

**HIGHLAND, ILLINOIS
MINUTES OF REGULAR SESSION
COMBINED PLANNING & ZONING BOARD
CITY HALL, 1115 BROADWAY
WEDNESDAY, SEPTEMBER 1, 2021
7:00 PM**

Call to Order:

The September 1, 2021, meeting of the Combined Planning & Zoning Board was called to order at 7:00 PM by Chairman Anthony Walker.

Roll Call:

Members present: Chairman Anthony Walker, Deanna Harlan, Bill Koehnemann, Brad Korte, Shirley Lodes, Alan Stoecklin, and Robert Vance.

Members absent: None

Also present: Director of Community Development Breann Vazquez; City Attorney Michael McGinley; City Manager Christopher Conrad; SIUE Intern Gretchen Arnold; Deputy City Clerk Lana Hediger; and, eleven members of the public, including one member of the press.

Approval of Minutes:

Brad Korte made a motion to approve the minutes of the July 7, 2021, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Deanna Harlan. Harlan, Koehnemann, Korte, Lodes, Stoecklin, and Vance voted aye; none voted no; the motion carried. There was no meeting held in August.

Public Comments Relating to Items Not on the Agenda:

None

Public Hearing Procedures:

Chairman Walker reviewed the procedures for testifying on any items on this agenda during the hearings and swore-in members of the public wishing to testify on any issue. Seven members of the public took the oath.

New Business:

- a. Dent Specialist Inc. (2908 Amberwood Drive), on behalf of Terry Oswald (717 5th Street), is requesting to rezone 717 5th Street from C-2 to Industrial.
PIN #02-2-18-32-18-301-020**

Breann Vazquez reviewed a prepared Power Point presentation, as follows:

- Applicant: Dent Specialist Inc. (2908 Amberwood Drive), on behalf of Terry Oswald (717 5th Street).
- Summary: The applicant is requesting the property at 717 5th Street be rezoned from C-2, Central Business District, to I, Industrial. (PIN #02-2-18-32-18-301-020)
- Staff is recommending rezoning to I – Industrial rather than C-3 to avoid spot zoning.

Standards of Consideration with regard to this request include:

1. The property is currently Ozzy's Detail and is zoned C-2.
2. Property to the North, Delray Hug N Upholstery is zoned C-2. Highland Machine to the South is zoned Industrial, Railshake, also to the South is zoned C-2. The property to the East, Highland Diner, is zoned C-2; and, Options HME, Inc., to the West, is zoned C-2.
3. Nearby property will not be negatively affected. The area to the west is zoned Industrial, and this area contains a variety of commercial and industrial uses.
4. C-2 is primarily for downtown commercial uses and, therefore, is not the most appropriate zoning classification.
5. The property is suitable for automotive services and is currently used for automotive services.
6. The proposed zoning goes with the character of the area. This area has a mixture of zoning districts, including Industrial. Staff believes that the current automotive service was in existence prior to automotive services being a disallowed use within C-2.
7. The proposed map amendment is consistent with the City's Comprehensive Plan.
8. There would not be a negative effect on public utilities, other needed public services or traffic circulation on nearby streets.
9. The map amendment will promote the health, safety, quality of life, comfort and general welfare of the city.

Staff Discussion

This property is currently an automotive service, which is a legal nonconforming use in the C-2 district. Given that this property is set up to function as an automotive service center, staff supports this rezoning and agrees that rezoning this property is the most appropriate way to allow for an automotive service to continue to operate at this location under new ownership.

Given that this area consists of a mixture of commercial uses and industrial uses, staff believes that rezoning to allow for an automotive service to operate on the property is appropriate.

Harlan clarified that repair services are being added to car wash services. She asked how many vehicles would be expected to be sitting on the lot, waiting to be repaired per day. The applicant responded that while most vehicles would be inside, after a hail storm, the lot might be full.

Walker asked what the typical length of stay would be for a vehicle. The applicant responded that a typical stay would be one day.

The Public Hearing on this issue was opened:

Director Vazquez read a comment that she received via email, as follows:

Regarding the rezoning of 717 5th St. from C-2 to Industrial, Highland Machine has no objection. Bill Sullivan

Director Vazquez also noted that one other neighboring property owner walked into B&Z and indicated that he had no concern, and that he may want to consider Industrial in the future, too.

Walker noted that the application references future improvements to the facility, including drive access, and asked if there were any other potential zoning or compliance requirements that might need to be adjusted in the future, should we go ahead and recommend approval of this. Director Vazquez indicated that she and the commercial property inspector walked the property with the potential owner and did not identify any variances that would be needed.

The public hearing on this issue was closed.

Bob Vance made a motion to recommend approval of the request to rezone 717 5th Street from C-2 to Industrial; seconded by Bill Koehnemann.

The vote was taken by roll call. Harlan, Koehnemann, Korte, Lodes, Stoecklin, Vance, and Walker voted aye; none voted no. The motion carried.

Unfinished Business:

- a. **Miles Maggio (801 N. Keebler Rd, Collinsville, IL), on behalf of Marge Donnelly (308 Laurel St) is requesting a Special Use Permit to allow for a short-term rental at 1320 Zschokke Street.**
PIN# 01-2-24-05-11-204-030

Deanna Harlan made a motion to take from the table the motion to recommend approval of a Special Use Permit to allow for a short-term rental at 1320 Zschokke Street; seconded by Korte.

The vote was taken by roll call. Harlan, Koehnemann, Korte, Lodes, Stoecklin, Vance, and Walker voted aye; none voted no. The motion carried.

Breann Vazquez made the following comments:

Updated supplemental information from the applicant was included in the meeting agenda packet for the board's review. For clarification, it should be noted that the application refers to a property management agreement for the short-term rental. The property management agreement specifies Marge Donnelly as the owner of the property and Kingdom Stays as the property manager.

City Attorney McGinley proposed to the board that, in order to streamline discussion, anyone other than the applicant speak first, then the applicant be allowed to address all comments at one time and then present any new information they may have.

The Public Hearing on this issue was opened:

Karen Mason, 1404 Zschokke Street, spoke in opposition to the motion. The transient nature of guests is one of her concerns. She thinks that this location is not suitable for use as an Air B and B. Off-alley parking is a concern and she notes that there isn't enough street parking to serve the neighbors and a short-term rental. Ms. Mason also pointed out that background checks would only be performed on the person renting the property, which would still allow criminals such as pedophiles to stay in the home. She questioned the cost of the rental, and the number of persons allowed to be in the home. She encouraged the board members to check the math on the application as she believes

it contains false statements. Mason reported the results of a FOIA request showed that there have been 12 police incident reports at 1320 Zschokke Street in the last 10 years, proving a poor track record of renters. She is concerned that the short-term renters don't have any stake in the neighborhood. She concluded by stating that the CPZB is designed to keep the citizens safe and keep businesses in their appropriate places.

Sarah Knobloch, 1403 Pine Street, spoke in opposition to the motion. She contradicted the negative and unkind statements that were made about Karen Mason in the petition packet. She believes that Karen Mason is the best neighbor. In fact, most of the neighbors in this area care about and watch out for one another. The one big study that she was able to find (from 2020 by Northeastern University in Boston) about Air B and B's says that they increase crime as time goes by because they weaken the associations of the community dynamics. The transient nature of the guests scares her. There are 20 school-aged children in the neighborhood and she is concerned for their safety.

Diane Carillion, 1400 Zschokke Street, spoke in opposition to the motion. She read the entire application and wonders what future improvements are referred to in it. There are no barriers around the property, which abuts the neighbors' yards. The transient nature of the guests concern her as she enjoys spending time in her yard and she lives alone. She is also concerned about the additional traffic. She is concerned that there won't be proper oversight of the property. She also enjoys the kindness and caring between the other neighbors in this area. She pleaded with the CPZB members to hear her comments.

Jennifer Meyer, 313 Fairbury Lane, Fairview Heights, employed by the State of IL, spoke in support of the Air B and B. Her home is 100' away from another Kingdom Stays property. She stated that the grass is mowed regularly and the snow is shoveled when needed. She believes the curb appeal of the property has been improved. She also enjoys that there are security cameras and that the home is monitored as she is the mother of a 6 year old girl. She believes most of the guests are military personnel and traveling nurses. She listed some items from negative reviews of the Highland Baymont Hotel. She believes that Kingdom Stays rentals are cleaner and better managed. She spent \$30,000 on renovating her mother's home and rented it out, then received no rent for the entire last year due to COVID-19 and the renters further caused \$14,000 in damages to that property. She stated that the only way should would rent this property out again would be to HUD or Section 8, because you are guaranteed to get paid.

Marge Donnelly, owner of 1320 Zschokke Street and a long-time resident of Highland at 308 Laurel Street. She has worked very hard to get this short-term rental permit. She does not want to rent to long-term tenants or HUD renters. She prefers to have Kingdom Stays management with Miles Maggio because he receives 4.8 out of 5 stars on reviews, while the Baymont Inn gets a room quality rating of 3.3 on the same scale. She believes that Highland needs this short-term rental. She would like to further improve the exterior of the property and the landscaping, if approved. She does not believe it will cause any negative impact on the neighbors. She asks that the application be approved and not turned down on speculation.

Miles Maggio of Kingdom Stays, Property Manager of 1320 Zschokke Street, noted that there are some property owners around this property that are for this. He stated that the police incident reports referred to earlier were way before Kingdom Stays became involved with this property. The last application was recommended for denial because

it was much different and he communicated it poorly. Marge Donnelly was impressed with Kingdom Stays' house rules, guest screening, criminal background checks for every guest, guest ID verification, noise level monitoring system, surveillance, house rules enforcement procedures, and more. Mr. Maggio reported that he has not had one single neighbor complaint in over 500 rentals. Rather, he has received many testimonials. Staff has confirmed that this application is consistent with the 6 points of consideration on record. Even Councilwoman Sloan who lives near this property has stated that she thinks this is something that is needed.

Maggio doesn't see any problem with parking. He states that nobody has been able to cite any specific example of how Kingdom Stays management has failed Highland or any other town.

In answering the claims made by the neighbors Maggio stated that he and Donnelly will drop this request if any children are endangered. Kingdom Stays background check is called Checker, which utilizes national criminal background checks, county criminal background checks, federal crime record checks, local and state background checks, local watch lists, global watch list search, social security related searches, and FACIS searches. This is done for every guest. Maggio states that Kingdom Stays rentals are safer than the council chambers at city hall where anyone is allowed in. He claims that Kingdom Stays attracts responsible families and groups. Kingdom Stays obtains and verifies personally identifying information. Maggio asked the board to apply a reasonable standard to determine if Kingdom Stays management practices will substantially adversely impact adjoining neighbors or cause injury or risk to children or property. To address concerns about transient traffic, Maggio has prepared a written statement to be given to all guests advising them to be cautious when driving on approach to the rental. Kingdom Stays has no traffic problems reported in 2 ½ years. Traffic danger in this case is speculative. Teenagers come and go in every neighborhood and do not cause additional risk to children. This should not be a consideration for denial. Maggio states that parking was not misrepresented in the application. He again noted that Councilwoman Sloan stated that she does not see a problem with parking. Property surveillance measures do not allow parties on Kingdom Stays properties. The comment that the property is secluded...this is subjective and has nothing to do with the way the property is managed. He noted that his reviews are better than the Baymont's and that more neighbors are in favor of this than are against it. Marge Donnelly has the right to use her property as a short-term rental if she chooses as long as she doesn't adversely affect anyone else's property. Maggio stated that any exaggeration, leaving out any information, by any party, is a display of weakness in the argument in the case. Maggio contends that the pricing noted in the application is accurate. Pricing has nothing to do with the city's 6 points of consideration. No other short-term rentals in Highland have any monitoring systems. Maggio indicated that he and another employee of Kingdom Stays will be monitoring this property. He thanked the CPZB for their kind consideration. Attorney McGinley recommended closing the public hearing.

The public hearing on this issue was closed.

Lodes spoke to protecting the safety and welfare of the existing neighborhood.

Harlan understands that every homeowner is going to have an emotional response, but doesn't believe that decisions should be made on what is guessed might happen, pre-supposition, speculation, or personal attacks. She is concerned only with facts and believes that many facts have been offered, and the city allows for short-term rentals

with a special use permit. She doesn't see any fact that should prevent this from happening. She doesn't see any way to vote against it.

Korte believes the process that has taken place, leads him to ask himself, "How ready are we for this?"

Vance asked how long the special use permit would be in place, if the board recommended approval and the council approved it? McGinley indicated that the Special Use Permit would run with the property until there is a new property owner. A new owner would have to re-apply to continue with the same thing. Harlan added that it could be revoked if there were complaints or if conditions allowing it ceased to exist. McGinley couldn't confirm or deny as there is a lot to that question.

Chairman Walker noted that the property would have to be inspected annually as part of the city's Rental Inspection Program. Vazquez indicated that it would be inspected for property safety, public health and safety needs, not noise or nuisance issues. This inspection has not yet been performed, but would be before operation would be permitted.

The vote was taken by roll call. Harlan and Vance voted aye; Koehnemann, Korte, Lodes, Stoecklin, and Walker voted no. The motion failed to carry.

Director Vazquez noted that this would proceed to the city council on September 7, 2021.

Next Meeting:

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, October 6, 2021.

Adjournment:

Brad Korte made a motion to adjourn. Anthony Walker proclaimed the meeting adjourned at 8:18 PM.