

**REVISED**

**TAZEWELL COUNTY LAND USE COMMITTEE AGENDA**

**Chairman, K. Russell Crawford**

**McKenzie Building – 3<sup>rd</sup> Floor Jury Room**

**Tuesday, September 9, 2025 at 5:00 p.m.**

1. **Call to Order.**
  2. **Roll Call.**
  3. **Approval of Minutes:** July 8, 2025
  4. **Public Comment.**
  5. **New Business.**
    - a. **Cases:**
      - i. **LU-25-11, 25-38-A**                      Amendment 74
      - ii. **LU-25-12, 25-39-Z**                      Peter Smidt                      Rezoning                      Deer Creek Twp.  
CL3 Properties, LLC
    - b. **Plats and Subdivisions:** None
    - c. **Resolutions:** None
    - d. **Discussion:**
      - i. **Amendment 75 – All ZBA Case Petitions require Board approval**
      - ii. **BESS (Battery Energy Storage Systems)**
      - ii. **Data Centers**
  6. **Unfinished Business.**
  7. **Staff Report:**                      Review Year to Date Revenue and Building Activity
  8. **Next Meeting:**                      Tuesday, October 14, 2025
  9. **Recess.**
- Members:**      Chairman - K. Russell Crawford, Vice Chairman – Jon Hopkins, Mark Goddard, Jay Hall, Greg Longfellow, Eric Schmidgall, Eric Stahl, Joe Woodrow

**REPORT OF ZONING BOARD OF APPEALS  
TO TAZEWELL COUNTY BOARD  
ON PROPOSED AMENDMENT TO TITLE XV – CHAPTER 157  
(Zoning Board Case No. 25-38-A)**

**TO THE TAZEWELL COUNTY BOARD:**

The Zoning Board of Appeals of Tazewell County, Illinois makes the following report of its action on the case indicated herein, after a public hearing on September 3, pursuant to notice given in accordance with law:

**A. DESCRIPTION OF CASE**

**SUBJECT MATTER:** TITLE XV – CHAPTER 157

**REQUESTED BY:** Tazewell County Land Use Committee

**PROPOSAL:** Proposed Amendment No. 74 to the Tazewell County Zoning Code referred for hearing by the Tazewell County Land Use Committee to amend the following:

(Add new language as bolded and underlined.  
Remove language as stricken. Re-letter or re-number accordingly.)

**SECTION 1 LAND USE MATRIX § 157.072 MATRIX.**

<i>Principal Uses</i>	<i>Zoning Districts</i>									
	<i>A-1</i>	<i>A-2</i>	<i>R-R</i>	<i>R-1</i>	<i>R-2</i>	<i>C-1</i>	<i>C-2</i>	<i>I-1</i>	<i>I-2</i>	<i>CONS</i>
<b><u>Personal Storage / Recreational Building</u></b>	<b><u>P/S</u></b>	<b><u>P/S</u></b>	<b><u>P/S</u></b>							<b><u>P/S</u></b>

**SECTION 2 (RR) RURAL RESIDENTIAL DISTRICT**

**§ 157.126 PERMITTED USES.**

- (B) ~~Accessory structures on properties prior to the principal structure, not to exceed a total of 250 square feet, and shall be placed in the rear quarter of the property as approved by the Community Development Administrator and in accordance with accessory structure setback requirements;~~
- (J) Personal storage/**recreational building**, not to exceed 1200 square feet. **Structures larger than 1200 square shall require approval of a Special Use request.**

**§ 157.127 SPECIAL USES.**

- (A) ~~Accessory structures prior to the principal structure, not to exceed a total of 1,200 square feet. The accessory structure shall be used only for personal storage and for equipment necessary to maintain the property;~~
- (W) Personal **storage**/recreational building, not to exceed 2500 square feet. **Structures larger than 2500 square shall also require approval of a Variance request**

**SECTION 3 (R-2) MULTI-FAMILY RESIDENTIAL DISTRICT**

**§ 157.166 PERMITTED USES.**

- (A) ~~Accessory structures and uses~~ on properties prior to the principal structure, not to exceed a total of 250 square feet, and shall be placed in the rear quarter of the property as approved by the Community Development Administrator and in accordance with accessory structure setback requirements;

**§ 157.167 SPECIAL USES.**

- (A) Accessory structures prior to the principal structure, not to exceed a total of 1,200 square feet. The accessory structure shall be used only for personal storage and for equipment necessary to maintain the property;

**SECTION 4 SPECIAL USES**

**§ 157.439 PARTICULAR SPECIAL USES.**

**(21) Personal Storage/Recreational Buildings**

**§ 157.440 REQUIREMENTS FOR PARTICULAR SPECIAL USES.**

- (A) *Accessory structures prior to principal structures.* Specific regulations for accessory structures prior to the principal structures in the R-1, and R-2, ~~RR, A-1, A-2, and Conservation~~ Zoning Districts:

**NOTICE OF HEARING:** A notice of the proposed Amendment thereon was published in the Tazewell Chronicle on August 13, 2025.

**AGENCY COMMENTS:** Tazewell County Health Department submitted a report having no comment regarding the proposed Amendment.

Tazewell County Soil & Water Conservation District submitted a report having no comment regarding the proposed Amendment.

Tazewell County Farm Bureau made no comment regarding the proposed Amendment.

Dan Parr, Tazewell County Highway Engineer made no comment regarding the proposed Amendment.

Jon Oliphant, City of Washington submitted a letter stating support of the proposed Amendment.

All municipalities were notified however no other comments were received regarding the proposed Amendment.

**C. FINDINGS OF FACT**

The Zoning Board of Appeals makes the following findings of fact relating to the action proposed:

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

*POSITIVE.*

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

*POSITIVE.*

#### **D. RECOMMENDATION**

Having considered the information contained in the petition herein, and the testimony given and statements made at the public hearing on said proposal, the Zoning Board of Appeals hereby recommends, based on the findings of fact set forth above, that the petition be approved with the following amendments:

Ayes: 6 – Bong, Cupi, McClanahan, Alt. Miller, Vaughn and Chairman Lessen  
Nays: 0  
Absent: 2 – Fehr, Lapsley McClanahan

Dated this 3<sup>rd</sup> day of September, 2025

**/s/ DUANE LESSEN**  
Chairman, Zoning Board of Appeals  
Tazewell County, Illinois



**REPORT OF ZONING BOARD OF APPEALS  
TO TAZEWELL COUNTY BOARD  
ON A PROPOSED MAP AMENDMENT TO  
CHAPTER 157, ZONING CODE OF TAZEWELL COUNTY**

(Zoning Board Case No. 25-39-Z)

**TO THE TAZEWELL COUNTY BOARD:**

The Zoning Board of Appeals of Tazewell County, Illinois makes the following report of its action on the case indicated herein, after a public hearing on September 3, 2025, pursuant to notice given in accordance with law:

**A. DESCRIPTION OF CASE**

**SUBJECT MATTER:** AMENDMENT TO THE TAZEWELL COUNTY ZONING CODE

**LOCATION AND/OR PROPERTY INVOLVED:**

P.I.N. 07-07-31-100-024 an approximate 32 +/- acre parcel located in part of the NW ¼ of the NW 1/5, Sec 31, T25N, R2W of the 3<sup>rd</sup> P.M., Deer Creek Twp., Tazewell Co., IL;

located at 29800 Robison Rd., Morton, IL.

**REQUESTED BY:** Peter Smidt, CL3 Properties, LLC

**PROPOSAL:** The petition of Peter Smidt of CL3 Properties, LLC for a Map Amendment to the Official Deer Creek Township Zoning Map of Tazewell County to change the zoning classification of property from an A-1 Agriculture Preservation Zoning District to an A-2 Agriculture Zoning District

**PARTIES OF RECORD:** Chad Herman, Herman Bros. Realty, On behalf of Petitioner

**B. JURISDICTION**

**NOTICE OF HEARING:** A notice of the proposed Rezoning thereon was published in the Tazewell Chronicle on August 13, 2025 and a copy of the publication was mailed to the petitioner within five working days after publication.

**AGENCY COMMENTS:** The Tazewell County Land Use Planner submitted a report recommending approval of the proposed Rezoning request.

Tazewell County Health Department submitted a report regarding the proposed Rezoning request stating the property has a septic system, however TCHD will need to be notified prior to any future division or construction.

Tazewell County Soil & Water Conservation District submitted a report regarding the proposed Rezoning request recommending approval.

Tazewell County Farm Bureau made no comment regarding the proposed Rezoning request.

Dan Parr, Tazewell County Highway Engineer made no comment regarding the proposed Rezoning request.

Tazewell County Emergency Management Agency made no comment regarding the proposed Special Use request.

Corey Wiegand, Deer Creek Township Road District submitted a report regarding the proposed Rezoning request stating no concerns.

Community Development Staff supports this request and would recommend approval of the proposed Rezoning request.

### **C. FINDINGS OF FACTS**

1. *The proposed amendment shall not be detrimental to the orderly development of Tazewell County.*

(POSITIVE) The future land use map within the Tazewell County Comprehensive Plan is intended to show the “general areas where development should occur to ensure an orderly development pattern that protects valuable sensitive lands for agriculture and environmental conservation.” The future land use map identifies the subject property within the A-2 classification which is primarily for agricultural purposes with non-farm residential development allowed on a limited basis. The proposed zoning amendment looks to change to the zoning that this property is identified as having in the 2011 Comprehensive Plan and is therefore deemed to not be detrimental to the orderly development of Tazewell County.

2. *The proposed amendment shall not be detrimental to or endanger the public health, safety, morals or general welfare of Tazewell County.*

(POSITIVE) The proposed amendment would allow the subject property to align with the future land use plan within the 2011 Comprehensive Plan which identifies the property and most of the surrounding area as A-2 designation. The uses permitted under the A-2 zoning district are primarily agricultural uses along with non-farm residential development on a limited basis. These uses are seen on many other properties in the surrounding area, making the proposed amendment not detrimental to the public health, safety, morals or general welfare of Tazewell County.

3. *The request is consistent with existing uses of property within the general area of the property in question.*

(POSITIVE) Much of the surrounding area is identified as having a future land use designation of A-2 but are zoned as A-1, with the exception of four properties to the south which are zoned A-2. The uses primarily seen in the general area are row crop production, undeveloped timber/forested areas, and single-family dwellings. The primary land uses permitted in the A-2 zoning district are very similar to what exists in the surrounding area around the subject property.

4. *The request is consistent with the zoning classifications of property within the general area of the property in question.*

(POSITIVE) A majority of the surrounding area is zoned A-1 but A-2 zoning designation is seen immediately to the south for four properties. As mentioned previously, the future land use map in the 2011 Comprehensive Plan identifies much of the surrounding area as having a land use designation of A-2. Aligning the zoning classification to the Comprehensive Plans vision for the designation of the property is deemed to be positive.

5. *The suitability of the property in question for the uses permitted under the existing zoning classification.*

(NEUTRAL) Agriculture is the primary use permitted under the existing zoning classification of A-1 and is also the use of the subject property as of present day. The requested zoning of A-2 does still list agriculture as a permitted use in the zoning district. The two soils of the subject property have a productivity index of 125, indicating the site has productive farmland. The northern portion of the property is currently utilized for agricultural production, but the southern portion presents challenges to conducting the same use. A pond and outflow creek extend across almost the entirety of the property and the portion of property to the south (adjacent to Warrick Rd) has land with some steep slopes. As the site has both portions of the property which are suitable for uses under the existing zoning classification as well as portions that are not, this finding is deemed to be neutral.

6. *The suitability of the property in question for the uses permitted under the proposed zoning classification.*

(POSITIVE) The subject property is requested to be rezoned to A-2 in which its primary purpose and uses are agricultural production with non-farm residential development to be allowed on a limited basis. Both uses are seen on many adjacent properties and would be appropriate on the subject property.

7. *The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its present zoning classification.*

(POSITIVE) While there has not been much recent development in the general area, the area features two primary utilizations of land with those being agricultural production and medium size single-family dwellings.

8. *The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property.*

(POSITIVE) The subject property has a variety of land utilizations including recreation in the form of a pond and cabin, agricultural production and undeveloped land in the form of grassland and timber. Other properties in the area are similarly utilized in the form of agricultural production, single family dwellings and undeveloped portions of property due to topography.

9. *The proposed map amendment is within one and one half (1 ½) miles of a municipality and consistent with an adopted Comprehensive Plan.*

(NOT APPLICABLE) The subject property is not within 1.5 miles of a municipality with an adopted Comprehensive Plan.

10. *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*

(POSITIVE) Rezoning the property to A-2 would align the property with the future land use map as seen in the Tazewell County Comprehensive Plan. Comprehensive Plans are generally seen as documents which serve a public benefit so this rezone would be seen as positive. One of the primary distinctions between A-1 and A-2 zoning districts is the flexibility for residential development. If denied, future residential development may be more difficult to accomplish but would still be feasible through the Special Use application process.

11. *The proposed amendment is consistent with the goals, objectives, and policies of the Tazewell County Comprehensive Plan.*

(POSITIVE) The proposed amendment would align the property with the future land use map seen in the 2011 Comprehensive Plan which sees the property in the A-2 land use category. Otherwise, there are many instances where the Comprehensive Plan speaks to preserving prime farmland for agricultural uses. Rezoning to A-2 would still allow for agricultural development to occur but allows for more flexibility in the development of single-family residential dwellings. Future development cannot be dictated during a rezoning request, but it would be recommended that if residential development were to occur on the subject property that it be placed on the southern half of the property where topographical features make it not as conducive to agricultural production as the northern portion where this use already exists.

#### **D. RECOMMENDATION**

Having considered the information contained in the petition herein, and the testimony given and statements made at the public hearing on said proposal, the Zoning Board of Appeals hereby recommends, based on the findings of fact set forth above, that the petition be approved.

Ayes: 6 – Bong, Cupi, McClanahan, Alt. Miller, Vaughn and Chairman Lessen  
Nays: 0  
Absent: 2 – Fehr, Lapsley McClanahan

Dated this 3<sup>rd</sup> day of September, 2025

**/s/ DUANE LESSEN**

Chairman, Zoning Board of Appeals  
Tazewell County, Illinois

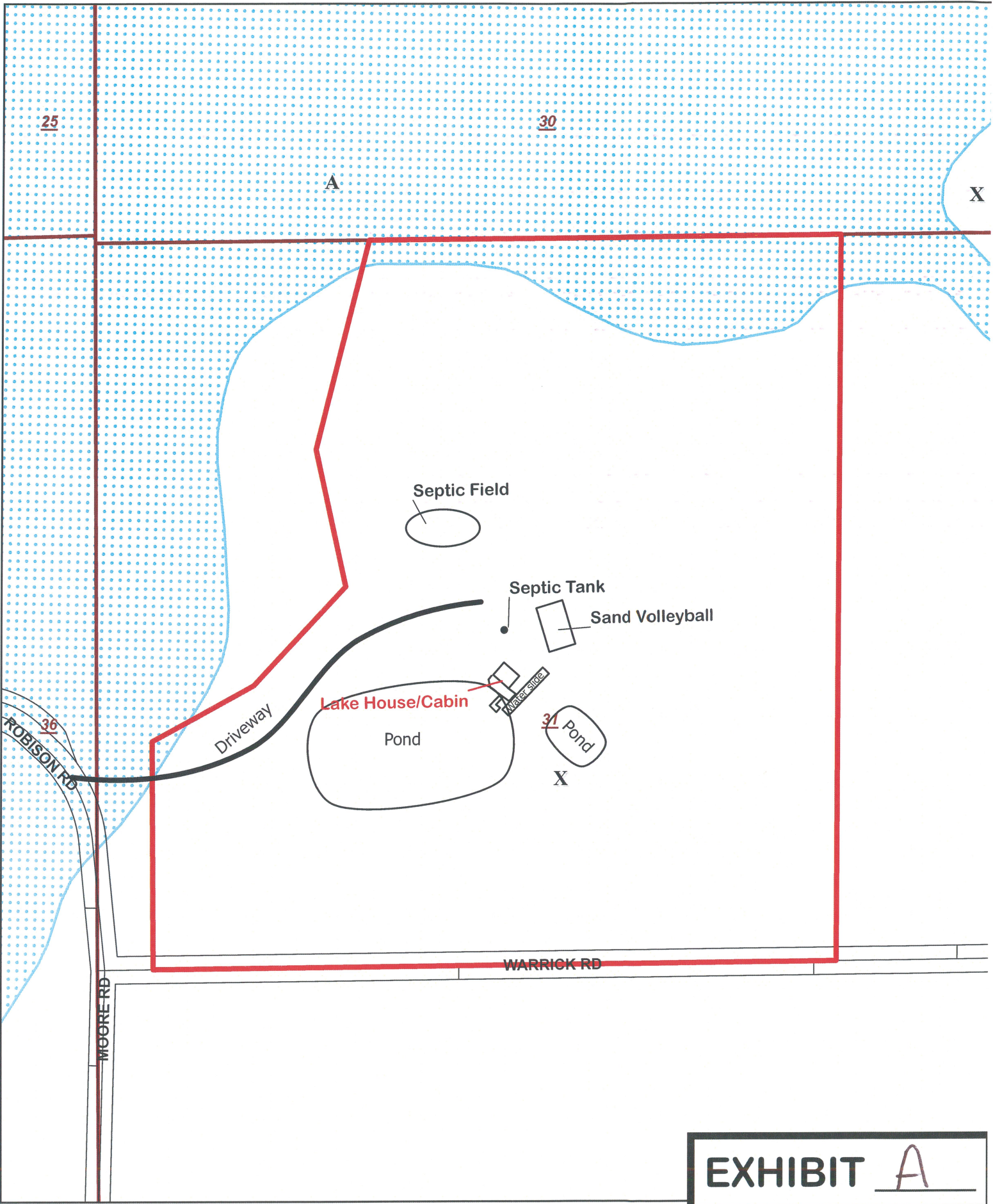
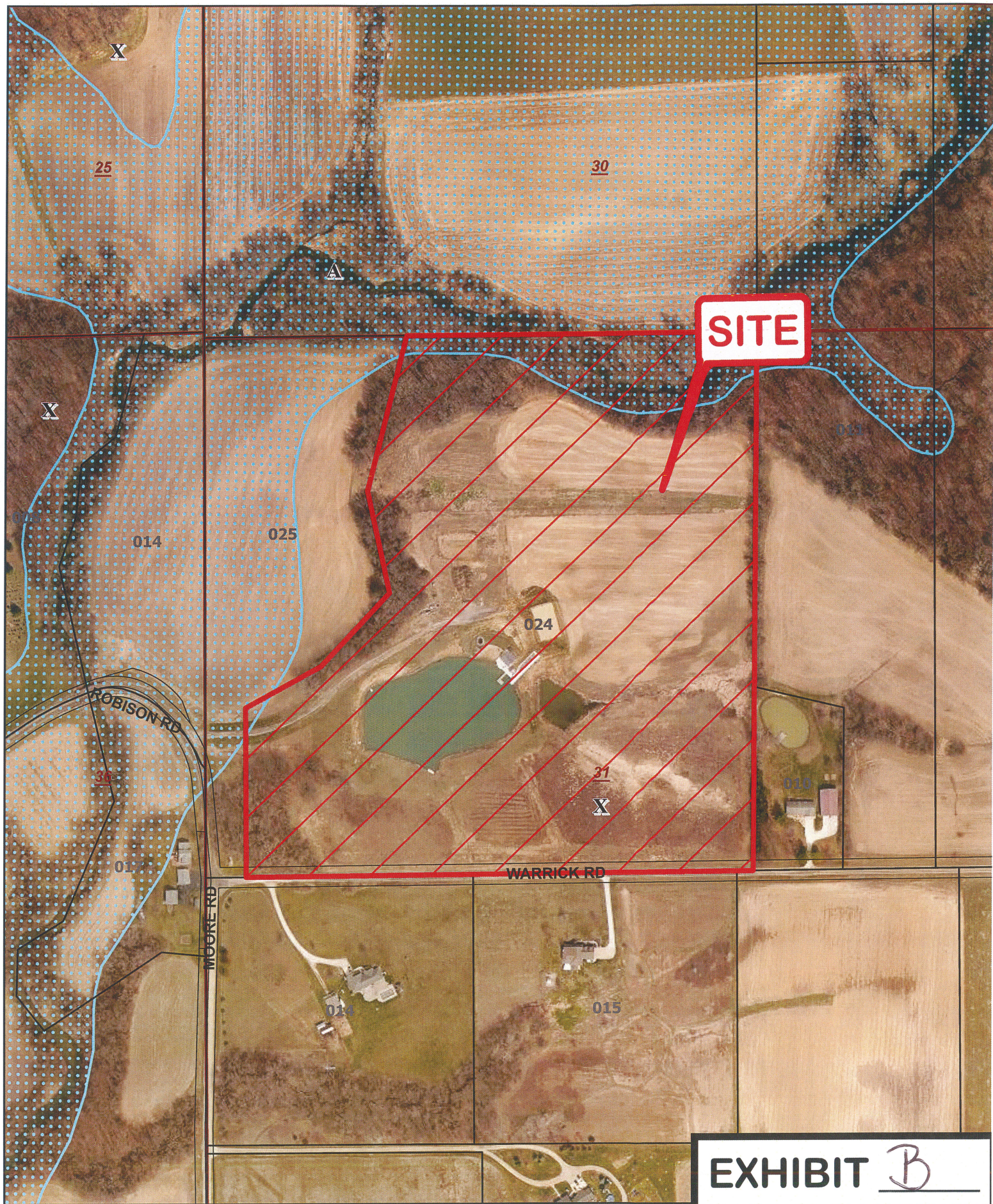


EXHIBIT A



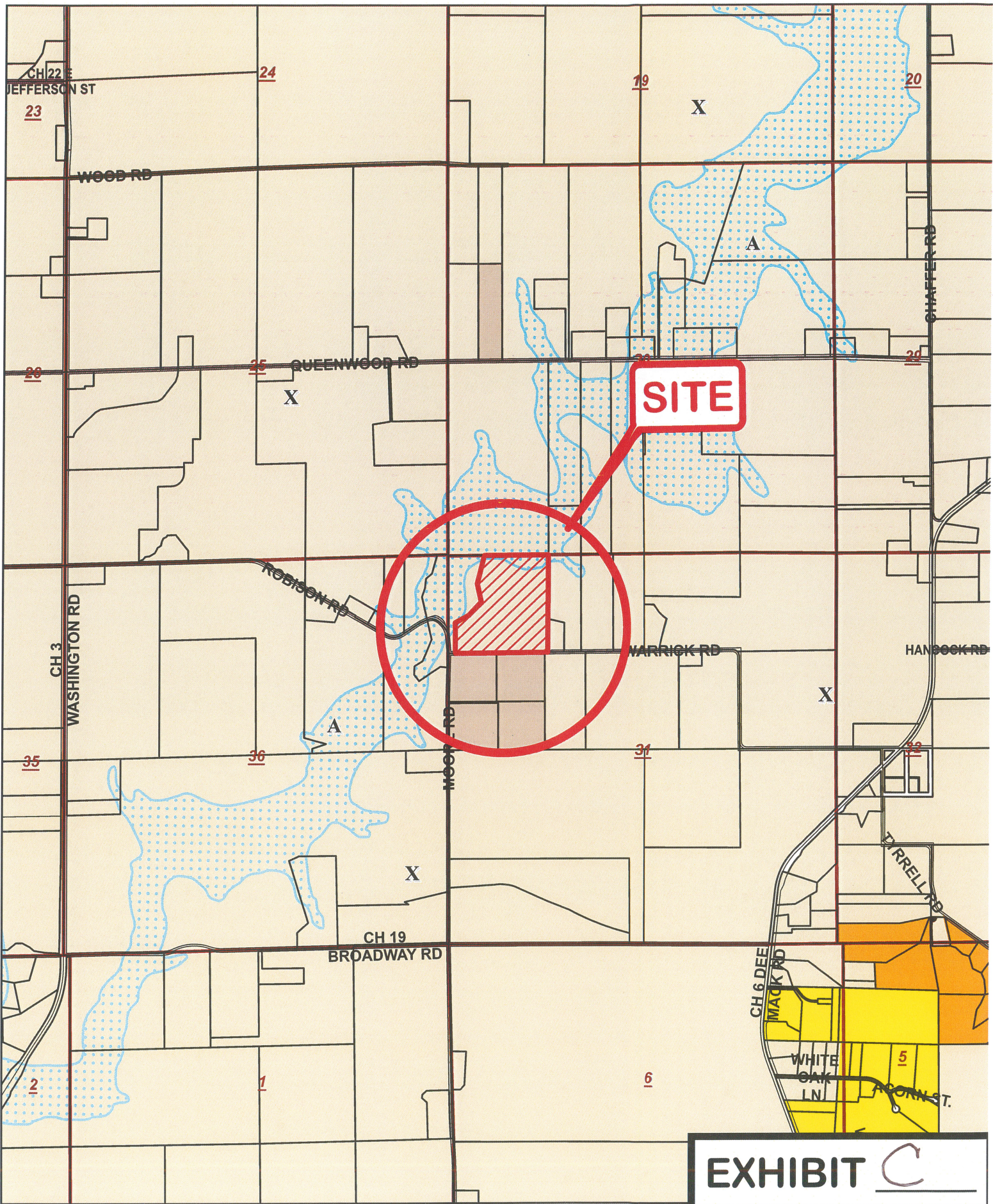


**SITE**

**EXHIBIT B**

Zoning



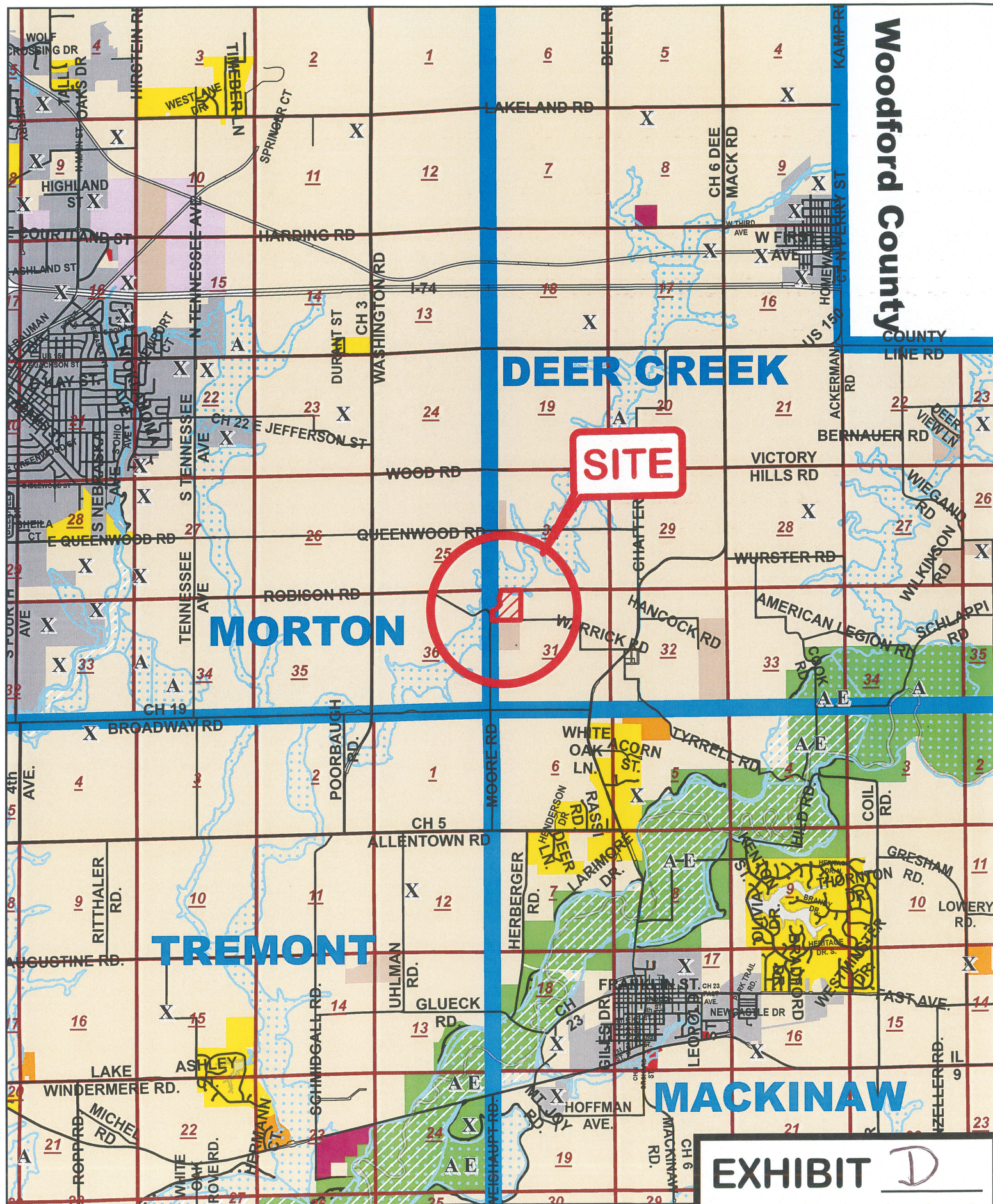


**EXHIBIT C**





Woodford County



Zoning  
District

AG Area

- |     |     |     |     |      |      |     |     |     |     |     |
|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|
| A-1 | A-2 | C-1 | C-2 | CITY | CONS | I-1 | I-2 | R-1 | R-2 | R-R |
|-----|-----|-----|-----|------|------|-----|-----|-----|-----|-----|

EXHIBIT D