1. **Call to Order**

2. **Approval of Minutes**
   - January 3, 2022

3. **Reports / Other Minutes / Updates**
   - Tri County Regional Planning Commission minutes
   - Development Summary
   - Unsafe Structure

4. **Zoning Case**
   - #ZBA-2022-000001, Petition of Robert and Carol Meischner
   - #ZBA-2022-000005, Petition of Peoria County

5. **Discussion**
   - Short Term Rental

6. **Miscellaneous**

7. **Adjournment**
Call to Order:
Mr. Dillon called the meeting to order at 4:18 p.m.

A motion to approve the participation of Mr. Elsasser via teleconference was made by Ms. Williams and seconded by Dr. Blair. A vote was taken on the motion and carried. (5-0)

Approval of Minutes:
A motion to approve the Land Use Committee minutes from November 29, 2021 was made by Mr. Watkins and seconded by Ms. Groves Allison. A vote was taken on the motion and 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 made a motion to receive and file the reports.

Zoning Cases:
ZBA-2021-000039, Petition of David J. Russell and Kim D. Bryan-Russell:
Ms. Groves Allison made a motion to approve the special use request and was seconded by Dr. Blair.

Ms. Urban summarized the case. A Special Use request to allow for Overnight Accommodations in the “R-2” Medium Density Residential Zoning District, provided that the requirements are met as set forth in Section 7.8 (Overnight Accommodations) and provided that no more than five (5) rooms or suites of rooms are rented, and rooms are not rented for a period of more than fourteen (14) days. The petitioner proposes to offer an entire 1,416 sq ft. 3-bedroom, single-family dwelling for rent on a short-term basis through the Airbnb and VRBO websites. There is also a detached garage on the property. The subject parcel is located on Riverview Road in Medina Township. There are 2
consents and 0 objections on file. The subject parcels and all surrounding parcels are zoned “R-2” Medium Residential; to the north are 5 vacant residential lots, there are single-family dwellings to the west and east, and the Illinois River lies to the south of the parcel.

The entire house will be rented and 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 as single-family dwellings are the principal land use along N. Riverview Road. The Airbnb listing states that no parties or events are allowed, and check-in time is between 2:00 p.m. and 6:00 p.m. with check out at 10:00 a.m. Development standards for all overnight accommodations are outlined in Section 20-7.8 of the UDO; this definition includes short-term rentals. The Ordinance does require that the owner keep a log identifying the name, address, and phone number of all guests and that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. The Ordinance also requires that no more than 4 automobiles may be parked accessory to the family dwelling for a period of more than seventy-two (72) continuous hours. 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 request is consistent with the Environmental Corridor Land Use designation and the Peoria County Land Use map. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability. Staff recommended approval with restrictions and the Zoning Board of Appeals concurred unanimously with the same restrictions.

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

ZBA-2021-000040, Petition of Briscoe Financial, LLC:
Mr. Watkins made a motion to approve the special use request and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use request to allow for Overnight Accommodations in the “R-2” Medium Density Residential Zoning District, provided that the requirements are met as set forth in Section 7.8 (Overnight Accommodations) and provided that no more than five (5) rooms or suites of rooms are rented, and rooms are not rented for a period of more than fourteen (14) days. The petitioner proposes to offer an entire 2,076 sq ft. 3-bedroom, single-family dwelling with attached garage for rent on a short-term basis through the Airbnb and VRBO websites. The subject parcel is located on Riverview Drive in Chillicothe Township. There are 2 consents and 1 objection on file. The objector stated that this short-term rental has been managed well but he has concerns with density potential. The subject parcels and all surrounding parcels are zoned “R-2” Medium Residential; to the north, west and southwest are single-family dwellings and to the east is the Illinois River.

The entire house will be rented and the use of the property will be similar to that of a single-family dwelling and consistent with the surrounding area. The Airbnb listing states that no parties or events are allowed, and guests are limited the number stated at time of booking. The listing also states that outdoor cameras are located by all exit doors in the garage but no recording or surveillance takes place while guests are at the property. The Ordinance does require that the owner keep a log identifying the name, address, and phone number of all guests and that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. The Ordinance also requires that no more than 4 automobiles may be parked accessory to the family dwelling for a period of more than seventy-two (72) continuous hours. The potential traffic generated by the proposed use is consistent with the generated vehicles of other permitted uses in this zoning district.
The request is consistent with the Environmental Corridor Land Use designation and the Peoria County Land Use map. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability. Staff recommended approval with restrictions and the Zoning Board of Appeals concurred unanimously with the same restrictions.

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

ZBA-2021-000041, Petition of Holloway Holdings, LLC:
Dr. Blair made a motion to approve the special use request and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use request to allow for Overnight Accommodations in the “R-2” Medium Density Residential Zoning District, provided that the requirements are met as set forth in Section 7.8 (Overnight Accommodations) and provided that no more than five (5) rooms or suites of rooms are rented, and rooms are not rented for a period of more than fourteen (14) days. The petitioner proposes to offer an entire 816 sq. ft. 3-bedroom, single-family dwelling with attached garage for rent on a short-term basis through the Airbnb and VRBO websites. The subject parcel is located on Portage Street in Chillicothe Township. There are 0 consents and 0 objections on file. The subject parcels and all surrounding parcels are zoned “R-2” Medium Residential; single-family dwellings are adjacent in all directions and the Illinois River is located approximately 155 ft. to the east of the subject parcel.

The entire house will be rented and the use of the property will be similar to that of a single-family dwelling and consistent with the surrounding area. The Airbnb listing states that no parties or events are allowed, and guests are limited the number stated at time of booking. The Ordinance does require that the owner keep a log identifying the name, address, and phone number of all guests and that overnight accommodations not begin operation until a Certificate of Occupancy has been issued by the Zoning Administrator. The Ordinance also requires that no more than 4 automobiles may be parked accessory to the family dwelling for a period of more than seventy-two (72) continuous hours.

The request is consistent with the Environmental Corridor Land Use designation and the Peoria County Land Use map. The petitioner’s request is also consistent with the Peoria County Growth Strategy of generating economic opportunity and stability. Staff recommended approval with restrictions and the Zoning Board of Appeals concurred unanimously with the same restrictions.

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

ZBA-2021-000042, Petition of Randy F. Koors:
Mr. Watkins made a motion to approve the special use request and was seconded by Dr. Blair.

Ms. Urban summarized the case. A Rezoning request from “C-1” Neighborhood Commercial to “R-2” Medium Density Residential to allow for two (2) commercially zoned parcels to be used residentially. The parcels are located on North Route 29 in Medina Township. There are 0 consents and 0 objections on file. The petitioner purchased the two parcels and demolished the former “Club 29” building in 2007. The subject property to the north has a residential dwelling which the current petitioners use for storage; the other parcel is vacant. The petitioner proposes bringing the existing residential property into compliance with the zoning ordinance and rezone the other parcel so that it may be sold as a residential parcel. All surrounding parcels are zoned “R-2” Medium Density Residential. To the northwest and south are single-family dwellings and the Illinois River is located to the south and east. The rezoning would be consistent with the area. The parcels have access to public water and no new access points are proposed at this time.
The request is consistent with the Land Use map designation of Rural and is consistent with the Peoria County Growth Strategy. Staff recommended approval and the Zoning Board of Appeals concurred unanimously.

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

ZBA-2021-000043, Petition of Four Creeks LLC:
Dr. Blair made a motion to approve the special use request and was seconded by Ms. Groves Allison.

Ms. O’Brien, ConnectGEN Director of Project Development and lead developer for the proposed Four Creeks project, gave a presentation on Meteorological Towers and the permit application process. She summarized the conditions in Section 5.14.3 of the Peoria County Ordinance pertaining to temporary Meteorological Towers and remarked that ConnectGEN intends to meet all required conditions. She stated that meteorological data gathered will ultimately be assessed for the viability of area wind farm projects.

Ms. Urban summarized the case. A Special Use allowing for the installation of a temporary meteorological tower to record and measure wind data for up to three (3) years. The tower will be a way of collecting data on speed, wind direction, ground level relative humidity and air temperature, and is transmitted by a cellular link. The temporary use permit would be good for not more than three (3) years. There are 0 consents and 0 objections on file. The parcel is located on a corner of W. Scotland Prairie Road and Route 78 in Millbrook Township. All surrounding parcels are zoned “A-1” Agricultural Preservation. The request meets all setback requirements and the requirements for high visibility aviation. The Millbrook Township Road Commissioner testified that a right of way permit will be required prior to construction of the tower.

The request is consistent with the Peoria County Comprehensive Land Use Plan Environmental Stewardship Theme of supporting renewable energy resources. Staff recommended approval and the Zoning Board of Appeals concurred unanimously.

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

ZBA-2021-000044, Petition of Four Creeks LLC:
Mr. Watkins made a motion to approve the special use request and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use allowing for the installation of a temporary meteorological tower to record and measure wind data for up to three (3) years. The tower will be a way of collecting data on speed, wind direction, ground level relative humidity and air temperature, and is transmitted by a cellular link. The temporary use permit would be good for not more than three (3) years. There are 0 consents and 3 objections on file. Two objectors spoke at the ZBA Hearing, stating they objected to the meteorological tower as it may lead to a future wind farm for which they would have an objection. The parcel is located on N. Maher Road in Princeville Township. All surrounding parcels are zoned “A-1” Agricultural Preservation. To the northeast and south are agricultural uses and to the west of the subject parcel are two residences. The request meets all setback requirements and the requirements for high visibility aviation. The Millbrook Township Road Commissioner has the area under their jurisdiction, and has testified that a right of way permit will be required prior to construction of the tower.

The request is consistent with the Peoria County Comprehensive Land Use Plan Environmental Stewardship Theme of supporting renewable energy resources. Staff recommended approval and the Zoning Board of Appeals concurred unanimously.
A vote was taken on the motion and carried (6-0).

ZBA-2021-000045, Petition of Four Creeks LLC:
Ms. Groves Allison made a motion to approve the special use request and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use allowing for the installation of a temporary meteorological tower to record and measure wind data for up to three (3) years. The tower will be a way of collecting data on speed, wind direction, ground level relative humidity and air temperature, and is transmitted by a cellular link. The temporary use permit would be good for not more than three (3) years. There are 0 consents and 0 objections on file. The parcel is located on W. Forney Road and N. Brimfield Road in Brimfield Township. North Brimfield Road is a secondary county highway and W. Forney is a township road. The Highway Department commented that oversize/overweight permits would be required if needed. All adjacent parcels are zoned “A-1” Agricultural Preservation. The closest residence to the proposed location is located approximately 0.5 mile to the northeast.

The request is consistent with the Peoria County Comprehensive Land Use Plan Environmental Stewardship Theme of supporting renewable energy resources. Staff recommended approval and the Zoning Board of Appeals concurred unanimously.

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

Committee Action
Review of Executive Session Minutes
Ms. Cordis Boswell stated that this is the six month review of the Executive Session Minutes, and it remains the recommendation of the State’s Attorney’s Office that all previously held minutes continue to be held, because the need for confidentiality still exists. All audio recordings of executive session minutes, that are older than two years, should be destroyed unless they pertain to pending litigation.

Ms. Williams made a motion to follow the State’s Attorney’s recommendations and was seconded by Ms. Groves Allison. A vote was taken, and the motion carried. (6-0)

Adjournment: Mr. Dillon adjourned the meeting at 4:48 p.m.
AGENDA BRIEFING

COMMITTEE: Land Use Committee  
MEETING DATE: January 24, 2022

LINE ITEM:  
Revenue:  
Expenditure:

ISSUE: December 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: 1/1/2022

ATTACHMENTS:

<table>
<thead>
<tr>
<th>Description</th>
<th>Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Summary</td>
<td>Backup Material</td>
</tr>
</tbody>
</table>
# LAND USE COMMITTEE DEVELOPMENT SUMMARY

## PERMITS ISSUED

(12/01/2021 TO 12/31/2021)

### NON-RESIDENTIAL BUILDING

<table>
<thead>
<tr>
<th>Permit Number</th>
<th>Type</th>
<th>Main Address</th>
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<td>Description</td>
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<td>Description</td>
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<td>Description</td>
<td>ADDITION TO TOWNSHIP STORAGE BUILDING</td>
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**TOTAL VALUE FOR NON-RESIDENTIAL CONSTRUCTION THIS PERIOD:** $74,872.00
RESIDENTIAL NEW HOME CONSTRUCTION

BLDR-2021-000015     Type: New Home Construction     Main Address: 9259 W LAKE CAMELOT DR     Parcel: 0731427007

Issue Date: 12/17/2021     Valuation: $90,000.00

Description: NEW SINGLE-FAMILY DWELLING

TOTAL VALUE FOR NEW HOME CONSTRUCTION THIS PERIOD: $90,000.00

ALL PERMITS

TOTAL NUMBER OF ALL PERMITS THIS PERIOD: 23
TOTAL VALUE OF ALL PERMITS THIS PERIOD: $705,759.00
ISSUE: Unsafe Structure 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: 1/13/2022

ATTACHMENTS:

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<th>Description</th>
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<tr>
<td>Unsafe Principal Structure</td>
<td>Cover Memo</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.

Peoria County Trustee, previously known as 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. The tarp has now been blown off the roof exposing the damage showing a giant hole through the 2nd story roof.

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 – Princeville – 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.
FORD, 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 leveed 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 #2021-00028- This property has been abandoned with broken windows, large hole in roof and walls and a sagging roof causing it to be 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.

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.

Frederick, Jonathon – 1307 N. Dempster Ln.- Limestone- Sec. 03 – (17-03-251-005)- Complaint #2021-000531 – This was a house fire. The entire roof structure is completely burnt and could collapse at any time. All windows are missing and many holes in the exterior walls.

Isaacson, Carrie – 19010 N Hakes Rd.- Hallock- Sec. 19 – (04-19-300-005) – Complaint #2022-000005 – This was a house fire. The entire house has significant fire damage with windows broken out and much of the soffit and siding are missing.

CASES IN THE HEARING OFFICER PROCESS

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 appeared in front of the Hearing officer on Jan. 5, 2022, and found it was in violation, issued a $900 fine and continued to March 2, 2022.
PROPERTIES IN COMPLIANCE FOR THE PAST FIVE YEARS

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.

SOMOGYI, 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.

ZHENG, Xiehu - 7901 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.
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 deteriorated and collapsing. The owner has completed the demolition of the house and repaired the shed.

KOFIOD, 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.
**Compliance Year – 2020**

**MEADOWS**, Cherryle – 1708 S West Ln – Limestone Twp – Sec. 13 – (17-13-456-003) – Complaint #2018-004 – A detached garage was collapsing, and a shed had collapsed. Demolition has been completed by the owner.

**JANSZEN**, Carol – 7014 W Lancaster Rd – Limestone Twp – Section 33 – (17-33-252-003) – 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 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.

**Compliance Year- 2021**

**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 24th, 2021  
LINE ITEM: N/A  
AMOUNT: N/A

ISSUE: Zoning Case ZBA-2022-000001 A Special Use request from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40-acre minimum lot size in the A-1 Agricultural Preservation Zoning District. The petitioner proposes to divide 1.5-acres from an existing 19.19-acre parcel in order to separate and sell two existing buildings from the remaining agricultural use.

BACKGROUND/DISCUSSION: This case is in District #18, which is County Board member Paul Rosenbohm’s district. The petitioners, Robert & Carol Meischner, request a Special Use from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40-acre minimum lot requirement in the “A-1” Agricultural Preservation District. The petitioner request to divide 1.5-acres from an existing 19.19-acre tract. The subject parcel is located at 9701 W. Farmington Rd. in the Northwest Quarter of Section 07 in Limestone Township. There is 1 consent and 0 objections on file. The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation. The proposed 1.5-acre tract consists of two vacant building located in the southeast corner of the original parcel. There is also approximately 19-acres of cropland located on the original parcel, the divide will not affect the existing cropland. To the east, west, and south of the proposed split the land is used for agricultural purposes. To the north of the proposed 1.5-acre tract is a residence and cropland. Southeast of the subject parcel there are parcels containing residences that range in lot sizes of less than an acre to five acres approximately 300 feet from the property line of the subject parcel. The overall LESA score was 204.0 out of 300, which is a medium rating for agricultural protection. No cropland will be taken out of production, the proposed 1.5-acre parcel is served by Illinois American Water and an existing private septic. The Peoria City/County Health Department found no conditions that would cause a recommendation of denial for this request. However, during the review process the exact location of the onsite wastewater disposal system could not be determined. The septic system that serves the building with the address 9701 W. Farmington Rd. is required to remain on the parcel of the building it serves. The subject parcel has frontage along N. Taylor Rd., a primary county road and W. Farmington Rd., a state route. According to the 2017 IDOT Traffic Map there is a total of 2,800 vehicle trips per day along N. Taylor Rd. and 8,950 vehicle trips per day along W. Farmington Rd. According to the petitioner, an easement off of N. Taylor Rd. will be recorded at the time of the split to access the remaining farmland. With vehicles trips per day considered, this special use approval will have minimal effects on N. Taylor Rd. and/or W. Farmington Rd. The County Highway Department has no objections. Access to the subject parcel off Taylor Road must be coordinated with the Highway Department prior to construction. For access off Illinois State Route 116, the County Highway Department will defer to the Illinois Department of Transportation. The petitioner’s request is consistent with the recommendations of the Peoria County Comprehensive Land Use Plan, as the proposed split would encourage locating an agriculture related service in place of vacant buildings in this Agricultural Preservation District. In the Agriculture Land Use, the Land Use Plan cites that agriculture related services are necessary and beneficial in ensuring the long-term sustainability of agriculture.

COUNTY BOARD GOALS:

HEALTHY VIBRANT COMMUNITIES

STAFF RECOMMENDATION: Approval  
ZBA RECOMMENDATION: Approval (5-0)

COMMITTEE ACTION:

PREPARED BY: Jack Weindel, Planner I
DEPARTMENT: Planning & Zoning
DATE: January 14th, 2022
Report to the Zoning Board of Appeals for the January 13, 2022 Public Hearing

Date: December 20th, 2021

Case/Petitioner: ZBA-2022-000001 Robert & Carol Meischner / 11602 N. Route 40, Dunlap, IL 61525

Request: A Special Use request from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40-acre minimum lot size in the A-1 Agricultural Preservation Zoning District. The petitioner proposes to divide 1.5-acres from an existing 19.19-acre parcel in order to separate and sell two existing buildings from the remaining agricultural use.

Location: NW ¼ Section 07, Limestone Township / 9701 W. Farmington Rd., Hanna City, IL 61536 / Parcel ID 17-07-100-013

Land Use Form: Agriculture Preservation

Current Zoning: “A-1” Agricultural Preservation

Present Use: Agriculture

Size of Site: 19.19 acres


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

Public Services: Fire: Limestone FPD #256 Water: Illinois American Water Co. Schools: Limestone HSD #310 Sewer: Septic

Transportation: W. Farmington Rd., state highway and N. Taylor Rd., primary county highway

Pertinent Zoning Cases On Site: None.

Pertinent Zoning Cases In Surrounding Area: None.

Department of Planning and Zoning Recommendation: APPROVAL
Case Analysis

**Request and Location:** The petitioners, Robert & Carol Meischner, request a Special Use as required in Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40-acre minimum lot size in the “A-1” Agricultural Preservation District. The petitioner proposes to divide 1.5-acres from an existing 19.19-acre tract. According to the petition, this special use would allow the petitioner to sell the 1.5-acres consisting of two vacant buildings while keeping the remaining acres for crop farming production. According to the petitioner, the two buildings have been vacant since October of 2019. The subject parcel is located at 9701 W. Farmington Rd., Hanna City, IL 61536 in the Northwest Quarter of Section 7 in Limestone Township.

**Pertinent Zoning Cases on Site:** None.

**Pertinent Zoning Cases in Surrounding Area:** None.

**Surrounding Zoning and Land Use:** The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation Zoning District. The proposed 1.5-acre tract consists of two vacant building located in the southeast corner of the original parcel. There is also approximately 19-acres of cropland located on the original parcel, the divide will not affect the existing cropland. The proposed 1.5-acre tract is accessed from existing gravel access points off N. Taylor Rd. and W. Farmington Rd. To the east, west, and south of the proposed spilt the land is used for agricultural purposes. To the north of the proposed 1.5-acre tract is a residence and cropland. Southeast of the subject parcel there are parcels containing residences that range in lot sizes of less than an acre to five acres approximately 300 feet from the property line of the subject parcel.

**Technical Adequacy:** Section 20-6.2.1.1.b of the Peoria County Unified Development Ordinance allows for a special use when a proposed land split does not meet the 40-acre minimum lot size in the “A-1” Agricultural Preservation Zoning District. The petitioner proposes to divide off 1.5-acres from a 19.19-acre parcel. A LESA was conducted on the subject parcel. The site scored 95.9 out of 100 for agland evaluation and 108.1 out of 200 for the site assessment component. The overall LESA score was 204.0 out of 300, which is a medium rating for agricultural protection. No cropland will be taken out of production.

**Environmental Impacts:** According to the petition, the proposed 1.5-acre parcel is served by Illinois American Water and an existing private septic. At the time of the review no conditions were found that would cause the Health Department to recommend denial of the request. However, during the review process the exact location of the onsite wastewater disposal system could not be determined. The septic system that servers the building with the address 9701 W. Farmington Rd. is required to remain on the parcel of the building it serves.

**Transportation Impacts:** The subject parcel has frontage along N. Taylor Rd., a primary county road and W. Farmington Rd., a state route. According to the 2017 IDOT Traffic Map there is a total of 2,800 vehicle trips per day along N. Taylor Rd. and 8,950 vehicle trips per day along W. Farmington Rd. The proposed 1.5-acre tract already has existing gravel access points on both N. Taylor Rd. and W. Farmington Rd. According to the petitioner, an easement off of N. Taylor Rd. will be recorded at the time of the split to access the remaining farmland. With vehicles trips per day considered, this special use approval will have minimal effects on N. Taylor Rd. and/or W. Farmington Rd. The County Highway Department has no objections. Access to the subject parcel off Taylor Road must be coordinated with the Highway Department prior to construction. For access off Illinois State Route 116, 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. The Land Use Plans states that the Agriculture Preservation Land Use Form is characterized by agricultural uses and agriculturally related services. The land uses that are allowed in the Agriculture Land Use Form are Agriculture and Open Space. In the Agriculture Land Use, the Land Use Plan cites that agriculture related services are necessary and beneficial in ensuring the long-term sustainability of agriculture. The petitioner proposes to split 1.5-acres from the existing 19.19-acres that is currently being used for agriculture to separate vacant buildings from the original parcel. No cropland will be taken out of production. This parcel received an overall LESA score of 204.0 out of 300, a medium rating for agricultural protection. The request is consistent with the recommendations of the Peoria County Comprehensive Land Use Plan, as the proposed split would encourage locating an agriculture related service in place of vacant buildings in this Agricultural Preservation Zoning District. The proposed split seeks to separate two vacant buildings from the existing parcel while the petitioner will continue to farm the remainder of parcels of cropland.
Conclusions

**Consistency with Adopted County Plan.** The request is consistent with the Peoria County Future Land Use Form Map which designates this area as Agriculture Preservation. Agricultural and Open Space are the allowed uses in the Agriculture Preservation land use form. This form is characterized by agricultural uses and agriculturally related services. The subject parcel received a medium rating for agricultural protection. No cropland will be taken out of production. The proposal will allow the petitioner to split 1.5-acres from an existing 19.19-acre tract that is currently being used for agriculture.

**Consistency with Community Character.** The subject parcel and all surrounding parcels are zoned “A-1” Agricultural Preservation Zoning District. The proposed 1.5-acre tract consists of two vacant building located in the southeast corner of the original parcel. To the north, west, and south of the subject parcel the land is used for agricultural purposes. To the north of the proposed 1.5-acre tract is a residence and cropland. Southeast of the subject parcel there are parcels containing residences that range in lot sizes of less than an acre to five acres approximately 300 feet from the property line of the subject parcel.

**Minimizing Adverse Effects.** The splitting of 1.5-acres from the existing 19.19-acre parcel will not create any adverse effects for the surrounding area. The two vacant buildings on proposed tract are accessed from a gravel access points off N. Taylor Rd. and W. Farmington Rd. The proposed spilt will not create any excessive noise levels or negative visual effects. Changes to the transportation system in the area will be minimal.

**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 the creation of lots in the “A-1” Agricultural Preservation District as specified in the Unified Development Ordinance. Any future use of the buildings located on the parcel must meet zoning and building code requirements.
Future Land Use Form
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, 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-2022-000001 at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of ROBERT AND CAROL MEISCHNER, acting on their own behalf, a SPECIAL USE request from Section 20-6.2.1.1.b of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 40 acre minimum lot size in the A-1 Agricultural Preservation Zoning District. The petitioner proposes to divide 1.5 acres from an existing 19.19 acre parcel in order to separate and sell 2 existing buildings from the remaining agricultural use.

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 splitting of the property will allow for further utilization of the agriculturally designated buildings. The acre and a half will allow the buildings to be sold to another. There are buyers interested in the property, as testified to by a real estate agent.

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:
   • There are other properties in the immediate vicinity that are of similar size and character. See also factor number 1.
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;
   • There are no known adverse effects from the splitting of the buildings associated with this parcel. It will allow for continued agricultural row crop production on the remaining section of land.

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
   • The remaining parcels will continue to comply with the Unified Development Ordinance and the Comprehensive Land Use Plan. The use will be consistent with all standards, particularly that the remaining portion of the parcel will be used for row crop production and the buildings will continue to be utilized.

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. Fletcher 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
DESCRIPTION FOR 19.19 ACRE TRACT

Lot 2 of the Doubet Estate Subdivision, a subdivision being a part of the NW ¼ of Section 7, T8N, R7E of the 4th P.M., Peoria County, Illinois, except (0.484 Acre) area Deeded to State of Illinois Doc. #97-29210 containing 19.19 acres, more or less.

PIN: 17-07-100-013
Your Land Use Committee does hereby recommend passage of the following Resolution:

RE: Approval of Special Use, Petition of Robert & Carol Meischner.

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 land split does not meet the 40-acre minimum lot size requirement 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 January 13, 2022 in Case No. ZBA-2022-000001; 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 Special Use; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 24, 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-2022-000001 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
AGENDA BRIEFING

COMMITTEE: Land Use
MEETING DATE: January 24, 2022
LINE ITEM: N/A
AMOUNT: N/A

ISSUE:
Case #ZBA-2022-000005, A Text Amendment to amend Chapter 20, Article 3, Section 3.5 Special Use Permits, and Article 11, Section 11.1 Definitions of the Peoria County Code.

BACKGROUND/DISCUSSION:
To prepare Peoria County for potential future development, Planning & Zoning Staff has reviewed the Unified Development Ordinance requirements for Special Use Permits. After research and discussion with community officials, emergency service personnel, and legal counsel for various Illinois Counties in which Wind Energy Conversion Systems have been sited or developed, an amendment to the Peoria County Code is recommended.

The proposed amendments to Section 20-3.5 “Special Use” will add language to clarify the decisions available to the Zoning Board of Appeals and the Peoria County Board. The amendments will also establish additional minimum submittal requirements for Special Use applications for Commercial Wind Energy Conversion System (WECS). Proposed submittal requirements address studies, reports, agreements and certifications, which will provide for additional information to aid in the evaluation of the application by the Zoning Administrator, the Zoning Board of Appeals, and the County Board.

The proposed amendments to Section 20-3.5 “Special Use” will help to protect the County from the continuous costs of land use regulations associated with development approvals by requiring future and subsequent costs associated with projects to be at the applicant, owner, developer, or operator’s expense. Additionally, these amendments ensure that the County and its citizens are adequately protected from end of project life or facility abandonment, both financially and structurally, by outlining detailed requirements for Decommissioning Plans and Decommissioning Agreements.

The proposed amendment to Section 11.1 creates a definition within the Peoria County Unified Development Ordinance for the “participating property” and “project area” terminology used within the proposed amendments in Section 3.5.

Due to an error in the required newspaper publication, the proposed amendment to Appendix A, “Fees” will be brought forward at a later date.

COUNTY BOARD GOALS:

SAFE AND HEALTH COMMUNITY

STAFF RECOMMENDATION: Approval
ZBA RECOMMENDATION: Approval (5-0)

COMMITTEE ACTION:

PREPARED BY: Andrew Braun, Assistant Director
DEPARTMENT: Planning & Zoning
DATE: January 14, 2022
Sec 3.5 Special Use Permits

1. Purpose and Authority

1. The purpose of special use permits is to enable the County to approve those uses which are generally compatible with other land uses permitted in a zoning district, but which require individual review of their location, design, and configuration and which may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

2. The ZBA may, in accordance with the procedures and standards of this Section, recommend approval of special use permits to the County Board, or may recommend approval of a special use subject to conditions, or may recommend denial of a special use permit.

2. Authorization

1. Only those uses which are authorized in Article 5, Use Regulations, those requesting variations from standards in Section 7.3 ("Home Occupations"), those nonconforming uses and nonconforming structures requesting termination of status as nonconforming under the provisions of Section 9.1.5, Nonconformities, may be approved as special uses.

2. The designation of a use in a zoning district does not constitute an authorization or an assurance that such use will be approved. Rather, each proposed special use shall be evaluated by the Zoning Administrator, the ZBA, and the County Board for compliance with the standards and conditions set forth in this Section and for each zoning district.

3. Application

1. Initiation. An application for a special use permit may be submitted by the owner, an agent authorized in writing to act on the owner's behalf, or other person having a written contractual interest in the parcel of land proposed for development under a special use permit.

2. Provision. The Zoning Administrator shall provide the petitioner with a sample of a special use petition form and a copy of the County's special use procedures.

3. Minimum Submittal Requirements. Applications for a special use permit shall be filed with the Zoning Administrator and shall include, but shall not be limited to the following information:

   a. The legal description, parcel identification number (PIN), and address (if available) of parcel(s) that are the subject of the request;
b. Such other information as may be designated by particular special use requirements;

b. A written description of the proposed use that includes information concerning proposed hours of operation, expected traffic impacts, and any other pertinent details concerning the proposed use, including a description of how the request satisfies the review standards found in Section 3.5.4, Approval Standards, below;

c. The present and proposed land use;

d. The surrounding zoning classifications;

e. An explanation of the need for the special use at the petitioned site;

f. The names and addresses of owners of petitioned property;

g. The following statements:

1. Whether the applicant is a corporation, and if a corporation, disclose the correct names and addresses of all officers and directors and of all stockholders or shareholders owning any interest in excess of twenty percent (20%) of all outstanding stock or shares of such corporation.

2. Whether the applicant, or his principal if other than the applicant, is a business or an entity doing business under an assumed name, and if so, the name and residence of all true and actual owners of such business or entity.

3. Whether the applicant or his principal if other than the applicant is a partnership, a joint venture, a syndicate, or an unincorporated voluntary association, and if so, include the names and addresses of all partners, or members of the partnership, joint venture, syndicate, or unincorporated voluntary association.

4. Whether the applicant is acting for himself or in the capacity of an agent, an alter ego, or a representative of a principal. The applicant shall include the name and address of the true principal.

5. Applicants must provide a signed statement with their special use application certifying that the applicant is responsible for the costs & fees associated with their Special Use application, including, but not limited to, attorney fees, engineer studies, costs of expert retention, costs associated with any appeal, and any and all costs incurred by the County as a result of the applicant’s
request or appeal.

a. Any subsequent costs incurred by the County as a result of the Special Use shall be at the applicant, owner, developer, or operator’s expense, including but not limited to the cost of initial and periodic engineering review of the Decommissioning Plan and/or Decommissioning Agreement for a Wind Energy Generation Facility or Solar Energy Generation Facility.

h. A site plan which contains, at a minimum, the following:

1. A layout map of all existing and proposed buildings and structures on the site;
2. The traffic circulation pattern;
3. The parking and loading areas and individual berths;
4. The proposed sewerage and water systems;
5. The placement of exterior lighting; and

i. A copy of such site plan at a reproducible size not to exceed 11” x 17”;

j. Except as provided in Subsection 3.5.3-3.j.6 below for special uses which involve a proposed land split which will not be served by public water, the following shall be submitted;

1. Documentation regarding proximity to existing water supply, both current and planned expansion by the appropriate water authority.
2. Detailed and documented cost comparison of the projected costs of public water, community water, and individual wells.
3. Documentation shall be provided to demonstrate that an adequate quantity and quality of water will be available for all lots proposed. Such documentation may be provided by the Illinois State Geological Survey or the Illinois State Water Survey.
4. Documentation from an existing well in the immediate vicinity documenting the production of water at a minimum rate of three gallons per minute (3gpm.)
5. The developer shall provide data from a test boring (s) completed by a well driller denoting the availability of water at this location. Location of the test well(s) shall be identified by the Illinois State Water Survey, the Peoria City/County Health Department and a licensed well driller. Results of such boring shall indicate a minimum three gallons per minute (3gpm) produced.

6. In the case of agricultural related land splits, the requirements of 3.5.3-3.j.1 through 3.5.3-3.j.5 shall not be required for commercial ag-related businesses, grain bins, and/or seed storage provided the use does not require, nor utilize, an office and/or restrooms.

k. Except as provided in Subsection 3.5.3-3.k.2 below, for special uses which involve a proposed land split which will not be served by public sewer, the following shall be submitted

1. Soil profiles in locations specified by the Peoria City/County Health Department.

2. In the case of agricultural related land splits, documentation in the form of soil profiles shall not be required for commercial ag-related businesses, grain bins, and/or seed storage, provided the use does not require, nor utilize, an office and/or restrooms.

4. Additional Minimum Submittal Requirements for Commercial Wind Energy Conversion Systems (WECS). Applications for a special use permit shall be filed with the Zoning Administrator and shall include, but shall not be limited to the following information:

a. A WECS Project Summary, including, to the extent available:

1. A general description of the project, including its approximately name plate generating capacity; the potential equipment manufacturer(s), type(s), of WECS, number of WECS, and nameplate generating capacity of each WECS, the maximum height of the WECS Tower(s) and maximum diameter of the WECS rotor(s); the general location of the project; and

2. A site plan for the installation of the WECS showing the planned location of each WECS Tower, guy lines and anchor base(s) (if any), Primary Structure(s), property lines (including identification of adjoining properties), setback lines, public access roads and turnout locations, proposed road surface and cover, dust control, Substation(s), electrical cabling from the WECS Tower to
the Substation(s), ancillary equipment, staging areas, third party transmission lines, private access roads, field tile locations and layout of all structures within the geographic boundaries of any applicable setback;

a. Each WECS Tower shall be individually numbered or identifiable in such a way that it can be approved, denied, or modified independently.

3. All required studies, reports, certification, plans and approvals demonstrating compliance with the provisions of this Ordnance, including but not limited to;

a. **Compliance with FAA.** The applicant shall submit with the special use application a determination of no significant impact to air navigation report from the FAA in accordance with Section 20-7.2.2.1.5 of the Unified Development Ordinance.

b. **Avian & Bat Study.** The applicant shall submit with the special use application an avian & bat study which determines that the WECS project does not negatively impact the path of migratory birds or bats in accordance with Section 20-7.2.2.1.11 of the Unified Development Ordinance.

c. **Shadow Flicker Analysis.** The applicant shall submit with the special use application an analysis on the potential shadow flicker onto adjacent non-participating properties. The analysis shall identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sunrise to sunset over the course of a year. The analysis shall include measures to eliminate or mitigate these problems if a habitable residence is impacted by the shadow flicker on a nonparticipating property.

d. **Endangered Species and Wetlands.** Applicant shall seek natural resource consultation with the Illinois Department of Natural Resources (IDNR). The applicant shall submit with the special use application the results of the IDNR EcoCat consultation. The cost of the EcoCAT consultation shall be paid by the applicant.

e. **Utility Connection.** The applicant shall submit with the special use application a copy of a letter from the
electric utility company confirming the review of the application for interconnection has commenced.

f.  **Emergency Response Plan.** The applicant shall submit with the special use application a copy of an Emergency Response Plan, and an agreement with the local fire protection district, identifying any training and equipment needs of the district which are necessary to respond to fire and other emergencies concerning the Project. The Plan must include the on-site location of emergency signage which identifies the emergency contact information for the owner/operator.

g.  **Interference Determination.** The applicant shall submit with the special use application a copy of the evidence that the Authorized Factory Representative has determined that the commercial WECS project does not cause severe interference with microwave transmissions, residential television interference, or radio reception.

h.  **Roads.** The applicant shall submit with the special use application a copy of an agreement with the road jurisdiction(s) which provides financial assurance that any road damage caused by the transport, installation, or the decommissioning and removal of the facility’s equipment, must be completely repaired to the satisfaction of the road official. The agreement shall specify how pre-development conditions are determined.

i.  **Noise Levels.** Applicant shall provide certification from the manufacturer that the noise level will not exceed applicable Illinois Pollution Control Board (IPCB) standards as measured at the nearest property line.

j.  **Acknowledgement of Liability Insurance:** The applicant shall acknowledge that a general liability insurance policy covering bodily injury and property damage, with limits of at least $51,000,000 per occurrence and $105,000,000 in the aggregate, in addition to umbrella liability with limits of at least $105,000,000 per occurrence and $210,000,000 in the aggregate, will be maintained without interruption from the date of permitting through the decommissioning of all wind turbines. A copy of the liability insurance must be filed annually with the Peoria County Department of Planning & Zoning.
k. Applicant must submit a Decommissioning Plan estimating the costs for Decommissioning pursuant to the requirements of Section 20 - 7.2.6 of the Unified Development Ordinance.

1. The Application for the WECS project shall be required to have a Decommissioning Plan to ensure it is properly removed upon the end of the project life or facility abandonment or turbine abandonment. For purposes of this section, “facility abandonment” shall mean when no electricity is generated by the facility for a consecutive period of one (1) year when the owner and/or operator of the WECS facility has stated in writing to the Zoning Administrator that the owner and/or operator intends to abandon, vacate, or cease wind energy creation operations indefinitely on a specified WECS project. For the purposes of this Section “turbine abandonment” shall mean when a turbine has not generated electricity for a period of one (1) year or when the owner and/or operator has indicated to the Zoning Administrator an intent to vacate or cease wind energy creation by the specific turbine. The Decommissioning Plan shall state how the facility will be decommissioned. Decommissioning shall include: removal of all structures (including WECS equipment and fencing) and debris to a depth of four (4) feet, restoration of the soil, and restoration of vegetation within six (6) months of the end of project life or facility abandonment. The owner shall restore the land to a condition reasonably similar to its condition before the development of the WECS facility, including replacement of top soil, which may have been removed or eroded, and replacement of trees. A decommissioning plan shall be submitted and approved prior to the issuance of the building permit. Any cost incurred by the County for the review of the Decommissioning Plan by an Illinois Licensed Engineer shall be reimbursed by the applicant prior to issuance of the building permit.
1. **Decommissioning Agreement.** Prior to the issuance of building permits, the owner or operator shall enter into an agreement with the County which recites the decommissioning costs, provides estimates for decommissioning, the agreed upon financial security, and states the means and methods by which the decommissioning will be achieved. The following conditions are minimum requirements for the Decommissioning Agreement:

   1. The Decommission Agreement must be approved by resolution of the Peoria County Board.

   2. Financial security must remain valid through the life of the project. An updated decommissioning plan including estimated costs prepared by an Illinois licensed professional engineer and financial security must be submitted to the Zoning Administrator every four (4) years:

      a. Any cost incurred by the County for the review of the Decommissioning Plan by an Illinois Licensed Engineer shall be reimbursed by the applicant prior to issuance of the building permit.

   3. Appropriate means of financial security shall be required as part of the Decommissioning Agreement. The security shall be in the name of Peoria County for one hundred percent (100%) of the estimated cost of decommissioning. The posted financial security shall not include any projected salvage or resale value of the WECS or other equipment. The estimated cost shall be prepared by an Illinois licensed professional engineer. Security may in the form of one of the following:

   1. Irrevocable Letter of Credit;
   2. Continuous Surety Bond
   3. Cash Escrow Account; or
   4. Any other means deemed acceptable by the Zoning Administrator.

   4. The County shall have access to the financial security funds for the expressed purpose of completing decommissioning if decommissioning is not completed
by the owner within six (6) months of the end of project life or facility abandonment or turbine abandonment;

5. The County is granted the right of entry onto the site, pursuant to reasonable notice, to effect or complete decommissioning; and

6. The County is granted the right to seek injunctive relief to effect or complete decommissioning, as well as the County's right to seek reimbursement from owner or owner’s successor for decommissioning costs which exceed the financial security and to file a lien against any real estate owned by the owner or owner’s successor, or in which they have an interest, for the excess amount, and to take all steps allowed by law to enforce said lien.

7. Release of Financial Security. Financial security shall only be released when the Zoning Administrator determines, after inspection, that the conditions of the decommissioning plan have been met.

4. Applicant shall submit an acknowledgement of non-refundable fees and no guarantee of outcome.

5. All other information required in accordance with Section 20-7.2.2.1 of the Unified Development Ordinance.

b. Number Of Copies: The applicant for a WECS special use shall file twenty five (25) copies of application, including five (5) full size copies of exhibits, twenty five (25) reduced copies of all exhibits, and one (1) copy in electronic format. The applicant is to provide up to ten (10) additional copies of the application with exhibits to the county upon request.

5. Review by the Zoning Administrator.

a. The Zoning Administrator shall send a copy of the applications to the appropriate road official and to the Peoria City/County Health Department for comment.

b. After receipt of a complete application for a special use permit, the Zoning Administrator shall complete the review of the application and shall send a written recommendation to the ZBA and the County Board, with a copy to the applicant. The recommendation shall set forth whether the special use application should be granted or denied, and shall state the grounds for any such recommendations as they relate to the standards set forth in Section
3.5.4 Approval Standards
When considering an application for a special use permit, the decision making body shall consider the extent to which:

1. 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;

2. 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;

3. 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;

4. 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; and

5. 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.

3.5.5 Conditions
The County Board may attach and the Zoning Administrator and the ZBA may recommend the attachment of such conditions to a special use permit as are reasonably necessary to meet the standards in Section 3.5.4, Approval Standards, including, but not limited to: requirements for landscaping and lighting; provision of adequate ingress and egress and off-site but project-related improvements; and other conditions such as the duration of the permit, hours of operation, and mitigation of environmental impacts.

3.5.6 Action by Zoning Board of Appeals

1. The ZBA shall conduct a public hearing to consider the special use proposal in accordance with the provisions of Subsection 2.2.6-5.

2. The ZBA shall review the special use application, the recommendation of the Zoning Administrator, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval, approval with conditions, or denial of the special use permit.

3.5.7 Action by County Board
The County Board shall review the proposed special use, the report of the ZBA, and the recommendation of the Zoning Administrator, and shall grant or deny the application for a special use permit by a majority vote of the members present constituting a quorum. The County Board may also refer the petition back to the ZBA for further consideration.

1. Recording of Notice of Restrictions. A notice of restrictions shall be recorded with the Recorder of Deeds of Peoria County that includes the terms and conditions upon which the special use approval is granted. The cost of such recording shall be paid for by the petitioner.

2. Effect of Issuance of a Special Use Permit. Issuance of a permit for a special use shall be deemed to authorize only the particular use for which it is issued.

3.5.8 Post-Approval Process

1. Development of an Approved Special Use. Development of the use shall not be carried out until the applicant has secured all other permits and approvals required by these regulations, the County, or State and federal agencies and until the approved special use is recorded in accordance with Subsection 3.5.7-1, above.

2. Inspection During Development Under a Special Use Permit.
   a. Following the issuance of a special use permit and from time to time as deemed appropriate until the completion of the development, the Zoning Administrator shall compare the actual development with approved plans and permits for development and the approved development schedule, if any.
   b. If at any time during the construction of the development approved by the special use permit, the Zoning Administrator determines that development is not proceeding in accordance with the special use permit as approved, then the Zoning Administrator may issue a stop work order and collect a stop work order fee from the developer.

3. Inspections after Development.
   a. Following the completion of the development of a special use, the Zoning Administrator shall review the development for compliance with the use as approved. If it is determined that the special use has been developed in accordance with approval, then a certificate of occupancy shall be issued in accordance with Section 3.3, ("Certificate of Occupancy").
   b. If the Zoning Administrator finds that the development, as completed, fails in any respect to comply with the use as approved, he shall immediately notify the applicant of such fact. The Zoning Administrator shall not issue a certificate of occupancy pursuant to Section 3.3 ("Certificate of Occupancy") until the development has been brought into compliance.
c. The Zoning Administrator shall inspect the special use on an annual basis to determine whether the conditions of the special use continue to be met. If the Zoning Administrator finds that any of the conditions have been violated, he shall take appropriate enforcement action and may revoke the special use permit.

3.5.9 Termination of Special Use Permits
A special use permit may be terminated by the Zoning Administrator in accordance with the restrictions contained in the permit.

3.5.10 Special Use to Run with the Land unless Otherwise Indicated
All special uses granted by the County Board, both before and after the effective date of this Section 3.5.10, Special Use to Run with the Land unless Otherwise Indicated, shall run with the parcel which is the subject of the special use unless:

1. The conditions attached to the special use by the County Board restrict it to a particular person(s) or period of time, in which case the special use shall terminate as provided in said conditions, or

2. The special use is subsequently revoked by the County Board or the Zoning Administrator.
Sec 11.1 Definitions

*Participating Property:* Any parcel, or portion of a parcel of land, which is subject to an agreement with the applicant, owner, developer, or operator for the production, siting, or development of a Wind Energy Conversion System.

*Project Area:* That region of land whose boundary is legally defined and established by the applicant, owner, developer, or operator and encompasses the area within the parcel boundaries of all participating properties containing all elements of a Wind Energy Conversion System. The project area shall not include a Non-Participating Property.
## Appendix A – Fee Schedule

<table>
<thead>
<tr>
<th>Special Use</th>
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<tbody>
<tr>
<td>Less than 100 acres</td>
<td>$690.00 plus recording fee</td>
</tr>
<tr>
<td>100 acres or greater</td>
<td>$690.00 plus recording fee, plus $7.00 per acre over 100 acres. For Wind Energy Conversion System projects, acreage is determined by project area as defined in Section 11.1 Definitions.</td>
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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, 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-2022-000005 at 10:00 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 TEXT AMENDMENT to amend Chapter 20, Article 3, Section 3.5 ("Special Use Permits") and Article 11, Section 11.1 ("Definitions") of the Peoria County Code.

FINDINGS OF FACT FOR TEXT AMENDMENTS

Section 20-3.6.4

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

1. The proposed amendment corrects an error or inconsistency or meets the challenge of some changing condition;
   - It is anticipated that there may be applications for renewable energy projects within the County. The proposed amendments will ensure conformity with current statutory requirements of the Illinois Counties Code and the Illinois Pollution Control Board. It will allow for greater flexibility in addressing the changing conditions of technology within the renewable energy sector. It will also allow for the protection of the County from additional costs associated with decommissioning. It will also allow for the public to receive more information at the application stage of project development. The amendment tightens definitions that are contained within the zoning code. Staff has done a significant amount of research in discussing with other counties and other professionals to determine what, and to what extent, changes should be made. Also, it will protect taxpayers from any adverse effects related to assessing a decommissioning plan.
2. The proposed amendment is consistent with the purpose and intent of this ordinance;
   • The proposed amendment is consistent with the intent of the ordinance and will allow
     Peoria County to be consistent with its long-term plan, protection of its citizens and
taxpayer dollars, in reviewing and managing renewable energy projects that come within
the County.

3. The proposed amendment will not adversely affect health, safety, morals, and general
   welfare of the public;
   • There are no negative impacts as to the health, safety, morals, and general welfare of the
     public. It will have positive impacts or improvements as to protections regarding noise,
wildlife, and liability insurance. It will also allow for improvements to the
decommissioning requirements, to ensure protections of County funds and taxpayer
funds.

4. The proposed amendment is required because of a change in State or Federal law;
   • The proposed amendments will allow conformity with Illinois Counties Code and the
     Illinois Pollution Control Board.

A motion to approve the Findings of Fact was made by Mr. Happ and seconded by Mr. Fletcher.
Five affirmative votes; (5-0) A motion to approve the proposed rezoning was made by Mr.
Fletcher 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:    Text Amendment to Chapter 20, Unified Development Ordinance, Peoria County Code

RESOLUTION

WHEREAS, the County of Peoria has adopted certain rules regarding land development in Peoria County found at Chapter 20, Unified Development Ordinance, Peoria County Code; and

WHEREAS, the proposed amended ordinance, attached hereto and incorporated herein, amends Chapter 20, Article 3, Section 3.5 (“Special Use Permits”) and Article 11, Section 11.1 (“Definitions”); and

WHEREAS, the proposed amended ordinance, attached hereto and incorporated herein, amends submittal guidelines for Wind Energy Conversion System Special Use applications to address studies, reports, and certifications, which may aid in the evaluation of the application; and

WHEREAS, the proposed amended ordinance, attached hereto and incorporated herein, the additional information required in advance of public hearings will better position our decision makers for Wind Energy Conversion System Special Use Applications; and

WHEREAS, the ZBA deliberated its decision on January 13, 2022, and voted to recommend approval of the Text Amendment; a copy of the ZBA’s findings of fact is attached; and

WHEREAS, your Committee met on January 24, 2022 and voted to approve the attached amendments to Chapter 20.

NOW THEREFORE BE IT ORDAINED, by the County Board of Peoria County that this 10th day of February, 2022, that Peoria County hereby adopts the attached amendment to Chapter 20 of the Peoria County Code, effective immediately.

RESPECTFULLY SUBMITTED,

LAND USE COMMITTEE