

**MINUTES
LAND USE COMMITTEE
APRIL 24, 2023 @ 4:00 P.M.
ROOM 403**

MEMBERS PRESENT: Paul Rosenbohm – Chairperson, Linda Daley – Vice Chairperson, Terry Ruhland, Sharon Williams, Matt Windish, Daniel Kelch

MEMBERS ABSENT: Eden Blair, James Dillon

OTHERS PRESENT: Jennie Cordis Boswell - State's Attorney's Office; Scott Sorrel, Shauna Musselman, Gretchen Pearsall, - County Administration, Heather McCord – Finance, Kathi Urban, Andrew Braun - Planning & Zoning

Call to Order:

Mr. Rosenbohm called the meeting to order at 4:01 p.m.

Approval of Minutes:

A motion to approve the Land Use Committee minutes from March 27, 2023, was made by Ms. Daley and seconded by Mr. Windish. 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. Rosenbohm motioned to receive and file the reports.

Zoning Cases:

ZBA-2023-009, David Herrmann

Mr. Windish made a motion to approve the special use request and was seconded by Ms. Williams.

Ms. Urban summarized the case. A Special Use request from Section 20-7.3.5.8 of the Unified Development Ordinance to vary from the requirement that a Home Occupation may involve the use of commercial vehicles that do not exceed a gross vehicle weight of eight thousand (8,000) pounds for delivery of materials to and/or from the premises. The petitioner would like to operate a trucking business in the “A-2” Agriculture Zoning District to transport new and used farm equipment and related products utilizing two semi tractors with a gross vehicle weight of sixteen thousand (16,000) pounds each and 4 trailers with a gross weight of thirteen thousand (13,000) pounds each. Also, a Special Use request as required in Section 20-7.3.5.9 of the Unified Development Ordinance to vary from the requirement that a Home Occupation may involve the use or indoor storage of heavy equipment, and that the equipment may only be stored in the dedicated accessory structure. Only 1 vehicle and only 2 trailers or pieces of equipment may be permitted. The petitioner is proposing to allow 2 commercial vehicles and 4 trailers. The petitioner also proposes to store the equipment outside. Also, A Special Use as required in Section 20-7.3.2.3 of the Unified Development Ordinance to vary from the requirement that a Home Occupation must be conducted entirely within

the dwelling or the accessory structure. The petitioner proposes to store 2 commercial vehicles and 4 trailers containing materials outside.

This parcel is approximately 20 acres and consists of a single-family dwelling, residential sheds, agricultural buildings, crop land pasture, and other farmland and is located on West Grange Hall Road in Radnor Township. There are no consents and no objections on the case. The parcel is zoned "A-2" Agriculture as well as all surrounding properties. The nearest dwelling is approximately a half mile to the east, and Kickapoo Sand and Gravel is about three quarters of a mile to the west. Surrounding parcels are row crop agricultural fields. This property has a medium rating for protection; however, no farmland will be taken out of production. Mr. Herrmann's trucking business will transport new and used farm equipment and related products. Materials brought back to the property will be 80% farm equipment, 10% grain, and 10% building material. The petitioner does not plan on removing any of the products off the truck, but they will be stored there overnight and the next day he'll finish his delivery. Mr. Herrmann estimates 12 trips per week to and from the facility and parking and storage of those vehicles will be behind a machine shed that's on the property in the northwest portion. The Health Department had no objection. This property is on a primary county highway, West Grange Hall Road, and the Highway Department had no objections, but commented that no additional access points would be allowed. The request is consistent with the County's Land Use Plan. Staff recommended approval with the following restrictions:

1. As required in Section 20-7.3.7, the home occupation permit shall expire when the resident changes the home occupation; or when the home occupation ceases operation for one year or longer; or when the resident (permittee) moves away from the property.
2. As required in Section 20-7.3.8, permits for all home occupations shall be renewed on an annual basis and a fee shall be paid in accordance with the provisions of Section 1.6 ("Review Fees"). At the time of the annual renewal of the permit, the Zoning Administrator shall verify that the home occupation continues to meet the standards set forth in this section and may inspect any home occupation to verify such compliance.

The ZBA recommended approval with the same restrictions by a vote of 6-0.

Mr. Rosenbohm asked if there were any questions for Kathi. Mr. Ruhland asked if posted road weight limits were considered. Ms. Urban stated that the Highway Department stated that these roads do not have a posted limit, and this allows for 80,000 pounds. The petitioner is aware of the load limit.

Mr. Rosenbohm asked if there were any more questions, and there were none.

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

ZBA-2023-013, Todd and Paula Sheridan

Ms. Daley made a motion to approve the special use request and was seconded by Mr. Ruhland.

Ms. Urban summarized the case. A Special Use request from Section 20-5.2.2.3.g of the Unified Development Ordinance, which allows for Sportsman's Clubs, including accessory retail services in the "A-2" Agriculture Zoning District. The definition of Sportsman's Club for our ordinance is a recreational area or facility and its accessory retail sales and services containing space use for hunting, shooting, or firing rifles, shotguns, pistols, skeets, or trap, fishing, and other similar sports.

The petitioner proposes to offer the training of retriever dogs on the property by overnight guests, including the intended use of firearms, shooting, hunting, the use of ATVs, and other related training activities. The next case is a concurrent special use request for overnight accommodations. This parcel is 28.5 acres located on North Townhouse Road in Rosefield Township south of Route 8. There are six consents and no objections on file. The consents are for parcels to the east and southeast. That was for three separate parcels with two people signing for each parcel. The subject parcel is zoned agriculture with all surrounding parcels also zoned agriculture.

The parcel consists of a single-family dwelling, an attached garage, an outbuilding, and multiple technical ponds, which are designed for the training of retrieving dogs. The parcels to the north and west are owned by the petitioner. The 38-acre parcel to the north is vacant with ponds, and the 160-acre parcel to the west consists of multiple pole buildings with ponds. The parcel to the south of the subject parcel is vacant and the parcel to the east of the subject parcel is in agricultural production and it does contain a residence. The petition states that the property will be used specifically for dog training by guests. Shooting would be for the training of dogs only and ATVs may be brought to the property by overnight guests for the retrieving purposes. According to the petition overnight guests would be limited to 10 dogs on the property, dog training hours would be limited to daylight hours and guests will be directed to shoot away from North Townhouse Road. The parcel is served by private well and private septic system, the health department had no objection, although they did have a couple of recommendations in their letter.

The subject parcel dwelling will have access by a drive off of North Townhouse Road which is a new township road. No new access points are requested at this time, and we did not receive comments from the Township Road Commissioner. This request is consistent with the County Land Use Plan designation of agriculture. Other types of development other than agriculture, such as a sportsman club, are restricted to the lowest producing agricultural land. The property did have a low rating for agricultural protection with its LESA score. The request is also consistent with the Peoria County growth strategy of generating economic opportunity and stability. The operation of an overnight accommodation with a sportsman club could provide an additional venue for recreational activities with lodging for visitors in the area. Staff recommended approval with the restriction that the special use is null and void in the event that the subject parcel is no longer owned by Coal Water Properties LLC and the Zoning Board concurred unanimously, with the same restriction.

Mr. Rosenbohm asked if there were any questions and there were none. Mr. Rosenbohm asked Mr. Sheridan if he wanted to speak, and he declined.

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

ZBA-2023-006, Todd and Paula Sheridan

Ms. Daley made a motion to approve the special use request and was seconded by Mr. Ruhland.

Ms. Urban summarized the case. A Special Use request from Section 20-5.2.2.2.f which allows for Overnight Accommodations, provided that they meet the requirements set forth in Section 7.8 (Overnight Accommodations) and provided that no more than 5 rooms or suites of rooms are rented; and rooms are not rented for a period of more than 14 days. The petitioner proposes to provide overnight accommodations on a short term rental basis in the "A-2" Agriculture Zoning District.

The parcel is located on Townhouse Road in Roseville Township. There are six consents, the same six consenters as the previous case, and no objections. The petition states that loud music and large gatherings will be prohibited. The closest dwelling is 1200 feet to the east. The entire house will be rented rather than each room being rented individually, so, the property use will be similar to that of a single-family dwelling for the overnight accommodation. The request is consistent with single-family residential uses and the natural features of the surrounding area. This parcel is served by private well and private septic system, the Health Department had no objections but did have a couple recommendations in their letter for the petitioner. The subject property is accessed by Townhouse Road. With a maximum of five guests staying at the property, the approximate trip generation would be 13.25 trips per day if each guest arrived in their own vehicle. The potential traffic generated by the proposed use is less than the allowed 30 automobile trips per day traffic generation for a major home occupation which would be a permitted use in this zoning district. So, it's less than other permitted uses. The road commissioner did not comment on this request. This request is consistent with our Land Use Plan, and it is also consistent with the Peoria County growth strategy of generating economic opportunity and stability. Staff recommended approval with the eight restrictions in the staff report. The Zoning Board concurred unanimously with the same restrictions.

Mr. Windish asked if the home was rented for over 15 days would the special use be null and void? What would happen if they rented it on a monthly basis? Ms. Urban stated that monthly rentals are allowed as a permitted right, and it would no longer be considered a short-term rental.

Mr. Ruhland stated that it was nice to have a short-term rental application with no objections.

Mr. Rosenbohm asked if there were any questions or comments and there were none.

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

Public Comment:

There was no public comment.

Miscellaneous:

There was no business under miscellaneous.

Adjournment: Mr. Rosenbohm adjourned the meeting at 4:17 p.m.