AGENDA
Land Use Committee
Monday, January 3, 2022
@ 4:00 PM
Peoria County Courthouse, Room 403

1. Call to Order

2. Approval of Minutes
   • November 29, 2021

3. Reports / Other Minutes / Updates
   • Tri County Regional Planning Commission minutes
   • Development Summary
   • Unsafe Structures

4. Zoning Cases
   • #ZBA-2021-000039, Petition of David J. Russell and Kim D. Bryan-Russell
   • #ZBA-2021-000040, Petition of Briscoe Financial, LLC
   • #ZBA-2021-000041, Petition of Holloway Holdings, LLC
   • #ZBA-2021-000042, Petition of Randy F. Koors
   • #ZBA-2021-000043, Petition of Four Creeks, LLC
   • #ZBA-2021-000044, Petition of Four Creeks, LLC
   • #ZBA-2021-000045, Petition of Four Creeks, LLC

5. Committee Action
   • Review of Executive Session Minutes

6. Miscellaneous

7. Adjournment
MINUTES
LAND USE COMMITTEE REGULAR
NOVEMBER 29, 2021 @ 4:00 P.M.

MEMBERS PRESENT: James Dillon – Chairperson, Eden Blair – Vice Chairperson, William Watkins, Sharon Williams, Jennifer Groves Allison, Brian Elsasser

MEMBERS ABSENT:

OTHERS PRESENT: Jennie Cordis Boswell – State’s Attorney's Office (via teleconference); Scott Sorrel – County Administration, Kathi Urban, Andrew Braun, Taylor Armbruster, Sarah Cox – Planning & Zoning

Call to Order: Mr. Dillon called the meeting to order at 4:02 p.m.

Approval of Minutes: A motion to approve the Land Use Committee minutes from October 25, 2021 was made by Mr. Elsasser and seconded by Mr. Watkins. A vote was taken, and the motion carried. (6-0).

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 moved to receive and file the reports.

Zoning Cases:
ZBA-2021-000035 Petition of James M. Agnoletti
Ms. Williams made a motion to approve the special use request and was seconded by Dr. Blair.

Ms. Urban summarized the case. A Special Use as required in Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the “A-2” Agricultural District. The petitioner proposes to divide 1 acre from an existing 13.95 acre tract.

The parcel is located on Pinkerton Road in Logan Township. The ZBA approved a variance to allow a lot width of 94 feet at the building line rather than the required 200 feet. This parcel is owned by the petitioner’s granddaughter. The lot contains a single family dwelling, a detached machine storage building, and 2.5 acres of crop land. No crop land will be taken out of production.
due to the split. All adjacent parcels are zoned “A-2.” Land uses to the north and east are agriculture, and land uses to the west and south are residential. Five residences, on lots of 1 acre or less, are located within a quarter mile to the south. Therefore, the request is consistent with the character of the area. The LESA score indicated a low rating for agricultural protection.

The property will be served by public water and private septic. The Health Department had no comments on the zoning case, however, they indicated that soil analysis reports will be needed for the subdivision process, if the zoning case is approved.

Pinkerton Road is a township road, with a total of 450 vehicle trips per day. The Logan Township Road Commissioner did not provide comments. The lot will be accessed via a proposed easement on the subject property with no new access points planned. One additional dwelling unit should have minimal impact on the transportation system.

The request is consistent with the Peoria County Land Use Plan, and the Peoria County Rural Areas Growth Strategy, which seeks to allow low density residential development maintained by rural levels of service.

Staff recommended approval, with the restriction that the parcel not be divided again unless a rezoning is granted by the County Board.

A vote was taken on the motion, and the motion carried. (6-0).

**Miscellaneous:**
Mr. Dillon stated that the next meeting is January 3, and there is a full docket for the December 9 ZBA hearing.

Ms. Urban stated that there is a full day for the December ZBA. There are three meteorological tower cases. These towers will measure wind speeds, for a potential wind farm in the future. The proposed towers will be located in the northwest portion of the County.

There is a map amendment for an island in the Illinois River near Chillicothe. This island was never zoned and was missed throughout the history of zoning in Peoria County. This has come to the attention of the Department of Planning & Zoning and the department is proposing an “A-2” zoning, which is consistent with other islands in the river.

Also, there is a rezoning case along Route 29. The request is to rezone the parcels from commercial to residential.

There are also three Airbnb requests on the docket as well.

Mr. Elsasser stated that he will be out of town but will be calling in for the next meeting.

**Adjournment:**
Mr. Dillon adjourned the meeting at 4:06 p.m.

*Recorded by: Sarah Cox, ZBA Administrative Assistant*
Ways & Means Committee.................................................................8:30 a.m., November 3, 2021
Full Commission/Executive Board (in lieu of Lack of Quorum) ...9:00 a.m., November 3, 2021

MINUTES

1. Call to Order, Welcome, Recognition of Audience
Chairman Mike Hinrichsen called the meeting to order at 9:00 a.m.

2. Roll Call

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<td>Don White</td>
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<td>James Dillon</td>
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<td>West Peoria</td>
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Staff: Eric Miller, Ray Lees, Rebecca Eisele, Gabriel Guevara, Michael Bruner, Logan Chapman, and Debbie Ulrich. Staff Virtual: Britney West, and Reema Abi-Akar. Others virtual: Brandon Geber- IDOT, Al-Barre-Shebib- IDOT, and Betsy Tracey- FHWA.

3. Public Input-none

4. Motion to approve September 23, 2021 Commission minutes
Greg Menold moved to approve September 23, 2021, Commission minutes and Ron Talbot seconded. Motion carried.

5. Chairman report- Nothing to report
6. Executive Director report
Eric Miller reported on the following:
- Introduced Logan Chapman as new GIS Specialist employee
- Recruiting new planner – having second interview next week
- Working on Strategic planning session
- Auditor has completed job and will present next month
- Working on several Comprehensive Plans
- Public Meeting today in East Peoria for Bikeway Study. It is today at East Peoria City Hall at 4:00 p.m. to 6:00 p.m.

7. Ways and Means Report
   a. Motion to approve September Financial Statements and Billings (Resolution 22-16)
      Don White moved to approve September Financial Statements and Billings (Resolution 22-16) and Russ Crawford seconded.
      Rebecca Eisel reported on the following:
      - End of month cash was $54k. Net cash increased in September by 27k. Operating activities in September resulted in a surplus of $5k.
      - Accounts Receivable at the end of the month was $730k. Of the A/R balance, $417k was federal funds, $103k was state funds, and $210k was local funds.
      - Accounts Payable at the end of September was $75k, and $66k of A/P was unpaid direct pass-thru expenses. The remaining $9k A/P balance was for regular monthly bills, including health, dental, vision, and life insurances.
      - Total Billings for September were $139k, less direct pass-throughs of $67k, resulting in Operating Revenue of $72k. September included twenty-one regular working days, and one paid holiday.
      - Total Expenses for September were $134k, less direct pass-throughs of $67k, leaving Operating Expenses of $67k.
      - September ended with a surplus of $5k, and FY22 has a year-to-date surplus of $12k.
      Motion carried.

8. Administration
   a. Motion to approve the purchasing of technology equipment upgrades (Resolution 22-15)
      Ron Talbot moved to approve the purchasing of technology equipment upgrades (Resolution 22-15) and John Kahl seconded.
      Michael Bruner said that staff evaluate the inventory of computer hardware/software and electronic tools at the beginning of every fiscal year and has identified two workstation computers and monitors may be purchased for $3,000 and two iPads used for GIS data collection require to be replaced for $3,000 and that the conferencing system used for remote meetings can be purchased for $2,500 and to replace batteries for GPS units for $150. The staff will follow the requirements and recommendations of the Commission procurement policy and that adequate funding for the purchases of said equipment has been included in the Equipment line of the FY21 and FY22 budget. The cost of the upgrades will not exceed $7,650.
      Motion carried.
      - Don White questioned what will happen to the old equipment and Bruner said given to new employees. Eric Miller added it also will be placed on City of Peoria, or Peoria County auction. Patrick Urich said the auction will be an online auction next year.
   b. Motion to approve 2022 Community Leadership School for two (2) planners (Resolution 22-19)
      John Kahl moved to approve 2022 Community Leadership School for (2) planners (Resolution 22-19) and Russ Crawford seconded.
      Ray Lees explained this is to fund the enrollment fee for the participation of (2) planners in the Peoria area Chamber of Commerce 2022 Community Leadership School (CLS)
      - Russ Crawford commented this is a great opportunity
      Motion carried.
9. Transportation
Chairman Hinrichsen asked for a motion of 1 thru 4
a. Motion to approve Transportation Improvement Program Amendments-Attachments:
   1) Project S-22-12 Bridge Preservation
   2) Project S-22-17 I-74 Resurfacing
   3) Project S-22-18 US 24 Pavement Preservation
   4) Project S-22-19 Bridge Cleaning
John Kahl moved to approve items 1 thru 4 and James Dillon seconded.
   • Michael Bruner reported on the following:
     o Project S-22-12 Bridge Preservation is at Townline Rd over 155 for bridge repair and to replace joints
     o Project S-22-17 I-74 Resurfacing is on I-74 0.8 Mi E of Morton Ave to Woodford Co. Line for Designed Overlay
     o Project S-22-19 Bridge Preservation is for Bridge Cleaning on various locations over the Illinois River
Motion carried.
   5) Project PC-21-01 Glen Avenue Reconstruction
   6) Project WC-23-01 Santa Fe Trail Resurfacing
   7) Project CC-23-01 Fischer Road Resurfacing
Barry Logan moved to approve items 5 thru 6 and Greg Menold seconded.
   • Michael Bruner reported on the following:
     o Project PC-21-01 Glen Avenue Reconstruction is at Glen Avenue for Sheridan Road to Knoxville Ave. for reconstruction of Glen Avenue from 2 lane rural section to a 3-lane urban section
     o Project WC-23-01 Sante Fe Trail Resurfacing is at Santa Fe Trail from IL 26 to Lourdes Rd for resurfacing- Mill & Overlay
     o Project CC-23-01 Fischer Road Resurfacing is at Fischer road- IL Route 29 to S. Creve Coeur Ave. for Mill and HMA Overlay
Motion carried.
b. Motion to approve Executive Director to enter a contract with the selected consultant for IDOT-SPR activity-based Travel Demand Model for an amount not to exceed $480,000. (Resolution 22-17)
Ron Talbot moved to approve Executive Director to enter a contract with the selected consultant for IDOT-SPR activity-based Travel Demand Model for an amount not to exceed $480,000 (Resolution 22-17) and John Kahl seconded.
   • Michael Bruner explained the federal IDOT-SPR funds of $384,000 (80%) will be matched by State Planning funds of $96,000 (20%) for a total project cost of $480,000. We ordered a Request for Qualification (RFQ) for the project in accordance with our procurement policy. The commission staff and regional community representatives (Ty Livingston, Hannah Martin, and Amy McLaren) reviewed the proposals for the project and scheduled interviews with the (2) proposals. We will then negotiate a final contract price for the scope of work with the selected qualified consultant.
Motion carried.

c. Motion to approve Executive Director to enter a contract with the selected consultant for Congestion Management Plan update for an amount not to exceed $30,000. (Resolution 22-18) Barry Logan moved to approve Executive Director to enter a contract with the selected consultant for Congestion Management Plan update for an amount not to exceed $30,000 (Resolution 22-18) and Ron Talbot seconded.

- Michael Bruner explained we received a two-year contract in the amount of $160,000 in FY2020 IDOT Metropolitan Planning Funds and that the staff identified updating the regions Congestion Management Plan an eligible activity within the IDOT Metropolitan Planning Funds. The Congestion Management Plan was last updated in 2010 and was identified as needing to be updated in the last FHWA/FTA Certification Review. The Commission issued a Request for Qualification (RFQ) for the project in accordance with our procurement policy. The staff and regional community representatives will review the proposals received for the project and select an appropriate consultant; we then will negotiate a final contract price for the scope of work with the selected qualified consultant not to exceed $30,000.

Motion carried.

d. Motion to approve FTA Section 5310 Project Funding Awards- Memo

John Kahl moved to approve FTA Section 5310 Project Funding Awards and Ron Talbot seconded.

- Reema Abi-Akar updated this is for Tri County’s 5310 Call for Projects Applications for an urban funding stream from the Federal Transit Administration (FTA) aimed at increasing mobility options for seniors and individuals with disabilities, and the Tri-County Regional Planning Commission receives an apportionment every year. It is TCRPC responsibilities to either distribute these funds throughout the urbanized area or pass the funds along to IDOT Consolidated Vehicle Procurement (CVP) program. TCRPC has chosen to distribute through a competitive call for projects. We received four applications with one from EPIC request for Vehicles which was not accepted. The available funds are $316,461.85. Washington Phase 1 is $100,000; Bike share is $95,224, and East Peoria is $32,000 with a remaining balance of $89,237.05 which can be rolled over to next Section 5310 urban call for projects in Spring 2022.

- Eric Miller congratulated City of Washington and Washington Township for the grant for Elderly Persons.

- Russ Crawford said he totally supports this.

e. Call for Projects, Special Transportation Planning Studies FY2022- Attachment

Michael Bruner updated this is for $80,000 for FY22 PL/FTA funds being programmed for local jurisdictions to undertake special transportation planning projects in FY21. Jurisdictions may apply for all or part of the $80,000 but may not request any amount over $80,000. Projects may be phased, but there is no guarantee that additional funding will be made in future years.

- Michael Bruner mentioned the Call for Projects, Special Transportation Study is due Nov. 8, 2021, and that the subcommittee will review proposals and make recommendations to Technical Committee. On Nov. 17 the Technical Committee will make recommendations for selected projects to Commission and on Dec 1, 2021, Commission will approve projects. The projects will need to be complete by December 31, 2022.
10. Other

- Don White said that as the Chairman of Personnel he will be sending out to Executive Committee performance evaluations for Eric Miller, Executive Director in near future.
- Eric Miller welcomed Brandon Geber as the new MPO manager
- Eric Miller asked Mayor Ali about passenger rail
- Mayor Ali said there have been 19 or 20 meetings to work on an effort to bring passenger rail to Peoria. Ray LaHood and I teamed up and formed a leadership committee to get passenger rail to Peoria. The drafted a case statement and are working with IDOT and peer leaders on committee. There is a feasibility study work order which will start mid-November and wrap up mid-February.
- Russ Crawford asked if the MPO can do anything?
- Mayor Ali added it will have layered departures and yes TCRPC will assist in presentation.

11. Updates

Eric Miller welcomed Brandon Geber as the new MPO manager

a. Agency updates- (IDOT, Other)

12. Adjournment

Sharon McBride moved to adjourn at 9:50 a.m. and John Kahl seconded. Motion carried.

Submitted by:
Eric Miller, Executive Director
Transcribed by: Debbie Ulrich
AGENDA BRIEFING

COMMITTEE: Land Use Committee
MEETING DATE: January 3, 2022

LINE ITEM: Revenue:
Expenditure:

ISSUE: November 2021 Development Summary

BACKGROUND/DISCUSSION:

COUNTY BOARD GOALS:

EFFECTIVE SERVICE DELIVERY

STAFF RECOMMENDATION:

COMMITTEE ACTION:

PREPARED BY: Andrew Braun, Assistant Director
DEPARTMENT: Planning & Zoning
DATE: 12/1/2021

ATTACHMENTS:

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<td>Development Summary</td>
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## LAND USE COMMITTEE DEVELOPMENT SUMMARY

### PERMITS ISSUED

(11/01/2021 TO 11/30/2021)

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<tr>
<td>BLDNR-2021-000009</td>
<td>Non-Residential Alteration</td>
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<td>1306376015</td>
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<td>11/10/2021</td>
<td>Valuation: $193,536.00</td>
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<td>Description</td>
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| TELE-2021-000016 | Telecommunications | 5321 W POTTSTOWN RD             | 133510012    |
| Issue Date      | 11/01/2021         | Valuation: $35,000.00           |              |
| Description     | CO-LOCATE ON EXISTING TOWER |                        |              |

| TELE-2021-000017 | Telecommunications | 1514 S CAMERON LN              | 1721100004   |
| Issue Date      | 11/01/2021         | Valuation: $35,000.00           |              |
| Description     | CO-LOCATE ON EXISTING TOWER |                      |              |

| TELE-2021-000018 | Telecommunications | 10216 W CIVIL DEFENSE RD       | 1307300029   |
| Issue Date      | 11/18/2021        | Valuation: $20,000.00           |              |
| Description     | CO-LOCATE ON EXISTING TOWER |                    |              |

| TELE-2021-000019 | Telecommunications | S HILLSDALE AVE              | 1712377006   |
| Issue Date      | 11/19/2021        | Valuation: $35,000.00         |              |
| Description     | CO-LOCATE ON EXISTING TOWER |                    |              |

**TOTAL VALUE FOR NON-RESIDENTIAL CONSTRUCTION THIS PERIOD:** $318,536.00
RESIDENTIAL NEW HOME CONSTRUCTION

TOTAL VALUE FOR NEW HOME CONSTRUCTION THIS PERIOD: $0.00

ALL PERMITS

TOTAL NUMBER OF ALL PERMITS THIS PERIOD: 42
TOTAL VALUE OF ALL PERMITS THIS PERIOD: $1,326,860.00
AGENDA BRIEFING

COMMITTEE: Land Use
MEETING DATE: January 3, 2022

LINE ITEM: Revenue: Expenditure:

ISSUE: Unsafe Structures Monthly Report

BACKGROUND/DISCUSSION:
Peoria County is enforcing the unsafe structure program. The following properties possess one or more structures that present a danger to public safety and are in the process to achieve compliance through the owner or demolishing the structure or being recommended for demolition by Planning and Zoning.

COUNTY BOARD GOALS:

HEALTHY VIBRANT COMMUNITIES

STAFF RECOMMENDATION:

COMMITTEE ACTION:

PREPARED BY: Adam Willard
DEPARTMENT: Planning & Zoning
DATE: 12/16/2021

ATTACHMENTS:

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<td>Unsafe Principal Structure</td>
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GSCHWIND, Bernice – 1616 E Hendryx Ln – Medina Twp – Sec. 34 – (09-34-404-020) – Complaint #2018-017 – The house roof is sagging, has holes, and rotted wood. This property has been included in the Grant Application for demolition funding, and has been referred to the SAO for demolition order.

DURHAM, Ronald – 713 N Cherry Ln – Limestone – Sec. 03 – (17-03-377-026) – Complaint #2019-333 & 2020-022 – House has failing walls and roofs due to significant deterioration and tree damage, there is not any foundation, and the house is not safe. The detached garage has collapsing walls and roof. Referred to SAO

BEAL, Jeffrey & LOCKWOOD, Tiffany (Previous owners CR 2018 LLC, Robert Williams) - 3708 W Lincoln Ave - Limestone Twp - Sec. 12 - (17-12-383-001) - Complaint # 2019-100 is closed (prior #2014-195) – The house roof is sagging significantly, the foundation is failing, and the deck is unsafe. A 15-day notice was posted and mailed on March 6, 2019. This case has been sent to the SAO for a demolition order but has changed ownership. Permits were issued for repairing the house but will remain on the list until the unsafe structure has been repaired. Permits have been renewed.

HARPER, Elbert – 2305 S Skyway Rd – Limestone – Sec. 23 – (17-23-152-012) – Complaint # 2019-305 – The house has holes and is sagging. The Hearing Officer has issued her final order. The roof condition is getting worse with more holes and sagging. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

SASSO, Michael – N. Beall Rd. – Princeville – Sec. 02--(02-29-400-005) – Complaint #2021-027- The roof is collapsing, and the foundation has many holes in it. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

MAHER, James – W Laura Rd. – Princeville – Sec. 02 – (02-30-100-003) – Complaint #2021-022 – The porch roof is collapsing, and the house is missing part of the foundation causing the walls to start to collapse. One main structural post supporting the 2nd story is rotten. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

PUNO, Jose – 20510 N Rt. 40 – Edelstein – Sec. 04 – (04-18-200-002) – Complaint #2021-034 – There are two separate foundations under the house. There is a portion of foundation missing on the east side of the house causing half the house to move. The main support beam and joists have rotted and broken causing the floor to collapse. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

HENRY, Wesley – 1613 E Resthaven Rd. – Medina – Sec. 34 – (09-34-405-038) – Complaint #2021-020 – House is abandoned. The house has sustained substantial damage from numerous floods and is damaged beyond repair. This property has been included in the Grant Application for demolition funding, and has been referred to the SAO for demolition order.

SCHAUB, Christopher – 21118 N North Hampton Rd. – Hallock – Sec. 12 – (04-12-300-005) – Complaint #2021-029 – House is abandoned. Holes on the exterior side of the house, door and windows are not secured and are broken or missing. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.
FOR, Margaret - 1725 E. Lane- Limestone – Sec. 13 - (17-13-476-032) - Complaint #2020-224 – House is abandoned, holes forming in the roof, back wall of breezeway has collapsed. There has been no change in this property. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order. This case was closed and levied a fine.

Gschwind, Berniece - 1616 East Hendryx Ln.- Medina- Sec. 34 - (09-34-404-020)- Complaint #2021-00019- This house has been abandoned and left in disrepair with holes in the roof, many property maintenance issues. This property has a history of flooding issues as well causing it to be unfit for human occupancy. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

Venzon, Richard - 3317 West Latrobe St.- Limestone- Sec. 13 - (17-13-426-015)- Complaint #2021-000201- This property has been abandoned with holes in the sides of the house allowing rodents and weather to deteriorate the interior and exterior of the house causing it to be unfit for human occupancy. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

Henry, Wesley - 1613 East. Resthaven Rd.- Medina- Sec. 34 - (09-34-405-038)- Complaint #2021-00020 – This property has been abandoned with many property maintenance issues, holes in roof, broken windows and doors allowing interior and exterior to deteriorate and become unfit for human occupancy. This property also has a history of flooding. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

Schaub, Christopher - 21118 North Hampton Rd. - Hallock- Sec. 12 - (04-12-300-005)- Complaint #2021-00098- This house has been abandoned with property maintenance issues, doors open and windows open allowing rodents and weather to deteriorate the interior and exterior of the house causing it unfit for human occupancy. This property has been included in the Grant Application for demolition funding and has been referred to the SAO for demolition order.

Warren, Helen- 3315 W. Lincoln Ave. – Limestone- Sec. 12 – (17-12-480-003) – Complaint #2021-000328- This house is abandoned and has many property maintenance issues. Daylight can be seen numerous places in the roof and the ceilings inside in the front room have already collapsed. This case will appear in front of the Hearing officer on Dec. 1, 2021

Patterson, Karen - 1636 N. Norwood Blvd- Limestone- Sec. 03 - (17-03-101-070)- Complaint #2021-000134 – The house is abandoned. The block foundation on the north side of the house has collapsed. The back fall is a walkout with holes in the plywood and the studs are rotting. This case went before the hearing officer on 11/3/21 was fined and closed by the Hearing Officer.

CASES IN THE HEARING OFFICER PROCESS

PROPERTIES IN COMPLIANCE FOR THE PAST FIVE YEARS
Compliance Year - 2016

WEBER, David & Joseph - 1805 S East Lane - Limestone Twp - Section 13 - (17-13-478-017) - Complaint #14-146 - Unsafe house. Demolition was completed on January 11, 2016 by Peoria County.

CLAYTON, William - 14020 W Rockhill Road - Brimfield - Rosefield Twp - Section 16 - (12-16-200-018) Complaint # 13-562 - The structures were demolished by the owner.

KIDD, Helen - 14609 N Edgewater Drive - Chillicothe - Rome Twp - Sec. 07 - (10-07-177-019) - Complaint #12-192 - Unsafe garage and house. Demolition was completed on January 25, 2016 by Peoria County.

LEVI, Brian - 2049 N Norwood Blvd - Kickapoo Twp. - Sec. 34 - (13-34-353-032) - Complaint #2015-035 - Unsafe house and shed. The structure has been repaired to a point of being safe.

NALLEY, Kathleen - 15534 N River Beach Dr - Rome Twp - Sec. 05 - (10-05-302-013) - Complaint #2015-278 - Unsafe house due to major flood damage. The house was demolished by the owner.

COOMBES, Carlos - 2209 E Santa Fe Rd - Hallock Twp - Sec. 14 - (04-14-300-006) - Complaint #2015-093 - House and garage were unsafe. All structures were demolished by the owner.

MARTZLUF ESTATE, Earl - 625 E Hallock Hollow Rd - Hallock Twp - Section 28 - (04-28-400-009) - Complaint #2015-401 - Eight deteriorated and unsafe structures consisting of five sheds, an outhouse, a garage, and a house were identified in a December 11, 2015 inspection. A demolition permit was issued, and the owner has removed the structures.

MONARI, Donald - 22803 N Berchtold Road - Hallock Twp - Sec. 02 - (04-02-300-006) - Complaint #14-089 - Unsafe house (fire damage). Demolition has been completed by the owner.

BAKER, Tom - (Previously owned by Glen Parshall and JP Morgan Chase Bank) - 15426 N River Beach Dr - Rome Twp - Section 05 - (10-05-302-051) - Complaint #2016-027 - Demolition has been completed by the owner.

CAPRANICA, Alicia - 1614 N Boyd Ave - Limestone Twp - Sec. 04 - (17-04-227-014) - Complaint #2015-196 - Repairs have been made to the garage by the owner.

STEVENS, Lisa - 21514 N Main St - Millbrook Twp - Sec. 07 - (01-07-334-003) - Complaint #2015-415 - House and accessory buildings were unsafe. Demolition has been completed by the owner.

CLIFTON, Steven - 6652 W Wheeler Road - Mapleton - Hollis Twp - Section 22 - (20-22-152-006) - Complaint #13-464 - Unsafe house (fire damage). Demolition was completed by Peoria County on June 21, 2016.

HUGHES, Kenneth - 21139 N Main St - Millbrook Twp - Sec. 07 - (01-07-381-001) - Complaint #2015-236 - House and accessory building were unsafe. Demolition has been completed by the owner.

HEINZ, James - 7724 S Stranz Rd - Hollis Twp - Sec. 08 - (20-08-300-022) - Complaint #2014-202 - Unsafe house. The owners have made repairs and the house is no longer unsafe.

HOLLOWAY, Brant (formerly owned by Christopher Luczaj) - 1723 N Oesterle Ave - Limestone Twp - Sec. 04 - (17-04-276-015) - Complaint #2016-207 - House was unsafe due to roof damage, foundation failure, electrical hazards, and possibly fire damage. The new owner has demolished the house.

VIGUE, Arthur - 17225 W State Road - Brimfield - Rosefield Twp - Sec. 06 - (12-06-362-001) - Complaint #14- 213 - Unsafe house and shed. Owner has removed the structure and filled in the hole.

BAYS, Michael - 24219 W Jackson St - Millbrook Twp - Section 07 - (01-07-182-002) - Complaint #2015-416 - House is unsafe. Demolition has been completed by the owner.
permit was issued and the unsafe portion of the house has been transferred to Peoria County and the structure has been demolished utilizing grant funding.

ROEDELL, Brock - 10214 W Powdermill Rd - Kickapoo Twp - Sec. 19 - (13-19-306-003) - Complaint #2016-237 - Unsafe house due to the foundation collapsing into the basement from flood damage. This property has been transferred to Peoria County and the structure has been demolished utilizing grant funding.

SHUMAKER PROPERTIES LLC - 11705 N Old Galena Rd - Medina Twp - Sec. 09 - (09-23-351-012) – Complaint #2017-132 - Approximately 2/3 of the Midwest Fiber commercial building was fire damaged. A demolition permit was issued and the unsafe portion of the building has been removed by the owner.

Compliance Year – 2017

HOUGLAND, Ryan & JA - 1506 S Sarah Drive - Limestone Twp - Sec. 13 - (17-13-406-001) - Complaint #13-496 - The demolition of the house, deck and garage was completed by Peoria County.

KLEIN, David - 10802 S Glasford Rd - Timber Twp - Section 27 - (19-27-151-005) - Complaint #2016-364 - The house was substantially burned. Demolition has been completed by the owner.

ECHTERLING, Eugene - 13334 River Beach Drive - Chillicothe - Medina Twp - Section 13 - (09-13-251-001) - Complaint #2015-079 - House damage originated from a house fire and then was damaged in flood waters. The structurally unsafe portions of the house have been repaired.

CAGLE, Lindon - 1622 N Moody Ct - Limestone Twp - Section 03 - (17-03-101-044) - Complaint #2017-034 - The house was badly burned and unsafe. Demolition has been completed by the owner.

BURKE-LLOYD, Arlene - 8921 W Farmington Road, Hanna City, Il - Limestone Twp - Sec. 08 - (17-08-101-010) - Complaint # 11-145 - Restaurant. Demolition permit 58573 has been completed by Peoria County.

SIEGEL, Francis - 10015 W Edwards St - Kickapoo Twp - Section 19 - (13-19-304-001) - Complaint #2016-085 - Demolition has been completed by the owner.

HANSEN, Sherry - 3214 W Malone St - Section 13 - (17-13-280-001) - Complaint #2017-057 - The house was badly burned and unsafe. Demolition permit 58594 has been completed by the owner.

PEORIA COUNTY - (Formerly ZALCMAN, Maurice) - 15016 N River Beach Dr - Rome Twp - Sec. 07 - (10-07-227-007) - Complaint #2013-379 - Substantial damage from 2013 and 2015 floods. House and garage are unsafe. This property has been transferred to Peoria County and the structure has been demolished utilizing grant funding.

SZENTES, Austin - 7009 W Lancaster Rd - Limestone Twp - Sec. 33 - (17-33-251-013) - Complaint #2015-168 - House was unsafe due to major foundation failure. On August 9, 2017, the owner removed the attached garage which was the unsafe portion of the house.

SOMOGYI, Justin - 1718 S Happ Ave - Limestone Twp - Section 13 - (17-13-378-003) - Complaint #2017-073 - The house was badly burned and was unsafe. Demolition has been completed by the owner.

EKVALL, Timothy - 7901 W Bridlebrook Dr - Hollis Twp - Section 08 - (20-08-227-004) - Complaint #2017-078 - The house was badly burned and was unsafe. Demolition has been completed by the owner.

ROEDELL, Brock - 10214 W Powdermill Rd - Kickapoo Twp - Sec. 19 - (13-19-306-003) - Complaint #2016-237 - Unsafe house due to the foundation collapsing into the basement from flood damage. This property has been transferred to Peoria County and the structure has been demolished utilizing grant funding.
MOREFIELD, Christopher - (formerly Hill) - 13625 W Southport Road, Brimfield - Rosefield Twp - Section 15 - (12-15-301-006) - Complaint #2017-112 - This property had a house and a shed that were deteriorating and collapsing. The owner has completed the demolition of the house and repaired the shed.

KOFOID, Ronald - 6233 W Conley Rd - Kickapoo Twp - Sec. 34 - (13-34-380-041) - Complaint #2015-070 was closed - Porch and garage roofs were collapsing. The unsafe collapsing sections were repaired and are no longer unsafe.

BAZHENOW, Steven - 4912 W Farmington Rd - Limestone Twp - Sec. 02 - (17-02-377-025) - Complaint #2016-054 - Unsafe shed. This property has been annexed into Bellevue.

Compliance Year – 2018

VAUGHN, Deanna – 1816 S Oakwood Ave – Limestone Twp – Sec. 13 – (17-13-478-006) – Complaint #2017-070 – The house roof was collapsing. Demolition has been completed by the owner.

SMITH, Carla – 5203 W Monroe Rd – Limestone Twp – Section 23 – (17-23-152-030) – Complaint #2017-116 – The garage roof was collapsing. Demolition has been completed by the owner.

CLAYTON, Sandra - 10129 W Powder Mill Rd - Edwards - Kickapoo Twp - Section 19 - (13-19-302-001) - Complaint #13-096 - Front porch is unsafe. This property has been transferred to Peoria County and the structure has been demolished utilizing grant funding.

COX, Chanell – 3112 W Latrobe St – Limestone Twp – Sec 13 – (17-13-429-009) – Complaint #2018-031 – Garage roof was collapsing. Demolition has been completed by the owner.

HAMM'S HARBOR INC. - 17620 N River Ln - Chillicothe Twp - Sec. 29 - (05-29-478-001) - Complaint #2015-297 - House is unsafe due to installing a foundation without building and flood permits and not to code. Rear roof support is inadequate and there is no safe egress out of the house. This property has been transferred to Peoria County and the structure has been demolished utilizing grant funding.

MULLENS, Clarence - 15623 W McDonald Rd - Logan Twp - Section 20 - (16-20-400-002) - Complaint #2017-062 – The unsafe house and shed have been removed.

COOMBES, Carlos – 1423 E Resthaven Rd - Medina Twp - Sec. 34 - (09-34-405-025) - Complaint #2018-058 - Demolition has been completed.

Compliance Year – 2019

MILLER, Alvie – 3005 W Main St – Hallock Twp – Section 18 – (04-18-151-005) – Complaint #2017-155 - The shed and detached garage have been demolished by a company hired by the bank.

SHYNK, Mary – 8005 N Blackbridge Rd – Kickapoo Twp - Sec 04 – (13-04-351-012) - Complaint #2018-240 – The unsafe and fire damaged parts of the house have been removed by the owner.

STEVENSON, Linda – 937 N Range Ln – Limestone Twp – Sec. 03 – (17-03-426-005) – Complaint #2018-061 – House interior was badly damaged by fire. Demolition has been completed by the owner.

GARNAND, James – 818 N Limestone Ln – Limestone Twp – Sec. 02 – (17-02-377-009) – Complaint #2018-258 – The fire damaged parts of the house have been repaired by the owner and are safe.
**SNYDER, Anne** – 7630 W Fernhill Ct – Kickapoo Twp – Sec. 04 – (13-04-301-027) – Complaint # 2019-183 – House was badly damaged by fire. Demolition has been completed by the owner.

**BELLINGER, Andrew** - 525 S Kickapoo Creek Rd - Limestone Twp - Section 12 - (17-12-352-006) - Complaint #2016-206 - The house was burned substantially and was unsafe. This case was sent to the SAO for a demolition order, the demolition permit was issued to Jimax Demolition, and the demolition has been completed.

**COOPER, Degarius** – 3204 N Augustana Ave – Limestone Twp – Sec. 13 – (17-13-479-009) – Complaint #2017-159 – The house had a collapsing roof and holes in the foundation. This case was sent to the SAO for a demolition order. A demolition permit was issued to Schaefer & Son Excavating and the demolition was completed.

![Compliance Year – 2020](image)

**MEADOWS, Cherryle** – 1708 S West Ln – Limestone Twp – Sec. 13 – (17-13-456-003) – Complaint # 2019-242 – House roof had holes and was collapsing, and the foundation was failing. Demolition has been completed by the owner.

**JANSZEN, Carol** – 7014 W Lancaster Rd – Limestone Twp – Section 33 – (17-33-252-003) – Complaint #2018-004 – A detached garage was collapsing, and a shed had collapsed. Demolition has been completed by the owner.

**ADKINS, James** – 4827 W Farmington Rd – Limestone Twp - Sec. 02 - (17-02-405-001) - Complaint #2018-027 - Commercial building had a collapsing porch roof, failing foundation, and collapsing stairs. The unsafe parts have been removed or repaired.

**CLAYTON, Sandra** - 9912 W Layne St - Kickapoo Twp - Section 13 - (13-19-326-004) - Complaint #2017-123 - Two accessory buildings have collapsing roofs and other property maintenance violations. Permits were issued for repairing each building. The buildings have been repaired.

**PLATTNER, Amy** – 9511 W Goetz Rd – Kickapoo Twp – Sec. 31 – (13-31-251-013) – Complaint #2020-039 – The detached garage has collapsed. A demo permit has been issued and the garage has been removed.

**JENNINGS, Codee** - 2029 W Blackberry Ln – Medina Twp – Sec. 31 - (09-31-227-012) - Complaint # 2020-023 – The house has been severely burned and the remaining structure is unsafe and now has sewage in the basement. Demolition has been completed by the owner.

**RYNEARSON, Jerry**- 14529 W Devils Washboard RD – Timber Twp – Section 21 - (19-21-300-006) - Complaint #2020-138 – The house caught fire. Only a portion of the roof is left, and 3 walls. The house has been demolished.

**BRIGGS, David** – 8115 Pfeiffer Rd- Limestone Twp- Section 29 - (17-29-400-013) - Complaint #2020-154- House fire. The garage and living room have collapsed. Demo of the house is complete.

**DAVIS, Gerald** – 13724 W Route 150 – Jubilee Twp – Sec. 34 – (07-34-100-003) – Complaint # 2019-054 – House has a collapsing roof and accessory structures have collapsing roofs and walls. A demo permit has been issued and the house has been removed.

**HOLLOWAY, Brant** – 1203 Maxwell Rd – Limestone - Sec. 03 - (17-15-176-009) Complaint #2020-198- Garage wall is collapsing causing roof to collapse as well. A permit has been issued for the repair.

**HAUSAM, Nancy** - 1004 N Oakleaf Rd - Limestone Twp - Sec. 02 - (17-02-406-007) - Complaint #2018-166 - Detached garage roof is collapsing. A permit has been issued for repaired.

**KING, Jesse**—2105 N Willow Rd. – Kickapoo – Sec. 34 – (13-34-305-030) – Complaint # 2020-286- The house caught on fire. Half of the house has collapsed and the roof on the rest is mainly burnt through. There was an occupancy prohibited posting posted on the house. House has been demolished and permit is closed.
**CHALLACOMBE**, Keith – 22013 N Jefferson St – Millbrook- Sec. 01 - (01-07-176-001)- Complaint # 2021-040-
House was burnt significantly. Only 2 walls are left standing. There was an occupancy prohibited posting posted on the house. Demo permit 60776 was issued and the structure has been torn down and permit closed. The property is now in compliance.

**HALIBURTON**, Justin – 9619 N. Route 91 – Radnor Twp – Sec. 35 – (08-35-300-039) – Complaint # 2020-21886-
The house was destroyed by fire. The house foundation and an in-ground swimming pool still remain on the property. Demo has been completed.

**DAVIS**, Gerald – 14112 W Route 150 – Jubilee Twp – Sec. 33 – (07-33-200-011) – Complaint # 2019-053 – The house roof is collapsing. This case has been continued to the September 1, 2021 Hearing Officer meeting. Building Permit has been issued and case has been closed.

**HIBBERT**, Douglas—11129 W. Timber Rd.- Timber—Sec. 24 - (19-24-300-007) - Complaint #2021-000159—this was a house fire. Garage is still standing, but the rest of the house is completely burnt. The foundation is block and has cracks everywhere and will require a structural engineer to view the damage in order to reuse it for new house. A demo permit was issued and completed for this structure. This case has been closed.

**JOHNSON**, Barbara (New owner Jeffery Harris) – 1617 S Crest Dr – Limestone Twp – Sec. 13 – (17-13-377-012) – Complaint #2017-175 – The house and attached garage roof is deteriorated and sagging. The garage door header supporting the roof is failing. A permit has been issued to the new owner for repairs. The owner states that he repaired the roof but everything was covered up when called for an inspection, so I was unable to verify that the work had been correctly completed.
**AGENDA BRIEFING**

**COMMITTEE:** Land Use  
**MEETING DATE:** January 3, 2022  
**LINE ITEM:** N/A  
**AMOUNT:** N/A

| ISSUE: ZBA Case #ZBA-2021-000039. A Special Use request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short-term rental basis. |

**BACKGROUND/DISCUSSION:** This is a case in District #13, which is County Board member Jim Fennell’s district. The petitioners, Kim and David Russell, request a Special Use from Section 20-5.5.2.2.C of the Unified Development Ordinance, which allows for a Special Use for Overnight Accommodations in the “R-2” Medium Density Residential Zoning District. The petitioners request to offer an entire single-family dwelling for rent on a short-term basis through the websites Airbnb and VRBO. The subject parcel is located at 11846 N. Riverview Rd. in the Southwest Quarter of Section 23 in Medina Township. There are 2 consents and 0 objections on file. The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and a detached garage. To the north of the subject parcel are five vacant residential lots, to the west and east are single-family dwellings, and to the south is the Illinois River. The entire property will be rented as a single-family dwelling, most often to one family at a time. The petitioners’ request is consistent with the surrounding area, as single-family dwellings are the principal land use along N. Riverview Rd. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO. Section 20-7.8.1 states that the section applies to all overnight accommodations in the County for any type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The Department recommends that the property owner leave information regarding their onsite wastewater disposal or potable water system(s) for guests so that their systems are properly cared for and maintained. The Department also recommends that the property owner has guests notify them immediately of any problems with the onsite wastewater disposal or potable water systems during their stay. The subject parcel has 75 feet of road frontage along N. Riverview Rd., a township collector road. The Trip Generation Report shows a range of 4.81 to 19.39 trips on a weekday per single-family dwelling unit. The Report also cites an average of 2.65 trips per resident on a weekday, while the assisted living land use, similar to a residential care home, a permitted use in the R-2 District, shows an average of 4.14 trips on a weekday per occupied bed. The maximum number of 7 property guests would generate about 18.55 trips. An assisted living facility with 7 residents would generate about 28.98 trips. The potential traffic generated by the proposed use is consistent with the observed rates for a single-family dwelling unit and less than the projected traffic generation for a residential care home. The County Highway Department will defer to the Medina Township Road Commissioner, as this section of Riverview Rd. is maintained by the road district. No comments were received from the Medina Township Road Commissioner. The petitioners’ request is consistent with the Environmental Corridor Land Use designation, as this Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions. The subject property’s proximity to the Illinois River promotes visitor attraction through recreational and eco-tourism opportunities. The petitioners’ request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability. The operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging. The Medina Township Planning Commission voted to approve the petition. |

**COUNTY BOARD GOALS:**

- **HEALTHY VIBRANT COMMUNITIES**

**STAFF RECOMMENDATION:** Approval with the following restrictions:

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Kim Russell or David Russell.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than seven (7) guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

**ZBA RECOMMENDATION:** Approval with restrictions (6-0)

**COMMITTEE ACTION:**

**PREPARED BY:** Taylor Armbruster, Planner I  
**DEPARTMENT:** Planning & Zoning  
**DATE:** December 17, 2021
Report to the Zoning Board of Appeals for the December 9, 2021 Public Hearing

Date: November 30, 2021

Case/Petitioner: ZBA-2021-000039 Kim & David Russell / 5161 N. Prospect Rd., Peoria Heights, IL 61616

Request: A Special Use request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short-term rental basis.

Location: SW 1/4 Section 23, Medina Township / 11846 N. Riverview Rd., Chillicothe, IL 61523 / Parcel ID 09-23-327-002

Land Use Form: Environmental Corridor and River Freight

Current Zoning: “R-2” Medium Density Residential

Present Use: Residential

Size of Site: 0.30 acres

Surrounding Zoning: North: “R-2” Medium Density Residential
                     South: “R-2” Medium Density Residential
                     East: “R-2” Medium Density Residential
                     West: “R-2” Medium Density Residential

Surrounding Land Uses: North: Vacant
                        South: Illinois River
                        East: Residential
                        West: Residential

Public Services: Fire: Chillicothe Community FPD
                 Water: Private well
                 Schools: Chillicothe IVC District #321
                 Sewer: Public sewer

Transportation: N Riverview Rd., township collector road

Pertinent Zoning Cases On Site: Code Case #VIOL-2021-000318

Pertinent Zoning Cases In Surrounding Area: Zoning Case #ZBA-2021-000033

Department of Planning and Zoning Recommendation: APPROVAL WITH RESTRICTIONS
Case Analysis

**Request and Location:** The petitioners, Kim and David Russell, request a Special Use to provide Overnight Accommodations in the “R-2” Medium Density Residential Zoning District. Overnight accommodations may be established as a special use in the R-2 District provided that they meet the requirements set forth in Section 7.8 (“Overnight Accommodations”) and provided that no more than five rooms or suites are rented and that rooms are not rented for a period of more than fourteen days. The petitioners propose to offer an entire single-family dwelling for rent on a short-term basis through the short-term rental websites Airbnb and VRBO. The subject parcel consists of a single-family dwelling and a detached garage. The subject parcel is located at 11846 N. Riverview Rd. in the Southwest Quarter of Section 23 in Medina Township.

**Pertinent Zoning Cases on Site:** Code case #VIOL-2021-000318 was opened with the Department of Planning and Zoning on September 16, 2021. The original complaint stated that an Airbnb was being run from the property without a Special Use, and a verification inspection confirmed the operation of overnight accommodations. An evidentiary hearing has been scheduled for February 2, 2022, before the Peoria County Adjudication Officer.

**Pertinent Zoning Cases in Surrounding Area:** Zoning case #ZBA-2021-000033 was a request for a Special Use to provide Overnight Accommodations in the “R-2” Medium Density Residential District. The petitioner in case #ZBA-2021-000033 proposed to offer an entire single-family dwelling for rent on a short-term basis through the short-term rental website Airbnb. Case #ZBA-2021-000033 was located at 13933 N. River Beach Dr., approximately 2.33 miles northeast of the subject property. On November 11, 2021, the County Board approved the request for a Special Use with restrictions.

**Surrounding Zoning and Land Use:** The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and a detached garage. This single-family dwelling consists of 1,416 square feet of living space and contains 3 bedrooms. Five vacant residential lots are located to the north and northwest of the subject property. The petitioners own one of these vacant lots, PIN #09-23-326-008, which is adjacent to the subject property across N. Riverview Rd. This vacant lot is not included in the petitioners’ request. Single-family dwellings lie to the west and east of the subject parcel. The Illinois River lies to the south, and the subject parcel has approximately 75 feet of frontage on the water. Single-family dwellings are the principal land use along N. Riverview Rd. and this part of the Illinois River. The petitioners request to offer the single-family dwelling at the subject property as an overnight accommodation on a short-term basis. The petitioners note that on average, the house is available to rent most weekends and weekdays varying on season, and the house is occupied approximately 30-60% of available nights. The petitioners have also stated that guests stay for 2-3 nights on average, and the dwelling is never rented for more than 12-13 days at a time. The entire house will be rented rather than each room being rented individually, so the use of the property will be similar to that of a single-family dwelling. The subject property’s Airbnb listing also states that no parties or events are allowed, and check-in time is between 2 PM and 6 PM with check-out time at 10 AM. The petitioners’ request is consistent with the single-family residential character of the surrounding area.

**Technical Adequacy:** The subject parcel is currently zoned “R-2” Medium Density Residential. Permitted uses in the “R-2” Medium Density Residential District include single-family detached and two-family dwellings, childcare homes, and small or medium residential care homes. A residential care home is defined as a dwelling in which staff persons provide care, education, and participation in community activities for a group of unrelated individuals who have long-term disabilities or handicaps with the primary goal of developing or exercising basic skills for daily living. Medium residential care homes may support up to eight (8) residents. Section 20-5.5.2.2.c of the Unified Development Ordinance (UDO) allows for a special use for overnight accommodations in the R-2 district, provided that: 1. no more than five (5) rooms or suites are rented and 2. rooms are not rented for a period of more than fourteen (14) days. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO, and Section 20-7.8.1 states that the section applies to all overnight accommodations in the County, regardless of whether they are considered a “bed and breakfast establishment,” “hotel,” “motel,” “boarding house,” “rooming house,” or any other type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. According to the subject property’s Airbnb listing, the petitioners offer the entire house for rent, which includes 3 bedrooms that can accommodate 6 or 7 guests. The petitioners have also stated that the average number of guests is 4-5. The Airbnb listing also states that Ring doorbells are...
Environmental Impacts: According to FEMA Flood Insurance Rate Maps, the subject parcel is located within a designated 500-year floodplain, where structures are not required to meet floodplain development standards. At the time of the Peoria City/County Health Department’s review, no conditions were found that would cause the Department to recommend denial of the request. It is a recommendation of the Department for the property owner to leave information in regards to their onsite wastewater disposal or potable water system(s) for their guests so that their systems are properly cared for and maintained. It is also recommended that the property owner have their guests notify them immediately of any problems with either their onsite wastewater disposal or potable water systems during the duration of their stay. Provided the requirements of the Peoria City/County Health Department are met, the petitioners’ request to offer overnight accommodations at the subject parcel should have a minimal effect on the surrounding environment.

Transportation Impacts: The subject parcel has 75 feet of road frontage along N. Riverview Rd., a township collector road, and the parcel is accessed off N. Riverview Rd. No new access points are proposed at this time. The petitioners have stated that the 2-stall garage at the property is available for guest use. The 2017 IDOT Traffic Map shows a total of 250 vehicle trips for this part of N. Riverview Rd. The 8th Edition of the Trip Generation Report published by the Institute of Transportation Engineers cites an average rate of 9.44 vehicle trips on a weekday per single-family dwelling unit, and the rates observed in the study range from 4.81 trips to 19.39 trips. The Trip Generation Report also cites an average of 2.65 vehicle trips per resident on a weekday for the single-family detached housing land use. Should the maximum number of 7 guests stay at the property, the approximate trip generation would be 18.55 trips, if each guest arrived in their own vehicle. Residential care homes are a permitted use in the “R-2” District. For the Assisted Living Land Use, the land use most similar in character to the Residential Care Home definition of the UDO, the Trip Generation Report cites an average rate of 9.44 vehicle trips per a single-family dwelling unit. The 8th Edition of the Trip Generation Report published by the Institute of Transportation Engineers cites an average rate of 9.44 vehicle trips on a weekday per single-family detached housing land use. Should the maximum number of 7 guests stay at the property, the approximate trip generation would be 18.55 trips, if each guest arrived in their own vehicle. Residential care homes are a permitted use in the “R-2” District. For the Assisted Living Land Use, the land use most similar in character to the Residential Care Home definition of the UDO, the Trip Generation Report cites an average rate of 9.44 vehicle trips on a weekday per occupied bed. Were an assisted living facility to support 7 residents, the weekday trip generation would be approximately 28.98 trips. Accordingly, the potential traffic generated by the proposed use is consistent with the observed rates for a single-family dwelling unit and less than the projected traffic generation for a residential care home, one of the R-2 district’s permitted land uses. Given the existing traffic volume along this portion of N. Riverview Rd., the petitioners’ request should not have a negative impact on local traffic patterns. The County Highway Department will defer to the Medina Township Road Commissioner, as this section of Riverview Rd. is maintained by the road district. No comments have been received from the Medina Township Road Commissioner.

Land Use Form: The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Environmental Corridor and River Freight. The Environmental Corridor Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions, and the Land Use Plan also notes that these resources are a major contributor to the economy via eco-tourism and visitor attraction. The Illinois River lies directly south of the subject property, and the subject property has approximately 75 feet of frontage on the water. According to the subject property’s Airbnb listing, the dwelling includes an attached deck overlooking the river, and the property also includes private access to the shore for fishing and kayaking. Accordingly, the petitioners’ request to offer overnight accommodations at the subject property is consistent with the goals of the Land Use Plan, as the proximity to the Illinois River promotes visitor attraction through recreational and eco-tourism opportunities. The petitioners’ request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability, as the operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging.
Conclusions

**Consistency with Adopted County Plan.** The request is consistent with the Environmental Corridor Land Use designation of the Peoria County Future Land Use Form Map. The Environmental Corridor Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions, and the Land Use Plan also notes that these resources are a major contributor to the economy via eco-tourism and visitor attraction. The petitioners’ request to offer overnight accommodations at the subject property is consistent with these goals, as the proximity to the Illinois River promotes visitor attraction through recreational and eco-tourism opportunities. The petitioners’ request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability, as the operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging.

**Consistency with Community Character.** The subject parcel and all surrounding parcels are currently zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and detached garage. Single-family dwellings are the principal land use along N. Riverview Rd. and this part of the Illinois River. The entire single-family dwelling at the subject property will be rented rather than each room being rented individually, so the use of the property will be similar to that of a single-family dwelling. The petitioners’ request will be consistent with the surrounding area.

**Minimizing Adverse Effects.** The subject single-family dwelling includes 3 bedrooms that can accommodate 6 or 7 guests. Ring doorbells are installed at the side entrance and the kitchen entrance, and these doorbells video record the arrival of guests. The subject property’s Airbnb listing states that no parties or events are allowed, and check-in time is between 2 PM and 6 PM with check-out time at 10 AM. The petitioners state that the house is available to rent most weekend and weekdays varying on season, and, on average, the house is occupied 30-60% of available nights. The 2-stall garage at the property is available for guest use. The design of the petitioners’ proposal will minimize adverse effects on adjacent properties.

**Presence of Natural/Historical Resources.** The request does not impact known natural or historical resources.

**Compliance with Additional Standards.** A complaint was received by the Department of Planning and Zoning on September 16, 2021, stating that an Airbnb was being run from the property without a Special Use, and a verification inspection confirmed the operation of overnight accommodations. An evidentiary hearing has been scheduled for February 2, 2022, before the Peoria County Adjudication Officer. Should the special use be granted, the proposed use must comply with the requirements for Overnight Accommodations listed in Section 20-7.8 of the Unified Development Ordinance.
Staff Recommendation

Based on the above information, the Department recommends **approval with the following restrictions:**

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Kim Russell or David Russell.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than seven (7) overnight guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

Respectfully submitted,

Taylor Armbruster
Planner I

Andrew Braun
Assistant Director
A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, December 9, 2021. The meeting was called to order by Chairperson Linda O’Brien at 9:00 a.m.

PRESENT:  Linda O’Brien – Chairperson, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT:  John Harms, Justin Brown

STAFF:  Kathi Urban – Director
        Taylor Armbruster – Planner I
        Jack Weindel – Planner I
        Jennie Cordis Boswell – Civil Assistant State’s Attorney
        Sarah Cox – ZBA Administrative Assistant

Case No. ZBA-2021-000039 at 12:30 p.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of KIM AND DAVID RUSSELL, acting on their own behalf, a SPECIAL USE request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short term rental basis in the “R-2” Medium Density Residential Zoning District.

FINDINGS OF FACT FOR SPECIAL USES
Section 20-3.5.4

When considering an application for a special use permit, the decision-making body shall consider the extent to which:

1. That the special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
   • The petitioner's request to offer overnight accommodations at the subject property is consistent with the Environmental Corridor Land Use designation of the Peoria County Land Use Form Map. The close proximity of the Illinois River promotes visitor attraction/recreational opportunities, and in turn provides income for local businesses. Granting of the Special Use would allow visitors to the area an additional option for lodging.

2. That the special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency:
The subject parcel and all surrounding parcels are zoned "R-2" Medium Density Residential. The subject parcel consists of a single-family dwelling and detached garage. Single-family dwellings are the principal land use along N. Riverview Road and this stretch of the Illinois River. The entire single-family dwelling at the subject property will be rented rather than each room individually, so the use of the property will be similar to that of other single-family dwellings in the area. The Special Use request is consistent with the community character of the area.

3. That the design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
   - The petitioners have stated that the 3-bedroom single family dwelling can accommodate six to seven guests, and that Ring Doorbells have been installed at the side and kitchen entrances. These doorbells video record the arrival and departure of guests. The subject property's Airbnb listing states that no parties or events are allowed, and that check-in time is between 2:00 p.m. and 6:00 p.m., with check-out time at 10:00 a.m. The two-stall garage on the property is available for guest use. These factors minimize adverse effects on adjacent properties.

4. That the development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable:
   - This request does not impact known natural or historical resources and is not applicable.

5. That the proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County; and
   - An evidentiary hearing before the Peoria County Adjudication Officer regarding this case will be held February 2, 2022. Granting of this Special Use will require the petitioner's compliance with the requirements for Overnight Accommodations listed, in Section 20-7.8 of the Unified Development Ordinance, and restrictions set forth by the Peoria County Department of Planning and Zoning.

A motion to approve the Findings of Fact was made by Mr. Fletcher and seconded by Mr. Asbell. Six affirmative votes; (6-0) (Mr. Unes was absent for vote). A motion to approve the Special Use with Restriction was made by Mr. Happ and seconded by Mr. Fletcher. A vote was taken, and the motion was approved; (6-0) (Mr. Unes was absent for vote)

Meeting adjourned at 1:45 p.m

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Kim and David Russell.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance requires a Special Use for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented, and rooms are not rented for a period of more than 14 days, in the R-2 Medium Density Residential District; and

WHEREAS, a hearing on said Special Use was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000039; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Special Use with restrictions; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Special Use with restrictions.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Special Use in Case No. ZBA-2021-000039 is hereby approved with the following restrictions:

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Kim Russell or David Russell.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than seven (7) overnight guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

NOTICE: Approval of this Special Use does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
Lot Twelve (12) in HAMMER’S SUBDIVISION, being a Subdivision of part of the South Half of Section 23, Township 10 North, Range 8 East of the Fourth Principal Meridian; situated in Peoria County, Illinois.

Permanent Index Number(s): 09-23-327-002

Property Address: 11846 N. Riverview Rd., Chillicothe, IL 61523
AGENDA BRIEFING

COMMITTEE: Land Use
MEETING DATE: January 3, 2022
LINE ITEM: N/A
AMOUNT: N/A

ISSUE: ZBA Case #ZBA-2021-000040. A Special Use request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short-term rental basis.

BACKGROUND/DISCUSSION: This case is in District #13, which is County Board member Jim Fennell’s district. The petitioner, Briscoe Financial, LLC, requests a Special Use from Section 20-5.5.2.2.c of the Unified Development Ordinance, which allows for a Special Use for Overnight Accommodations. The petitioner requests to offer an entire single-family dwelling for rent on a short-term basis through the websites Airbnb and VRBO. The subject parcel is located at 15414 N. River Beach Dr. in the Southwest Quarter of Section 5 in Chillicothe Township. There are 2 consents and 1 objection on file. The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and an attached garage. To the north, west, and southwest of the subject parcel are single-family dwellings, and to the east is the Illinois River. The entire property will be rented as a single-family dwelling, most often to one family at a time. The petitioner’s request is consistent with the surrounding area, as single-family dwellings are the principal land use along N. River Beach Dr. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO. Section 20-7.8.1 states that the section applies to all overnight accommodations in the County for any type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The Department recommends that the property owner leave information regarding their onsite wastewater disposal or potable water system(s) for guests so that their systems are properly cared for and maintained. The Department also recommends that the property owner have guests notify them immediately of any problems with the onsite wastewater disposal or potable water systems during their stay. The subject parcel has 110.5 feet of road frontage along N. River Beach Dr., a township collector road. The Trip Generation Report shows a range of 4.81 to 19.39 trips on a weekday per single-family dwelling unit. The Report also cites an average of 2.65 trips per resident on a weekday, while the assisted living land use, similar to a residential care home, a permitted use in the R-2 District, shows an average of 4.14 trips on a weekday per occupied bed. The maximum number of 8 property guests would generate about 21.2 trips. An assisted living facility is zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and an attached garage. To the north, west, and southwest of the subject parcel are single-family dwellings, and to the east is the Illinois River. The entire property will be rented as a single-family dwelling, most often to one family at a time. The petitioner’s request is consistent with the surrounding area, as single-family dwellings are the principal land use along N. River Beach Dr. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO. Section 20-7.8.1 states that the section applies to all overnight accommodations in the County for any type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The Department recommends that the property owner leave information regarding their onsite wastewater disposal or potable water system(s) for guests so that their systems are properly cared for and maintained. The Department also recommends that the property owner have guests notify them immediately of any problems with the onsite wastewater disposal or potable water systems during their stay. The subject parcel has 110.5 feet of road frontage along N. River Beach Dr., a township collector road. The Trip Generation Report shows a range of 4.81 to 19.39 trips on a weekday per single-family dwelling unit. The Report also cites an average of 2.65 trips per resident on a weekday, while the assisted living land use, similar to a residential care home, a permitted use in the R-2 District, shows an average of 4.14 trips on a weekday per occupied bed. The maximum number of 8 property guests would generate about 21.2 trips. An assisted living facility for rent on a short-term basis. The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and an attached garage. To the north, west, and southwest of the subject parcel are single-family dwellings, and to the east is the Illinois River. The entire property will be rented as a single-family dwelling, most often to one family at a time. The petitioner’s request is consistent with the surrounding area, as single-family dwellings are the principal land use along N. River Beach Dr. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO. Section 20-7.8.1 states that the section applies to all overnight accommodations in the County for any type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The Department recommends that the property owner leave information regarding their onsite wastewater disposal or potable water system(s) for guests so that their systems are properly cared for and maintained. The Department also recommends that the property owner have guests notify them immediately of any problems with the onsite wastewater disposal or potable water systems during their stay. The subject parcel has 110.5 feet of road frontage along N. River Beach Dr., a township collector road. The Trip Generation Report shows a range of 4.81 to 19.39 trips on a weekday per single-family dwelling unit. The Report also cites an average of 2.65 trips per resident on a weekday, while the assisted living land use, similar to a residential care home, a permitted use in the R-2 District, shows an average of 4.14 trips on a weekday per occupied bed. The maximum number of 8 property guests would generate about 21.2 trips. An assisted living facility for rent on a short-term basis.

COUNTY BOARD GOALS:

STAFF RECOMMENDATION: Approval with the following restrictions:

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Briscoe Financial, LLC.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than eight (8) guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

ZBA RECOMMENDATION: Approval with restrictions (6-0)

COMMITTEE ACTION:

PREPARED BY: Taylor Armbruster, Planner I
DEPARTMENT: Planning & Zoning
DATE: December 17, 2021
Date: November 30, 2021

Case/Petitioner: ZBA-2021-000040 Briscoe Financial, LLC (Jason Briscoe, Manager) / 8747 E. Hansel Rd., Channahon, IL 60410

Request: A Special Use request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short-term rental basis.

Location: SW 1/4 Section 5, Chillicothe Township / 15414 N. River Beach Dr., Chillicothe, IL 61523 / Parcel ID 10-05-302-027

Land Use Form: Environmental Corridor and Unincorporated Center

Current Zoning: “R-2” Medium Density Residential

Present Use: Residential

Size of Site: 0.74 acres

Surrounding Zoning: North: “R-2” Medium Density Residential
South: “R-2” Medium Density Residential
East: Illinois River
West: “R-2” Medium Density Residential

Surrounding Land Uses: North: Residential
South: Residential
East: Illinois River
West: Residential

Public Services: Fire: Chillicothe Community FPD   Water: Private well
Schools: Chillicothe IVC District #321   Sewer: Private septic

Transportation: N River Beach Dr., township collector road

Pertinent Zoning Cases On Site: Code Case #VIOL-2021-000319
Pertinent Zoning Cases In Surrounding Area: Zoning Case #ZBA-2021-000033

Department of Planning and Zoning Recommendation: APPROVAL WITH RESTRICTIONS
Case Analysis

Request and Location: The petitioner, Briscoe Financial, LLC, requests a Special Use to provide Overnight Accommodations in the “R-2” Medium Density Residential Zoning District. Overnight accommodations may be established as a special use in the R-2 District provided that they meet the requirements set forth in Section 7.8 (“Overnight Accommodations”) and provided that no more than five rooms or suites are rented and that rooms are not rented for a period of more than fourteen days. The petitioner proposes to offer an entire single-family dwelling for rent on a short-term basis through the short-term rental websites Airbnb and VRBO. The subject parcel consists of a single-family dwelling and an attached garage. The subject parcel is located at 15414 N. River Beach Dr. in the Southwest Quarter of Section 5 in Chillicothe Township.

Pertinent Zoning Cases on Site: Code case #VIOL-2021-000319 was opened with the Department of Planning and Zoning on September 16, 2021. The original complaint stated that an Airbnb was being run from the property without a Special Use, and a verification inspection confirmed the operation of overnight accommodations. An evidentiary hearing has been scheduled for February 2, 2022, before the Peoria County Adjudication Officer.

Pertinent Zoning Cases in Surrounding Area: Zoning case #ZBA-2021-000033 was a request for a Special Use to provide Overnight Accommodations in the “R-2” Medium Density Residential District. The petitioner in case #ZBA-2021-000033 proposed to offer an entire single-family dwelling for rent on a short-term basis through the short-term rental website Airbnb. Case #ZBA-2021-000033 was located at 13933 N. River Beach Dr., approximately 1.66 miles southwest of the subject property. On November 11, 2021, the County Board approved the request for a Special Use with restrictions.

Surrounding Zoning and Land Use: The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and an attached garage. This single-family dwelling consists of 2,076 square feet of living space and contains 3 bedrooms. To the north, west, and southwest of the subject property are single-family dwellings. The Illinois River lies to the east, and the subject parcel has approximately 113 feet of frontage on the water. Single-family dwellings are the principal land use along N. River Beach Dr. and this part of the Illinois River. The petitioner requests to offer the single-family dwelling at the subject property as an overnight accommodation on a short-term basis. The petitioner notes that on average, the house is available for rent most weekends and weekdays varying on season, and the house is occupied approximately 30-60% of available nights. The entire house will be rented rather than each room being rented individually, so the use of the property will be similar to that of a single-family dwelling. The subject property’s Airbnb listing also states that no parties or events are allowed, and guests are limited to the number stated at the time of booking. The petitioner’s request is consistent with the single-family residential character of the surrounding area.

Technical Adequacy: The subject parcel is currently zoned “R-2” Medium Density Residential. Permitted uses in the “R-2” Medium Density Residential District include single-family detached and two-family dwellings, childcare homes, and small or medium residential care homes. A residential care home is defined as a dwelling in which staff persons provide care, education, and participation in community activities for a group of unrelated individuals who have long-term disabilities or handicaps with the primary goal of developing or exercising basic skills for daily living. Medium residential care homes may support up to eight (8) residents. Section 20-5.5.2.2.c of the Unified Development Ordinance (UDO) allows for a special use for overnight accommodations in the R-2 district, provided that: 1. no more than five (5) rooms or suites are rented and 2. rooms are not rented for a period of more than fourteen (14) days. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO, and Section 20-7.8.1 states that the section applies to all overnight accommodations in the County, regardless of whether they are considered a “bed and breakfast establishment,” “hotel,” “motel,” “boarding house,” “rooming house,” or any other type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. The petitioner requests to offer overnight accommodations on a short-term basis through Airbnb and VRBO. According to the subject property’s Airbnb listing, the petitioner offers the entire house for rent, which includes 3 bedrooms that can accommodate 8 guests. The Airbnb listing also states that no parties or events are allowed, and guests are limited to the number stated at the time of booking. The listing also states that outdoor cameras are located by all exit doors and by a thermostat in the garage, but no recording or surveillance takes place while guests are at the property. The petitioner’s proposal is consistent with the UDO’s overnight accommodation requirements.
**Environmental Impacts:** The subject parcel is located in an AE flood hazard area, which has a 1% chance of flooding each year. Building permit #56954 was issued by the Department of Planning and Zoning on June 5, 2014, to elevate the single-family dwelling at the subject property and repair the deck. The project received a Certificate of Occupancy from the Department of Planning and Zoning on August 31, 2017. An elevation certificate submitted with permit #56954 demonstrated that all mechanical equipment was properly elevated above the base flood elevation, and the structure met or exceeded flood opening requirements. At the time of the Peoria City/County Health Department’s review, no conditions were found that would cause the Department to recommend denial of the request. It is a recommendation of the Department for the property owner to leave information in regards to their onsite wastewater disposal or potable water system(s) for their guests so that their systems are properly cared for and maintained. It is also recommended that the property owner have their guests notify them immediately of any problems with either their onsite wastewater disposal or potable water systems during the duration of their stay. Provided the requirements of the Peoria City/County Health Department are met, the petitioners’ request to offer overnight accommodations at the subject parcel should have a minimal effect on the surrounding environment.

**Transportation Impacts:** The subject parcel has 110.5 feet of road frontage along N. River Beach Dr., a township collector road, and the subject property is accessed by a gravel driveway off N. River Beach Dr. No new access points are proposed at this time. The 2017 IDOT Traffic Map shows a total of 575 vehicle trips for this part of N. River Beach Dr. The 8th Edition of the Trip Generation Report published by the Institute of Transportation Engineers cites an average rate of 9.44 vehicle trips on a weekday per single-family dwelling unit, and the rates observed in the study range from 4.81 trips to 19.39 trips. The Trip Generation Report also cites an average of 2.65 vehicle trips per resident on a weekday for the single-family detached housing land use. Were the maximum number of 8 guests to stay at the property, the approximate trip generation would be 21.2 trips, if each guest arrived in their own vehicle. Residential care homes are a permitted use in the “R-2” District. For the Assisted Living Land Use, the land use most similar in character to the Residential Care Home definition of the UDO, the Trip Generation Report cites an average rate of 3.14 vehicle trips on a weekday per occupied bed. Were an assisted living facility to support 8 residents, the weekday trip generation would be approximately 33.12 trips. Accordingly, the potential traffic generated by the proposed use is consistent with the observed rates for a single-family dwelling unit and less than the projected traffic generation for a residential care home, one of the R-2 district’s permitted land uses. Given the existing traffic volume along this portion of N. Riverview Rd., the petitioners’ request should not have a negative impact on local traffic patterns. The County Highway Department will defer to the Chillicothe Township Road Commissioner, as this section of N. River Beach Dr. is maintained by the road district. No comments have been received from the Chillicothe Township Road Commissioner.

**Land Use Form:** The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Unincorporated Center and Environmental Corridor. Unincorporated Centers have an almost entirely residential character, though small neighborhood commercial uses are occasionally present. The petitioner’s request is consistent with the Unincorporated Center Land Use Form, as the proposed accommodations will be similar in use to a single-family dwelling while also providing small-scale commercial lodging for visitors to the area. The Environmental Corridor Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions, and the Land Use Plan also notes that these resources are a major contributor to the economy via eco-tourism and visitor attraction. The Illinois River lies directly east of the subject property, and the subject property has approximately 113 feet of frontage on the water. This proximity to the Illinois River provides recreational and eco-tourism opportunities, making the petitioner’s request consistent with the goals of the Land Use Plan. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability, as the operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging.
Conclusions

**Consistency with Adopted County Plan.** The request is consistent with the Unincorporated Center and Environmental Corridor Land Use designations of the Peoria County Future Land Use Form Map. Unincorporated Centers have an almost entirely residential character, though small neighborhood commercial uses are occasionally present. The petitioner’s request is consistent with the Unincorporated Center Land Use Form, as the proposed accommodations will be similar to a single-family dwelling while also providing small-scale commercial lodging. The Environmental Corridor Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions, and the Land Use Plan also notes that these resources are a major contributor to the economy via eco-tourism and visitor attraction. The petitioner’s request to offer overnight accommodations at the subject property is consistent with these goals, as the proximity to the Illinois River promotes visitor attraction through recreational and eco-tourism opportunities. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability, as the operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging.

**Consistency with Community Character.** The subject parcel and all surrounding parcels are currently zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and an attached garage. Single-family dwellings are the principal land use along N. River Beach Dr. and this part of the Illinois River. The petitioner requests to offer the single-family dwelling at the subject property as a short-term rental for overnight accommodations. The entire house will be rented on a short-term basis rather than renting each room individually, so the use of the property will be similar to that of a single-family dwelling. The petitioner’s request will be consistent with the surrounding area.

**Minimizing Adverse Effects.** The subject single-family dwelling includes 3 bedrooms that can accommodate 8 guests. Outdoor cameras are located by all exit doors and by a thermostat in the garage, but no recording or surveillance takes place while guests are at the property. The subject property’s Airbnb listing states that no parties or events are allowed, and guests are limited to the number stated at the time of booking. The petitioner states that the house is available for rent most weekend and weekdays varying on season, and, on average, the house is occupied 30-60% of available nights. The design of the petitioner’s proposal will minimize adverse effects on adjacent properties.

**Presence of Natural/Historical Resources.** The request does not impact known natural or historical resources.

**Compliance with Additional Standards.** A complaint was received by the Department of Planning and Zoning on September 16, 2021, stating that an Airbnb was being run from the property without a Special Use, and a verification inspection confirmed the operation of overnight accommodations. An evidentiary hearing has been scheduled for February 2, 2022, before the Peoria County Adjudication Officer. Should the special use be granted, the proposed use must comply with the requirements for Overnight Accommodations listed in Section 20-7.8 of the Unified Development Ordinance.
Staff Recommendation

Based on the above information, the Department recommends approval with the following restrictions:

1. The Special Use is null and void in the event that the subject parcel is no longer owned by Briscoe Financial, LLC.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than 8 overnight guests may be present at the subject parcel at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

Respectfully submitted,

Taylor Armbruster
Planner I

Kathi Urban
Director
A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, December 9, 2021. The meeting was called to order by Chairperson Linda O’Brien at 9:00 a.m.

PRESENT: Linda O’Brien – Chairperson, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: John Harms, Justin Brown

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner I
Jack Weindel – Planner I
Jennie Cordis Boswell – Civil Assistant State’s Attorney
Sarah Cox – ZBA Administrative Assistant

Case No. ZBA-2021-000040 at 12:30 p.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of BRISCOE FINANCIAL, LLC (A limited liability company, Jason Briscoe – authorized agent, of 8747 E. Hansel Rd., Channahon, IL 60410, acting on its own behalf, a SPECIAL USE request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short term rental basis in the “R-2” Medium Density Residential Zoning District.

FINDINGS OF FACT FOR SPECIAL USES
Section 20-3.5.4
When considering an application for a special use permit, the decision-making body shall consider the extent to which:

1. That the special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
   • The petitioner's request to offer overnight accommodations at the subject property is consistent with the Unincorporated Center and Environmental Corridor Land Use designations of the Peoria County Land Use Form Map. The proposed accommodations are in close proximity to the Illinois River and offer recreational, residential and economic attractions, and in turn are a major contributor to the economy. Granting of the Special Use would allow visitors to the area an additional option for lodging.
2. That the special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency:
   - The subject parcel and all surrounding parcels are zoned "R-2" Medium Density Residential. The subject parcel consists of a single-family dwelling and detached garage. Single-family dwellings are the principal land use along N. River Beach Dr. and this stretch of the Illinois River. The entire single-family dwelling at the subject property will be rented rather than each room individually, so the use of the property will be similar to that of other single-family dwellings in the area. The Special Use request is consistent with the community character of the area.

3. That the design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
   - The petitioners have stated that the three bedroom single family dwelling can accommodate eight guests. The subject property's Airbnb listing states that no parties or events are allowed, and guests are limited to the number stated at the time of booking. Outdoor cameras are located at all exit doors and in the garage, however there is no recording or surveillance of guests while on the property. The two-stall garage on the property is available, and encouraged, for guest use. These factors combined minimize adverse effects on adjacent properties.

4. That the development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable:
   - This request does not impact known natural or historical resources and is not applicable.

5. That the proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County; and
   - An evidentiary hearing before the Peoria County Adjudication Officer regarding this case will be held February 2, 2022. Granting of this Special Use will require the petitioner's compliance with the requirements for Overnight Accommodations listed, in Section 20-7.8 of the Unified Development Ordinance, and restrictions set forth by the Peoria County Department of Planning and Zoning.

A motion to approve the Findings of Fact was made by Mr. Happ and seconded by Mr. Keyt. Six affirmative votes; (6-0) (Mr. Unes was absent for vote). A motion to approve the Special Use with Restriction was made by Mr. Asbell and seconded by Mr. Happ. A vote was taken, and the motion was approved; (6-0) (Mr. Unes was absent for vote)

Meeting adjourned at 1:45 p.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant
TO THE HONORABLE COUNTY BOARD

COUNTY OF PEORIA, ILLINOIS

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Briscoe Financial, LLC.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance requires a Special Use for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented, and rooms are not rented for a period of more than 14 days, in the R-2 Medium Density Residential District; and

WHEREAS, a hearing on said Special Use was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000040; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Special Use with restrictions; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Special Use with restrictions.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Special Use in Case No. ZBA-2021-000040 is hereby approved with the following restrictions:

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Briscoe Financial, LLC.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than eight (8) overnight guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

NOTICE: Approval of this Special Use does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
Parcel 1:

Part of Lot 3 in UNDERHILL'S SUBDIVISION of Fractional Township 10 North, Range 9 East of the Fourth Principal Meridian, more particularly described as commencing at the Southwesterly corner of Block 1 of Underhill's Addition to the Original Town of Rome running thereto Southwesterly along the Southeasterly right of way line of the public road known as Second Avenue (formerly State Highway Route No. 29), a distance of 1252.3 feet to an iron pipe, the place of beginning of the property to be conveyed hereby, (as shown on survey made by the Horton Engineering Company on November 19, 1931 and recorded December 9, 1931 in Plat Book "O", Page 46); thence continuing along said Southeasterly right of way line of Second Street, a distance of 110.5 feet to an iron pipe; thence to the left with an angle to the left of 89 degrees 48 minutes, a distance of 137 feet to an iron pipe; thence to the left with an angle to the left of 86 degrees 19 minutes, a distance of 110.85 feet to an iron pipe; thence to the left with an angle to the left of 93 degrees 41 minutes, a distance of 144.44 feet to the plat of beginning, in Peoria County, Illinois.

Parcel 2:

A part of Lot 3 in UNDERHILL'S SUBDIVISION of Fractional Township 10 North, Range 9 East of the Fourth Principal Meridian, more particularly bounded and described as follows to-wit: Commencing at the Southwest corner of a tract of land conveyed by David Gerstner, et al, to Mary Droll by Warranty Deed filed for record on the 15th day of April 1920 at 2:55 o'clock P.M. and recorded in Book 333 of deeds on Page 120 in the Office of the Recorder of Deeds of the County of Peoria, and State of Illinois; thence running in a Southeasterly direction along the Southerly line of said tract to the Southerly line of said Mary Droll tract which pipe is shown upon a survey of a part of said Lot 3, surveyed by the Horton Engineering Company on November 19, 1931 as the same appears on Page 46 of Plat Book "O" in said Recorder's Office; thence running in a Northeasterly direction, 110.85 feet to a pipe shown upon said survey; thence running in a Southeasterly direction 74.9 feet to a pipe on the top of the Bank of the Illinois River as shown on said survey; thence continuing in the same Southeasterly direction to the Illinois River; thence in a Southwesterly direction, along said Illinois River, to the South line of said tract of land conveyed to Mary Droll; thence in a Northwesterly direction, along the Southerly line of said tract of land conveyed to Mary Droll, to the place of beginning; situate, lying and being in the County of Peoria, and State of Illinois.

Permanent Index No.: 10-05-302-027

Commonly known as:15414 N. River Beach Drive, Chillicothe, IL 61523
AGENDA BRIEFING

COMMITTEE: Land Use  LINE ITEM: N/A
MEETING DATE: January 3, 2022  AMOUNT: N/A

ISSUE: ZBA Case #ZBA-2021-000041. A Special Use request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short-term rental basis.

BACKGROUND/DISCUSSION: This is in District #13, which is County Board member Jim Fennell’s district. The petitioner, Holloway Holdings, LLC, requests a Special Use from Section 20-5.5.2.2.c of the Unified Development Ordinance, which allows for a Special Use for Overnight Accommodations. The petitioner requests to offer an entire single-family dwelling for rent on a short-term basis through the websites Airbnb and VRBO. The subject parcel is located at 16212 N. Portage St. in the Northwest Quarter of Section 5 in Chillicothe Township. There are 0 comments and 0 objections on file. The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling and an attached garage. Single-family dwellings are located to the north, south, west and east of the subject property. The Illinois River is located approximately 155 feet to the east of the subject parcel. The entire property will be rented as a single-family dwelling, most often to one family at a time. The petitioner’s request is consistent with the surrounding area, as single-family dwellings are the principal land use along this part of the Illinois River. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO. Section 20-7.8.1 states that the section applies to all overnight accommodations in the County for any type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The Department recommends that the property owner leave information regarding their onsite wastewater disposal or potable water system(s) for guests so that their systems are properly cared for and maintained. The Department also recommends that the property owner have guests notify them immediately of any problems with the onsite wastewater disposal or potable water systems during their stay. The subject parcel has 99.97 feet of road frontage along N. Portage St., a township collector road. The Trip Generation Report shows a range of 4.81 to 19.39 trips on a weekday per single-family dwelling unit. The Report also cites an average of 2.65 trips per resident on a weekday, while the assisted living land use, similar to a residential care home, a permitted use in the R-2 District, shows an average of 4.14 trips on a weekday per occupied bed. The maximum number of 6 property guests would generate about 15.9 trips. An assisted living facility with 6 residents would generate about 24.84 trips. The potential traffic generated by the proposed use is consistent with the observed rates for a single-family dwelling unit and less than the projected traffic generation for a residential care home. The County Highway Department will defer to the Chillicothe Township Road Commissioner, as this section of Portage St. is maintained by the road district. No comments were received from the Chillicothe Township Road Commissioner. The petitioners’ request is consistent with the Environmental Corridor Land Use designation, as this Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions. The subject property’s proximity to the Illinois River promotes visitor attraction through recreational and eco-tourism opportunities. The petitioner’s request is also consistent with the Unincorporated Center Land Use Form, as the proposed accommodations will provide small-scale commercial lodging for visitors to the area. The petitioners’ request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability.

COUNTY BOARD GOALS:

STAFF RECOMMENDATION: Approval with following restrictions:

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Holloway Holdings, LLC.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than six (6) guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

ZBA RECOMMENDATION: Approval with restrictions (6-0)

COMMITTEE ACTION:

PREPARED BY: Taylor Armbruster, Planner I
DEPARTMENT: Planning & Zoning
DATE: December 17, 2021
Report to the Zoning Board of Appeals for the December 9, 2021 Public Hearing

Date: November 30, 2021

Case/Petitioner: ZBA-2021-000041 Holloway Holdings, LLC / 1311 N. Wood Rd., Peoria, IL 61604

Request: A Special Use request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short-term rental basis.

Location: NW 1/4 Section 5, Chillicothe Township / 16212 N. Portage St., Chillicothe, IL 61523 / Parcel ID 10-05-128-005

Land Use Form: Environmental Corridor and Unincorporated Center

Current Zoning: “R-2” Medium Density Residential

Present Use: Residential

Size of Site: 0.24 acres

Surrounding Zoning: North: “R-2” Medium Density Residential
South: “R-2” Medium Density Residential
East: “R-2” Medium Density Residential
West: “R-2” Medium Density Residential

Surrounding Land Uses: North: Residential
South: Residential
East: Residential
West: Vacant, Timber, and Residential

Public Services: Fire: Chillicothe Community FPD
Water: Private well
Schools: Chillicothe IVC District #321
Sewer: Private septic

Transportation: N Portage St., township collector road

Pertinent Zoning Cases On Site: Code Case #VIOL-2021-000320

Pertinent Zoning Cases In Surrounding Area: Zoning Case #ZBA-2021-000033

Department of Planning and Zoning Recommendation: APPROVAL WITH RESTRICTIONS
Case Analysis

**Request and Location:** The petitioner, Holloway Holdings, LLC, requests a Special Use to provide Overnight Accommodations in the “R-2” Medium Density Residential Zoning District. Overnight accommodations may be established as a special use in the R-2 District provided that they meet the requirements set forth in Section 7.8 (“Overnight Accommodations”) and provided that no more than five rooms or suites are rented and that rooms are not rented for a period of more than fourteen days. The petitioner proposes to offer an entire single-family dwelling for rent on a short-term basis through the short-term rental websites Airbnb and VRBO. The subject parcel consists of a single-family dwelling, an attached garage, an attached deck, and a gazebo. The subject parcel is located at 16212 N. Portage St. in the Northwest Quarter of Section 5 in Chillicothe Township.

**Pertinent Zoning Cases on Site:** Code case #VIOL-2021-000320 was opened with the Department of Planning and Zoning on September 16, 2021. The original complaint stated that an Airbnb was being run from the property without a Special Use, and a verification inspection confirmed the operation of overnight accommodations. An evidentiary hearing has been scheduled for February 2, 2022, before the Peoria County Adjudication Officer.

**Pertinent Zoning Cases in Surrounding Area:** Zoning case #ZBA-2021-000033 is a request for a Special Use to provide Overnight Accommodations in the “R-2” Medium Density Residential District. The petitioner in case #ZBA-2021-000033 proposes to offer an entire single-family dwelling for rent on a short-term basis through the short-term rental website Airbnb. Case #ZBA-2021-000033 is located at 13933 N. River Beach Dr., approximately 2.39 miles southwest of the subject property. On November 11, 2021, the County Board approved the request for a Special Use with restrictions.

**Surrounding Zoning and Land Use:** The subject parcel and all surrounding parcels are zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling, an attached garage, an attached deck, and a gazebo. This single-family dwelling consists of 816 square feet of living space and contains 2 bedrooms. Single-family dwellings are located to the north, south, west, and east of the subject property. A vacant lot and timber are also located to the west of the subject property. The Illinois River is located approximately 155 feet to the east of the subject parcel. Single-family dwellings are the principal land use along this part of the Illinois River. The petitioner requests to offer the single-family dwelling at the subject property as an overnight accommodation on a short-term basis. The petitioner notes that on average, the house is available for rent most weekends and weekdays varying on season, and the house is occupied approximately 30-60% of available nights. The entire house will be rented rather than each room being rented individually, so the use of the property will be similar to that of a single-family dwelling. The petitioner's request is consistent with the surrounding area.

**Technical Adequacy:** The subject parcel is currently zoned “R-2” Medium Density Residential. Permitted uses in the “R-2” Medium Density Residential District include single-family detached and two-family dwellings, childcare homes, and small or medium residential care homes. A residential care home is defined as a dwelling in which staff persons provide care, education, and participation in community activities for a group of unrelated individuals who have long-term disabilities or handicaps with the primary goal of developing or exercising basic skills for daily living. Medium residential care homes may support up to eight (8) residents. Section 20-5.5.2.2.c of the Unified Development Ordinance (UDO) allows for a special use for overnight accommodations in the R-2 district, provided that: 1. no more than five (5) rooms or suites are rented and 2. rooms are not rented for a period of more than fourteen (14) days. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO, and Section 20-7.8.1 states that the section applies to all overnight accommodations in the County, regardless of whether they are considered a “bed and breakfast establishment,” “hotel,” “motel,” “boarding house,” “rooming house,” or any other type of commercial establishment where rooms are rented at a daily rate to the general public. Section 20-7.8.5 also requires that the operator keep a log identifying the name, address, and phone number of all guests, and Section 20-7.8.6 requires that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. The petitioner requests to offer overnight accommodations on a short-term basis through Airbnb and VRBO. According to the subject property’s Airbnb listing, the petitioner offers the entire house for rent, which includes 2 bedrooms that can accommodate 6 guests. The petitioner’s proposal is consistent with the UDO’s overnight accommodation requirements.

**Environmental Impacts:** The subject parcel is located in an AE flood hazard area, which has a 1% chance of flooding each year. Assessments records show that the single-family dwelling at the subject property was built in 1946, so building permit records detailing the dwelling’s construction were not available. Building permit #39131 was issued in 1993 for the 2-stall garage at the subject property, and the permit comments state that the garage must use flood resistant materials to 8
feet of grade and all electrical wiring must be 8 feet from the floor. Any new construction or alterations at the subject property must also meet floodplain development standards in accordance with Section 20-7.14 (“Floodplain Regulations”). At the time of the Peoria City/County Health Department’s review, no conditions were found that would cause the Department to recommend denial of the request. It is a recommendation of the Department for the property owner to leave information in regards to their onsite wastewater disposal or potable water system(s) for their guests so that their systems are properly cared for and maintained. It is also recommended that the property owner have their guests notify them immediately of any problems with either their onsite wastewater disposal or potable water systems during the duration of their stay. Provided the requirements of the Peoria City/County Health Department are met, the petitioners’ request to offer overnight accommodations at the subject parcel should have a minimal effect on the surrounding environment.

**Transportation Impacts:** The subject parcel has 99.97 feet of road frontage along N. Portage St., a township collector road, and the parcel is accessed off N. Portage St. No new access points are proposed at this time. According to the subject property’s Airbnb listing, the 2-car garage at the property is available for indoor parking. The 2017 IDOT Traffic Map does not show a vehicle trip count for this part of N. Portage St. The 8th Edition of the Trip Generation Report published by the Institute of Transportation Engineers cites an average rate of 9.44 vehicle trips on a weekday per single-family dwelling unit, and the rates observed in the study range from 4.81 trips to 19.39 trips. The Trip Generation Report also cites an average of 2.65 vehicle trips per resident on a weekday for the single-family detached housing land use. Were the maximum number of 6 guests to stay at the property, the approximate trip generation would be 15.9 trips, if each guest arrived in their own vehicle. Residential care homes are a permitted use in the “R-2” District. For the Assisted Living Land Use, the land use most similar in character to the Residential Care Home definition of the UDO, the Trip Generation Report cites an average of 4.14 vehicle trips on a weekday per occupied bed. Were an assisted living facility to support 6 residents, the weekday trip generation would be approximately 24.84 trips. Accordingly, the potential traffic generated by the proposed use is consistent with the observed rates for a single-family dwelling unit and less than the projected traffic generation for a residential care home, one of the R-2 district’s permitted land uses. The potential traffic generated by the proposed use is consistent with the observed rates for a single-family dwelling unit. The petitioner’s request should not have a negative impact on local traffic patterns. The County Highway Department will defer to the Chillicothe Township Road Commissioner, as this section of Portage St. is maintained by the road district. No comments have been received from the Chillicothe Township Road Commissioner.

**Land Use Form:** The Future Land Use Map in the Peoria County Comprehensive Land Use Plan designates this area as Unincorporated Center and Environmental Corridor. Unincorporated Centers are almost entirely residential, but small neighborhood commercial uses are occasionally present. The proposed accommodations will be similar in use to a single-family dwelling while also providing small-scale commercial lodging for visitors to the area. The petitioner’s request is consistent with the Unincorporated Center Land Use Form. Additionally, the Environmental Corridor Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions. The Land Use Plan also notes that these resources are a major contributor to the economy via eco-tourism and visitor attraction. The Illinois River is located approximately 155 feet to the east of the subject property, and the subject property’s Airbnb listing notes that the master bedroom overlooks the river. The subject property’s Airbnb listing also notes that the single-family dwelling at the subject property is one of the few remaining LeTorneau houses, which are all-steel houses built in the Peoria area. The subject property’s proximity to the Illinois River and the single-family dwelling’s status as a visitor attraction create a destination for visitors to the area. The petitioner’s request is consistent with the recreational and eco-tourism goals of the Environmental Corridor Land Use Form. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability, as the operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging.
Conclusions

**Consistency with Adopted County Plan.** The request is consistent with the Unincorporated Center and Environmental Corridor Land Use designations of the Peoria County Future Land Use Form Map. Unincorporated Centers are almost entirely residential, but small neighborhood commercial uses are occasionally present. The proposed accommodations will be similar in use to a single-family dwelling while also providing small-scale commercial lodging for visitors to the area. The petitioner’s request is consistent with the Unincorporated Center Land Use Form. The Environmental Corridor Land Use Form recognizes the value of environmental corridors as recreational, residential, and economic attractions. The Land Use Plan also notes that these resources are a major contributor to the economy via eco-tourism and visitor attraction. The petitioner’s request to offer overnight accommodations at the subject property is consistent with these goals, as the proximity to the Illinois River and the single-family dwelling’s architecturally significant status promote visitor attraction through recreational and eco-tourism opportunities. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability, as the operation of overnight accommodations would provide income for a local business, and visitors to the area would have an additional option for lodging.

**Consistency with Community Character.** The subject parcel and all surrounding parcels are currently zoned “R-2” Medium Density Residential. The subject parcel consists of a single-family dwelling, an attached garage, an attached deck, and a gazebo. The Illinois River is located approximately 155 feet to the east of the subject parcel. Single-family dwellings are the principal land use along this part of the Illinois River. The petitioner requests to offer the single-family dwelling at the subject property as a short-term rental for overnight accommodations. The entire house will be rented on a short-term basis rather than renting each room individually, so the use of the property will be similar to that of a single-family dwelling. The petitioner’s request will be consistent with the surrounding area.

**Minimizing Adverse Effects.** The subject single-family dwelling includes 2 bedrooms that can accommodate 6 guests. The petitioner states that the house is rented most weekends and weekdays varying on season, and, on average, the house is occupied 30-60% of available nights. The 2-car garage at the property is available for indoor parking. The design of the petitioner’s proposal will minimize adverse effects on adjacent properties.

**Presence of Natural/Historical Resources.** The request does not impact known natural or historical resources.

**Compliance with Additional Standards.** A complaint was received by the Department of Planning and Zoning on September 16, 2021, stating that an Airbnb was being run from the property without a Special Use, and a verification inspection confirmed the operation of overnight accommodations. An evidentiary hearing has been scheduled for February 2, 2022, before the Peoria County Adjudication Officer. Should the special use be granted, the proposed use must comply with the requirements for Overnight Accommodations listed in Section 20-7.8 of the Unified Development Ordinance.
Staff Recommendation

Based on the above information, the Department recommends approval with the following restrictions:

1. The Special Use is null and void in the event that the subject parcel is no longer owned by Holloway Holdings, LLC.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than 6 overnight guests may be present at the subject parcel at any one time.
4. The single-family dwelling at the subject property may not be rented for a period of more than fourteen (14) days, per Section 20-5.5.2.2.c.2 of the Unified Development Ordinance.
5. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
6. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

Respectfully submitted,

Taylor Armbruster
Planner I

Kathi Urban
Director
A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, December 9, 2021. The meeting was called to order by Chairperson Linda O’Brien at 9:00 a.m.

PRESENT: Linda O’Brien – Chairperson, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: John Harms, Justin Brown

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner I
Jack Weindel – Planner I
Jennie Cordis Boswell – Civil Assistant State’s Attorney
Sarah Cox – ZBA Administrative Assistant

Case No. ZBA-2021-000041 at 12:30 p.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of HOLLOWAY HOLDINGS, LLC (A limited liability company, Levi Holloway – authorized agent, of 23228 N. Hardscrabble Rd., Sparland, IL 61565, Kyle Holloway – authorized agent, of 1311 N. Wood Rd., Peoria, IL 61604, Dwight Holloway – authorized agent, of 17611 Oak Lawn, Chillicothe, IL, and Brant Holloway – authorized agent, of 3122 W. Lincoln, Peoria, IL 61604), acting on its own behalf, a SPECIAL USE request from Section 20-5.5.2.2.C which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short term rental basis in the “R-2” Medium Density Residential Zoning District.

FINDINGS OF FACT FOR SPECIAL USES

Section 20-3.5.4

When considering an application for a special use permit, the decision-making body shall consider the extent to which:

1. That the special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
   - The petitioner's request to offer overnight accommodations at the subject property is consistent with the Unincorporated Center and Environmental Corridor Land Use designations of the Peoria County Land Use Form Map. The proposed accommodations are in close proximity to the Illinois River and offer recreational, residential, and economic attractions, and in turn are a major contributor to the economy. Granting of the Special Use would allow visitors to the area an additional option for lodging.
2. That the special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency:
   - The subject parcel, and all surrounding parcels, are zoned "R-2" Medium Density Residential. The subject parcel consists of a single-family dwelling, an attached garage, an attached deck and a gazebo. Single-family dwellings are the principal land use along this stretch of the Illinois River. The entire house at the subject property will be rented, rather than each room individually, so the use of the property will be similar to that of other single-family dwellings in the area. The Special Use request is consistent with the community character of the area.

3. That the design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
   - The petitioners have stated that the three bedroom, single family dwelling, can accommodate six guests. The two-stall garage on the property is available, and encouraged, for guest use. The design of the petitioner’s proposal will minimize adverse effects on adjacent properties.

4. That the development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable:
   - This request does not impact known natural or historical resources and is not applicable.

5. That the proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County; and
   - An evidentiary hearing before the Peoria County Adjudication Officer regarding this case will be held February 2, 2022. Granting of this Special Use will require the petitioner's compliance with the requirements for Overnight Accommodations listed in Section 20-7.8 of the Unified Development Ordinance, and the restrictions set forth by the Peoria County Department of Planning and Zoning.

A motion to approve the Findings of Fact was made by Mr. Bateman and seconded by Mr. Fletcher. Six affirmative votes; (6-0) (Mr. Unes was absent for vote). A motion to approve the Special Use with Restriction was made by Mr. Fletcher and seconded by Mr. Keyt. A vote was taken, and the motion was approved; (6-0) (Mr. Unes was absent for vote)

Meeting adjourned at 1:45 p.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Holloway Holdings, LLC.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance requires a Special Use for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented, and rooms are not rented for a period of more than 14 days, in the R-2 Medium Density Residential District; and

WHEREAS, a hearing on said Special Use was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000041; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Special Use with restrictions; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Special Use with restrictions.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Special Use in Case No. ZBA-2021-000041 is hereby approved with the following restrictions:

1. The Special Use is null and void in the event that the subject parcels are no longer owned by Holloway Holdings, LLC.
2. No more than four (4) automobiles in total which are parked accessory to the single-family dwelling at the subject property may be parked outside at the subject property, or on an adjacent property under the same ownership, for a period of more than seventy-two (72) continuous hours, pursuant to Section 20-7.7.7.5 of the Unified Development Ordinance.
3. No more than six (6) overnight guests may be present at the subject parcels at any one time.
4. Overnight accommodations may not be offered at the subject property until a Certificate of Occupancy has been issued by the Department of Planning and Zoning, per Section 20-7.8, “Overnight Accommodations,” of the Peoria County Unified Development Ordinance.
5. The Special Use Permit may be terminated by the Zoning Administrator upon violation of the above restrictions, per Section 20-3.5.9 of the Peoria County Unified Development Ordinance.

NOTICE: Approval of this Special Use does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
A part of Lots 5, 6 and 7 in Block F in COTTAGE BEACH, a Subdivision of part of Fractional Northwest Quarter of Section 5, Township 10 North, Range 9 East of the Fourth Principal Meridian, according to the plat thereof recorded July 9, 1912 in Plat Book "L", Page 11; situate, lying and being in the County of Peoria and State of Illinois, more particularly bounded and described as follows:
Commencing at the Northwesterly corner of said Lot 7, running thence Southeasterly along the Northerly line of said Lot 7, 150 feet to a point; thence Southwesterly parallel with the Westerly line of said Lots 5 and 6, 53 feet to a point; thence Northwesterly along a line parallel to the Northerly lines of Lots 6 and 7, a distance of 100 feet to a point; thence Southwesterly parallel with the Westerly line of said Lots 5 and 6, a distance of 46.97 feet to a point; thence Northwesterly along a line parallel to the Northerly line of said Lots 5, 6 and 7, 50 feet to a point on the Westerly line of said Lot 5 thence Northeasterly 99.97 feet along the Westerly line of lots 5, 6 and 7 to the point of beginning; situated in Peoria County, Illinois.
AGENDA BRIEFING

**ISSUE:** ZBA Case #ZBA-2021-000042. A Rezoning request from "C-1" Neighborhood Commercial to “R-2” Medium Density Residential. The petitioner proposes to rezone parcels of 0.70 acres and 0.50 acres in order to create a buildable home site and bring an existing residential use into conformance.

**BACKGROUND/DISCUSSION:** This case is in District #13, which is County Board member Jim Fennell’s district. The petitioner, Randy F. Koors, requests a rezoning from “C-1” Neighborhood Commercial to “R-2” Medium Density Residential to allow for two commercially zoned parcels to be used residentially. The subject parcels are located at 13027 N. Route 29 and N. Route 29 in the Southwest Quarter of Section 13 in Medina Township. There are 0 consents and 0 objections on file. Both subject parcels are zoned “C-1” Neighborhood Commercial. All surrounding parcels are zoned “R-2” Medium Density Residential. To the north, west, and south of the subject parcels are single-family dwellings, and the Illinois River is located to the south and east. The northern 0.70-acre parcel includes ground-mounted residential solar panels and a single-family dwelling used for personal storage. The petitioner proposes to rezone this parcel to bring the existing residential uses into compliance with the UDO. The southern 0.50-acre parcel is currently vacant. The Club 29 tavern was in operation at this parcel until the petitioner demolished the building in 2007. The petitioner proposes to rezone this parcel in order to sell the property as a buildable home site. The petitioner’s request would make the subject parcels consistent with surrounding residential zoning and land uses and allow for further residential development. The only residential uses permitted as of right in the “C-1” District are non-impact home occupations and multifamily or townhouse dwellings, provided that no dwelling units are located on the street level. Commercial uses permitted as of right in the “C-1” District include clinics, commercial retail establishments, financial institutions, restaurants, gas station convenience stores, and automobile sales. Were the subject parcels to maintain their current “C-1” zoning, any of these uses could operate from the subject parcels without prior zoning approval. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. However, during the review, it was determined that if any plumbing is installed on the property, a private onsite wastewater permit will be required. In addition, if any existing septic tanks, cisterns, or wells that are on the property still exist, it will be required by the Health Department for proper abandonment to take place. The northern subject parcel has 170 feet of road frontage along N. Route 29, a state highway. The dwelling at the property is accessed by a gravel driveway. The southern subject parcel has 100 feet of road frontage along N. Route 29, and the half-circle gravel driveway serving the former tavern at the property is still in existence. No new access points are proposed at this time. The 2017 IDOT Traffic Map shows an average count of 15,200 vehicle trips in a 24-hour period for this part of N. Route 29. The Trip Generation Report cites an average rate of 9.44 vehicle trips on a weekday per single-family dwelling unit. Were a new single-family dwelling constructed, the traffic generated by the dwelling would only constitute approximately 0.06% of the total vehicle trips in a 24-hour period for this part of N. Route 29. The petitioner’s request should have minimal impact on local traffic patterns. The County Highway Department will defer to the Illinois Department of Transportation, as N. Route 29 is maintained by the State. No comments have been received from IDOT. The Future Land Use Form Map designates this area as Rural. The Rural Land Use Form allows for more intensive residential development and encourages public water, sewer, or other municipal-type services when available. The subject parcels are currently zoned “C-1” Neighborhood Commercial. Commercial uses are not listed as compatible with the Rural Land Use Form. The petitioner’s request would make the subject parcels consistent with the Rural Land Use Form designation of the Land Use Plan. The petitioner’s request is also consistent with the Peoria County Growth Strategy of providing a variety of choices in housing types to meet the needs of all segments of the population in Peoria County. The petitioner’s request will bring an existing residential use into conformance and allow for further residential development.

**COUNTY BOARD GOALS:**

**STAFF RECOMMENDATION:** Approval

**ZBA RECOMMENDATION:** Approval (6-0)

**COMMITTEE ACTION:**

**PREPARED BY:** Taylor Armbruster, Planner I

**DEPARTMENT:** Planning & Zoning

**DATE:** December 17, 2021

**LINE ITEM:** N/A

**AMOUNT:** N/A

**MEETING DATE:** January 3, 2022

**DATE:** 53
Report to the Zoning Board of Appeals for the December 9, 2021 Public Hearing

Date: November 30, 2021
Case/Petitioner: ZBA-2021-000042 Randy F. Koors / 13030 N. Cavalier St., Chillicothe, IL 61523 (owners, Randolph F. Koors & Kathleen M. Koors, 13030 N. Cavalier St., Chillicothe, IL 61523)
Request: A Rezoning request from "C-1" Neighborhood Commercial to “R-2” Medium Density Residential. The petitioner proposes to rezone parcels of 0.70 acres and 0.50 acres in order to create a buildable home site and bring an existing residential use into conformance.
Location: SW 1/4 Section 13, Medina Township / 13027 N. Route 29 (Northern) & N. Route 29 (Southern), Chillicothe, IL 61523 / Parcel IDs 09-13-303-062 (Northern) & 09-13-303-063 (Southern)
Land Use Form: Rural
Current Zoning: “C-1” Neighborhood Commercial
Present Use: Northern parcel: Residential storage and residential solar panels; Southern parcel: Vacant
Size of Site: Northern parcel: 0.70 acres; Southern parcel: 0.50 acres
Surrounding Zoning: North: “R-2” Medium Density Residential  
South: “R-2” Medium Density Residential  
East: “R-2” Medium Density Residential  
West: “R-2” Medium Density Residential
Surrounding Land Uses: North: Residential  
South: Illinois River  
East: Illinois River  
West: Residential
Public Services: Fire: Chillicothe Community FPD  
Water: Public water  
Schools: Chillicothe IVC District #321  
Sewer: Private septic
Transportation: N. Route 29, state highway
Pertinent Zoning Cases On Site: Zoning Case #012-59-Z
Pertinent Zoning Cases In Surrounding Area: None.
Department of Planning and Zoning Recommendation: APPROVAL
Case Analysis

Request and Location: The petitioner, Randy F. Koors, requests a rezoning from “C-1” Neighborhood Commercial to “R-2” Medium Density Residential to allow for two commercially zoned parcels to be used residentially. The northern subject parcel is owned by the petitioner and consists of a ground-mounted residential solar system and a single-family dwelling used for personal storage. The petitioner proposes to rezone this parcel in order to bring the existing residential uses into conformance. The southern subject parcel is also owned by the petitioner and is currently vacant. The petitioner proposes to rezone this parcel in order to sell the property as a buildable home site. The subject properties are located at 13027 N. Route 29 and N. Route 29, respectively, in the Southwest Quarter of Section 13 in Medina Township.

Pertinent Zoning Cases on Site: Zoning case #012-59-Z was approved in April of 1959. The petitioners requested to rezone lots 19, 20, and 21 in Sturm’s Subdivision from Class “C” Residential to Class “D” Commercial. The petitioners had operated a neighborhood restaurant serving liquor since 1953. Previous owners had also operated a restaurant serving liquor. Under the current Unified Development Ordinance, the subject parcels, lots 18, 19, 20, and 21 in Sturm’s Subdivision, are zoned “C-1” Neighborhood Commercial. Lot 18 of Sturm’s Subdivision includes the existing single-family dwelling at the northern subject parcel. Lots 19, 20, and 21 include the southern half of the northern subject parcel and the entirety of the southern subject parcel. Building permit records show that the former Club 29 tavern was demolished by the current property owners in 2007.

Pertinent Zoning Cases in Surrounding Area: None.

Surrounding Zoning and Land Use: Both subject parcels are zoned “C-1” Neighborhood Commercial. All surrounding parcels are zoned “R-2” Medium Density Residential. Five single-family dwellings are located to the north, west, and south of the subject parcels, including the petitioner’s current residence, which is located to the north. To the south and east of the subject parcels is the Illinois River. The northern 0.70-acre parcel, consisting of lots 18 and 19 in Sturm’s Subdivision, includes a 748-square-foot single-family dwelling constructed in 1945. The petitioner states that this dwelling is no longer connected to water, gas, or electricity and is currently used for personal storage. The petitioner also installed ground-mounted residential solar panels at the property, and these panels were approved through building permit #60020. The petitioner proposes to rezone this parcel to “R-2” Medium Density Residential in order to bring the existing residential uses into compliance with the Unified Development Ordinance. The southern 0.50-acre parcel, consisting of lots 20 and 21 in Sturm’s Subdivision, is currently vacant. According to building permit #52582, Club 29, a tavern, was in operation at the property until the petitioner demolished the building in 2007. The petitioner has stated that a prospective buyer would like to build a single-family dwelling at the property. Single-family dwellings are not allowed as a permitted use or special use in the “C-1” Neighborhood Commercial District. The petitioner proposes to rezone this parcel in order to sell the property as a buildable home site. The petitioner’s request to rezone both subject parcels from “C-1” Neighborhood Commercial to “R-2” Medium Density Residential would bring the subject parcels into conformance with surrounding residential zoning and land uses and allow for further residential development.

Technical Adequacy: The subject parcels are currently zoned “C-1” Neighborhood Commercial. The standards for the “C-1” Neighborhood Commercial District are discussed in Section 5.7 of the Unified Development Ordinance. The only residential uses permitted as of right in the “C-1” District are non-impact home occupations and multifamily or townhouse dwellings, provided that no dwelling units are located on the street level. Commercial uses permitted as of right in the “C-1” District include clinics, commercial retail establishments, financial institutions, restaurants, gas station convenience stores, and automobile sales. Were the subject parcels to maintain their current “C-1” zoning, any of these uses could operate from the subject parcels without prior zoning approval. The petitioner requests to rezone the subject parcels to “R-2” Medium Density Residential. The standards for the “R-2” Medium Density Residential District are discussed in Section 5.5 of the Unified Development Ordinance. Single-family detached and two-family dwellings are permitted as of right in the “R-2” District. The petitioner states that he intends to sell the southern subject parcel as a buildable home site and maintain ownership of the northern subject parcel for personal storage and residential solar. The petitioner’s request would bring an existing residential use into conformance and allow for the construction of a single-family dwelling. The petitioner’s request is consistent with the standards of the “R-2” Medium Density Residential District.

Environmental Impacts: The petitioner states that the subject parcels are served by public water and private septic. The petitioner also states that the single-family dwelling at the northern subject property is currently used for personal storage and is not connected to water, electricity, or gas. At the time of the Peoria City/County Health Department’s review, no conditions were found that would cause the Department to recommend denial of the request. However, during the review,
it was determined that if any plumbing is installed on the property, a private onsite wastewater permit will be required. In addition, if any existing septic tanks, cisterns, or wells that are on the property still exist, it will be required by the Health Department for proper abandonment to take place. Provided the requirements of the Peoria City/County Health Department are met, the petitioner’s request to rezone the subject parcels for residential use should have a minimal effect on the surrounding environment.

**Transportation Impacts:** The northern subject parcel has 170 feet of road frontage along N. Route 29, a state highway, and the building at the property is accessed by a gravel driveway. The southern subject parcel has 100 feet of road frontage along N. Route 29, and the half-circle gravel driveway serving the former tavern at the property is still in existence. No new access points are proposed at this time. The 2017 IDOT Traffic Map shows an average count of 15,200 vehicle trips in a 24-hour period for this part of N. Route 29. The 8th Edition of the Trip Generation Report published by the Institute of Transportation Engineers cites an average rate of 9.44 vehicle trips on a weekday per single-family dwelling unit. The petitioner has stated that a prospective buyer wishes to build a single-family dwelling at the southern subject parcel. Were a new single-family dwelling constructed, the traffic generated by the dwelling would only constitute approximately 0.06% of the total vehicle trips in a 24-hour period for this part of N. Route 29. Accordingly, the petitioner’s request should have minimal impact on local traffic patterns. The County Highway Department will defer to the Illinois Department of Transportation, as N. Route 29 is maintained by the State. No comments have been received from IDOT.

**Land Use Form:** The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Rural. The Rural Land Use Form allows for more intensive residential development than the Agriculture Preservation or Agriculture forms and encourages public water, sewer, or other municipal-type services when available. Land Uses allowable in the Rural Land Use Form include Agriculture, Open Space, Rural Residential, and Conservation Design Residential. The subject parcels are currently zoned “C-1” Neighborhood Commercial, and commercial uses are not listed as compatible with the Rural Land Use Form. The petitioner requests to rezone the two subject parcels in order to create a buildable home site and bring an existing residential use into conformance with the Unified Development Ordinance. The petitioner also states that public water is available at the subject parcels. The petitioner’s request would make the subject parcels consistent with the Rural Land Use Form designation of the Land Use Plan. The petitioner’s request is also consistent with the Peoria County Growth Strategy of providing a variety of choices in housing types to meet the needs of all segments of the population in Peoria County. The petitioner’s request will bring an existing residential use into conformance and allow for further residential development. The petitioner’s request is consistent with the Peoria County Comprehensive Land Use Plan and the Growth Strategies of the Peoria County Board.
Conclusions

**Consistency with the General Area (Existing Uses, Zoning, and Need).** The subject parcels are currently zoned “C-1” Neighborhood Commercial. The northern subject parcel consists of a ground-mounted residential solar system and a single-family dwelling used for personal storage. The southern subject parcel has been vacant since 2007 when the former Club 29 tavern at the property was demolished. All surrounding parcels are zoned “R-2” Medium Density Residential. Single-family dwellings are the predominant land use in the surrounding area, and five single-family dwellings lie adjacent to the subject parcels. The petitioner requests to rezone the two subject parcels from “C-1” Neighborhood Commercial to “R-2” Medium Density Residential. The petitioner’s request would bring the existing residential use at the northern subject parcel into conformance. The request would also allow for the construction of a new single-family dwelling at the southern subject parcel. The petitioner’s request is consistent with the existing residential uses and zoning of the surrounding area, and the request would allow for further residential development in the community.

**Conformance of the Subject Property (Property Value, Suitability, Vacancy).** The only residential uses permitted as of right in the “C-1” Neighborhood Commercial District are non-impact home occupations and multifamily or townhouse dwellings, provided that no dwelling units are located on the street level. With the subject parcels’ current “C-1” zoning, any prospective buyer of the southern subject parcel would not be allowed to construct a single-family dwelling at the property, even though single-family dwellings are the predominant surrounding land use. The northern subject parcel is currently being used residentially, as the petitioner has constructed a residential solar system at the property and uses the existing dwelling for storage. The southern subject parcel is currently vacant and could support a new single-family dwelling. The southern subject parcel has been vacant since 2007, when the current property owners demolished the former Club 29 tavern at the property.

**Impact on the Public (Welfare and Relative Gain).** The subject parcels are currently zoned “C-1” Neighborhood Commercial. Commercial uses permitted as of right in the “C-1” District include clinics, commercial retail establishments, financial institutions, restaurants, gas station convenience stores, and automobile sales. Were the subject parcels to maintain their current “C-1” zoning, any of these uses could operate from the subject parcels without prior zoning approval, which would allow for a number of commercial scenarios in a residential neighborhood. The petitioner’s request to rezone the subject parcels to “R-2” Medium Density Residential would bring an existing residential use into conformance and allow for further residential development in the area.

**Consistency with Adopted County Plan.** The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Rural. The Rural Land Use Form allows for more intensive residential development, and allowable Land Uses include Agriculture, Open Space, Rural Residential, and Conservation Design Residential. Commercial Land Uses are not compatible with the Rural Land Use Form. The petitioner requests to rezone the subject parcels from “C-1” Neighborhood Commercial to “R-2” Medium Density Residential. The petitioner wishes to bring an existing residential use into conformance and sell the southern subject parcel as a buildable home site. The petitioner’s request would bring the subject parcels into conformance with the Rural Land Use Form designation of the Land Use Plan. The petitioner’s request is also consistent with the Peoria County Growth Strategy of providing a variety of choices in housing types to meet the needs of all segments of the population in Peoria County. The petitioner’s request would bring an existing residential use into conformance and allow for further residential development. The petitioner’s request is consistent with the Peoria County Comprehensive Land Use Plan and the Growth Strategies of the Peoria County Board.
Staff Recommendation

Based on the above information, the Department recommends **approval**.

Respectfully submitted,

Taylor Armbruster
Planner I

Kathi Urban
Director
TO THE HONORABLE COUNTY BOARD

COUNTY OF PEORIA, ILLINOIS

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Rezoning, Petition of Randy F. Koors.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance zones the subject property as “C-1” Neighborhood Commercial; and

WHEREAS, the petitioner has requested this property be zoned “R-2” Medium Density Residential in order to create a buildable home site and bring an existing residential use into conformance; and

WHEREAS, a hearing on said Rezoning was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000042; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Rezoning; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Rezoning.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Rezoning in Case No. ZBA-2021-000042 is hereby approved.

NOTICE: Approval of this Rezoning does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
Parcel No. 09-13-303-062

Lots 18 and 19 in Sturm’s Subdivision as laid out on the part of the Southwest Quarter of Section 13, Township 10 North, Range 8 East of the Fourth Principal Meridian; and all vac Hazel St. lying SW & adj thereto; also pt vac Caroline St lying SE & adj thereto; situated, lying and being in the City of Chillicothe, County of Peoria and State of Illinois.

Commonly known as: 13027 N. Route 29, Chillicothe, IL 61523

 Parcel No. 09-13-303-063

Lots 20 and 21 in Sturm’s Subdivision as laid out on part of the Southwest Quarter of Section 13, Township 10 North, Range 8 East of the Fourth Principal Meridian, & pt vac Caroline St lying SE and adj thereto; situated, lying and being in the City of Chillicothe, County of Peoria and State of Illinois.

Commonly known as 13015 N. Route 29, Chillicothe, IL 61523
ISSUE: ZBA Case ZBA-2021-000043 is a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

BACKGROUND/DISCUSSION: This case is in District #14, which is County Board member Brian Elsasser’s district. The petitioner, Four Creeks LLC, requests a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District. The petitioner requests to install a temporary meteorological tower to record and measure wind data for up to three years. The temporary meteorological tower will be a way to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The data will be transmitted by a cellular link requiring no onsite personnel. The subject parcel does not have an address assigned. The subject parcel is located in NW ¼ of Section 34 in the Millbrook Township. There are 0 consent and 0 objections on file. The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. The subject parcel consists of row crop agriculture production. To the north and west of the subject parcel at the corner of N. Route 150 and W. Scotland Prairie Rd., there is a parcel that contains one residence and two detached accessory structures. All surrounding land uses are used for agricultural purposes. Section 20-5.1.3.3.d of the Unified Development Ordinance (UDO) allows for a special use for meteorological towers in the “A-1” Agricultural Preservation provided that the conditions in Section 20-5.14.3-3 are met. In the Section 20-5.14.3-3 of the UDO the conditions are as follows; a) A temporary use permit shall be issued for a period of not more than three (3) years and shall not be extended without a variance. b) Meteorological towers are permitted, with a special use permit, in the "A-1" Agricultural Preservation, "A-2" Agricultural, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts. c) Meteorological tower height must comply with all FAA regulations. d) Setbacks from public roads and property lines shall be established in the underlying zoning district. e) For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires. According to the petition, the towers are expected to stay in place for up to 3 years, the siting of the meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. The overall LESA score was 207.2 out of 300, which is a medium rating for agricultural protection. Only 2.5 acres will be taken out of production. According to the petitioner, the 2.5 acres that will be taken out of production can be used for other crops that do not require machinery for harvesting such as pumpkins. After three years allowable by the UDO the meteorological towers will be removed, and the cropland will be returned to production. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The subject parcel has road frontage along Route 78, a state route, and along W. Scotland Prairie Rd., a township road. According to 2017 IDOT Traffic Map there is a total of 3,750 vehicle trips per day along Route 78 and only 50 vehicle trips per day on W. Scotland Prairie Rd. According to the petitioner, installation will only take one day and is completed with a pick-up truck and trailer. The County Highway Department will defer to the Millbrook Township Road Commissioner as Scotland Prairie Road is maintained by the road district. The Millbrook Township Road Commissioner’s Consulting Engineer testified at the ZBA hearing that a right of way permit will be required for the construction of the towers. For access along Illinois State Route 78, the County Highway Department will defer to the Illinois Department of Transportation. The Comprehensive Land Use Plan designates this area as Agriculture Preservation. While the Agricultural Preservation Land Use Form does not contain specific language to a meteorological tower, Theme #2 – Environmental Stewardship of the Peoria County Comprehensive Land Use Plan does support establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is a method to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The request is consistent with the Peoria County Comprehensive Land Use Plan.

COUNTY BOARD GOALS:

HEALTHY VIBRANT COMMUNITIES

STAFF RECOMMENDATION: Approval

ZBA RECOMMENDATION: Approval (7-0)

COMMITTEE ACTION:

PREPARED BY: Jack Weindel, Planner I

DEPARTMENT: Planning & Zoning

DATE: December 10, 2021
Report to the Zoning Board of Appeals for the December 9th, 2021 Public Hearing

Date: November 29th, 2021

Case/Petitioner: ZBA-2021-000043 Four Creeks LLC / 1001 McKinney St., Suite 700, Houston, TX 77002
(Sonia A. and Gale A. Stoller, owners, 802 E. Woertz Rd., Princeville, IL 61559)

Request: Case ZBA-2021-000043 A Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

Location: NW 1/4 Section 34, Millbrook Township / No address assigned, Lat/Long: 40.89774, -89.92558 / Parcel ID 01-34-100-004

Land Use Form: Agriculture Preservation

Current Zoning: “A-1” Agricultural Preservation

Present Use: Agricultural

Size of Site: 36.89 acres

South: “A-1” Agricultural Preservation
East: “A-1” Agricultural Preservation
West: “A-1” Agricultural Preservation

Surrounding Land Uses: North: Agriculture / Residence
South: Agriculture
East: Agriculture
West: Agriculture / Residence

Public Services: Fire: Brimfield FPD #084
School: Princeville CUSD #326
Water: None
Sewer: None

Transportation: Illinois State Route 78, State Route and W. Scotland Prairie Rd., Township Road

Pertinent Zoning Cases On Site: None.

Pertinent Zoning Cases In Surrounding Area: Zoning Case #ZBA-2021-000044 & ZBA-2021-000045

Department of Planning and Zoning Recommendation: APPROVAL
Case Analysis

Request and Location: The petitioner, Four Creeks LLC, requests a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District. The petitioner requests to install a temporary meteorological tower to record and measure wind data for up to three years. The temporary meteorological tower will be a way to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The data will be transmitted by a cellular link requiring no onsite personnel. The subject parcel does not have an address assigned. The subject parcel is located in NW ¼ of Section 34 in the Millbrook Township.

Pertinent Zoning Cases on Site: None.

Pertinent Zoning Cases in Surrounding Area: Zoning case #ZBA-2021-000044 is a Special Use request to install a temporary meteorological tower in the “A-1” Agricultural Preservation Zoning District filed by the same petitioner; this request is located approximately 3.5 miles to the northeast. Zoning case #ZBA-2021-000045 is also a Special Use request to install a temporary meteorological tower in the “A-1” Agricultural Preservation Zoning District filed by the same petitioner; this request is located approximately 2.5 miles to the southeast.

Surrounding Zoning and Land Use: The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. To the north and west of the subject parcel at the corner of N. Route 150 and W. Scotland Prairie Rd., there is a parcel that contains one residence and two detached accessory structures. All surrounding land uses are used for agricultural purposes. According to the petition, the design and placement of the tower was discussed with the landowner to ensure the location of the tower will have minimal visual impact on residences and minimal impacts on farming. According to the petitioner, the landowner of the subject parcel discussed the placement of the tower with the property owner to the northwest and agreed the placement of the tower would have minimal impact on their property.

Technical Adequacy: Section 20-5.1.3.3.d of the Unified Development Ordinance (UDO) allows for a special use for meteorological towers in the “A-1” Agricultural Preservation provided that the conditions in Section 20-5.14.3-3 are met. In the Section 20-5.14.3-3 of the UDO the conditions are as follows; a) A temporary use permit shall be issued for a period of not more than three (3) years and shall not be extended without a variance. b) Meteorological towers are permitted, with a special use permit, in the "A-1" Agricultural Preservation, "A-2" Agricultural, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts. c) Meteorological tower height must comply with all FAA regulations. d) Setbacks from public roads and property lines shall be established in the underlying zoning district. e) For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires. According to the petition, the towers are expected to stay in place for up to 3 years, the siting of the meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. A LESA was conducted on the subject parcel. The site scored 88.6 out of 100 for agland evaluation and 118.6 out of 200 for the site assessment component. The overall LESA score was 207.2 out of 300, which is a medium rating for agricultural protection. Only 2.5 acres will be taken out of production. According to the petitioner, the 2.5 acres that will be taken out of production can be used for other crops that do not require machinery for harvesting such as pumpkins. After three years allowable by the UDO the meteorological towers will be removed, and the cropland will be returned to production.

Environmental Impacts: According to the petition, the subject parcel has neither septic nor well. The subject parcel will also not require septic or well in the future for this proposed use. The Peoria City/County Health Department conducted a review of the proposal, and the Department states that no conditions were found that would cause the Department to recommend denial of the request.

Transportation Impacts: The subject parcel has road frontage along Route 78, a state route, and along W. Scotland Prairie Rd., a township road. According to 2017 IDOT Traffic Map there is a total of 3,750 vehicle trips per day along Route 78 and only 50 vehicle trips per day on W. Scotland Prairie Rd. According to the petitioner, installation will only take one day and is completed with a pick-up truck and trailer. The meteorological tower will be accessed 1-2 times per year by foot for regular maintenance and should not need to be lowered unless a problem would occur with the equipment. No new access points will be created on Route 78 or W Scotland Prairie Rd. With vehicles trips per day considered, this special use approval will have minimal effects on Route 78 or W. Scotland Prairie Rd. The County Highway Department will defer to
the Millbrook Township Road Commissioner as Scotland Prairie Road is maintained by the road district. For access along Illinois State Route 78, the County Highway Department will defer to the Illinois Department of Transportation.

**Land Use Form:** The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Agriculture Preservation. While the Agricultural Preservation Land Use Form does not contain specific language to a meteorological tower, Theme #2 – Environmental Stewardship of the Peoria County Comprehensive Land Use Plan does support establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is a method to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The request is consistent with the Peoria County Comprehensive Land Use Plan.
Conclusions

**Consistency with Adopted County Plan:** The request is consistent with the Peoria County Comprehensive Land Use Plan as stated in Theme #2 – Environmental Stewardship, establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is the first step to test the feasibility of wind power in this area of the county. The request is consistent with The Peoria County Comprehensive Land Use Plan.

**Consistency with Community Character:** The subject parcel and all surrounding parcels are currently zoned “A-1” Agricultural Preservation. The subject parcel is entirely used for agriculture. The subject parcel earned a LESA score of 207.2 out of 300, a medium rating for agricultural preservation. Only 2.5 acres of cropland will be taken out of production, but after the allowable three years, the meteorological towers will be removed, and the cropland can be returned to production.

**Minimizing Adverse Effects:** The installation of a temporary meteorological tower will have a minimal impact on the surrounding area. The installation of the tower will only take one day to complete and the only required equipment for installation is a pick-up truck and trailer. The meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. The proposed meteorological tower will not create any new access points and will have minimal impacts on the traffic system in the surrounding area.

**Presence of Natural/Historical Resources:** The request does not impact known natural or historical resources.

**Compliance with Additional Standards:** The proposed use will comply with additional standards for permitted temporary uses as specified in the Unified Development Ordinance. If this special use request is granted, the proposed use will be compliant with the use standards of the Unified Development Ordinance. The applicant will be responsible for obtaining all required permits from Peoria County Planning & Zoning Department.
Staff Recommendation

Based on the above information, the Department recommends approval:

Respectfully submitted,

Jack Weindel
Planner I

Kathi Urban
Director
A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, December 9, 2021. The meeting was called to order by Chairperson Linda O’Brien at 9:00 a.m.

PRESENT: Linda O’Brien – Chairperson, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: John Harms, Justin Brown

STAFF: Kathi Urban – Director
Jack Weindel – Planner I
Jennie Cordis Boswell – Civil Assistant State’s Attorney
Sarah Cox – ZBA Administrative Assistant

Case No. ZBA-2021-000043 at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of FOUR CREEKS, LLC (A limited liability company, Caton Fenz – authorized agent, of 1001 McKinney, Suite 700, Houston, TX 77002), acting on behalf of SONIA A. AND GALE A. STOLLER (owners), a SPECIAL USE as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

FINDINGS OF FACT FOR SPECIAL USES
Section 20-3.5.4

When considering an application for a special use permit, the decision-making body shall consider the extent to which:

1. That the special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
   • The request is consistent with the Peoria County Comprehensive Land Use Plan in supporting environmental stewardship, including incentives for establishing renewable energy sources. Installation of this temporary meteorological tower will record and measure wind data in this area of the County.

2. That the special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency:
   • The subject parcel and all surrounding parcels are zoned "A-1" Agricultural Preservation. According to the petition, placement of the tower will have minimal visual impact on surrounding residences, and in addition, only 2.5 acres of crop land
may be taken out of production. After the allowable 3 years, the meteorological tower will be removed, and the acreage will be returned to crops.

3. That the design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
   - The installation of a temporary meteorological tower will have minimal visual impact on adjacent properties. The tower will be installed in one to two days, and all that is needed for installation is a pickup truck and trailer, resulting in minimal-to-no impact on the traffic system in the surrounding area. The tower will meet the County’s road and property line requirements, and the supporting guy wires will be affixed with aviation orange marker balls to alert aircraft.

4. That the development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable:
   - The request does not impact known natural or historical resources.

5. That the proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County; and
   - If granted, this Special Use will be compliant with the use standards of the Unified Development Ordinance. The petitioner will be responsible for obtaining all required permits from the Peoria County Planning and Zoning Department.

A motion to approve the Findings of Fact was made by Mr. Asbell and seconded by Mr. Fletcher. Seven affirmative votes; (7-0). A motion to approve the Special Use was made by Mr. Happ and seconded by Mr. Keyt. A vote was taken, and the motion was approved; (7-0)

Meeting adjourned at 1:45 p.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant
TO THE HONORABLE COUNTY BOARD
COUNTY OF PEORIA, ILLINOIS

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Four Creeks LLC.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance requires a Special Use when a proposed meteorological tower is located in the A-1 Agricultural Preservation Zoning District; and

WHEREAS, a hearing on said Special Use was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000043; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Special Use; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Special Use.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Special Use in Case No. ZBA-2021-000043 is hereby approved.

NOTICE: Approval of this Special Use does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
Legal Description of the Property

Situate in the County of PEORIA, and State of Illinois, to-wit:

Parcel Number 01-34-300-004 (36.89)

The West Half of the West Half of Northwest Quarter of Section 34, Township 11 North, Range 5 East of the Fourth Principal Meridian, situate, lying and being in the County of Peoria and State of Illinois,

EXCEPTING THEREFROM: A tract of land located in a part of the Northwest 1/4 of Section 34, Township 11 North, Range 5 East of the 4th Principal Meridian, Peoria County, Illinois. More particularly bounded and described as follows and bearings are for the purpose of description only: Commencing at an iron rod at the Northeast corner of the Northwest 1/4 of said Section 34; Thence North 89 degrees 55 minutes 00 seconds West, along the North line of the Northwest 1/4 of said Section 34, a distance of 2308.23 feet to an iron rod. Said iron rod being the Place of Beginning for the tract to be described; Thence South 00 degrees 52 minutes 30 seconds East, 347.35 feet to an iron rod; Thence South 88 degrees 55 minutes 40 seconds West, 299.94 feet to an iron rod on the East right-of-way line of Illinois Route #78; Thence North 00 degrees 15 minutes 00 seconds West, 202.68 feet to an iron rod; Thence South 89 degrees 15 minutes 00 seconds West, 10.00 feet to an iron rod; Thence North 00 degrees 15 minutes 00 seconds West, 100.00 feet to a concrete right-of-way marker; Thence North 68 degrees 30 minutes 55 seconds East, 75.10 feet to an iron rod; Thence North 00 degrees 15 minutes 00 seconds West, 23.13 feet to the North line of the NW ¼ of said Section 34. The last five (5) named courses being along said East right-way line; Thence South 89 degrees 55 minutes 00 seconds East, along the North line of the Northwest 1/4 of said Section 34, a distance of 236.13 feet to the Place of Beginning and containing 2.37 acres, more or less; FURTHER EXCEPTING THEREFROM: a tract of land located in a Part of the North West Quarter of Section 34, Township 11 North, Range 5 East of the Fourth Principal Meridian conveyed to the State of Illinois by Deed dated June 21, 1928. A more detailed description is as follows: From a stone at the South West Corner of the North West Quarter of the North East Quarter of Section 33, Township and Range aforesaid running thence East 2645.0 feet; thence North 1 degree 2 minutes West 1314.0 feet; thence East 40.0 feet to the Point of Beginning. From the Point of Beginning running thence South 1 degree 2 minutes East 2650.0 feet; thence West 16.1 feet; thence North 1 degree 15 minutes East 222.0 feet; thence North 1 degree 22 minutes West 500.0 feet; thence North 1 degree 7.5 minutes West 500.0 feet; thence North 1 degree 38 minutes West 115.0 feet; thence North 1 degree 14 minutes West 385.0 feet; thence North 1 degree 8 minutes West 500.0 feet; thence North 1 degree 27 minutes West 428.0 feet; thence East 17.5 feet to the Point of Beginning containing 0.74 acres, more or less.

The above-described property being the same property described in that certain Quit-Claim Deed dated November 18, 2015, recorded at Instrument Number 2015025589 in the Office of the Records of Peoria County, Illinois on December 01, 2015.

Parcel Number(s): Parcel Number 01-34-300-004 (36.89)
BACKGROUND/DISCUSSION: This case is in District #14, which is County Board member Brian Elsasser’s district. The petitioner, Four Creeks LLC, requests a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District. The petitioner requests to install a temporary meteorological tower to record and measure wind data for up to three years. The temporary meteorological tower will be a way to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The data will be transmitted by a cellular link requiring no onsite personnel. The subject parcel on N. Maher Rd. does not have an address assigned. The subject parcel is located in NW ¼ of Section 30 in the Princeville Township. There are 0 consent and 3 objections on file. The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. The parcels to the north, east, and south are used for agricultural purposes. To the west of the subject parcel are two residences. Section 20-5.1.3.3.d of the Unified Development Ordinance (UDO) allows for a special use for meteorological towers in the “A-1” Agricultural Preservation provided that the conditions in Section 20-5.14.3-3 are met. In the Section 20-5.14.3-3 of the UDO the conditions are as follows; a) A temporary use permit shall be issued for a period of not more than three (3) years and shall not be extended without a variance. b) Meteorological towers are permitted, with a special use permit, in the "A-1" Agricultural Preservation, "A-2" Agricultural, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts. c) Meteorological tower height must comply with all FAA regulations. d) Setbacks from public roads and property lines shall be established in the underlying zoning district. e) For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires. According to the petition, the towers are expected to stay in place for up to 3 years, the siting of the meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. The overall LESA score was 222.0 out of 300, which is a medium rating for agricultural protection. Only 2.5 acres will be taken out of production. According to the petitioner, the 2.5 acres that will be taken out of production can be used for other crops that do not require machinery for harvesting such as pumpkins. After three years the meteorological towers will be removed, and the cropland may be returned to production. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The subject parcel has road frontage along N. Maher Rd., a township road. According to 2017 IDOT Traffic Map there is a total of 50 vehicle trips per day along N. Maher Rd. According to the petitioner, installation will only take one day and is completed with a pick-up truck and trailer. The County Highway Department will defer to the Millbrook Township Road Commissioner as this section of Maher Road is maintained by the road district. The Comprehensive Land Use Plan designates this area as Agriculture Preservation. While the Agricultural Preservation Land Use Form does not contain specific language to a meteorological tower, Theme #2 – Environmental Stewardship of the Peoria County Comprehensive Land Use Plan does support establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is a method to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The request is consistent with the Peoria County Comprehensive Land Use Plan.
Report to the Zoning Board of Appeals for the December 9th, 2021 Public Hearing

Date: November 29th, 2021

Case/Petitioner: ZBA-2021-000044 Four Creeks LLC / 1001 McKinney St., Suite 700, Houston, TX 77002 (Martin D. Carroll Trust, owners, 18025 W. Peoria-Galesburg Trail, Brimfield, IL 61617)

Request: Case ZBA-2021-000044 A Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District

Location: NW 1/4 Section 30, Princeville Township / No address assigned, Lat/Long: 40.91055, -89.86597 / Parcel ID 02-30-100-008

Land Use Form: Agriculture Preservation

Current Zoning: “A-1” Agricultural Preservation

Present Use: Agricultural

Size of Site: 69.28 acres


Surrounding Land Uses: North: Agriculture South: Agriculture East: Agriculture West: Agriculture / Residences

Public Services: Fire: Akron-Princeville FPD #070 Water: None School: Princeville CUSD #326 Sewer: None

Transportation: N. Maher Rd., Township Road

Pertinent Zoning Cases On Site: None.

Pertinent Zoning Cases In Surrounding Area: Zoning Cases ZBA-2021-000043 & ZBA-2021-000045

Department of Planning and Zoning Recommendation: APPROVAL
Case Analysis

Request and Location: The petitioner, Four Creeks LLC, requests a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District. The petitioner requests to install a temporary meteorological tower to record and measure wind data for up to three years. The temporary meteorological tower will be a way to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The data will be transmitted by a cellular link requiring no onsite personnel. The subject parcel does not have an address assigned. The subject parcel is located in NW ¼ of Section 30 in the Princeville Township.

Pertinent Zoning Cases on Site: None.

Pertinent Zoning Cases in Surrounding Area: Zoning case #ZBA-2021-000043 is a Special Use request to install a temporary meteorological tower in the “A-1” Agricultural Preservation Zoning District filed by the same petitioner; this request is located approximately 3.5 miles to the southwest. Zoning case #ZBA-2021-000045 is also a Special Use request to install a temporary meteorological tower in the “A-1” Agricultural Preservation Zoning District filed by the same petitioner; this request is located approximately 3 miles to the southwest.

Surrounding Zoning and Land Use: The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. The parcels to the north, east, and south are used for agricultural purposes. To the west of the subject parcel are two residences. According to the petition, the design and placement of the tower was discussed with the landowner to ensure the location of the tower will have minimal visual impact on residences and minimal impacts on farming.

Technical Adequacy: Section 20-5.1.3.3.d of the Unified Development Ordinance (UDO) allows for a special use for meteorological towers in the “A-1” Agricultural Preservation provided that the conditions in Section 20-5.14.3-3 are met. In the Section 20-5.14.3-3 of the UDO the conditions are as follows; a) A temporary use permit shall be issued for a period of not more than three (3) years and shall not be extended without a variance. b) Meteorological towers are permitted, with a special use permit, in the "A-1” Agricultural Preservation, "A-2” Agricultural, "I-1” Light Industrial, and "I-2” Heavy Industrial zoning districts. c) Meteorological tower height must comply with all FAA regulations. d) Setbacks from public roads and property lines shall be established in the underlying zoning district. e) For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires. According to the petition, the towers are expected to stay in place for up to 3 years, the siting of the meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. A LESA was conducted on the subject parcel. The site scored 97.1 out of 100 for agland evaluation and 124.9 out of 200 for the site assessment component. The overall LESA score was 222.0 out of 300, which is a medium rating for agricultural protection. Only 2.5 acres will be taken out of production. According to the petitioner, the 2.5 acres that will be taken out of production can be used for other crops that do not require machinery for harvesting such as pumpkins. After three years allowable by the UDO the meteorological towers will be removed, and the cropland will be returned to production.

Environmental Impacts: According to the petition, the subject parcel has neither septic nor well. The subject parcel will also not require septic or well in the future for this proposed use. The Peoria City/County Health Department conducted a review of the proposal, and the Department states that no conditions were found that would cause the Department to recommend denial of the request.

Transportation Impacts: The subject parcel has road frontage along N. Maher Rd., a township road. According to IDOT Traffic Map there is a total of 50 vehicle trips per day along N. Maher Rd. According to the petitioner, installation will only take one day and is completed with a pick-up truck and trailer. The meteorological tower will be accessed 1-2 times per year by foot for regular maintenance and should not need to be lowered unless a problem would occur with the equipment. No new access points will be created on N. Maher Rd. With vehicles trips per day considered, this special use approval will have minimal effects on N. Maher Rd. The County Highway Department will defer to the Millbrook Township Road Commissioner as this section of Maher Road is maintained by the road district.

Land Use Form: The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Agriculture Preservation. While the Agricultural Preservation Land Use Form does not contain specific language to a meteorological tower, Theme #2 – Environmental Stewardship of the Peoria County Comprehensive Land Use Plan does support establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this
The temporary meteorological tower is a method to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The request is consistent with the Peoria County Comprehensive Land Use Plan.
Conclusions

**Consistency with Adopted County Plan:** The request is consistent with the Peoria County Comprehensive Land Use Plan as stated in Theme #2 – Environmental Stewardship, establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is the first step to test the feasibility of wind power in this area of the county. The request is consistent with The Peoria County Comprehensive Land Use Plan.

**Consistency with Community Character:** The subject parcel and all surrounding parcels are currently zoned “A-1” Agricultural Preservation. The subject parcel is entirely used for agriculture. The subject parcel earned a LESA score of 222.0 out of 300, a medium rating for agricultural preservation. Only 2.5 acres of cropland will be taken out of production, but after the allowable three years, the meteorological towers will be removed, and the cropland can be returned to production.

**Minimizing Adverse Effects:** The installation of a temporary meteorological tower will have a minimal impact on the surrounding area. The installation of the tower will only take one day to complete and the only required equipment for installation is a pick-up truck and trailer. The meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. The proposed meteorological tower will not create any new access points and will have minimal impacts on the traffic system in the surrounding area.

**Presence of Natural/Historical Resources:** The request does not impact known natural or historical resources.

**Compliance with Additional Standards:** The proposed use will comply with additional standards for permitted temporary uses as specified in the Unified Development Ordinance. If this special use request is granted, the proposed use will be compliant with the use standards of the Unified Development Ordinance. The applicant will be responsible for obtaining all required permits from Peoria County Planning & Zoning Department.
Staff Recommendation

Based on the above information, the Department recommends approval:

Respectfully submitted,

Jack Weindel
Planner I

Kathi Urban
Director
MINUTES OF THE DELIBERATION OF THE
PEORIA COUNTY ZONING BOARD OF APPEALS

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, December 9, 2021. The meeting was called to order by Chairperson Linda O’Brien at 9:00 a.m.

PRESENT: Linda O’Brien – Chairperson, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: John Harms, Justin Brown

STAFF: Kathi Urban – Director
Jack Weindel – Planner I
Jennie Cordis Boswell – Civil Assistant State’s Attorney
Sarah Cox – ZBA Administrative Assistant

Case No. ZBA-2021-000044 at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of FOUR CREEKS, LLC (A limited liability company, Caton Fenz – authorized agent, of 1001 McKinney, Suite 700, Houston, TX 77002), acting on behalf of MARTIN D. CARROLL LIVING TRUST dated June 8, 1998 AND TERI L. CARROLL LIVING TRUST dated June 8, 1998 (owners), a SPECIAL USE as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

FINDINGS OF FACT FOR SPECIAL USES
Section 20-3.5.4

When considering an application for a special use permit, the decision-making body shall consider the extent to which:

1. That the special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
   - The request is consistent with the Peoria County Comprehensive Land Use Plan in supporting environmental stewardship, including incentives for establishing renewable energy sources. Installation of this temporary meteorological tower will record and measure wind data in this area of the County.

2. That the special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency;
   - The subject parcel and all surrounding parcels are zoned "A-1" Agricultural Preservation. According to the petition, placement of the tower will have minimal
visual impact on surrounding residences, and in addition, only 2.5 acres of crop land could possibly be taken out of production. After the allowable 3 years, the meteorological tower will be removed, and the acreage will be returned to crops.

3. That the design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
   • The installation of a temporary meteorological tower will have minimal visual impact on adjacent properties. The tower will be installed in one to two days, and all that is needed for installation is one to two pickup trucks and a trailer, resulting in minimal-to-no impact on the traffic system in the surrounding area. The tower will meet the County’s road and property line requirements, and the supporting guy wires will be affixed with aviation orange marker balls to alert aircraft.

4. That the development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable:
   • The request does not impact known natural or historical resources.

5. That the proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County; and
   • If granted, this Special Use will be compliant with the use standards of the Unified Development Ordinance. The petitioner will be responsible for obtaining all required permits from the Peoria County Planning and Zoning Department.

A motion to approve the Findings of Fact was made by Mr. Bateman and seconded by Mr. Happ. Six affirmative votes; (6-0) (Mr. Asbell abstained). A motion to approve the Special Use with Restriction was made by Mr. Fletcher and seconded by Mr. Keyt. A vote was taken, and the motion was approved; (6-0) (Mr. Asbell abstained)

Meeting adjourned at 1:45 p.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant
TO THE HONORABLE COUNTY BOARD  
COUNTY OF PEORIA, ILLINOIS  

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Four Creeks LLC.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance requires a Special Use when a proposed meteorological tower is located in the A-1 Agricultural Preservation Zoning District; and

WHEREAS, a hearing on said Special Use was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000044; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Special Use; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Special Use.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Special Use in Case No. ZBA-2021-000044 is hereby approved.

NOTICE: Approval of this Special Use does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
Legal Description of the Property

Situate in the County of PEORIA, and State of Illinois, to wit:

Parcel Number 02-30-100-008 (69.21 acres)

A tract of land located in a part of the Northwest Quarter of Section 30, Township 11 North, Range 6 East of the Fourth Principal Meridian, Peoria County, Illinois, more particularly bounded and described as follows, and bearings are for the purpose of description only: Beginning at an iron rod at the Southwest corner of the Northwest Quarter of said Section 30; thence North 00 degrees 30 minutes 00 seconds West, along the West line of the Northwest Quarter of said Section 30, a distance of 725.30 feet to the Southwest corner of an existing 2.89 acre tract; thence North 90 degrees 00 minutes 00 seconds East, 350.00 feet to an iron rod; thence North 00 degrees 30 minutes 00 seconds West, 360.00 feet to an iron rod; thence South 90 degrees 00 minutes 00 seconds West, 350.00 feet to the West line of the Northwest Quarter of said Section 30, the last three named courses being along the South, East, and North sides of said 2.89 acre tract; thence North 00 degrees 30 minutes 00 seconds West, along the West line of the Northwest Quarter of said Section 30, a distance of 159.57 feet; thence North 89 degrees 43 minutes 40 seconds East, 2522.43 feet to an iron rod on the East line of the Northwest Quarter of said Section 30; thence South 00 degrees 47 minutes 00 seconds East, along the East line of the Northwest Quarter of said Section 30, a distance of 1244.92 feet to the Southeast corner of the Northwest Quarter of said Section 30; said point being 3.0 feet South and 1.6 feet West of an iron rod in an existing fence corner, thence South 89 degrees 43 minutes 40 seconds West, along the South line of the Northwest Quarter of said Section 30, a distance of 2528.59 feet to the Place of Beginning, as shown on the plat of survey recorded March 13, 2001 in Tract Survey 36, page 88, as Document No. 01-07634; situated in PEORIA COUNTY, ILLINOIS.


In the event of inaccuracies in the foregoing legal description, Lessor and Lessee shall amend this Agreement to correct such inaccuracies.
ISSUE: ZBA Case ZBA-2021-000045 is a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

BACKGROUND/DISCUSSION: This case is in District #14, which is County Board member Matt Windish’s district. The petitioner, Four Creeks LLC, requests a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District. The petitioner requests to install a temporary meteorological tower to record and measure wind data for up to three years. The temporary meteorological tower will be a way to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The data will be transmitted by a cellular link requiring no onsite personnel. The subject parcel does not have an address assigned. The subject parcel is located in NE ¼ of Section 11 in the Brimfield Township. There are 0 consent and 0 objections on file. The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. All surrounding land uses are agriculture. The closest residence to the proposed location of the tower is approximately a half mile to the northeast. Section 20-5.1.3.3.d of the Unified Development Ordinance (UDO) allows for a special use for meteorological towers in the “A-1” Agricultural Preservation provided that the conditions in Section 20-5.14.3-3 are met. In the Section 20-5.14.3-3 of the UDO the conditions are as follows; a) A temporary use permit shall be issued for a period of not more than three (3) years and shall not be extended without a variance. b) Meteorological towers are permitted, with a special use permit, in the "A-1" Agricultural Preservation, "A-2" Agricultural, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts. c) Meteorological tower height must comply with all FAA regulations. d) Setbacks from public roads and property lines shall be established in the underlying zoning district. e) For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires. According to the petition, the towers are expected to stay in place for up to 3 years, the siting of the meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. The overall LESA score was 213.8 out of 300, which is a medium rating for agricultural protection. Only 2.5 acres will be taken out of production. According to the petitioner, the 2.5 acres that will be taken out of production can be used for other crops that do not require machinery for harvesting such as pumpkins. After three years the meteorological towers will be removed, and the cropland may be returned to production. No conditions were found that would cause the Peoria City/County Health Department to recommend denial of the request. The subject parcel has road frontage along N. Brimfield Rd., a secondary county highway, and along W. Forney Rd., a township road. According to 2017 IDOT Traffic Map there is a total of 450 vehicle trips per day along N. Brimfield Rd. and no data is available for W. Forney Rd. According to the petitioner, installation will only take one day and is completed with a pick-up truck and trailer. Access to the parcel off of Brimfield Road must be coordinated with the Highway Department prior to construction. All oversized / overweight construction loads to this construction site require a local and state oversized / overweight permit. Location of tower to be situated as to not interfere with the motorizing public. For access off Forney Road, the County Highway Department will defer to the Brimfield Township Road Commissioner, as this section of road is maintained by the road district. The Comprehensive Land Use Plan designates this area as Agriculture Protection. While the Agricultural Preservation Land Use Form does not contain specific language to a meteorological tower, Theme #2 – Environmental Stewardship of the Peoria County Comprehensive Land Use Plan does support establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is a method to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The request is consistent with the Peoria County Comprehensive Land Use Plan.

COUNTY BOARD GOALS:

STAFF RECOMMENDATION: Approval
ZBA RECOMMENDATION: Approval (6-0)

COMMITTEE ACTION:
PREPARED BY: Jack Weindel, Planner I
DEPARTMENT: Planning & Zoning
DATE: December 10, 2021
Report to the Zoning Board of Appeals for the December 9th, 2021 Public Hearing

**Date:** November 29th, 2021

**Case/Petitioner:** ZBA-2021-000045 Four Creeks LLC / 1001 McKinney St., Suite 700, Houston, TX 77002 (Frederick F. Carroll, owner, 17916 W Peoria-Galesburg)

**Request:** Case ZBA-2021-000045 A Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

**Location:** NE 1/4 Section 11, Brimfield Township / No address assigned, Lat/Long: 40.86460, -89.86597 / Parcel ID 06-11-200-004

**Land Use Form:** Agriculture Preservation

**Current Zoning:** “A-1” Agricultural Preservation

**Present Use:** Agricultural

**Size of Site:** 160 acres

**Surrounding Zoning:**
- North: “A-1” Agricultural Preservation
- South: “A-1” Agricultural Preservation
- East: “A-1” Agricultural Preservation
- West: “A-1” Agricultural Preservation

**Surrounding Land Uses:**
- North: Agriculture
- South: Agriculture
- East: Agriculture
- West: Agriculture

**Public Services:**
- Fire: Brimfield FPD #084
- Water: None
- School: Brimfield USD #309
- Sewer: None

**Transportation:**
- N. Brimfield Rd., Secondary County Highway and W. Forney Rd., Township Road

**Pertinent Zoning Cases**
- **On Site:** None.
- **In Surrounding Area:** Zoning Case #ZBA-2021-000043 & ZBA-2021-000044

**Department of Planning and Zoning Recommendation:** **APPROVAL**
Case Analysis

Request and Location: The petitioner, Four Creeks LLC, requests a Special Use as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District. The petitioner requests to install a temporary meteorological tower to record and measure wind data for up to three years. The temporary meteorological tower will be a way to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The data will be transmitted by a cellular link requiring no onsite personnel. The subject parcel does not have an address assigned. The subject parcel is located in the NE ¼ of Section 11 in the Brimfield Township.

Pertinent Zoning Cases on Site: None.

Pertinent Zoning Cases in Surrounding Area: Zoning case #ZBA-2021-000043 is a Special Use request to install a temporary meteorological tower in the “A-1” Agricultural Preservation Zoning District filed by the same petitioner; this request is located approximately 2.5 miles to the northwest. Zoning case #ZBA-2021-000044 is also a Special Use request to install a temporary meteorological tower in the “A-1” Agricultural Preservation Zoning District filed by the same petitioner; this request is located approximately 3 miles to the northeast.

Surrounding Zoning and Land Use: The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. All surrounding land uses are agriculture. The closest residence to the proposed location of the tower is approximately half a mile to the northeast. According to the petition, the design and placement of the tower was discussed with the landowner to ensure the location of the tower will have minimal visual impact on residences and minimal impacts on farming.

Technical Adequacy: Section 20-5.1.3.3.d of the Unified Development Ordinance (UDO) allows for a special use for meteorological towers in the “A-1” Agricultural Preservation provided that the conditions in Section 20-5.14.3-3 are met. In the Section 20-5.14.3-3 of the UDO the conditions are as follows; a) A temporary use permit shall be issued for a period of not more than three (3) years and shall not be extended without a variance. b) Meteorological towers are permitted, with a special use permit, in the “A-1” Agricultural Preservation, "A-2" Agricultural, "I-1" Light Industrial, and "I-2" Heavy Industrial zoning districts. c) Meteorological tower height must comply with all FAA regulations. d) Setbacks from public roads and property lines shall be established in the underlying zoning district. e) For towers over one hundred (100) feet in height, orange safety balls shall be installed on all guy wires. According to the petition, the towers are expected to stay in place for up to 3 years, the siting of the meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. A LESA was conducted on the subject parcel. The site scored 97.0 out of 100 for agland evaluation and 116.8 out of 200 for the site assessment component. The overall LESA score was 213.8 out of 300, which is a medium rating for agricultural protection. Only 2.5 acres will be taken out of production. According to the petitioner, the 2.5 acres that will be taken out of production can be used for other crops that do not require machinery for harvesting such as pumpkins. After three years allowable by the UDO the meteorological towers will be removed, and the cropland will be returned to production.

Environmental Impacts: According to the petition, the subject parcel has neither septic nor well. The subject parcel will also not require septic or well in the future for this proposed use. The Peoria City/County Health Department conducted a review of the proposal, and the Department states that no conditions were found that would cause the Department to recommend denial of the request.

Transportation Impacts: The subject parcel has road frontage along N. Brimfield Rd., a secondary county highway, and along W. Forney Rd., a township road. According to 2017 IDOT Traffic Map there is a total of 450 vehicle trips per day along N. Brimfield Rd. and no data is available for W. Forney Rd. According to the petitioner, installation will only take one day and is completed with a pick-up truck and trailer. The meteorological tower will be accessed 1-2 times per year by foot for regular maintenance and should not need to be lowered unless a problem would occur with the equipment. No new access points will be created on N. Brimfield Rd. and W. Forney Rd. With vehicles trips per day considered, this special use approval will have minimal effects on N. Brimfield Rd. and W. Forney Rd. Access to the parcel off of Brimfield Road must be coordinated with the Highway Department prior to construction. All oversized / overweight construction loads to this construction site require a local and state oversized / overweight permit. Location of tower to be situated as to not interfere with the motoring public.
For access off Forney Road, the County Highway Department will defer to the Brimfield Township Road Commissioner, as this section of road is maintained by the road district.

**Land Use Form:** The Future Land Use Form Map in the Peoria County Comprehensive Land Use Plan designates this area as Agriculture Preservation. While the Agricultural Preservation Land Use Form does not contain specific language to a meteorological tower, Theme #2 – Environmental Stewardship of the Peoria County Comprehensive Land Use Plan does support establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is a method to collect data measuring wind speed, wind direction, ground level relative humidity and air temperature. The request is consistent with the Peoria County Comprehensive Land Use Plan.
Conclusions

**Consistency with Adopted County Plan:** The request is consistent with the Peoria County Comprehensive Land Use Plan as stated in Theme #2 – Environmental Stewardship, establishing incentives for renewable energy sources such as wind energy conversion systems. Installing this temporary meteorological tower is the first step to test the feasibility of wind power in this area of the county. The request is consistent with The Peoria County Comprehensive Land Use Plan.

**Consistency with Community Character:** The subject parcel and all surrounding parcels are currently zoned “A-1” Agricultural Preservation. The subject parcel is entirely used for agriculture. The subject parcel earned a LESA score of 213.8 out of 300, a medium rating for agricultural preservation. Only 2.5 acres of cropland will be taken out of production, but after the allowable three years, the meteorological towers will be removed, and the cropland can be returned to production.

**Minimizing Adverse Effects:** The installation of a temporary meteorological tower will have a minimal impact on the surrounding area. The installation of the tower will only take one day to complete and the only required equipment for installation is a pick-up truck and trailer. The meteorological towers will meet the County’s requirement of 1.1 times the tower height from roads and property lines, and the guy wires supporting the tower will be affixed with high visibility aviation orange marker balls to alert aircraft. The proposed meteorological tower will not create any new access points and will have minimal impacts on the traffic system in the surrounding area.

**Presence of Natural/Historical Resources:** The request does not impact known natural or historical resources.

**Compliance with Additional Standards:** The proposed use will comply with additional standards for permitted temporary uses as specified in the Unified Development Ordinance. If this special use request is granted, the proposed use will be compliant with the use standards of the Unified Development Ordinance. The applicant will be responsible for obtaining all required permits from Peoria County Planning & Zoning Department.
Staff Recommendation

Based on the above information, the Department recommends approval with the following restrictions:

Respectfully submitted,

Jack Weindel
Planner I

Kathi Urban
Director
A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, December 9, 2021. The meeting was called to order by Chairperson Linda O’Brien at 9:00 a.m.

PRESENT: Linda O’Brien – Chairperson, Andrew Keyt – Vice Chairperson, Greg Happ, Leonard Unes, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: John Harms, Justin Brown

STAFF: Kathi Urban – Director
Taylor Armbruster – Planner I
Jack Weindel – Planner I
Jennie Cordis Boswell – Civil Assistant State’s Attorney
Sarah Cox – ZBA Administrative Assistant

Case No. **ZBA-2021-000045** at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **FOUR CREEKS, LLC** (A limited liability company, Caton Fenz – authorized agent, of 1001 McKinney, Suite 700, Houston, TX 77002), acting on behalf of FREDERICK F. CARROLL FAMILY LIMITED PARTNERSHIP (An Illinois limited partnership, Frederick F. Carroll Living Trust dated June 8, 1998 – general partner (Frederick F. Carroll and Brenda D. Carroll – trustees, of 17916 W Peoria-Galesburg Trl, Brimfield, IL 61517) and Brenda D. Carroll Living Trust dated June 8, 1998 – general partner (Frederick F. Carroll and Brenda D. Carroll – trustees, of 17916 W Peoria-Galesburg Trl, Brimfield, IL 61517)) (owner), a SPECIAL USE as required in Section 20-5.1.3.3.d of the Unified Development Ordinance. This section allows for meteorological towers, provided that the conditions in Section 5.14.3-3 (Meteorological Towers) are met, in the "A-1" Agricultural Preservation Zoning District.

**FINDINGS OF FACT FOR SPECIAL USES**

Section 20-3.5.4

When considering an application for a special use permit, the decision-making body shall consider the extent to which:

1. That the special use will be consistent with the purposes, goals, objectives, and standards of any officially adopted County plan and these regulations, or if not consistent, the factors which justify deviation;
   - The request is consistent with the Peoria County Comprehensive Land Use Plan in supporting environmental stewardship, including incentives for establishing renewable energy sources. Installation of this temporary meteorological tower will record and measure wind data in this area of the County.
2. That the special use will be consistent with the community character of the immediate vicinity of the parcel proposed for development, or if not consistent, the factors which justify the inconsistency:
   • The subject parcel and all surrounding parcels are zoned "A-1" Agricultural Preservation. According to the petition, placement of the tower will have minimal visual impact on surrounding residences, and in addition, only 2.5 acres of crop land may be taken out of production. After the allowable 3 years, the meteorological tower will be removed, and the acreage will be returned to crops.

3. That the design of the proposed use will minimize adverse effects, including visual impacts on adjacent properties, except for land splits in the A-2 District and individual mobile homes;
   • The installation of a temporary meteorological tower will have minimal visual impact on adjacent properties. The tower will be installed in one to two days, and all that is needed for installation is a pickup truck and trailer, resulting in minimal-to-no impact on the traffic system in the surrounding area. The tower will meet the County’s road and property line requirements, and the supporting guy wires will be affixed with aviation orange marker balls to alert aircraft.

4. That the development has been reviewed and approved by the Illinois Department of Natural Resources with regard to the presence of endangered species, and archaeological and/or historical resources, if applicable:
   • The request does not impact known natural or historical resources.

5. That the proposed use will comply with all additional standards imposed on it by the particular provision of these regulations authorizing such use and by all other applicable requirements of the ordinances of the County; and
   • If granted, this Special Use will be compliant with the use standards of the Unified Development Ordinance. The petitioner will be responsible for obtaining all required permits from the Peoria County Planning and Zoning Department.

A motion to approve the Findings of Fact was made by Mr. Fletcher and seconded by Mr. Keyt. Six affirmative votes; (6-0) (Mr. Asbell abstained). A motion to approve the Special Use was made by Mr. Happ and seconded by Mr. Fletcher. A vote was taken, and the motion was approved; (6-0) (Mr. Asbell abstained)

Meeting adjourned at 1:45 p.m.

Respectfully submitted,

Sarah Cox
ZBA Administrative Assistant
TO THE HONORABLE COUNTY BOARD  
COUNTY OF PEORIA, ILLINOIS  

Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Four Creeks LLC.

RESOLUTION

WHEREAS, the County of Peoria has enacted a Unified Development Ordinance, Chapter 20 of the Peoria County Code; and

WHEREAS, said ordinance requires a Special Use when a proposed meteorological tower is located in the A-1 Agricultural Preservation Zoning District; and

WHEREAS, a hearing on said Special Use was held before the Zoning Board of Appeals (ZBA) on December 9, 2021 in Case No. ZBA-2021-000045; a copy of the deliberation minutes of said hearing and a legal description of the subject property are attached; and

WHEREAS, the ZBA deliberated its decision on December 9, 2021, and voted to recommend approval of the Special Use; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 3, 2022 to consider the ZBA’s recommendation and voted to approve the Special Use.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Special Use in Case No. ZBA-2021-000045 is hereby approved.

NOTICE: Approval of this Special Use does not constitute approval of wells nor septic systems for the property required by the Peoria City/County Health Department.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
Legal Description of the Property

Situate in the County of PEORIA, and State of Illinois, to-wit:

Parcel Number 06-11-200-004 (161.80 acres)

The North Half (N 1/2) of the Southeast Quarter (SE 1/4) of Section 11, and the W 1/2 of the NE 1/4 of Section 11, Township 10 North, Range 5 East of the Fourth Principal Meridian, situated in PEORIA COUNTY, ILLINOIS.