AGENDA
Special Land Use Committee
Thursday, January 13, 2022
@ 5:30 PM
Peoria County Courthouse, Room 403

1. Call to Order

2. Zoning Case
   • #ZBA-2021-000048, Petition of Peoria County

3. Miscellaneous

4. Adjournment
**AGENDA BRIEFING**

**COMMITTEE:** Land Use  
**MEETING DATE:** January 13, 2022  
**LINE ITEM:** N/A  
**AMOUNT:** N/A

**ISSUE:** Case #ZBA-2021-000048. A Map Amendment to zone parcels of approximately 53.24 acres and 36.19 acres, totaling two parcels of approximately 89.43 acres, to “A-2” Agriculture. The proposed Map Amendment will correct the error resulting from the subject parcels not currently having a zoning classification.

**BACKGROUND/DISCUSSION:** This case is in District #13, which is County Board member Jim Fennell’s district. The petitioner, Peoria County, requests a Map Amendment to correct the error resulting from the two parcels of approximately 89.43 acres not currently having a zoning classification and zone the subject parcels to “A-2” Agricultural. The subject parcels are located on an island within the Illinois River, in the Northwest Quarter and Southwest Quarter of Section 28 in Chillicothe Township. There are 4 consents and 0 objections on file. The subject parcels are part of a larger island, within the Illinois River. To the north is an extension of the island, a contiguous parcel under the jurisdiction of the City of Chillicothe. East of the subject parcels is the Peoria County border with Woodford County. South and west of the subject parcels is the Illinois River. The subject parcels span nearly 1.25 miles from north to south. The area adjacent to the parcels across the Illinois River to the west is within the jurisdiction of the City of Chillicothe and used for residential and recreational land uses, including public parks, boat ramps, and boat slips. Approximately 1 mile north, extending to the Marshall County boundary, are a series of similar islands within the Illinois River. The parcels making up those islands contain an “A-2” Agriculture Zoning classification. The parcels to the north are primarily made up of similar land uses, which include environmental corridors and recreational uses. According to an Order from the Circuit Court of the Eleventh Judicial Circuit, filed in the Circuit County of Woodford County on February 11, 1981, the County of Peoria has received real estate taxes on the subject parcels since at least 1971. Review of historical documents available to the Department of Planning & Zoning indicate that no zoning classification has ever been assigned. The reviewed documents include the 1974 Sidwell zoning overlay, 1986 Sidwell zoning overlay, 1996 Countywide Map Amendment documents, and 2004 Peoria County GIS Application creation documents. The subject parcels are undeveloped and do not have a well or septic system. At the time of the report, there was no comment from the Peoria City/County Health Department. The subject parcels are part of an island within the Illinois River which are inaccessible by land. The proposed Map Amendment will have no impact on transportation. The County Highway Department has no objections. The subject parcels have no designation on the 2009 Peoria County Comprehensive Land Use Plan Future Land Use Form Map. Additionally, the parcels were not included in the 1992 Peoria County Comprehensive Land Use Plan or Chillicothe-River Small Area Plan. Based on the “Floodway” designation, these parcels are most similar to the environmental corridor land use form. The “A-2” Agricultural Zoning classification is appropriate for an environmentally sensitive area within the Illinois River and will protect and maintain the open space and natural features of the parcels. The subject parcels are immediately adjacent to the City of Chillicothe. At the time of the report, there was no comment from the City of Chillicothe. The City of Chillicothe Comprehensive Plan 2014 Update does not include this area in its future land use plan.

**COUNTY BOARD GOALS:**

**HEALTHY VIBRANT COMMUNITIES**

| STAFF RECOMMENDATION: Approval  |
| ZBA RECOMMENDATION: Approval (5-0) |
| COMMITTEE ACTION: Pending Approval  |

**PREPARED BY:** Andrew Braun, Assistant Director  
**DEPARTMENT:** Planning & Zoning  
**DATE:** January 13, 2022
REPORT TO THE ZONING BOARD OF APPEALS FOR THE DECEMBER 9, 2021 PUBLIC HEARING

DATE: November 30, 2021

CASE/PETITIONER: ZBA-2021-000048 Peoria County / 324 Main St Room 301, Peoria, IL 61602
(Owner, Richard E Hamm, PO Box 405, Rome, IL 61562)
(Owner, Chillicothe Island Duck Club, 512 S Harvard, Addison, IL 60101)

REQUEST: A Map Amendment to zone parcels of approximately 53.24 acres and 36.19 acres, totaling two parcels of approximately 89.43 acres, to “A-2” Agriculture.

LOCATION: 1) NW 1/4, Section 28, Chillicothe Township / Parcel ID# 05-28-176-001
2) SW 1/4, Section 28, Chillicothe Township / Parcel ID# 05-28-300-001

LAND USE FORM: None

CURRENT ZONING: None

PRESENT USE: Environmental Corridor / Recreational

SIZE OF SITE: 1) 53.24 acres 2) 36.19 acres

SURROUNDING ZONING: North and West: City of Chillicothe
East: Woodford County
South: Illinois River

SURROUNDING LAND USES: North: Environmental Corridor / Recreational
East and South: Illinois River
West: Residential / Recreational / Illinois River

PUBLIC SERVICES: Fire: Chillicothe Fire District Water: None
Schools: IVC CUSD #321 Sewer: None

TRANSPORTATION: N/A

PERTINENT ZONING CASES ON SITE: None

PERTINENT ZONING CASES IN SURROUNDING AREA: None

PLANNING AND ZONING DEPARTMENT RECOMMENDATION: APPROVAL
CASE ANALYSIS

REQUEST AND LOCATION: The petitioner, Peoria County, requests a Map Amendment to zone parcels of approximately 53.24 acres and 36.19 acres, totaling two parcels of approximately 89.43 acres, to “A-2” Agriculture. Each of the subject parcels consists of environmental corridor and recreational ground, and both are currently undeveloped. The proposed Map Amendment will correct the error resulting from the subject parcels not currently having a zoning classification. The subject parcels are located on an island within the Illinois River, in the Northwest Quarter and Southwest Quarter of Section 28 in Chillicothe Township.

Pertinent Zoning Cases onsite: None

Pertinent Zoning Cases in Surrounding area: None

Surrounding Zoning and Land use: The subject parcels consist of a 53.24 acre parcel (north) and a 36.19 acre parcel (south) located on an island within the Illinois River. No zoning classification has been assigned to either parcel. According to records obtained from the Peoria County Supervisor of Assessments, these properties consist of an island in the Illinois River that were added to the property record cards in January 1966.

The subject parcels are part of a larger island, within the Illinois River. To the north is an extension of the island, a contiguous parcel under the jurisdiction of the City of Chillicothe. East of the subject parcels is the Peoria County border with Woodford County. South and west of the subject parcels is the Illinois River. The subject parcels span nearly 1.25 miles from north to south. The area adjacent to the parcels across the Illinois River to the west is within the jurisdiction of the City of Chillicothe and used for residential and recreational land uses, including public parks, boat ramps, and boat slips.

According to an Order from the Circuit Court of the Eleventh Judicial Circuit, filed in the Circuit Count of Woodford County on February 11, 1981, the County of Peoria has received real estate taxes on the subject parcels since at least 1971. Review of historical documents available to the Department of Planning & Zoning indicate that no zoning classification has ever been assigned. The reviewed documents include the 1974 Sidwell zoning overlay, 1986 Countywide Map Amendment documents, and 2004 Peoria County GIS Application creation documents. Additionally, the subject parcels where not included in the 1992 Comprehensive Land Use Plan, 1992 Chillicothe-River Small Area Plan, or the 2009 Comprehensive Land Use Plan.

Approximately 1 mile north, extending to the Marshall County boundary, are a series of similar islands within the Illinois River. The parcels making up those islands contain an “A-2” Agriculture Zoning classification. The parcels to the north are primarily made up of similar land uses, which include environmental corridors and recreational uses.

Technical Adequacy: The subject parcels do not currently have a zoning classification. The proposed Map Amendment would add the “A-2” Agricultural zoning classification to each parcel. The purpose of the “A-2” Agricultural District is discussed in Section 4.4 of the Unified Development Ordinance. Section 4.4.1. states the A-2 Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County. The parcels are undeveloped and utilized for recreational purposes, which is consistent with the purposes identified for the A-2 Zoning District in the UDO.

The subject parcels are located with the Illinois River and have been designated as “Floodway” per the National Flood Insurance Program’s Flood Boundary and Floodway Map (Community-Panel Number 170533 0075, Effective 6/1-1983). Section 11.1 of the UDO defines the Floodway as, “the channel and the adjacent land areas that must be reserved in order to discharge the regulatory base flood”. Floodplain Regulations are discussed in Section 7.14 of the UDO. Section 7.14.6 Regulatory Floodway states that there shall be no development in the
designated regulatory floodway unless a variance is approved pursuant to Section 7.14.10, Variances. If a variance is approved, the development shall also comply with Sections 7.14.5, Occupation and Use of Flood Fringe Areas, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, of this chapter, and the term "floodplain" shall then be read as the "designated regulatory floodway" in those sections. The floodway designation and regulations are consistent with the purposes identified for the A-2 Zoning District in the UDO of maintaining the open space and natural features of rural areas of the County.

**ENVIRONMENTAL IMPACTS:** The subject parcels are undeveloped and do not have a well or septic system. At the time of the report, there was no comment from the Peoria City/County Health Department.

**TRANSPORTATION IMPACTS:** The subject parcels are part of an island within the Illinois River which are inaccessible by land. The proposed Map Amendment will have no impact on transportation. The County Highway Department has no objections.

**LAND USE FORM:** The subject parcels have no designation on the 2009 Peoria County Comprehensive Land Use Plan Future Land Use Form Map. The parcels were not included in the 1992 Peoria County Comprehensive Land Use Plan or Chillicothe-River Small Area Plan. Based on the “Floodway” designation, these parcels are most similar to the environmental corridor land use form.

The Peoria County Comprehensive Plan identifies Environmental Stewardship as one of three themes. The “A-2” Agricultural Zoning classification is appropriate for an environmentally sensitive area within the Illinois River. The responsible use of the natural environment is important to sustain the health and safety of the Illinois River. The “A-2” Zoning designation will protect and maintain the open space and natural features of the parcels.

The subject parcels are immediately adjacent to the City of Chillicothe. At the time of the report, there was no comment from the City of Chillicothe. The City of Chillicothe Comprehensive Plan 2014 Update does not include this area in its future land use plan.

**CONCLUSIONS**

**CONSISTENCY WITH THE GENERAL AREA (EXISTING USES, ZONING, AND NEED):** The subject parcels are part of a larger island within the Illinois River. To the north is an extension of the island, a contiguous parcel under the jurisdiction of the City of Chillicothe. East of the subject parcels is the Peoria County border with Woodford County. South and west of the subject parcels is the Illinois River. The subject parcels span nearly 1.25 miles from north to south. The area adjacent to the parcels across the Illinois River to the west is within the jurisdiction of the City of Chillicothe and used for residential and recreational land uses, including public parks, boat ramps, and boat slips. Approximately 1 mile north, extending to the Marshall County boundary, are a series of similar islands within the Illinois River. The parcels making up those islands contain an “A-2” Agriculture Zoning classification. The subject parcels to north are primarily made up of similar land uses, which include environmental corridors and recreational uses. The parcels are undeveloped and utilized for recreational purposes, which is consistent with the purposes identified for the A-2 Zoning District in the UDO.

**CONFORMANCE OF THE SUBJECT PROPERTY (PROPERTY VALUE, SUITABILITY, VACANCY):** Review of historical documents available to the Department of Planning & Zoning indicates that no zoning classification has ever been assigned. The proposed Map Amendment will correct the error resulting from the subject parcels not currently having a zoning classification. The reviewed documents include the 1974 Sidwell zoning overlay, 1986 Sidwell zoning overlay, 1996 Countywide Map Amendment documents, and 2004 Peoria County GIS Application creation documents. Additionally, the subject parcels were not included in the 1992 Comprehensive Land Use Plan, 1992 Chillicothe-River Small Area Plan, or the 2009 Comprehensive Land Use Plan. The purpose of the “A-2” Agricultural District is discussed in Section 4.4 of the Unified Development Ordinance. Section 4.4.1.
states the A-2 Agricultural District is established to protect and maintain the agricultural economy and the open space and natural features of rural areas of the County. The parcels are undeveloped and utilized for recreational purposes, which is consistent with the purposes identified for the A-2 Zoning District in the UDO.

**Impact on the Public (Welfare and Relative Gain):** The floodway designation and regulations are consistent with the purposes identified for the A-2 Zoning District in the UDO of maintaining the open space and natural features of rural areas of the County.

**Consistency with Adopted County Plan:** The subject parcels have no designation on the 2009 Peoria County Comprehensive Land Use Plan Future Land Use Form Map. The parcels were not included in the 1992 Peoria County Comprehensive Land Use Plan or Chillicothe-River Small Area Plan. Based on the “Floodway” designation, these parcels are most similar to the environmental corridor land use form. The Peoria County Comprehensive Plan identifies Environmental Stewardship as one of three themes. The “A-2” Agricultural Zoning classification is appropriate for an environmentally sensitive area within the Illinois River. The responsible use of the natural environmental is important in sustaining the health and safety of the Illinois River. The “A-2” Zoning designation will protect and maintain the open space and natural features of the parcels. The subject parcels are immediately adjacent to the City of Chillicothe. The City of Chillicothe Comprehensive Plan 2014 Update does not include this area in its future land use plan.
RECOMMENDATION

Based on the above information, the Department recommends APPROVAL.

Respectfully submitted,

Andrew Braun
Assistant Director

Kathi Urban
Director
A meeting of the Peoria County Zoning Board of Appeals was held on Thursday, January 13, 2022. The meeting was called to order by Vice Chairperson Andrew Keyt at 9:00 a.m.

PRESENT: Andrew Keyt – Vice Chairperson, Greg Happ, Jim Bateman, Robert Asbell, J. Greg Fletcher

ABSENT: Linda O’Brien – Chairperson, Leonard Unes, John Harms, Justin Brown

STAFF: Kathi Urban – Director
        Andrew Braun – Assistant 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-2021-000048 at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of PEORIA COUNTY, acting on its own behalf, a MAP AMENDMENT to zone parcels of approximately 53.24 acres and 36.19 acres, totaling two parcels of approximately 89.43 acres, to “A-2” Agriculture.

FINDINGS OF FACT FOR REZONING
Section 20-3.6.4

In evaluating a proposed rezoning, the following factors shall be considered, not one of which shall be controlling:

1. That the existing uses and zoning of nearby property;
   • The existing use appears to be used for natural purposes. It is not currently zoned property and has not been zoned at any point in time according to Planning and Zoning staff. The islands to the north, that are within the County’s jurisdiction, are also zoned agriculturally. The attorney for the City of Chillicothe presented evidence that the zoning would be consistent with agricultural use.

2. That the extent to which property values are diminished by the particular zoning restriction;
   • There is no evidence that there would be any diminishment in property values for the two parcels.

3. That the extent to which the destruction of property values of the applicant promotes the health, safety, morals or general welfare of the public;
   • It does not appear that there would be any destruction of property values. The health, safety, morals or general welfare of the public would be advanced by preserving the
property for natural purposes. There was testimony that there is a number of people that utilize the area in Chillicothe to view the natural environment.

4. That the relative gain to the public as compared to the hardship imposed upon the individual property owner;
   • There is no evidence of any hardship on the individual property owner.

5. That the suitability of the subject property for the zoned purposes;
   • The property appears suitable for the “A-2” zoning designation.

6. That the length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the subject property;
   • Refer to factor number 1.

7. That the community need for the proposed use; and
   • Refer to factor number 1.

8. Whether the proposed change would be contrary to any officially adopted County plan.
   • The proposed change would be consistent with the officially adopted County plan.

A motion to approve the Findings of Fact was made by Mr. Fletcher and seconded by Mr. Asbell. Five affirmative votes; (5-0) A motion to approve the proposed rezoning was made by Mr. Happ and seconded by Mr. Bateman. A vote was taken, and the motion was approved; (5-0)

Meeting adjourned 11:08 a.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 Ordinance:

RE: Approval of Map Amendment, Petition of Peoria County

ORDINANCE

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

WHEREAS, said ordinance does not contain a zoning classification for the subject parcels; and

WHEREAS, the petitioner requested this property be zoned as “A-2” Agriculture in order to correct the error resulting from the subject parcels not currently having a zoning classification; and

WHEREAS, a hearing on said Map Amendment was held before the Zoning Board of Appeals (ZBA) on January 13, 2022 in Case No. ZBA-2021-000048; 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 January 13, 2022 and voted to recommend approval of the Map Amendment; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 13, 2022 to consider the ZBA’s recommendation and voted to accept the ZBA’s recommendation of approval of the Map Amendment.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County, that the Map Amendment in Case No. ZBA-2021-000048 is hereby approved.

RESPECTFULLY SUBMITTED,
LAND USE COMMITTEE
All land lying between the main, or Westerly, channel, and the subsidiary, or Easterly, channel of the Illinois River in part of the Northwest Quarter of Section 28 and in part of the Northeast Quarter of Section 28; all in Township 11 North, Range 9 East of the Fourth Principal Meridian, all situate, lying and being in the County of Peoria and State of Illinois. (Chillicothe Township 05-28-176-001)

The South end of the island in the Illinois River, being a part of the Fractional Southwest Quarter of Section 28 and that part of the Southeast Quarter of Section 29, and that part of Northeast Quarter of Section 32, and the Northeast Quarter of Section 33 lying East of the main branch of the Illinois River; all being in Township 11 North, Range 9 East of the Fourth Principal Meridian, situate, lying and being in the County of Peoria and State of Illinois. (Chillicothe Township 05-28-300-001)