

MINUTES
LAND USE COMMITTEE
April 23, 2018
Immediately following Infrastructure Committee
ROOM 402

MEMBERS PRESENT: James Dillon - Chairperson, Brian Elsasser (*via teleconference*), Paul Rosenbohm, Sharon Williams, Thomas O'Neill, Rachael Parker, Kate Pastucha

MEMBERS ABSENT: Brad Harding, Barry Robinson

OTHERS PRESENT: Larry Evans - State's Attorney's Office; Scott Sorrel, Shauna Musselman - County Administration; Kathi Urban, Andrew Braun, - Planning & Zoning; Doug Gaa, - Sheriff's Office; Andrew Rand - County Board Chairman; Jonathan Carson - zoning case petitioner

Call to Order:

Mr. Dillon called the meeting to order at 3:50 p.m.

Mr. Rosenbohm made a motion to allow Mr. Elsasser to attend the meeting via teleconference and was seconded by Ms. Williams. A vote was taken and passed; (6-0) (Mr. Harding & Mr. Robinson were absent.)

Approval of Minutes:

A motion to approve the Land Use Committee minutes from February 26, 2018 was made by Mr. O'Neill and seconded by Mr. Rosenbohm. A vote was taken on the motion and carried. (7-0) (Mr. Elsasser voted via teleconference.) (Mr. Harding & Mr. Robinson were absent.)

Reports/ Other Minutes/Updates:

Tri-County Regional Planning Commission Minutes: No questions or comments.

Unsafe Structures: No questions or comments.

Development Summary: No questions or comments.

Mr. Dillon made a motion to receive and file the reports.

Zoning Case:

013-18-U, Petition of Peoria Solar, LLC:

Ms. Williams made a motion to approve the Special Use with restrictions request and was seconded by Ms. Rosenbohm.

Ms. Urban summarized the case. A Special Use request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the "I-2" Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. Ms. Urban explained that the first four zoning cases on the agenda were all from the same solar company,

but each one was for a different location. This project would be located on the northeast corner of the intersection of Maxwell Rd. and Farmington Rd. in Limestone Township. The current use of the property is agriculture with adjacent uses being Commercial to the east, agriculture to the south and west, and residential to the north. The proposed solar panels will be setback 75 feet from the closest residential dwelling, which is the minimum required by ordinance. Surrounding zoning is I-2 to the south, R-2 Medium Density to the north, and the Village of Bellevue handles zoning to the east. The use is designed for minimal impact with low dust and noise output, and anti-reflective coating on the panels to reduce glare. The request meets all the requirements for the Special Use application, with the exception of a variance for the setback from New Farmington Road. This variance request for the setback was approved by the Zoning Board. The parcel had a low rating for agricultural protection.

Limestone Township Planning Commission recommended approval. IDOT agreed to the request provided that three restrictions were met, which were included in the staff's recommended restrictions. Staff and the Zoning Board both recommended approval with several restrictions.

Mr. Dillon pointed out that the case had no objections. Mr. Rand asked why there would be a 7-foot perimeter fence enclosing the area. Ms. Urban responded that the ordinance requires a 6-8 foot perimeter fence; however, the National Electrical Code requires a 7-foot fence. Mr. Rand asked if anyone would be able to see the solar farm, and Ms. Urban responded that the fence would be chain link. Ms. Urban added that the panels would be approximately 10 feet in height at their tallest point and the area would be planted with pollinator friendly ground cover.

Mr. Rosenbohm asked what would be underneath the solar panels, and Mr. Carson responded that it would be a pollinator friendly wildflower and grass mix. Mr. Rosenbohm asked if the area would ever be mowed, and Mr. Carson responded that it would be mowed at the appropriate intervals.

A vote was taken and the motion was approved; (7-0) (Mr. Elsasser voted via teleconference.) (Mr. Harding & Mr. Robinson were absent.)

015-18-U, Petition of Peoria Solar 2, LLC:

Mr. O'Neill made a motion to approve the Special Use with restrictions request and was seconded by Mr. Rosenbohm.

Ms. Urban summarized the request. A Special Use request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the "I-2" Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. The case had 0 consents and 0 objections on file. This parcel is located on the southeast side of the intersection of Maxwell Rd. and New Farmington Rd. in Limestone Township. Ms. Urban pointed out that this property had no adjacent residential properties. Surrounding zoning use was a mix of agriculture and industrial use. A variance was also obtained for this property for setbacks from both New Farmington Rd. and Maxwell Road. Both of these setback requests were approved by the Zoning Board. The rating for agriculture protection was also low for this property.

Again, the Limestone Township Planning Commission recommended approval. IDOT agreed to the request provided that three restrictions were met, which were included in the staff's several recommended restrictions. Staff and the Zoning Board both recommended approval with these restrictions.

Mr. Rosenbohm asked where the narrow portion at the south end of the property had come from. Ms. Urban responded that it most likely happened to during the platting process sometime in the 1990's. Mr. Sorrel added that the piece existed because of the potential future project for Route 336, which would include a cloverleaf interchange that would be located in that area.

A vote was taken and the motion was approved; (7-0) (Mr. Elsasser voted via teleconference.) (Mr. Harding & Mr. Robinson were absent.)

017-18-U, Petition of Brimfield Solar, LLC:

Mr. Rosenbohm made a motion to approve the Special Use with restrictions request and was seconded by Ms. Parker.

Kathi summarized the request. A Special Use request from 20-5.1.3.2.f of the Unified Development Ordinance. This section allows for a special use in the "A-1" Agricultural Preservation Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. Ms. Urban stated that this parcel is located at the intersection of Brimfield and Shissler Road in Brimfield Township. There are 0 objections and 1 consent to the request. All surrounding properties are used for agriculture and zoned A-1. There is an Ameren substation to the west. The nearest residence is 627 feet to the west. Ms. Urban stated that the solar use would not disturb the agriculture use of the area, and that the height of the solar panels would be comparable to a mature corn crop. Additionally, the panels would have an antireflective coating to reduce glare and the area would be enclosed by a 7-foot tall perimeter fence. The request meets all the requirements for the Special Use application. Access would be from Shissler Rd., and the County Highway Department had no objection; however, they will require an access permit and any overweight permits that may apply. The request is consistent with the Peoria County Land Use Map and staff had recommended approval with restrictions. The Zoning Board concurred unanimously.

A vote was taken and the motion was approved; (7-0) (Mr. Elsasser voted via teleconference.) (Mr. Harding & Mr. Robinson were absent.)

018-18-U, Petition of Shissler Solar, LLC:

Mr. Rosenbohm made a motion to approve the Special Use request with restrictions and was seconded by Mr. O'Neill.

Ms. Urban summarized the request. A Special Use request from 20-5.1.3.2.f of the Unified Development Ordinance. This section allows for a special use in the "A-1" Agricultural Preservation Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met. This parcel is a short distance from the parcel for Case 017-18-U. There are 0 consents and 0 objections on file. The land use is agriculture and the nearest residence is located on the same property; however, the residence is 486 feet west of the proposed location for the solar panels. The Village of Brimfield recommended approval. Staff recommended approval with restrictions and the Zoning Board concurred unanimously. Ms. Urban added that the ground cover for both this site and the other site nearby would be grass at the owner's request.

A vote was taken and the motion was approved; (7-0) (Mr. Elsasser voted via teleconference.) (Mr. Harding & Mr. Robinson were absent.)

021-18-Z, Petition of Michael Cochran:

Mr. O'Neill made a motion to approve the Special Use request with restrictions and was seconded by Mr. Rosenbohm.

Ms. Urban summarized the request. A Rezoning request from "A-1" Agricultural Preservation to "I-1" Light Industrial. The petitioner proposes to rezone the property in order to allow the construction of an addition and storage yard expansion to the rear of the existing facility. The existing facility has been there since 1985 and was previously known as International Supply Company. The existing facility is currently known as Fibrebond. Fibrebond is requesting to take approximately 6 acres from the 70-acre tract, rezone it in order to attach it to their current property, and then make an addition to the facility. There were no objections to the request. Staff has recommended approval and the Zoning Board concurred unanimously.

Ms. Pastucha noted that part of the addition was a paint booth and wondered if the Planning and Zoning Department had any procedures to check and make sure that the facility got the proper permits from the Environmental Protection Agency. Ms. Urban responded that this was out of the department's jurisdiction and that any requirements that would need to be met at the state level would be handled through those entities.

A vote was taken and the motion was approved; (7-0) (Mr. Elsasser voted via teleconference.) (Mr. Harding & Mr. Robinson were absent.)

Resolution:

Peoria County Multi-Hazard Mitigation Plan:

Mr. O'Neill made a motion to approve the resolution and was seconded by Mr. Rosenbohm.

Mr. Braun explained that the Peoria County 2018 Multi-Hazard Mitigation Plan is a document that would allow the county to apply for certain types of funding. Mr. Braun added that the most recent example of funding that was made possible by having this plan in place was the buyout of several flood properties in unincorporated Peoria County. Mr. Braun explained that in 2000 the Federal Government made the requirement that plans of this kind must be in place for a community to be eligible for certain funding types. In 2004, the first Hazard Mitigation Plan was adopted by Peoria County. The plan was updated in 2011 and has been updated again for 2018. The updates began in 2016 and the plan was created and edited over a 12-month period. The plan was then sent to FEMA where it awaited approval for several months. The plan has now been approved by FEMA and requires approval from the County Board in order to be officially adopted and allow Peoria County to continue to apply for various funds. Mr. Braun added that the update to the Hazard mitigation Plan was entirely grant funded, and that barring administrative time, the update came at no cost to Peoria County.

Mr. Rand asked if there was anyone who would not like the plan, and Mr. Braun responded that he could not think of anyone who would not like it. Mr. Braun did point out that the plan was created specifically for unincorporated portions of Peoria County. The Tri County Regional Planning Commission (TCRPC) was also working on a version that would include areas of Peoria County that this plan would not cover, such as the City of Peoria. Mr. Braun stated that Peoria County Planning and Zoning chose not to participate in the TCRPC's plan for a variety of reasons. One of the main reasons was that there would have been a participation fee for using TCRPC's services. Additionally, Mr. Braun stated that by creating a plan specifically for unincorporated Peoria County, there was more unincorporated Peoria County specific data to be considered.

Mr. Rand commended Mr. Braun for his hard work on this project, and pointed out that the project came at no cost to the county. Mr. Rosenbohm complimented the Planning and Zoning Department on a job well done.

A vote was taken and the motion was approved; (6-0) (Mr. Elsasser absent for vote.)(Mr. Harding & Mr. Robinson were absent.)

Abandoned Property Program Grant Award:

Ms. Williams made a motion to approve the resolution and was seconded by Mr. Rosenbohm.

Mr. Braun stated that Peoria County was awarded a grant from the Illinois Housing Development Authority. Mr. Braun stated that the department was able to apply for this grant because of the West Laramie Neighborhood Plan that was created by the department last year and approved by the County Board. This grant awarded Peoria County \$27,950 to assist with the demolition of abandoned residential properties. Mr. Braun stated that a part of that award would be used for reimbursement of two previously demolished properties in the West Laramie Neighborhood. The remaining funds would be used for the demolition of two other properties in this neighborhood. He said that this neighborhood was largely in Ms. Williams's district.

Ms. Williams stated that she was happy to have been awarded this grant to be used in the West Laramie Neighborhood. Ms. Dillon added that he was also happy to have received this grant; however, there are financial challenges being presented by the road commissioner that are impacting the use of the funds for these demolition projects. Mr. Dillon explained that the road commissioner was asking for \$5000 to repair the road after demolition. Mr. Dillon further stated that the demolition would cost several thousand dollars to complete for each property, and with the added cost from the road commissioner, there would not be enough funding through the grant to complete these projects. Mr. Dillon pointed out that if the roads are not posted, trucks under 80,000 pounds are allowed to use them for construction and demolition projects such as this. Mr. Dillon stated that he had never noticed postings of this kind on the roads involved in these projects. Mr. Dillon also stated that the ordinances referenced by these entities are not available for review by the general public, which he felt was unfair. Mr. Dillon stated that this is a positive project for the area that is being deterred by unnecessary restraints from the road commissioner, and that in many of these cases, the Limestone Township Supervisor had requested these houses be demolished. Mr. Dillon stated that these restrictions and fines placed on businesses and consumers by the road commissioner are not consumer and business friendly. Mr. Dillon added that the same problem was likely to occur in Kickapoo Township as well. Mr. Dillon added that the Department of Planning and Zoning and the State's Attorney's Office was working with the road commissioners to resolve the issues so that the projects could hopefully be completed.

Ms. Parker asked if the road commissioners were aware of these projects before the grant was awarded, and Mr. Dillon stated that the supervisors were the ones who were requesting the demolitions. Mr. O'Neill asked if Kickapoo Township was working with the same engineer as Limestone Township, and Mr. Dillon responded that this was correct. Mr. O'Neill pointed out that this engineer was the same engineer for Bartonville and that they were experiencing the same issues in his area as well. Mr. Rosenbohm stated that his nephew experienced issues with the road commissioner in Limestone Township when building his new home several years prior. Mr. Rosenbohm added that Pleasant Valley Water had also been contacting him about similar issues with the road commissioners. Mr. Rosenbohm stated that these issues are affecting businesses and future development located in these areas, including his own personal business located in Limestone Township. Ms. Williams stated that Pleasant Valley Water District

member, Chet Bishop, had contacted her about these same issues and they had hired an attorney to help. Ms. Williams stated that the water district was currently working on drafting an Intergovernmental Agreement to address these issues with the townships.

Mr. Rand stated that there has to be a fair process for posting roads because it is affecting business and development in Peoria County. Mr. Rand stated that perhaps the County Board and staff should consider having a meeting with township officials to find a solution to the problem. Mr. Dillon added that he felt a meeting with these officials would be a good idea, and that he hoped it would help.

Mr. Evans added that the State's Attorney's Office was aware of the issues with the townships and was working with staff to resolve these issues. Mr. Evans stated that both Limestone and Kickapoo Townships had referenced ordinances, which Limestone Township had produced, but Kickapoo Township had not. Mr. Evans added that contrary to what Kickapoo Township had stated, they do not have an ordinance, but are currently working on drafting one. Mr. Evans stated that townships are not required by state statute to publish their ordinance for public comment. Mr. Evans added that in the specific demolition projects that were already completed in Limestone Township, the issue was damage to the right of way because the driveway was removed as part of the grant requirement. Mr. Evans stated that although the contractor was technically at fault for not getting a permit from the road commissioner prior to the demolition, no one was aware that such a permit was required. Mr. Evans stated that the contractor who was awarded the bid by Peoria County for the demolition of this home was now being faced with fines for requirements that no one was aware of. Mr. Evans added that having a meeting with township officials would be very beneficial.

Mr. Dillon stated that both Limestone and Kickapoo Township were asked to produce ordinances. Ms. Urban added that Limestone township produced their ordinance shortly after it was requested; however, Kickapoo Township had still not produced theirs. Mr. Rand stated that these fines applied by the road commissioners to people constructing new homes in these townships was prohibitive and not in the public's best interest.

A vote was taken and the motion was approved; (6-0) (Mr. Elsasser absent for vote.)(Mr. Harding & Mr. Robinson were absent.)

Discussion:

Fireworks Discussion Update:

Mr. Dillon explained that this ordinance topic has been difficult to research because there are no other similar ordinances currently in place in the State of Illinois. Mr. Dillon stated that staff had been working hard to research the issue in order to bring something forward that would be comprehensive. Mr. Dillon added that because this process would be lengthy and that staff wanted to ensure that they did a comprehensive job drafting the document, it would not be ready for firework season this summer.

Ms. Urban stated that staff would be meeting later in the week with the State's Attorney's Office, County Clerk's Office, and Sheriff's Office to discuss the current draft, which would affect multiple chapters of the County Code. Ms. Urban added that she felt the current draft was a good start. Additionally, staff had been consulting with area fire districts and the State Fire Marshall about the issue for input. Ms. Urban added that she hoped a draft for review would be ready for May or June's Land Use meeting.

Approved 5/21/2018

Mr. Rand requested that Beth Hinchee be included in the conversation about this issue in order to get a perspective on how these fireworks impact her horses every 4th of July.

Miscellaneous:

No further questions or comments were made.

Adjournment: Mr. Dillon adjourned the meeting at 4:42 p.m.

Recorded by: Ellen Hanks, ZBA Administrative Assistant