Ordinance:

Add the following and renumber accordingly:

- (17) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

7 TCC 1-12 (c) Special Uses. The following uses may be established by a special use permit in the C-1 District in accordance with the standards set forth in Article 25 (Special Uses).

Add the following and renumber accordingly:

- (28) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

SECTION 2.

7 TCC 1-13 (b) Permitted Uses. The following uses are permitted uses in the C-2 District, in accordance with applicable regulations set forth in this Ordinance:

Add the following and renumber accordingly:

- (29) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

7 TCC 1-13 (c) Special Uses. The following uses may be established by a special use permit in the C-2 District in accordance with the standards set forth in Article 25 (Special Uses).

Add the following and renumber accordingly:

- (25) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

SECTION 3

7 TCC 1-14 (b) Permitted Uses. The following uses are permitted uses in the I-1 District, in accordance with applicable regulations set forth in this Ordinance:

Add the following and renumber accordingly:

- (16) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

7 TCC 1-14 (c) Special Uses. The following uses may be established by a special use permit in the I-1 District in accordance with the standards set forth in Article 25 (Special Uses).

Add the following and renumber accordingly:

- (21) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4

- i. There shall only be one wind energy system allowed on a zoning lot

SECTION 4.

7 TCC 1-15 (b) Permitted Uses. The following uses are permitted uses in the I-2 District, in accordance with applicable regulations set forth in this Ordinance:

Add the following and renumber accordingly:

- (14) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

7 TCC 1-15 (c) Special Uses. The following uses may be established by a special use permit in the I-2 District in accordance with the standards set forth in Article 25 (Special Uses).

Add the following and renumber accordingly:

- (18) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

SECTION 5.

7 TCC 1-16 (b) Permitted Uses. The following uses are permitted uses in the Conservation District, in accordance with applicable regulations set forth in this Ordinance:

Add the following and renumber accordingly:

- (10) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

7 TCC 1-16 (c) Special Uses. The following uses may be established by a special use permit in the Conservation District in accordance with the standards set forth in Article 25 (Special Uses).

Add the following and renumber accordingly:

- (14) Small Wind Energy Systems subject to all regulations as found in the Title 7, Chapter 4
 - i. There shall only be one wind energy system allowed on a zoning lot

SECTION 6. This amendatory ordinance shall take effect April 1, 2012 upon passage as provided by law.

Tazewell County Health Department made no comment regarding the proposed Amendment.

Tazewell County Soil & Water Conservation District submitted a report making no comment regarding the proposed Amendment.

The Tazewell County Farm Bureau submitted a report regarding the proposed Amendment recommending approval.

All municipalities were notified however only the following comments were received regarding the proposed Amendment:

Jon Oliphant, City of Washington, submitted a letter stating the proposed Amendment was supported by the City of Washington.

Tonja Ludwig, Village of Mackinaw submitted a letter stating the Village sees no conflict with the proposed Amendment.

Roger Spangler, Village of Morton submitted a letter stating the Village had no objection to the proposed Amendment.

Administrator Deininger gave an explanation regarding the proposed Code Amendment.

Following all Public Hearings, moved by Zimmerman, seconded by Baum, to recommend approval of **Case No. 12-03-A** to the Tazewell County Board.

After considering all the evidence and testimony presented, the ZBA discussed and arrived at the following findings of fact:

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*
2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

Moved by Baum, seconded by Connett, to accept the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to recommend approval of **Case No. 12-03-A** the vote was:

Ayes: 7 – Baum, Connett, Alt. May, Toevs, Alt. Webb, Zimmerman and Chairman Newman

Nays: 0

Absent: 2 – Lessen, Vogelsang

Motion declared carried.

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Tuesday, April 3, 2012** at 6:00 p.m. in the Tazewell County Justice Center, 101 South Capitol Street, Pekin, Illinois.

ADJOURNMENT

There being no further business, moved by Connett, seconded by Zimmerman, to adjourn the Zoning Board of Appeals Public Hearing at 6:22 p.m.

Kristal Deininger, Secretary

Secretary's Note: For further information regarding the discussion and testimony during the Public Hearing, please contact the Community Development Department for copies of the transcripts.