



City of Highland

Department of Community Development Building Division

City of Highland Combined Planning and Zoning Board Minutes of the July 7, 2010 meeting

Chairperson Korte called the meeting to order at 7:00 p.m. Members present were Gallatin, Koehnemann, Lodes, Painter, Voegelé, Vance, and Korte. Also present were City Attorney Long, Councilperson Bellm, Recording Secretary Walter, Director of Public Works Gillespie, Asst Director of Public Works Dortch and eleven citizens.

Minutes

The minutes of the May 5, 2010 meeting were approved with no corrections or additions.

Public Comment

Chairperson Korte opened the Public Comment section advising the audience this is only for non-agenda items. Having received no comments Chairperson Korte closed the Public Comment Session. Korte swore in all attendees wishing to speak during the Public Hearing session.

Public Hearing

Chairperson Korte opened the Public Hearing for a Zoning Text Amendment to Section 90-204(d) of the City of Highland Municipal Zoning Code to include the verbiage *“Seasonal sales include retail sales of goods/merchandise for a period not to exceed 8 months per calendar year. Seasonal sales must be made from a structure, such as a small portable building or a trailer modified to contain one or more vending windows that will allow the sale, by a person inside the trailer, of merchandise to a person outside the trailer but present at the vending window. The City of Highland must approve a structure – as being one suitable for the making of seasonal sales – prior to the occupancy and use of that structure”*; request by Bruce Miller 12575 Ambuehl Road Highland IL. Bruce Miller was present to answer any questions. Korte explained the text amendment and that it would apply to all sections of the City, not just this particular location. Miller explained he operated an ice cream business (comparable to “Bobby’s”), in Caseyville for a number of years and he would like to start a similar business on the vacant lot at the corner of Sportsman Road and Plaza Drive. Lodes asked what the difference is

between the type of structure he would like to place there and a "Tropical Snow" type structure. Miller stated this building is totally self-contained and is portable. In the future he would like to construct a permanent structure for the business. Gallatin questioned the type of parking available. Miller stated he would have a gravel lot and it may necessitate an entrance of Sportsman Road. Painter questioned if he owns the lot. Miller – no he is leasing with an option to buy. Hearing no further comments Korte closed the Public Hearing. Korte stated the City recommends approval of the Zoning Text Amendment as submitted. Motion made by Painter to recommend approval of the Zoning Text Amendment as submitted. Seconded by Vance. Korte entertained discussion on the matter. Lodes questioned if this is specific to this type of structure. Korte stated no but the City must approve any structures. Gallatin asked if any type of product would be allowed to be sold from these structures. Korte stated it would modify the code to allow anything legal. Painter stated he thought it should be allowed. Lodes would like to include verbiage that the structure must be removed after the 8 month time period. Vance made the motion to amend the original motion to include "*structure must be removed for four consecutive months between seasonal uses*". Seconded by Voegelé. Hearing nothing further Korte closed the discussion. Roll call taken. All voted no to the original motion. Motion failed. All voted yes to approve the amended motion. Motion carried.

Chairperson Korte opened the Public Hearing for a Special Use Permit request by L&G Real Estate, Inc, 105 Northwest Manor Highland IL to allow a Memory Care facility at 245 Field Crossing Highland IL. Leticia Lowe, representing L&G Real Estate was present to answer any questions. Korte explained L&G's request for a Special Use for the property only not for the construction of the facility. Lowe explained they would like to obtain the Special Use permit more for marketing purposes since they are the developer only and not the contractor. The facility would be very similar to Legacy Place across the street and would allow spouses the opportunity to still be close should one need the Memory Care facility expertise. Lowe presented a conceptual drawing of the facility to the board. David Krev, 55B Auburn Ct Highland IL stated this is a good idea but he's concerned about adequate buffering between the facility and the surrounding homes. He requests that all current site plan and buffering requirements be enforced on this project. Korte asked Attorney Long would there be any reason why the requirements would not be enforceable. Long stated the only way would be if there was an annexation agreement that exempts the requirements. Painter questioned how the facility would be situated on the lot. Lowe stated the entrance would come off Field Crossing. Hearing no further comments Korte closed the Public Hearing. Korte stated the City recommends approval of the Special Use Permit with stipulations outlined in the memo to the Board dated June 30, 2010. Lodes commented she doesn't understand why the board is voting on this. The Special Use is non-transferable and the new owner would have to apply for one anyway. Granting this Special Use will not guarantee one for the new owner. Long expressed his concern with the way this is handled also. Korte asked Long what happens if they approve this Special Use Permit. Long responded that it's a mute point and really doesn't guarantee approval of the next request. Motion made by Voegelé to

approve the request with the outlined stipulations. Seconded by Lodes. Korte entertained discussion on the matter. Hearing none Korte closed the discussion. Roll call taken. Koehnemann, Painter, Voegele, and Korte voted yes. Gallatin, Lodes, and Vance voted no. Motion carried.

Chairperson Korte opened the Public Hearing for a Perpetual Special Use Permit request by Dave Kunkel, 784 Wall Street O'Fallon IL to allow an Assisted Living Center at 220 Field Crossing. Mr. Kunkel was present to answer any questions. Korte explained this Perpetual Special Use would replace the previous one approved for Donald Bernhardt. Mr. Bernhardt did not move forward with his plan. Mr. Kunkel's firm, Highland Development Group LLC, is the new owner of the facility and since the Special Use Permit is non-transferable, they must apply for one under the new owner's name. Mr. Kunkel stated he was unaware of the buffering requirements when they constructed the facility. There were no objections from those in attendance. Hearing no further comments Korte closed the Public Hearing. Korte stated the City recommends granting the Perpetual Special Use as requested. Motion made by Vance to approve the request. Seconded by Gallatin. Korte entertained discussion on the matter. Hearing none Korte closed the discussion. Roll call taken. Gallatin, Koehnemann, Lodes, Vance, Voegele, and Korte voted yes. Painter abstained. Motion carried.

Chairperson Korte opened the Public Hearing for Zoning Text Amendment request by the City of Highland to Section 90.15 to delete the wording "beekeeping" from the definition and allow the use in all Residential zoning classifications. Mr. Wendell Watson, 2750 Broadway was present to answer any questions regarding the matter. Korte explained City Staff has concerns with amending this section of the code and setting precedence for similar requests. Vance questioned Mr. Watson who the beekeeper is. Watson stated his daughter is, and explained she is still in High School and registered with the State of Illinois. Vance questioned what happens when she goes off to college. Watson stated that he would become the beekeeper and maintain the hives. This type of hive is moveable and inspected by the State. Lodes this is commendable, but what is the downside of having beehives near a densely populated area? Watson explained the most danger is if someone is allergic to bees. The board discussed various requirements such as fencing, ordinances, special use requirements, etc. Long stated per the proposed ordinance a Special Use would be required and the details would be outlined in the ordinance. There were no objections from those in attendance. Hearing no further comments Korte closed the Public Hearing. Korte stated the City does not have a recommendation on this petition. Korte recommended a short recess at 8:15 pm. Korte reconvened the meeting at 8:20 pm. All members were in attendance. Attorney Long provided the board with a draft copy of the ordinance which they reviewed. Motion made by Vance to approve both Zoning Text Amendments as submitted. Seconded by Voegele. Roll call taken. All voted yes for both requests. Motion carried.

Chairperson Korte opened the Public Hearing for four variance requests by the City of Highland Public Works Department to relax several requirements for a proposed public parking lot at 1114 Main St. Jeff Dortch, Asst. Director of Public Works explained the City demolished the house at 1114 Main St with the intention of constructing a parking lot primarily for use by the Weinheimer and City Hall. To maximize the parking on this lot, Public Works is requesting the board grant the following variances;

1. Variance to Section 90-224(1) of the City of Highland Municipal Zoning Code to reduce the parking stall size from the required 10' x 20' to 9' x 19"
2. Variance to Section 90 -224 (2) of the City of Highland Municipal Zoning Code to reduce the Access Aisle from the required 14' to 12'
3. A 20' Access variance to Section 90-224 (2) of the City of Highland Municipal Zoning Code to reduce the required 20' distance from the Access Driveway to parking spaces
4. Section 90-302 (e) of the City of Highland Municipal Zoning Code to eliminate the screening and buffering requirements to adjacent properties

Dortch explained on variance request #1 by maintaining the required 10' x 20' space – one parking space would be lost and would create a “dead space”. He stated with the smaller cars built now it shouldn't be a problem to reduce the size of the parking space. Variance #2 - Public Works consulted with one of their traffic engineers (name not provided) and it was determined that a 12' access aisle would be adequate to back out of a parking space. Variance #3 - Public Works is trying to maximize the number of parking space and would like to eliminate the 20' access distance requirement. Variance #4 – by eliminating the required buffering and screening requirement this would allow Public Works to maximize the number of spaces. Korte stated that of all the requests the buffering variance request concerns him the most. He would like to see a fence constructed between the properties. Dortch explained if a fence was constructed it would shrink the length of the spaces and the access aisle which is not recommended. 18' is the minimum length on diagonal parking.

Lodes expressed her concern that since this lot will be use primarily for the Weinheimer, and elderly citizens prefer larger cars, it will be very difficult for them to maneuver if the spacing is reduced. Dortch stated the spacing should be adequate if angle parking is provided. Vance also expressed concerns with the space reduction and asked if Public Works had considered placing the ADA parking along Pine St. and using this lot for regular parking with one ADA space. Dortch stated they thought this would be the best option and they did not consider parking along Pine St. since there is not an ADA access along the sidewalk to accommodate those parking there. Users would have to go out into the street to access the corner access ramp. Painter commented that this lot is counterproductive. It's a longer route for the elderly citizens to travel. He's also concerned that the Public Works department doesn't want to follow City regulations and the message that would be sent by approving the variances. Lodes also admonished the City for not following their own rules and regulations.

Rita Gaffner owns the property at 1116 Main St and would like to see a fence between her house and the parking lot. The house is approximately 3' from the property line and she would like to protect it. She's concerned that someone may hit the house.

David Krev 55B Auburn Court Highland, believes this project is not ADA compliant with the travel distance and the sidewalk curb along the Pine St side of the Weinheimer. He thinks this is setting a bad precedence, the City should consider changing the code not requesting variances.

William Hart, 1109 Main St opposes the variances. He thinks that by reducing the parking spaces would make it very difficult the people to get in and out of their cars and backing up would be very hard. He thinks the City should follow their own rules.

Hearing no further comments Korte closed the Public Hearing. Korte stated the City staff recommended granting variances 1, 2, & 3 as submitted. City staff did express concern with elimination of the buffering/screening requirements.

Motion made by Voegele to approve the 10' x 20' parking space reduction variance request. Seconded by Lodes. Korte entertained discussion on the matter. Voegele is concerned with setting precedence. The city should change the code. The Board should not grant special consideration for the City. Korte agreed.

Hearing nothing further Korte closed the discussion. Roll call taken. Gallatin, Lodes, Painter, Vance, Voegele, and Korte voted no. Koehnemann abstained. Motion denied.

Motion made by Lodes to approve the 12' access aisle reduction variance request. Seconded by Vance. Korte entertained discussion on the matter. The Board expressed the same sentiments. Roll call taken. Gallatin, Lodes, Painter, Vance, Voegele, and Korte voted no. Koehnemann abstained. Motion denied.

Motion made by Painter to approve the 20' access aisle elimination variance request. Seconded by Gallatin. Korte entertained discussion on the matter. The Board expressed the same sentiments. Roll call taken. Gallatin, Lodes, Painter, Vance, Voegele, and Korte voted no. Koehnemann abstained. Motion denied.

Motion made by Gallatin to approve the buffering/screening elimination variance request. Seconded by Lodes. Korte entertained discussion on the matter. Korte stated he has great concerns with this variance request. The Board expressed the same sentiments. Roll call taken. Gallatin, Lodes, Painter, Vance, Voegele, and Korte voted no. Koehnemann abstained. Motion denied.

Korte advised the attendees these petitions would be on the July 19, 2010 Council meeting agenda.

Adjournment at 9:00 p.m.