

**MINUTES
LAND USE COMMITTEE
JULY 28, 2020
4:00 P.M.**

MEMBERS PRESENT: James Dillon – Chairman; Sharon Williams, Brian Elsasser, Kate Pastucha (via teleconference)

MEMBERS ABSENT: Matt Windish

OTHERS PRESENT: Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman, Jamie Dowell - County Administration; Kathi Urban, Andrew Braun - Planning & Zoning;

Call to Order:

Mr. Dillon called the meeting to order at 4:03 p.m.

Approval of Minutes:

A motion to approve the Land Use Committee minutes from June 23, 2020 was made by Mr. Elsasser and seconded by Ms. Williams. A vote was taken on the motion and carried. (3-0) (Ms. Pastucha absent for vote.) (Mr. Windish was absent.)

Ms. Pastucha joined via teleconference at this time.

Ms. Williams made a motion to allow Ms. Pastucha to attend via teleconference and was seconded by Mr. Elsasser. A vote was taken and the motion passed; (3-0) (Mr. Windish was 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 Cases:

024-20-U, Petition of Julie Varnold:

Mr. Elsasser made a motion to approve the special use with restrictions and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use as required in Section 20.5.2.2.1.b of the Unified Development Ordinance. This section allows for a special use for a Major Home Occupation in the "A-2" Agriculture Zoning District, when the lot is less than 5 acres in size and/or is located

with a platted subdivision. The petitioner proposes to operate a pet grooming business from a 1.31 acre parcel. Also, a Special Use as required in Section 20-7.3.2.3 of the Unified Development Ordinance to vary from the requirement that the home occupation may employ no more than one (1) person who is not a resident of the dwelling unit. The petitioner proposes to employ two (2) people who are not residents of the dwelling unit. Also, a Special Use as required in Section 20-7.3.2.7 of the Unified Development Ordinance to vary from the requirement that the home occupation shall not be open to the public between the hours of 7:00 pm and 9:00 am. The petitioner proposes to open the business at 8:00 am. Also, a Special Use as required in Section 20-7.3.5.1 of the Unified Development Ordinance to vary from the requirement that the home occupation shall occupy no more than 1,000 square feet of an accessory structure which may be used for storage purposes only. The petitioner proposed to operate the business from a 432 sq. ft. accessory structure. The parcel is located on State Route 40 in Medina Township. There are 0 objections and 1 consent on file. The parcel currently has a dwelling and a detached garage. The surrounding zoning is A-2 with all surrounding parcels being used for agriculture. The petitioner is anticipating 16 vehicle trips per day. The parcel is currently served by a private septic system and public water. The Health Department does not have an objection to the grooming business being located in the proposed accessory structure; however, they do object to having the grooming business move into the house. The petitioner had temporarily moved the business into her home after she was shut down due to COVID-19 at the previous business location. The proposed grooming shed will be located behind the existing detached garage and will utilize an existing driveway. IDOT had no objection; however, they did state that the petitioner must upgrade the existing driveway to commercial use standards. The petitioner is aware of this requirement and has been working with IDOT to comply. The request is consistent with the Peoria County Growth Strategies and staff has recommended approval with five restrictions. The fifth restriction addresses the request from IDOT that the driveway must be upgraded. The Zoning Board also recommended approval with restrictions unanimously.

Mr. Elsasser stated that he was glad to see this case come forward as he had been speaking with the petitioners about their situation. Mr. Dillon pointed out that the fourth restriction addressed the Health Department's concerns but asked if the petitioner would be using their current septic for the wastewater. Ms. Urban stated that the petitioners were given the option to use the current septic system; however, they were not interested in making the necessary corrections in order to do so. Ms. Urban added that it was her understanding that the petitioner would be installing a septic for the detached garage that would meet the Health Department's requirements in Chapter 19 of the Ordinance. Mr. Dillon asked how the petitioner would be remedying the septic issues, and Ms. Urban stated that the petitioner had testified that they were working on it with the Health Department, but no specifics were discussed during testimony. Mr. Dillon requested more information before the County Board meeting on how the petitioner planned to address the septic issues, and Ms. Urban stated that she would contact the Health Department for follow up.

A vote was taken on the motion and carried. (4-0) (Ms. Pastucha voted via teleconference and Mr. Windish was absent.)

028-20-V, Petition of Josh Watson as agent for USCOC of Central Illinois:

Mr. Elsasser made a motion to approve the telecommunications variance and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Variance request from Section 20-7.1.1.2 of the Unified Development Ordinance, which requires that the height of a telecommunication facility shall not exceed 75 feet, if located in a residential zoning district. The petitioner proposed to construct a telecommunications tower at a height of 195 feet in the "R-R" Rural Residential Zoning District, resulting in a variance request of 120 feet. Also, a Variance request from Section 20-7.1.1.3 of the Unified Development Ordinance, which requires that the lot line set back distance to the nearest residential zoned lot shall be at least 50% of the height of the telecommunication facility's supporting structure. The petitioner proposed to construct a telecommunications tower at a distance of 82 ft. 1 in. from the residential lot to the north, resulting in a variance request of 15 ft. 5 in. The parcel is located on Koerner Rd. in Kickapoo Township and is adjacent to I-74 to the south. There are 0 consents or objections on file. The adjacent property to the north, which is where the setback variance is needed, is owned by the same owner as the subject parcel. The petitioner has stated that a tower is needed in this area to address gaps in coverage due to the topography and also increase capacity of service. The height variance for the tower is needed due to the topography of the area as well. The County Highway Department had no objection; however, they will require permits for oversized weights or loads and access to the parcel must be coordinated with the Highway Department prior to construction. The Zoning Board of Appeals recommended approval.

Mr. Dillon pointed out that there were approximately five homes nearby, but no objections were received. Mr. Dillon added that all adjacent properties were notified, and Ms. Urban added that there were five adjacent owners. Ms. Urban stated that a sign was also posted on the property and it was published in the paper. Ms. Urban also added that the petitioner did point out that the tower was designed to bend and not break in the event of extreme conditions, so there was a 0' fall radius for the tower. Mr. Dillon asked if the petitioner was present at the Zoning Board hearing, and Ms. Urban stated that he was.

A vote was taken on the motion and carried. (4-0) (Ms. Pastucha voted via teleconference and Mr. Windish was absent.)

Miscellaneous:

Mr. Dillon pointed out that there would be no zoning cases required to come to the Land Use Committee next month, so it was likely there would not be a committee meeting in August.

No further questions or comments were made.

Adjournment: Mr. Dillon adjourned the meeting at 4:16 p.m.

Recorded by: Ellen Hanks, ZBA Administrative Assistant