

RECORD OF MINUTES AND DELIBERATIONS
TAZEWELL COUNTY ZONING BOARD OF APPEALS
TUESDAY, JULY 2, 2024
JAMES CARIUS COMMUNITY ROOM
101 S. CAPITOL STREET, PEKIN, ILLINOIS

CALL TO ORDER: Chairman Lessen called the meeting to order at 5:34 P.M.

ROLL CALL: Secretary Workman called the roll call and noted the presence of a quorum as follows: Todd Bong, Shawn Cupi, Valerie Fehr, Angela Lapsley, Amy McClanahan & Chairman Duane Lessen; Members absent: Don Vaughn

STAFF PRESENT: Jaclynn Workman, Community Development Administrator; Melissa Kreiter, Chief Deputy Administrator; Matt Drake, Assistant States Attorney; Gabriel Guevara, Tri-County Regional Planning Commission, and Land Use Members: K. Russell Crawford, Kaden Nelms, Eric Schmidgall, Greg Sinn and Chairman Joesting

OTHERS PRESENT: Petitioners and Interested Parties

MINUTES: Moved by Bong, seconded by Fehr, to approve the minutes of the June 4, 2024 Zoning Board of Appeals meeting. **Motion carried by voice vote.**
Chairman Lessen gave an overview of the procedures and how the Hearing Process would be conducted.

PUBLIC COMMENT: Amber Towle appeared with comments regarding her concerns of protection of farmland when the ZBA hears cases involving wind and solar installations. Ms. Towle gave her various reasons for why she felt the ZBA should recommend denial of these types of cases.

PUBLIC COMMENT: David King appeared with comments regarding his concerns of allowing solar installations. Mr. King stated solar developers should not be trusted and how he feels the developers are pitting neighbor against neighbor.

PUBLIC HEARING

Chairman Lessen called upon Case No. 24-23-S. Jeff Duval and Ben Wallick appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-30-S. Ronald Thomason appeared to testify on behalf of the proposed Special Use request. Jeffrey Oesch appeared in support of the proposed Special Use request. Mark Byland appeared in objection of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-31-V. Michael Cochran of Austin Engineering appeared to testify on behalf of the proposed Variance request.

Chairman Lessen called for a short recess of the public hearing at 7:07 p.m. and reconvened at 7:16 p.m.

Chairman Lessen called upon Case No. 24-25-S. Attorney Seth Uphoff and Jason Hawksworth appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-26-S. Attorney Seth Uphoff, Ben Sych and Dean Smith appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called for a short recess of the public hearing at 9:08 p.m. and reconvened at 9:20 p.m.

Chairman Lessen called upon Case No. 24-27-S. Attorney Jim Griffin, Matt Walsh, Carl Broberg and Michael Marous appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-28-S. Attorney Jim Griffin, Matt Walsh, Carl Broberg and Michael Marous appeared to testify on behalf of the proposed Special Use request.

Chairman Lessen called upon Case No. 24-29-S. Attorney Jim Griffin, Matt Walsh, Carl Broberg and Michael Marous appeared to testify on behalf of the proposed Special Use request.

Upon conclusion of all public testimony at 10:19 p.m., Chairman Lessen closed the Public Hearing portion of the Meeting and following a short recess, deliberations began at 10:28 p.m.

(PLEASE REFER TO THE VIDEO RECORDING FOR ALL PUBLIC TESTIMONY AND RELEVANT INFORMATION TO EACH CASE PRESENTED DURING THE PUBLIC HEARING PORTION OF THE ZONING BOARD MEETING)

DELIBERATIONS

(Continued at the June 4, 2024 ZBA Public Hearing)

CASE NO. 24-23-S: The petition of Jeff Duval for an Adaptive Reuse of an Existing Structure (formerly the Groveland School) to allow for a private commercial business, currently Vanilla Gorilla Security, to conduct tactical law enforcement and security classes and training within the existing structure located in a R-1 Low Density Residential District located at 18603 Springfield Rd., Groveland, IL.

Moved by Bong, seconded by Cupi to approve **Case No. 24-23-S** with the following conditions:

1. Vanilla Gorilla Security shall be the sole tenant of the structure and the adaptive reuse of the structure shall be limited to the tactical law enforcement training; and
2. Shall coordinate with Tazewell County Health Department regarding the septic and/or use of portable sanitation; and
3. Signage to be posted notifying the public of training in progress; and
4. No pyrotechnics to be used indoors or outdoors; and
5. No discharge of weapons on exterior of building; and
6. Code compliant methods of indoor heating/cooling.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Bong, seconded by McClanahan, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to approve **CASE NO. 24-23-S** the vote was:

Ayes: 6 –Bong, Cupi, Fehr, Lapsley, McClanahan and Chairman Lessen

Nays: 0

Absent: 1 - Vaughn

Motion declared carried.

CASE NO. 24-30-S: The petition of Ronald Thomason for a Special Use to allow the operation of a Home Commercial Business, for the purpose of operating a trucking operation in an A-1 Agriculture Preservation Zoning District located at 1845 California Rd., Pekin, IL.

Moved by Cupi, seconded by McClanahan to approve **Case No. 24-30-S.**

Following further discussion, moved by Bong, seconded by Fehr to continue **Case No. 24-30-S** to the August ZBA Public Hearing to allow the Petitioner to present a written and recorded Easement Agreement for access across the adjacent property or have approved a new entrance permit to the property with the Groveland Township Road Commissioner. **Motion carried by voice vote.**

CASE NO. 24-31-V: The petition of Michael Cochran, representing the Haedicke family for a Variance to waive the requirements of §157.091(C)(2) to allow an existing Accessory Structure (Shed) to be 12' from a newly created property line, which is 13' closer than allowed in an A-1 Agriculture Preservation Zoning District located at 193 Ten Mile Creek Rd., East Peoria, IL.

Moved by Cupi, seconded by Lapsley to approve **Case No. 24-31-V.**

After considering all the evidence and testimony presented the Zoning Board of Appeals arrived at a finding of fact. Following discussion, moved by McClanahan, seconded by Bong, to approve the findings of fact as discussed. **Motion carried by voice vote.**

On roll call to approve **CASE NO. 24-31-V** the vote was:

Ayes: 6 –Bong, Cupi, Fehr, Lapsley, McClanahan and Chairman Lessen

Nays: 0

Absent: 1 - Vaughn

Motion declared carried.

CASE NO. 24-25-S: The petition of Hawk-Attollo, LLC for a Special Use to allow the construction of a 3.5 Mega Watt Commercial Solar Farm (originally approved as a 5 Mega Watt project 11/2/2022 in Case No. 22-47-S) in an A-1 Agriculture Preservation District located in a field immediately S and adjacent to 13127 Hilst Rd., Green Valley, IL.

Moved by Cupi, seconded by Lapsley to recommend approval of **Case No. 24-25-S** to the Tazewell County Board with the following conditions:

1. The fence style shall be chain-link with steel post, in accordance with the height requirements of § 156.06 (B)(1)(f).
2. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility and all land outside of the perimeter fence identified in the agreement as a part of the lease is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
3. Emergency and non-emergency contact information shall be kept up to date with the Community Development Department and be posted in a conspicuous manner at the main entrance to the facility and also visible from the public roadway.
4. Vegetative screening, such as a species of pine tree, shall be 3-5' at planting as proposed in the application and in any other location as determined desirable by the Community Development Administrator.
5. Cover crop, such as wheat or rye, shall be established prior to construction to prevent sediment and erosion control issues during the construction phase.
6. Decommissioning Plan compliant with the current standards of the Tazewell County Solar Energy Ordinance.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Bong, seconded by Cupi, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **CASE NO. 24-25-S** to the Tazewell County Board the vote was:

Ayes: 6 –Bong, Cupi, Fehr, Lapsley, McClanahan and Chairman Lessen
Nays: 0
Absent: 1 - Vaughn

Motion declared carried.

CASE NO. 24-26-S: The petition of Fast Ave. Solar, LLC for a Special Use to allow the construction of a 5 Mega Watt Commercial Solar Farm (originally a part of Case No. 18-33-S on 8/7/2018 and extended 9/1/2020) in an A-1 Agriculture Preservation District located in a field at the SW corner of the intersection of Fast Ave. and Lilly Rd., Mackinaw, IL.

Moved by Bong, seconded by McClanahan to recommend approval of **Case No. 24-26-S** to the Tazewell County Board with the following conditions:

1. The fence style shall be chain-link with steel post, in accordance with the height requirements of § 156.06 (B)(1)(f).
2. The Facility Owner shall ensure that all vegetation growing within the perimeter of the Facility and all land outside of the perimeter fence identified in the agreement as a part of the lease is properly and appropriately maintained. Maintenance may include, but not be limited to, mowing, trimming, chemical control, or the use of livestock as agreed to by the Landowner.
3. Emergency and non-emergency contact information shall be kept up to date with the Community Development Department and be posted in a conspicuous manner at the main entrance to the facility and also visible from the public roadway.
4. Vegetative screening, such as a species of pine tree, shall be 3-5' at planting as proposed in the application and in any other location as determined desirable by the Community Development Administrator.

5. Cover crop, such as wheat or rye, shall be established prior to construction to prevent sediment and erosion control issues during the construction phase.
6. Decommissioning Plan compliant with the current standards of the Tazewell County Solar Energy Ordinance.

After considering all the evidence and testimony presented the Zoning Board of Appeals reviewed the Report of the Land Use Planner. Following discussion, moved by Bong, seconded by Cupi, to approve the findings of fact as written. **Motion carried by voice vote.**

On roll call to recommend approval of **CASE NO. 24-26-S** to the Tazewell County Board the vote was:

Ayes: 6 –Bong, Cupi, Fehr, Lapsley, McClanahan and Chairman Lessen

Nays: 0

Absent: 1 - Vaughn

Motion declared carried.

CASE NO. 24-27-S: The petition of Unsicker Sun 1, LLC for a Special Use to allow the construction of a 5 Mega Watt Commercial Solar Farm in an A-1 Agriculture Preservation District located in a field at the SE corner of the intersection of Unsicker Rd. and W. Birchwood St. (Il. Rte. 98), Morton, IL.

Moved by Cupi, seconded by McClanahan to recommend approval of **Case No. 24-27-S** to the Tazewell County Board.

Following further discussion, moved by Bong, seconded by McClanahan to continue **Case No. 24-27-S** to the August ZBA Public Hearing to allow the Petitioner to submit a letter of support from the Village of Morton, or to have a representative from the Village of Morton attend to clarify its' position as to the proposed Special Use request. **Motion carried by voice vote.**

CASE NO. 24-28-S: The petition of Unsicker Sun 2, LLC for a Special Use to allow the construction of a 5 Mega Watt Commercial Solar Farm in an A-1 Agriculture Preservation District located in a field at the SE corner of the intersection of Unsicker Rd. and W. Birchwood St. (Il. Rte. 98), Morton, IL.

Moved by Cupi, seconded by McClanahan to continue **Case No. 24-28-S** to the August ZBA Public Hearing to allow the Petitioner to submit a letter of support from the Village of Morton, or to have a representative from the Village of Morton attend to clarify its' position as to the proposed Special Use request. **Motion carried by voice vote.**

CASE NO. 24-29-S: The petition of Unsicker Sun 3, LLC for a Special Use to allow the construction of a 2 Mega Watt Commercial Solar Farm in an A-1 Agriculture Preservation District located in a field at the SE corner of the intersection of Unsicker Rd. and W. Birchwood St. (Il. Rte. 98), Morton, IL.

Moved by Cupi, seconded by McClanahan to continue **Case No. 24-29-S** to the August ZBA Public Hearing to allow the Petitioner to submit a letter of support from the Village of Morton, or to have a representative from the Village of Morton attend to clarify its' position as to the proposed Special Use request. **Motion carried by voice vote.**

NEXT MEETING

The next meeting of the Zoning Board of Appeals will be **Wednesday, September 4, 2024** at 5:30 p.m. in the Tazewell County Justice Center, James Carius Community Room, 101 South Capitol Street, Pekin, Illinois.

ADJOURNMENT

There being no further business Chairman Lessen declared the Zoning Board of Appeals Deliberations adjourned at 11:43 p.m.

Jaclynn Workman, Secretary
(Transcribed by Melissa Kreiter)