

MINUTES
Zoning Board of Appeals
Loren Bailliez, Chairman
January 10, 2019

A meeting of the Peoria County Zoning Board of Appeals was held on Thursday January 10, 2019, in Room 403 of the Peoria County Courthouse, 324 Main Street, Peoria, Illinois. The meeting was called to order by Chairperson Loren Bailliez at 9:00 a.m.

PRESENT: Loren Bailliez, Greg Fletcher, Greg Happ, Jim Bateman, Leonard Unes

ABSENT: Justin Brown, Andrew Keyt, John Harms, Linda O'Brien

STAFF: Celia Burke – Planner I
Corbin Bogle – Planner I
Andrew Braun – Senior Planner
Kathi Urban – Director
Alex Kurth – Civil Assistant State's Attorney
Ellen Hanks - ZBA Administrative Assistant

Mr. Unes made a motion to approve the minutes from the December 13, 2018 hearing and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (5-0).

Case No. 001-19-U at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ROBERT C. WILSON, JR., acting on behalf of THE ROBERT C. WILSON TRUST (owner)**, A **SPECIAL USE** as required in Section 20.5.2.2.1.a.1 of the Unified Development Ordinance. This section allows for a special use when a proposed land split does not meet the 25 acre minimum lot size nor the 1 dwelling unit per 25 contiguous acres density requirement in the A-2 Agricultural District. The petitioner proposes to divide 2 acres from an existing 9.558 acre parcel in order to sell an existing single family dwelling.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Weekly Post on December 20, 2018. Staff has recommended approval with restriction. Celia Burke gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture & Environmental Corridor). The site plan and two videos of the property were shown. The property is zoned A-2.

Robert Wilson of 11119 N. Evans Mill Rd., Princeville, was sworn in. Mr. Wilson stated that he was currently renting the house on this property to a Sheriff's deputy who was interested in purchasing the house and some land. Mr. Wilson added that he would sell the portion with the house to the tenant and continue to farm the remaining land.

Mr. Bailliez asked for clarification that the portion being split would contain the house, barn, and timber land, and Mr. Wilson responded that this was correct. Mr. Fletcher disclosed that he did an appraisal on this property several years prior, but that it would not affect his decision. Mr. Fletcher asked if the shed was included with the portion being split with the house, and Mr. Wilson responded that this was correct. Mr. Bailliez asked if Mr. Wilson lived in the house further back from the road near this house, and Mr. Wilson responded that this was correct.

Charlotte Woodhouse of 11009 N. Evans Mill Rd., Princeville, was sworn in. Ms. Woodhouse asked if Mr. Wilson would continue to farm the land in front of her house because she had noticed that some suspected well work had been done recently. Mr. Wilson responded that a test well was required as part of the proposed land split and that he had no plan to develop the remaining acreage.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0)

Case No. 002-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **ANDREW TURPEN, acting on his own behalf**, a **VARIANCE** request from Section 20-5.13.3.4 of the Unified Development Ordinance, which requires that for lots and parcels in residentially zoned districts, the total floor area of all accessory buildings, attached or detached, shall not exceed the footprint of the principal structure or 1,300 square feet, whichever is less, plus 750 square feet for a private garage. The petitioner proposes to construct an 4,800 square feet accessory structure in the “R-R” Rural Residential Zoning District, which would result in a variance request of 4,718 square feet from the allowable square footage. Also, 2 Variance requests from Section 20-6.4.2.2.c.2.b of the Unified Development Ordinance, which requires a side setback of 30 feet for an accessory structure. The petitioner proposes to construct an accessory structure at a distance of 20 feet from the north side lot line, resulting in a variance request of 10 feet and a distance of 20 feet from the south side lot line, resulting in a variance request of 10 feet. Also, a Variance from Section 20-6.4.2.3.c.2.b of the Unified Development Ordinance, which requires a rear setback of 25 feet for an accessory structure. The petitioner proposes to construct an accessory structure at a distance of 10 feet from the rear lot line, resulting in a variance request of 15 feet.

Ms. Urban opened the case. There are 5 consents and 4 objections on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Weekly Post on December 20, 2018. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Urban). The site plan and three videos of the property were shown. The property is zoned R-R.

Andy Turpen of 4704 N. Koerner Rd., Peoria, was sworn in. Mr. Turpen stated that he would like to store several vehicles he owns in the proposed building.

Mr. Fletcher asked how big the current building on the property was, and Mr. Turpen responded that it was approximately 1,400 square feet. Mr. Fletcher clarified that Mr. Turpen was requesting to have a second building behind the current one, and Mr. Turpen responded that this was correct. Mr. Turpen added that he owned approximately 10 cars, which were worth approximately 1 million dollars

collectively. Mr. Turpen also stated that all of the cars were owned and insured by himself. Mr. Fletcher asked if Mr. Turpen ran a business from this property, and Mr. Turpen responded that he did not. Mr. Fletcher stated that he had seen on-line that there was a business with this address on Koerner Road where people could rent cars. Mr. Turpen responded that he did have a business called The Super Car Experience. Mr. Fletcher asked if that business was run from this property on Koerner Road, and Mr. Turpen responded that it was not. Mr. Turpen then handed the board documentation about his business and his S-Corp entitled Andy Turpen Enterprises, which is registered to 2714 W. Wendarm Ct. in West Peoria. Mr. Turpen stated that he owns that property as well as the property on Koerner Rd., and that all administrative work for the business takes place at the Wendarm Ct. address. Mr. Turpen stated that he does rent cars, but they are his personal cars that he can use however he pleases. Mr. Turpen added that although the cars are stored at his Koerner Rd. address, he does not rent them out of this address or receive customers at this address. Mr. Turpen stated that he delivers the cars to people. Mr. Turpen stated that he does run a business, but the business is not headquartered or run through the address on Koerner Road. Mr. Turpen added that the purpose of the proposed building was to protect his cars.

Mr. Bailliez asked how many cars Mr. Turpen had, and Mr. Turpen responded that it fluctuates based on his buying and selling, but that he usually has around 8 or 9 cars at one time. Mr. Bailliez asked if the existing garage would accommodate the cars, and Mr. Turpen responded that it was only a three-stall garage. Mr. Bailliez asked if the the house in West Peoria on Wendarm was for sale, and Mr. Turpen responded that it was. Mr. Bailliez asked Mr. Turpen where he would locate his business after that property sold, and Mr. Turpen responded that he would take care of that when the house sold. Mr. Turpen added that he hoped to eventually be a business mentor for other Super Car Experience locations across the United States and sell the cars to those locations. Mr. Fletcher asked where the business would be run from if the property on Wendarm sold, and Mr. Turpen stated that he would sell his cars to other Super Car Experience locations. Mr. Fletcher asked if Mr. Turpen would go out of business if he sold the property in West Peoria, and Mr. Turpen stated that he would not. Mr. Fletcher asked where Mr. Turpen would be running the business from after the property in West Peoria sold, and Mr. Turpen stated that he would no longer be renting cars, he would just mentor the other business owners in other cities and states. Mr. Happ asked where he could pick a car up if he wanted to rent it from Mr. Turpen today, and Mr. Turpen stated that it could be picked up anywhere except at the Koerner Road address. Mr. Turpen added that the car was stored at the Koerner Rd. address, but no cars were rented from that location. Mr. Bailliez stated that he felt the situation was confusing because Mr. Turpen stated that he does have a business that utilizes these cars, but that no business activity is taking place at this location on Koerner Road. Mr. Turpen stated that the cars are business related, but he personally owns them and races them in addition to renting them. Mr. Turpen stated that he also maintains and repairs these cars at the Koerner Road address. Mr. Bailliez asked if Mr. Turpen works on the cars late at night, and Mr. Turpen responded that he did not. Mr. Bailliez pointed out that the board had received letters from neighbors stating that work was taking place late at night and causing a disruption.

Mr. Bailliez stated that there was an open complaint with the Department of Planning and Zoning regarding a business being run from the property. Mr. Turpen stated that he had an upcoming hearing regarding the violation in February. Mr. Bailliez stated that the building was so large that it was requiring setback variances on three sides, which would position it very close to the adjacent neighbors' property lines. Mr. Bailliez also pointed out that the proposed building had 14-foot ceilings, which Mr. Bailliez felt would impede the neighbors' view and enjoyment of their property considering the

closeness to the property lines. Mr. Turpen stated that one of the neighbors had a fence that would help screen the view. Mr. Bailliez asked Mr. Turpen for more details about the complaint hearing, and Mr. Turpen responded that the violations were for running a business from the property and also for having more than 4 vehicles stored outside of a building. Mr. Turpen stated that the proposed building would allow him to comply with the second violation. Mr. Turpen stated that the proposed building would also hide the cars from the neighbors' view. Mr. Turpen stated that if the building were too large or too close to the property lines, he was willing to negotiate with the board to find a size that was more suitable.

Mr. Unes asked Mr. Turpen what his alternative was in the case of a denial, and Mr. Turpen responded that he would probably sell the cars. Mr. Bailliez stated that the problem was not the business itself, but rather the potential location of the business on Koerner Road. Mr. Turpen stated that he was not running the business from this property and that the building would not be used for business purposes.

Mr. Bailliez pointed out that the variance request was for nearly the entire size of the proposed building, which was concerning. Mr. Turpen stated that he was willing to negotiate a smaller size if that was more agreeable. Mr. Turpen stated that he wants to protect his investment, which are the cars. Mr. Bailliez asked what would happen if the variance was approved, but Mr. Turpen had an open violation on the property. Mr. Turpen stated that nothing would change. Ms. Urban clarified that the ordinance states that a permit cannot be issued if there are open violations on a property. Ms. Urban added that a permit would not be issued for the proposed building if there was an open violation on the property. Mr. Bailliez asked how long Mr. Turpen had been running the business, and Mr. Turpen responded that the business was registered in July of 2018. Mr. Bailliez asked when Mr. Turpen bought the house on Koerner Road, and Mr. Turpen responded that the deed was signed in August. Mr. Bailliez asked Mr. Turpen if he bought the house with the intention to expand his business, and Mr. Turpen responded that he bought it because of the price and good location. Mr. Bailliez asked if Mr. Turpen had ever thought about buying a building in a commercially zoned area to run this business from, and Mr. Turpen responded that he had not.

Mr. Unes asked Mr. Bogle to go back to the video to show where the cars were parked, and the video was replayed. Mr. Unes asked if all the cars in the video were in running condition, and Mr. Turpen responded that they were. Mr. Turpen added that they were all licensed and insured through him.

Dale Knapp of 4712 N. Koerner Rd., Peoria, was sworn in. Mr. Knapp explained that his property was adjacent to the north of Mr. Turpen's. Mr. Knapp stated that he is grateful to have a neighbor like Mr. Turpen, who takes care of his property. Mr. Knapp stated that he likes the fact that Mr. Turpen has lights on his property at night because his property was robbed previously. Mr. Knapp stated that he did not want to aggravate any conflicts in the neighborhood.

Pat Bromley of 2718 W. Wendarm Ct., West Peoria, was sworn in. Mr. Bromley stated that he was Mr. Turpen's neighbor at the West Peoria property. Mr. Bromley stated that he realized that he does not live anywhere the location on Koerner Rd., but he did want to comment on the good relationship he had with Mr. Turpen when they were neighbors.

Mr. Bailliez asked if Mr. Turpen was running a business from this property in West Peoria when he lived there, and Mr. Bromley responded that he had no knowledge of that. Mr. Bromley added that he

knew Mr. Turpen owned a few cars when he lived in West Peoria, but he was not aware if cars were being rented at that time.

Cathy Wiltz of 4626 N. Koerner Rd., Peoria, was sworn in. Ms. Wiltz stated that she lives at the property adjacent to the south and is probably most disrupted by Mr. Turpen's cars. Ms. Wiltz stated that in addition to the noise, there are bright lights on the buildings which shine into their home. Ms. Wiltz stated that when Mr. Turpen first moved to the property on Koerner Road, the cars were lined up on display in front of the house. Ms. Wiltz stated that she was aware there was a different hearing on February 6th which would address the business more in detail and requested that the Zoning Board would not make any decisions until after that hearing.

Mr. Happ asked if Ms. Wiltz could point to her property on the aerial map, and she did so.

Bill Wiltz of 4626 N. Koerner Rd., Peoria, was sworn in. Mr. Wiltz stated that he has been woken up many times due to the noise produced by the cars that Mr. Turpen owns. Mr. Wiltz added that there is definitely a business being run from the property and he has seen people renting cars at the property on Koerner Road. Mr. Wiltz added that he moved to the area to retire and enjoy a residential area, not to live next to a business. Mr. Wiltz added that the proposed building would be approximately 20 feet from his house, which he did not want to see so close.

Amy Miller 4630 N. Koerner Rd., Peoria, was sworn in. Ms. Miller stated that she lived in an adjacent house to the south of Mr. Turpen's as well. Ms. Miller stated that she did not believe a building of this size would be an asset to the area and asked that the board deny the request. Ms. Miller stated that she felt the building would negatively affect her property values. Ms. Miller stated that even if the business was located somewhere else, the building would allow for storage of cars that would be moving to and from the home constantly due to rentals. Ms. Miller stated that the lights on the building are so bright that she has had to make sure the curtains are always closed. Ms. Miller added that she has young children who are being wakened by the loud cars. Ms. Miller stated that she felt that the variance for the property setback was too close and added that she was concerned about her home should the proposed building catch on fire. Ms. Miller stated that there were more suitable locations for this type of business rather than Koerner Road.

Mr. Turpen stated that as far as the lights were concerned, some neighbors liked them and some did not. Mr. Turpen stated that he has turned them off at the request of his neighbors and has also modified the lights to turn on only when the garage door opens. Mr. Turpen stated that if a neighbor has a complaint, he tries to respond to those complaints. Mr. Turpen added that his garage is monitored all the time and there is no evidence of coming and going at all hours. Mr. Turpen also added that he did not believe that the building would affect property values. As far as noise was concerned, Mr. Turpen stated that Koerner Road is already busy with traffic and he does not believe that his cars are louder than the existing traffic. Mr. Turpen stated that the issues of objection were not to the building, there were issues that needed to be solved between neighbors.

Mr. Fletcher asked when Mr. Turpen bought the house, and Mr. Turpen responded that it was in July of 2018. Mr. Fletcher asked when Mr. Turpen moved in, and Mr. Turpen responded that he moved in around September of 2018. Mr. Turpen stated that he wanted to point out that some of his car rentals for

his business have raised money for charity and tried to be actively involved with the community. Mr. Turpen stated that if a neighbor had a problem, they should come to him and address it.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken and the motion passed; (5-0)

Mr. Unes asked if Mr. Turpen would have to make a new request if he wanted to negotiate for a smaller building, and Ms. Urban responded that this was correct. Mr. Happ asked if it would be possible to delay a decision on the case until after the February 6th hearing for Mr. Turpen's violations, and Ms. Urban stated that the board had the option to continue the case, but it was entirely at their discretion. Mr. Fletcher stated that he would rather just make the decision and not delay, and the board agreed to move forward with a vote.

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - The request to build a 60' x 80' metal building on a residential lot 435' x 100' that has a 40' x 60' metal building plus his house makes a request for a 4718 square foot variance. The petitioner wants to store cars worth over 1 million dollars in value in these buildings. The request is for a 10 foot setback on three sides for this building, which has 14 foot ceilings. The property has some topographical issues.
2. That the variation, if granted, will not alter the essential character of the locality;
 - The requested variance to build a 60' x 80' metal building with 14 foot ceilings and only 10 foot setbacks in a residential area could affect the adjoining properties.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - See items #1 and 2.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - The use of large buildings to store over 1 million dollars' worth of cars in a residential area on a 435' x 100' lot is unique.
5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - See items #1, 2 and 4.

6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - Could impair light and impair property values within the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - It is the amount needed to build a 60' x 80' building.
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - This business is not good for this area.

Mr. Happ made a motion to approve the findings of fact and was seconded by Mr. Fletcher. A vote was taken and the motion passed; (5-0). Mr. Fletcher made a motion to approve the request and was seconded by Mr. Bateman. A vote was taken and the motion was denied; (1-4) (Mr. Fletcher, Mr. Unes, Mr. Bateman, and Mr. Bailliez voted no.)

Case No. 003-19-V at 9:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **JODY KIMBRELL, acting on behalf of JODY & MICHAEL KIMBRELL (owners)**, a **VARIANCE** from Section 20-3.2.14 of the Unified Development Ordinance, which requires that there shall be a maximum of 2 permits issued for the same construction project for a single structure. The petitioner proposes a 4th building permit to complete the relocation of a single family home and attached garage in the "A-1" Agriculture Preservation Zoning District.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Limestone Independent News on December 19, 2018. The Limestone Township Planning Commission recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation). The site plan and two videos of the property were shown. The property is zoned A-1.

Jody Kimbrell of 714 S. Eddlemon Rd., Hanna City, was sworn in. Ms. Kimbrell stated that the subject parcel was a piece of property that they had split off just to the south of their home. Ms. Kimbrell stated that they had several delays during the move of the house to this property including a bridge that was out and a mistake by the surveyor on a placement of the northern property line. Ms. Kimbrell stated that she was also unaware that there were several inspections that needed to take place when the house was moved. Ms. Kimbrell stated that she thought the project was finished when she got a letter from the Department of Planning and Zoning stating that the permit had expired without final inspection and a variance was needed for another permit. Ms. Kimbrell stated that the garage still needed to be hooked to the house and that she had a quote for footings for the garage. Ms. Kimbrell stated that the house was for her daughter.

Mr. Fletcher asked what exactly needed to be done in order to finish the permit, and Ms. Kimbrell responded that the garage still needed footings poured, the garage needed to be moved on top of the footings and would then need to be attached to the house. Mr. Fletcher asked how long the house and garage had been on the property, and Ms. Kimbrell responded that they had been there for about two years. Ms. Kimbrell added that the house was given to her daughter in 2015, but because of delays it was not moved until later. Ms. Kimbrell also stated that once the house was moved, they discovered that it had been placed too close to the road and it had to be moved back.

Mr. Bailliez asked if the project would be done within the year time limit of the permit, and Ms. Kimbrell responded that it would. Mr. Bailliez stated that Ms. Kimbrell needed to be sure to have the project inspected to make sure that all the requirements had been completed.

Candy Kimbrell of 730 S. Eddlemon Rd., Hanna City, was sworn in. Ms. Kimbrell stated that she used some of her deployment money to move the house but had run out of money which had caused some delays. Ms. Kimbrell stated that she had a job now and would have money to finish the project.

Mr. Fletcher asked Ms. Kimbrell if she currently lived in the house, and Ms. Kimbrell responded that she did.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Unes. A vote was taken and the motion passed; (5-0)

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - Due to weather delays, financing denied, and not inspected.
2. That the variation, if granted, will not alter the essential character of the locality;
 - No close neighbors, but would improve the location.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - Did not finish the project on time because of financial issues. The garage is in poor condition and likely not salvageable.
4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - A fourth permit will allow the project to be completed if the weather is good and finances are available.

5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - Will not change the public health, safety, comfort, morals and welfare or be injurious to other property or improvements in the neighborhood.
6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - Will not change any living conditions in the neighborhood.
7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - When finance is the problem the garage could be an issue.
8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - A limit for permits could be an issue.

Mr. Bateman made a motion to approve the findings of fact and was seconded by Mr. Unes. A vote was taken and the motion passed; (5-0). Mr. Bateman made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken and the motion was approved; (5-0).

The board took a break at 10:35 a.m. and reconvened at 10:42 a.m.

Case No. 004-19-V at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **RODNEY & CATHERINE VOSS, acting on their own behalf**, a **VARIANCE** request from Section 20-5.13.1 of the Unified Development Ordinance, which requires that an accessory structure shall not be commenced prior to the commencement of the principal structure. The petitioner proposes to convert an existing dwelling to an accessory structure in the “A-1” Agriculture Preservation Zoning District.

Ms. Urban opened the case. There are 0 consents and 1 objection on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Glasford Gazette on December 20, 2018. The Limestone Township Planning Commission recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation). The site plan and three videos of the property were shown. The property is zoned A-1.

Rodney Voss of 14109 140th Ave., Taylor Ridge, IL, was sworn in. Mr. Voss stated that he has always been under the impression that this building was to be used as a shed and was considered an accessory

structure but was recently told that it was considered a house. Mr. Voss stated that he would like to officially convert the house into an accessory structure, which requires the variance.

Mr. Unes asked if Mr. Voss intended to build a principal structure on the property, and Mr. Voss responded that he did not at this time. Mr. Bateman asked if the structure was unusable as a dwelling, and Mr. Voss responded that it could be used as a dwelling. Mr. Bateman asked if the building would be more useful as a dwelling, and Mr. Voss responded that his father had the property resurveyed 10 years prior and the house was only 1'8" from the property line to the west. Mr. Voss added that his father had a variance for the house to be that close to the property line when it was resurveyed. Mr. Voss stated that he inherited this property from his father and his father had always told him the building could only be used as a shed. Mr. Voss added that he had only used the building as a shed.

Mr. Bateman asked why Mr. Voss wanted to use the building as a shed considering he had the option to use it as a home, and Mr. Voss responded that he did not need a house on the property, but he could use a building for storage. Mr. Happ asked if the house had a basement, and Mr. Voss responded that it did. Mr. Happ concluded that it would be unsuitable for vehicle storage in that event. Mr. Voss stated that it would definitely have to be modified for storage and that he intended to store tools and other various items in the building. Mr. Fletcher asked if Mr. Voss farmed the remainder of the property, and Mr. Voss responded that he did. Mr. Fletcher asked if Mr. Voss had anywhere to store the tractor on the property, and Mr. Voss responded that it currently sits outside. Mr. Fletcher asked if Mr. Voss was in the area often, and he responded that he was.

Mr. Bailliez stated that he did not understand why Mr. Voss would not just keep the house and build a larger building suitable for storing his tractor and other items. Mr. Fletcher agreed that he felt it was a viable house. Mr. Voss stated that the house would need updates, which would be costly. Mr. Voss added that it would be less expensive to use the structure as an accessory structure and would also help decrease the property tax. Mr. Voss stated that he had been using the building as a storage shed for quite some time already. Mr. Fletcher asked how many bedrooms and bathrooms the house had, and Mr. Voss responded that it had 2 bedrooms and 1 bathroom.

Mr. Unes asked Mr. Voss if he intended to build a home in the future, and Mr. Voss stated that he probably would not, but he was unsure what the future would bring. Mr. Bailliez asked Mr. Voss what he would need to do to the structure to convert it to an accessory structure, and Mr. Voss responded that he was unsure. Mr. Voss added that he would not pursue that information until he had a decision on the case.

Michele Voss of 12620 W. Glasford Canton Rd., Glasford, was sworn in. Ms. Voss stated that she lives at the property directly to the east of the subject property. Ms. Voss showed the board and aerial photo of the property and pointed out where the property lines are in relationship to several buildings.

Mr. Unes asked if the driveway was shared, and Ms. Voss stated that it was. Ms. Voss explained that her husband's father had once owned all the parcels in the area, but the parcels had been given to his sons. Ms. Voss explained that her husband's father had obtained a variance in 2008 and they were under the impression that this structure could not be used as anything other than a shed. Ms. Voss stated that she did not understand why the building was not removed as her father in law had intended. Ms. Voss stated that they can see this building from their kitchen and there are other more suitable locations for a

building on this property. Ms. Voss added that she is concerned that the building will impact her property values negatively because it is deteriorating. Additionally, Ms. Voss stated that she was concerned with fire and safety because the building would not have anyone living there.

Mr. Fletcher asked if the petitioner farmed the surrounding area, and Ms. Voss stated that the petitioner had not farmed it himself in several years. Mr. Fletcher asked how the farming implements got from the road back to the farm ground, and Ms. Voss stated that they would probably use the common driveway. Ms. Voss stated that she also felt that the building did not fit the description of an accessory structure.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0)

Mr. Fletcher stated that he wanted to take a look at the property record card for the property through GIS. In reviewing the property record card it was noted that there was no dwelling listed on the taxes, but the property class was for a dwelling. Mr. Bateman asked if outside storage of farm equipment on the property was allowable, and Ms. Urban responded that farm equipment is exempt from the requirement to store inside. Ms. Urban added that the property maintenance code allows for at least one inoperable vehicle on an Agriculture zoned property as well.

Mr. Happ asked what kind of improvements would need to be made to the house if the variance were denied, and Ms. Urban responded that this case did first come to the department's attention through a property maintenance code violation. Ms. Urban stated that all the issues identified in that violation would have to be rectified. Mr. Fletcher asked if the building could be demolished, and Ms. Urban responded that the petitioner could choose to do so if they wished.

Mr. Bailliez stated that large equipment and cars could not be stored inside this building, so storage would be limited. Additionally, Mr. Bailliez stated that, according to the testimony, the petitioner did not have any plans to build a home on the parcel in the future. Mr. Unes stated that an unattended storage building that was formerly a home would surely deteriorate rapidly. Mr. Bailliez stated that an improvement to the property would be to either repair the house or build a suitable storage building that could house the existing equipment currently being stored outside.

FINDINGS OF FACT FOR VARIANCES

Section 20-3.7.3

The findings of the ZBA or the Zoning Administrator shall be based on data submitted pertaining to each standard in this Subsection as it relates to the development. A variance shall be granted only if the applicant demonstrates:

1. That the plight of the owner is due to unique circumstances;
 - The petitioner wants to convert an old house into a storage shed prior to building a principal residence. There is no evidence of building a residential home on this property in this petition.
2. That the variation, if granted, will not alter the essential character of the locality;

- Changing an abandoned house of 10 or more years into a storage shed could change the character of the location.
3. That because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations were carried out;
 - Best use of the building is storage. It would be quite expensive and difficult to rehab to residential.
 4. That the conditions upon which the petition for a variation are based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - Changing an abandoned house of 10 or more years into a storage shed are unique to this property.
 5. That the granting of the variation will not be detrimental to the public health, safety, comfort, morals and welfare, or injurious to other property or improvements in the neighborhood in which the property is located, or otherwise be inconsistent with any officially adopted County plan or these regulations;
 - Having an accessory building without a plan to build a residential structure is inconsistent with the County Plan and could be injurious to other property.
 6. That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood;
 - Will not change any living conditions in the neighborhood. The conditions could change if all storage is not stored inside.
 7. That the variance granted is the minimum adjustment necessary for the reasonable use of the land; and
 - Changing an abandoned house of 10 or more years into a storage shed.
 8. That aforesaid circumstances or conditions are such that the strict application of the provisions of this Section would deprive the applicant of reasonable use of his or her land.
 - The condition of this variance is minimal expenses necessary to replace an old house into a shed.

Mr. Fletcher made a motion to approve the findings of fact and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0). Mr. Happ made a motion to approve the request and was seconded by Mr. Fletcher. A vote was taken and the motion was denied; (0-5).

Case No. 005-19-U at 10:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **TODD (GEORGE) & PAMELA PARMENTER, acting on their own behalf, A SPECIAL USE** as required in Section 20-5.2.2.2.c of the Unified Development Ordinance. This section allows for a special use for animal hospitals, animal clinics and commercial kennels. The

petitioner proposes to operate a commercial kennel on a 7.763 acre parcel in the “A-2” Agriculture Zoning District.

Ms. Urban opened the case. There are 0 consents and 1 objection on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Weekly Post on December 20, 2018. Staff has recommended approval with restrictions. Celia Burke gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Urban). The site plan and two videos of the property were shown. The property is zoned A-2.

Todd Parmenter of 9631 N. Route 91, Peoria, was sworn in. Mr. Parmenter stated that he was seeking to expand his existing kennel. Mr. Parmenter stated that he has been operating as a hobby breeder for years, but it was not until he came to the Department of Planning and Zoning to get a permit for the expansion that he learned a Special Use was needed in order to operate a kennel from this property. Mr. Parmenter thought that this type of use was permitted. Mr. Parmenter explained that although the request was for a commercial kennel, he is not considered a commercial breeder by the United States Department of Agriculture. Mr. Parmenter added that he was aware that the Peoria County Ordinance did not account for this distinction between commercial breeder and hobby breeder, but he wanted to make it clear that he was not considered a commercial breeder by the USDA. Mr. Parmenter also stated that he is licensed by the Illinois Department of Agriculture to be a hobby breeder based on the number of intact adult dogs he houses. Additionally, Mr. Parmenter stated that he passes his annual inspections and has been used as an example for other breeders to learn from. Mr. Parmenter stated that he is the only Bronze level Brittany breeder with the American Kennel Club in the world. Mr. Parmenter also stated that he had been breeding Brittany's for about 40 years and that he sets high levels of expectations for the quality of his dogs and his kennel.

Mr. Parmenter stated that he had had some discussions with the Health Department, and that he would do whatever was required by them. Mr. Parmenter explained that they had discussed options for waste control and water use. Mr. Parmenter further stated that he had received the objection from the neighbor who was concerned about traffic and the demand on the shared well. Mr. Parmenter stated that he did not believe that the request would impact these factors as the kennel had been operating for years and was only planning to physically expand. Mr. Parmenter stated that there was no plans for business expansion other than upgrading the physical space that the dogs occupy. Mr. Parmenter stated that they have been slowly working on upgrading the property in general ever since they moved there.

Mr. Bailliez asked about the shared well, and Mr. Parmenter explained that the well, lake, and access all had share agreements in place for the surrounding homes. Mr. Bailliez asked how long Mr. Parmenter had been breeding dogs at this location, and Mr. Parmenter responded that he had been breeding for 15 years; however, he did not move to this property until 2013. Mr. Bailliez asked how many dogs Mr. Parmenter currently had, and Mr. Parmenter responded that he had 18. Mr. Bailliez asked if he had ever received any complaints about noise or odor, and he stated that he had not. Mr. Happ asked if all 18 dogs were breeding dogs, and Mr. Parmenter responded that they were not. Mr. Happ asked if Mr. Parmenter anticipated growing greatly within the next 10 years, and Mr. Parmenter responded that he was unsure, although he had no current plans to grow the business. Mr. Parmenter stated that he would not be able to expand without hiring employees, which he had no intention of doing currently. Mr. Parmenter added that 15-25 dogs is the typical range he has at a given time.

Mr. Unes asked if Mr. Parmenter was willing to comply with waste water requirements, and Mr. Parmenter responded that he was. Mr. Fletcher asked how far the closest house was from the kennel area, and Mr. Parmenter responded that he would guess that it was in excess of 50 yards.

Geri Haliburton of 9619 N. Route 91, Peoria, was sworn in. Ms. Haliburton stated that she lived in the home directly across from the barn, and had lived there for approximately 3 years. Ms. Haliburton stated that the shared well was on her property and she had been paying for the electrical use of the well pump and that the well agreement stated that it was only for residential use. Ms. Haliburton added that a kennel would create more traffic and would also open the area up to more commercial development. Mr. Bailliez asked if the dogs were visible to Ms. Haliburton, and Ms. Haliburton responded that she could see them when they were outside the barn. Mr. Fletcher asked if Ms. Haliburton knew about how many feet were from her home to the barn, and she responded that she was unsure; however, Ms. Haliburton did state that her house was closer to the barn than the Parmenter's house. Mr. Fletcher asked if Ms. Haliburton ever heard the dogs, and Ms. Haliburton responded that she did sometimes. Mr. Fletcher asked if Ms. Haliburton even noticed a problem with odor, and Ms. Haliburton responded that she had not.

Mr. Parmenter stated that he was not changing anything from the current operation other than adding on additional space for the dogs. Mr. Parmenter added that as far as traffic was concerned, he only hosts one customer at a time and customers are only received by appointment. Mr. Parmenter also added that the Haliburtons moved to the area after he did and were aware of all the shared agreements with the other homes. Mr. Parmenter added that he had never received any complaints from a neighbor prior to this case.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0)

Case No. 006-19-U at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PEORIA SAND & GRAVEL, INC.** (*A Corporation – Kenneth Aupperle – President, Steve Aupperle – Secretary/Treasurer, Roger Aupperle – Director, and Leroy Oaks – Director, all of 190 E. Washington St., Morton, IL 61550*), **acting on their own behalf**, a **SPECIAL USE** request from 20-5.2.2.4.e of the Unified Development Ordinance. This section allows for a Special Use for Mineral Extraction Facilities in the “A-2” Agriculture Zoning District, as provided for in Section 7.12 (“Mineral Extraction Facilities”). The petitioner proposes to operate a mineral extraction facility at this location.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Weekly Post on December 20, 2018. Ms. Urban explained that staff was requesting that the case be continued to the March 14, 2019 hearing at 9:00 a.m. due to additional information that staff has requested before proceeding with the case.

Mr. Fletcher made a motion to continue the case to March 14, 2019 at 9:00 a.m. and was seconded by Mr. Bateman. A vote was taken and the motion carried; (5-0).

Case No. 007-19-U at 11:00 a.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **STEVE DURDEL, acting on behalf of MASSEY RENTALS, INC. (A Corporation – Randy Massey – President & Lisa Massey – Secretary, both of 14120 W. Riekena Rd., Hanna City, IL 61536) & JOSEPH ABRAHAM & SONS AMUSEMENTS, INC. (A Corporation – Joseph G. Abraham Jr. – President/Secretary, of 3012 S. Cramer Rd., Trivoli, IL 61569)**, a **SPECIAL USE** request from Section 20-5.8.2.1.n.1 of the Unified Development Ordinance, which allows for a Tavern, not exceeding a floor area of five thousand (5,000) square feet, if located closer than five hundred (500) feet from any residential district, religious institutions, or school in the "C-2" General Commercial Zoning District. The petitioner proposes to bring a tavern located closer than five hundred (500) feet from any residential district, into compliance with the Unified Development Ordinance.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 20, 2018 and The Weekly Post on December 20, 2018. Staff has recommended approval. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Unincorporated Center, Environmental Corridor, Agriculture, and Rural). The site plan and two videos of the property were shown. The property is zoned C-2.

Steve Durdel of 4215 W. Southport Rd., Peoria, was sworn in. Mr. Durdel stated that he had owned the bar for approximately 5 years and had recently built a deck on the building without a permit. Mr. Durdel stated that he was sent notice by the Department of Planning and Zoning for a violation of building the deck without the permit and from there it was discovered that a Special Use was needed.

Mr. Happ asked where the deck was located, and Mr. Durdel pointed it out on the aerial map. Mr. Happ asked how large it was, and Mr. Durdel responded that it was approximately 8' x 10'. Mr. Bailliez asked if food was served, and Mr. Durdel responded that food was currently only served on Thursdays and Fridays; however, in warmer weather it would likely be every night.

Mr. Bailliez asked if there was anyone that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken and the motion passed; (5-0)

The board took a break at 12:18 p.m. and reconvened at 1:32 p.m.

Case No. 008-19-U at 1:30 p.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **SOLAMERICA ENERGY, LLC (A Business – George Mori: President, R. Stanley Allen: Executive Chairman, Pete Corbett: Senior Vice President of Engineering & Construction, Leland Shuman: Senior Vice President of Finance & Development, Tully Blalock: Vice President; all of 1819 Peachtree Rd., Suite 100, Atlanta, GA 30309; and John Buffington – Vice President, of 1 N. State St., Suite 1500, Chicago, IL 60602)**, acting on behalf of **WILLIAM LONGCOR, JUDITH LONGCOR, and the WILLIAM C. & JUDITH L. LONGCOR TRUST (owners)**, a **SPECIAL USE** request from 20-5.2.2.2.h of the Unified Development Ordinance. This section allows for a special use in the "A-2" Agriculture Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 ("Ground Mounted Solar Energy Equipment"), of these regulations are met.

Ms. Urban opened the case. There are 0 consents and 4 objections on file. The case was published in the Peoria Journal Star on December 20, 2018. Staff has recommended approval with restrictions. Corbin Bogle gave a brief presentation of the countywide map, aerial view of the property, surrounding zoning, and future land use plan designation (Agriculture Preservation and Agriculture). The site plan and one video of the property were shown. The property is zoned A-2.

Syed Ahmad, attorney from Heyl Royster representing SolAmerica, located at 300 Hamilton Blvd., Peoria, was sworn in. Mr. Ahmad stated that this proposal is for a 2 megawatt solar project on Truitt Road west of Chillicothe. Mr. Ahmad stated that SolAmerica focuses on community solar type projects and has several in development across the country already. Mr. Ahmad explained that the recent interest in solar development was due to the Future Energy Jobs Act (FEJA), which was passed with the intention of encouraging renewable energy sources and job growth in Illinois. In addition to these benefits, community solar projects would allow residents to subscribe to the service for an offset on their utility bill and the county will receive a larger tax benefit over the life of the project.

For this project specifically, Mr. Ahmad explained that the parcel was zoned A-2 and then pointed out the location of the solar array on the site plan. The remainder of the parcel would continue to be farmed. Mr. Ahmad pointed out that the nearest dwelling was approximately 2000 feet from the solar array, which well exceeded the requirement from the ordinance. The project site would occupy around 16 acres of the 100 acre site and would be located on the southern portion of the property. Mr. Ahmad added that the point of interconnection was about 0.8 miles away from the site. Mr. Ahmad stated that the construction period would be the busiest time in terms of site activity, but this would only last around 16 weeks. The site will be surrounded by a perimeter fence. The site would then be monitored remotely and maintained as needed. After the life of the project, the land would be returned to its previous state. The life of the project will be 30 years.

Mr. Ahmad added that storm water management and erosion control plans would be submitted as part of the building permit process. Additionally, a decommissioning plan and financial security will also be required as part of the project. Mr. Ahmad explained that no harmful materials would be leached into the soils and that the noise produced by the project would be around 40-60 decibels and should not be heard outside of the fence. There will be minimal to no lighting on site and the glare from the panels is very low. Mr. Ahmad also stated that a study done by CohnReznick stated that there is no measurably impact to property values for sites near solar projects.

Mr. Happ asked if local union labor would be used, and Mr. Ahmad responded that he was unsure.

Joyce Blumenshine of 2419 E. Reservoir Blvd., Peoria, was sworn in. Ms. Blumenshine stated that she was from the Sierra Club and was in favor of solar projects in the county. Ms. Blumenshine stated that solar projects will help decrease global warming, which would be beneficial for the future of the planet. Ms. Blumenshine added that coal plants are dangerous to the health and water supplies in the area and solar is a clean alternative that should be supported.

Francis Christine Ozuna-Thornton of 11700 N. Riverview Rd., Chillicothe, was sworn in. Ms. Ozuna-Thornton stated that she was not directly affected by this solar project, but did want to know what minimal lighting meant. Mr. Ahmad responded that lighting would follow any county ordinance

requirements for lighting. Ms. Urban read the ordinance language for lighting requirements on solar projects, which was limited to security lighting that must be directed downward.

Mr. Bailliez asked if there was anyone that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken and the motion passed; (5-0)

Case No. 009-19-U at 1:30 p.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **CHILLICOTHE SOLAR 1, LLC**, (*A Corporation - Michael Hall – President, CEO, Treasurer, of 360 22nd Street, Suite 600, Oakland, CA 94612, Aaron Hall – Secretary, of 5005 Texas St., Suite 400, San Diego, CA 92108, Stan Chang – Chairman of the Board, Justin Wong – Director, Sophi Pan – Director, all of 5005 Texas St., Suite 400, San Diego, CA 92108.*), acting on behalf of **MOSSVILLE LAND INVESTMENTS, LLC (owner)**, a **SPECIAL USE** request from 20-5.2.2.2.h of the Unified Development Ordinance. This section allows for a special use in the “A-2” Agriculture Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 (“Ground Mounted Solar Energy Equipment”), of these regulations are met. Also, A Special Use request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the “I-2” Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 (“Ground Mounted Solar Energy Equipment”), of these regulations are met.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 20, 2018. Staff has recommended approval with restrictions. Celia Burke gave a brief presentation of the countywide map, aerial view of the properties, surrounding zoning, and future land use plan designation (Agriculture). The site plan and two videos of the property were shown. The properties are zoned A-2 and I-2.

Derek Bus, Product Developer from Borrego Solar, of 1255 S. Michigan Ave., Chicago, was sworn in. Melissa Samaroo, Civil Engineer from Borrego Solar, of 1 N. State St., Suite 1500, Chicago, was also sworn in. Mr. Bus started the presentation by stating that Borrego Solar has been in operation for approximately 40 years. The company is headquartered in California and has developed commercial and community solar projects in several other states across the nation. Currently, Borrego Solar has 27 approved projects across the State of Illinois.

Specific to this site, the proposed site for the 2 megawatt solar project is located off of Old Galena Road, just north of the Caterpillar Mossville site. Mr. Bus explained that the proposed project would span two parcels, with the southern portion of the project being on a parcel zoned I-2 and the northern portion on a parcel zoned A-2. Mr. Bus explained that the IDNR and FAA had both concluded that there were no negative impacts. The site will meet or exceed all Peoria County ordinance requirements for setbacks and will utilize a single access tracking system with the panels being approximately 8 feet in height at their maximum. The site will occupy approximately 12 acres of land and will be surrounded by a perimeter fence. Access to the site will be shared with the business to the south.

Mr. Bus explained that Borrego’s mission is to make sure that the owner of the property and surrounding property owners are kept up to date with the intentions of the project. Mr. Bus further stated that he had done quite a bit of community outreach to approximately 12 surrounding homes and had not received

any objections to date. Mr. Bus then showed a map of the properties that were notified on several occasions. Mr. Bus stated that there are several benefits to solar development, including a larger property tax benefit, with most of that money going to IVC and Mossville Schools.

Mr. Fletcher stated that he wanted to commend Mr. Bus for doing community outreach prior to the hearing. Mr. Fletcher asked if there were any working sites in the Midwest through Borrego Solar, and Mr. Bus responded that there were no working sites in Illinois, but they did have a few in Minnesota under construction. Mr. Unes pointed out that the substation was approximately 5 miles away and asked if that would pose any problems. Mr. Bus stated that they were pleased with the interconnection agreement with Ameren regardless of distance. Mr. Happ asked if Borrego Solar owned projects long term, and Mr. Bus stated that it was not determined for this project yet, but that typically they construct the project and sell it to investors. Mr. Fletcher asked if local labor would be used during construction, and Mr. Bus stated that that was the intention.

Joyce Blumenshine of 2419 E. Reservoir Blvd., Peoria, was sworn in. Ms. Blumenshine stated that she was from the Sierra Club and was in favor of solar projects in the county. Ms. Blumenshine also stated that if the farmer can benefit from the lease of the land and the development of solar could benefit the community, then it would be a win for everyone.

Francis Christine Ozuna-Thornton of 11700 N. Riverview Rd., Chillicothe, was sworn in. Ms. Ozuna-Thornton asked how long it would take for the project to be constructed, and Ms. Samaroo responded that it would take approximately 4-6 months and would employ approximately 30 people. Ms. Ozuna-Thornton then asked how this project would save tax money, and Mr. Bus clarified that it would not save tax money, but rather increase the tax base because of the solar development. Ms. Ozuna-Thornton asked if these projects were getting incentives from the government for these projects, and Mr. Bus responded that there were energy credits available through the state.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Fletcher made a motion to close and deliberate and was seconded by Mr. Bateman. A vote was taken and the motion passed; (5-0)

Mr. Fletcher had to leave at 2:35 p.m.

Case No. 010-19-U at 1:30 p.m. Hearing to be held in room 403, of the Peoria County Courthouse, Peoria, Illinois.

Petition of **PHIL CARLSON & STANTEC CONSULTING, (A Business - Gordon Johnston, President and Chief Executive Officer of 200, 10160 – 112 Street, Edmonton, AB T5K 2L6), acting on behalf of LUIGI BASSO (owner),** a **SPECIAL USE** request from 20-5.11.2.2.m of the Unified Development Ordinance. This section allows for a special use in the “I-2” Heavy Industrial Zoning District for a Solar Energy Generation Facility, provided that the conditions in Section 7.17 (“Ground Mounted Solar Energy Equipment”), of these regulations are met.

Ms. Urban opened the case. There are 0 consents and 0 objections on file. The case was published in the Peoria Journal Star on December 20, 2018. Staff has recommended approval with restrictions. Andrew Braun gave a brief presentation of the countywide map, aerial view of the property, surrounding

zoning, and future land use plan designation (Agriculture & River Freight). The site plan and one video of the property were shown. The property is zoned I-2.

Phil Carlson of 2335 Highway 36, St. Paul, MN, was sworn in. Mr. Carlson explained that this was a proposal for two co-located 2 megawatt sites on a parcel located off of Route 29. Mr. Carlson added that the property is zoned Industrial, but is currently in crop production. Mr. Carlson stated that the site could be developed with an Industrial use without special consideration; however, the solar development would be a good neighbor compared to another permitted use. Mr. Carlson pointed out that solar would be quiet and produce minimal traffic after construction of the site was complete. Mr. Carlson also pointed out that the revised site plan was due to recent findings from an archaeological study that was commissioned and revealed that there was a former burial ground on the parcel. Mr. Carlson explained that the solar site was shifted to give the burial area proper buffer. Mr. Carlson further explained that the site was separated from the closest homes by Route 29 and a railroad corridor at a distance of about 300 feet. Because of the topography of the area, the houses would also sit lower than the solar site. Mr. Carlson stated that the nearest houses would likely not see the solar site; however, a landscaping buffer was proposed along the north, west, and south sides of the parcel to help screen the area. The maximum height of the panels would be approximately 6-8 feet in height. Mr. Carlson also added that an informational mailing was sent to approximately 75 neighbors and there were no comments received prior to the hearing.

Mr. Bateman asked if the site would be owned and operated long term by the developer, and Mr. Carlson stated that OYA Solar typically sells to another company that would build and operate the site long term. Mr. Unes asked what would be done about the burial ground on the property, and Mr. Carlson responded that they had been asked to create a buffer around the area, which they had done in the revised site plan. Mr. Carlson added that the land would remain open ground and would not be disturbed by the solar development. Mr. Happ asked if local union labor would be used during construction, and Mr. Carlson stated that they would not be the builder of the site, but local labor is generally preferred by most development companies.

Tracy Meints-Fox of 15215 N. Ivy lake Rd., Chillicothe, was sworn in. Ms. Fox stated that she lives just outside of the area where letters of notification were sent, but she does pass by this area almost every day. Ms. Fox stated that she was in favor of the solar development and knew that Peoria County had a sound ordinance in place to address solar development regulations. Ms. Meints-Fox stated that she did not believe there was anything about this site that should be cause for concern. Ms. Meints-Fox explained that she is an avid birder and that there are much higher mortality rates to birds due to fossil fuel production than solar. Additionally, Ms. Meints-Fox stated that this farm field currently has very little value to birds, especially considering the pesticides used on the crops. Also, Ms. Meints-Fox stated that this development would be a benefit to job creation in the area and also offer more property tax revenue for the county. Ms. Meints-Fox concluded that this development would be important for the preservation of the planet for future generations.

Kenneth Dunbar of 11918 N. Riverview Rd., Chillicothe, was sworn in. Mr. Dunbar stated that he was in favor of solar, but did not feel that this was a good location for a project of this type. Mr. Dunbar pointed out that there are many people located near this site with the Caterpillar office space nearby, the school, and the soccer field all being in proximity. Mr. Dunbar stated that he had a lot of unanswered questions regarding electromagnetic field output from solar sites. Mr. Dunbar stated that he is also

concerned about the effects to birds and bees, especially the migrating birds near the river. Mr. Dunbar stated that he feeds the birds each day and is concerned that the solar development will affect those birds. Mr. Dunbar concluded that this is a highly populated area and there is no evidence on how this type of development will affect people in the area long term.

Mike Morgan of 5503 W. Rachael Dr., Peoria, was sworn in. Mr. Morgan stated that he is the President of the Soccer Club adjacent to the proposed site. Mr. Morgan asked if there was any landscaping proposed between the site and the soccer field, and Mr. Carlson responded that there currently was not anything planned, but that he would entertain the possibility of adding some if necessary. Mr. Morgan stated that Mr. Basso (owner of the proposed site parcel) had agreed to lease part of the land to the soccer club for their use. Mr. Morgan was concerned that the soccer club parcel would become landlocked with the addition of the solar development. Mr. Morgan stated that the Peoria Park District owned the soccer fields adjacent and wondered if they had been notified of the development. Mr. Carlson stated that he was not sure if they were notified, but he personally had not notified them.

Mr. Unes asked what kind of uses would be permitted in an I-2 zoning district if it were not developed as a solar farm, and Ms. Urban responded that it could be any sort of heavy industrial use. Ms. Urban added that any permitted use in I-2 would not require a zoning case.

Adam Gudat of 11911 N. Riverview Rd., Chillicothe, was sworn in. Mr. Gudat stated that he was concerned about the effects of the solar development on the wildlife in the area. Mr. Gudat was especially concerned about the geese and also the bald eagles that nest along the river. Mr. Gudat stated that he believed solar panels would discourage birds from occupying the area. Mr. Gudat stated that he was also concerned about the negative impacts to the neighborhood.

Francis Christine Ozuna-Thornton of 11700 N. Riverview Rd., Chillicothe, was sworn in. Ms. Ozuna-Thornton asked when the Peoria Park District was notified and wanted assurance of that. Ms. Ozuna-Thornton stated that she was concerned about the bird and turtle life in the area being affected by the solar development. Ms. Ozuna-Thornton stated that she also felt that the proposed solar development would also affect the beauty of the area and would impede her view. Ms. Ozuna-Thornton added that the corn was only there a few months a year, but the solar development would be there all year. Ms. Ozuna-Thornton concluded that this is still unknown technology and the long-term effects of this type of development have not been studied.

Kathleen Dunbar of 11918 N. Riverview Rd., Chillicothe, was sworn in. Ms. Dunbar stated that she was concerned about the long-term effects of solar development that have not been identified yet. Ms. Dunbar stated that she had researched solar and read that older solar panels leach harmful materials into the ground. Ms. Dunbar was also concerned about the effects of the electromagnetic field output in relationship to people and surrounding wildlife. Ms. Dunbar stated that she was in favor of solar developments, but not in a highly populated area.

Bob McCullough of 12111 N. Riverview Rd., Chillicothe, was sworn in. Mr. McCullough stated that he felt that the outreach from the company could have been better. Mr. McCullough asked which side would have no landscaping, and Mr. Carlson stated that it was the north side. Mr. McCullough asked if the farmer would still own the property, and Mr. Carlson responded that he would still own the property and the portion for the solar development would be leased. Mr. McCullough asked who would remove

the development once the project has concluded, and Mr. Carlson explained that a decommissioning plan was required as part of the building permit process, which would require the removal of the equipment and a return to the former state at the end of the project.

Mr. Carlson stated that as far as notice was concerned, Planning and Zoning staff had sent letters to who they needed to, and Mr. Carlson had sent their own notice to approximately 75 land owners nearby. Mr. Carlson added that this information had his contact information included, but he did not receive any contact from anyone prior to the hearing. Mr. Carlson stated that as far as electromagnetic fields were concerned, Mr. Carlson referenced a 2012 study done by the Massachusetts Clean Energy Center, which concluded that there was no increase to the electromagnetic fields in an area due to solar development. Mr. Carlson stated that existing power lines would have a higher amount of electromagnetic radiation than solar. Mr. Carlson stated that the concern about locating this near a school or office building was unfounded. Mr. Carlson stated that as far as the soccer club was concerned with their use of Mr. Basso's land, the land owner had a right to decide how he wanted to utilize his own land. Mr. Carlson pointed out again that this parcel is zoned I-2 and could be developed with heavy industrial use without special permission. Mr. Carlson stated that another industrial use would make a much greater impact on the wildlife. Mr. Carlson stated that as far as wildlife was concerned, the ground would be planted in a native pollinator seed mix to encourage bees and butterflies. Additionally, Mr. Carlson stated that the impact to wildlife was unfounded. Mr. Carlson added that solar technology has been around for decades and is very well known. Mr. Carlson also pointed out that there is a bond in place for the removal of the system at the end of the project life to ensure that equipment will not be left behind.

Ms. Dunbar stated that she had done a lot of reading about solar and disagreed that there was no impact to the wildlife. Ms. Dunbar stated that she believed there would be a major impact on the geese and other birds due to the heat generated by the solar site. Ms. Dunbar also stated that electromagnetic fields lead to a decrease in bees.

Ms. Ozuna-Thornton stated that the entire project would be fenced in, which would impact animals getting in and out of this area.

Paul Basso of 601 E. Tripp Ave., Peoria, was sworn in. Mr. Basso explained that his father was the owner of the land proposed for the solar development. Mr. Basso stated that the soccer club would always have access to their property. Additionally, Mr. Basso stated that from what he understood, Caterpillar had taken care of the burial ground years ago.

Mr. Bailliez asked if there was anyone else that would like to speak for or against the request, and there was no one present. No further questions or comments were made. Mr. Bateman made a motion to close and deliberate and was seconded by Mr. Happ. A vote was taken and the motion passed; (4-0) (Mr. Fletcher was absent.)

The board took a break at 3:26 p.m. and reconvened at 3:35 p.m.

Ms. Urban stated that staff had checked the list of adjacent owners that were notified about the case and it was discovered that the Peoria Park District had not been notified by letter. Ms. Urban added that although the notice was published in the newspaper and a sign was posted, a letter was not sent to this adjacent owner.

Miscellaneous:

No further questions or comments were made.

Mr. Happ made a motion to adjourn and was seconded by Mr. Bateman. A vote was taken, and the motion passed; (4-0) (Mr. Fletcher was absent.)

Meeting adjourned 3:46 p.m.

Respectfully submitted,

Ellen Hanks

ZBA Administrative Assistant