

**HIGHLAND, ILLINOIS
MINUTES OF REGULAR SESSION
COMBINED PLANNING & ZONING BOARD
HIGHLAND AREA SENIORS CENTER, 187 WOODCREST DRIVE
WEDNESDAY, MARCH 6, 2024
7:00 PM**

Call to Order:

The March 6, 2024, 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, Larry Munie, and Robert Vance.

Members absent: None.

Also present: Economic Development Coordinator Mallord Hubbard; City Attorney Michael McGinley; Moran Economic Development's Director of Planning, Emily Calderon; and, Deputy City Clerk Lana Hediger.

Approval of Minutes:

Harlan made a motion to approve the minutes of the February 7, 2024, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Vance. Harlan, Koehnemann, Korte, Munie, Vance, and Walker voted aye; Lodes abstained. The motion carried.

Public Comments Relating to Items Not on the Agenda:

No comments were made and no written comments were submitted by email or other means.

Public Hearings and Items Listed on the Agenda - Procedures:

Chairman Walker reviewed the procedures for testifying on any items on this agenda during the hearings and offered to swear-in members of the public wishing to testify on the issue listed on the agenda. Eight people took the oath.

New Business:

- a) Chris Robards (Family Bible Church, Inc.) of 1705 Spruce St., Highland, IL is requesting a Special Use Permit in accordance with Section 90-201 of the City of Highland Municipal code to allow for a church in the "I" Industrial Zoning District at 820 Mulberry St. (PIN # 01-2-24-05-06-101-007) and (PIN # 01-2-24-05-06-101-006)

Chris Robards of Family Bible Church explained the purpose of the application which is to renovate the former police station into a church and that their intentions for use of the property are for typical church activity. Planned renovations are minor. They will open up the space in order to have a sanctuary/worship space with a fellowship space behind that and a nursery room all on the main floor. The basement floor will remain as is.

Emily Calderon presented, on behalf of the city, information related to this application for a Special Use Permit, as follows:

The applicant and property owner of the subject property is Family Bible Church, Inc. (1705 Spruce St., Highland). The applicant is requesting a Special Use Permit to allow a place of public assembly (church) on the property located at 820 Mulberry Street in Highland. The subject property was formerly used as the Highland Police Station and is currently zoned "I," Industrial District.

Consideration regarding the Comprehensive Plan and Future Land Use Map

The subject property is denoted as Industrial on the Comprehensive Plan's Future Land Use Map. The applicant's request is consistent with the Future Land Use Map and the goals and policies established within the Comprehensive Plan.

Surrounding Uses:

The property to the north of the subject property is zoned "I" Industrial and the current use is a single family dwelling. The properties to the south and east are zoned "C-2" Commercial and are both currently occupied by single family dwellings. The property to the west is zoned "I" Industrial and is the site of the Highland Municipal Power Plant.

Findings of Fact based on the seven standards of review listed in Section 90-79 of the Zoning Code include:

There are six items of consideration listed in Section 90-79 of the Zoning Code shall take into account while reviewing a request for a Special Use Permit:

1. The proposed SUP is consistent with the Comprehensive Plan.
2. The proposed use would not negatively impact on traffic circulation or public utilities. Thirteen parking spaces are provided on-site with additional street parking throughout the neighborhood.
3. The proposed use will adequately protect the public health, safety, and welfare, and the physical environment.
4. The proposed Special Use will not negatively impact the neighborhood or the City.
5. The proposed special use will not have an impact on public utilities.
6. There are no special facilities near the proposed special use which require special protection.

Staff Discussion and Recommendation:

The applicant states that they will have a congregation of approximately 50 individuals for Sunday service. The City's parking code requires one parking space for every 3 seats. While an interior seating plan has not been provided, seating to accommodate 50 would require 17 parking spaces. 13 parking spaces are provided on site (along Mulberry) with additional parking available on 9th Street and north of the building. Parking is also permitted on streets within the neighborhood, so additional vehicles could utilize street parking as needed.

Approval of the Special Use Permit is recommended.

Vance asked how many handicap parking spaces there would be, noting the staff report indicated 13 spaces. Calderon stated there is one space designated for handicapped. Vance asked if that is all that are required. Calderon responded, "Yes."

The Public Hearing on this issue was opened:

There were no comments submitted via phone or email. There were no comments by any member of the public.

The public hearing on this issue was closed.

Vance made a motion to recommend approval of the request for a Special Use Permit to allow for a church in the "I" Industrial Zoning District at 820 Mulberry Street (PIN 01-2-24-05-06-101-007); seconded by Lodes.

There were no additional board comments

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

- b) Charles Keltner of 13361 St Rose Rd, Highland IL is requesting to rezone 904 Beech St. (PIN # 01-2-24-05-05-102-014) from R-1-D Single Family Residence to I Industrial District.

Calderon presented information related to this application for Rezoning, as follows, after first calling attention to the fact that there was an error in the staff report which identified the subject property as "I" Industrial zoning on the Future Land Use Map. It is actually identified as R-1-D single family residential zoning on the Future Land Use Map.

The applicant is Charles K. Keltner (13361 St. Rose Road, Highland) and the property owner is Mary Jacober (14335 Jamestown Road, Breese). The applicant and property owner are requesting that the subject property be rezoned from R-1-D (Single Family Residence) to I (Industrial District). The applicant intends to use the property to construct a storage building for his lawn care business.

Consideration regarding the Comprehensive Plan and Future Land Use Map

The subject property is denoted as Residential on the Comprehensive Plan's Future Land Use Map. The applicant's request to rezone the property is consistent with the Future Land Use Map and the goals and policies established within the Comprehensive Plan.

Findings of Fact based on the nine standards of review listed in Section 90-85 of the Zoning Code include:

1. The subject property is currently a vacant lot that is zoned R-1-D (Single Family District).
2. Property to the north is zoned "I" Industrial and is the site of a sheet metal and roofing business. Properties to the south, east, and west, are zoned "R-1-D" and current use is as single family dwellings.
3. The proposed Industrial zoning district would allow for any of the permitted uses to occur on the property. Section 90-201 identifies permitted uses in the I District as:

Agricultural / Farming operations
Automotive Service
Bakery
Body Art Establishment
Co-Branding Facility
Construction Sales & Service
Convenience Store
Dry Cleaning Plant
Furniture, Appliance or Equipment
Sales / Lease

Garden Center, Greenhouse, or
Plant Nursery
Government / Public Buildings
Hospital
Lumber or Building Materials Sales
Manufacturing
Manufactured Home Sales
Medical or Dental Offices
Office, General
Parking Lot (public or private)

Pet Care and Pet related sales / service
Pole Barn
Print Shop
Printing & Publishing
Professional Services
Recreation Vehicle Sales, Lease or

Rental
Repair Service
Truck & Equipment Sales, Lease & Rentals
Used Car Lot
Utilities (public)
Warehouse, Mini (self-storage)

While some of these permitted uses may be acceptable in a neighborhood, some may be less desirable. Likewise, while the applicant's proposed use may be acceptable, permitted uses that may occur years later must be considered.

4. The subject property is suitable for a single-family dwelling, which is permitted in the district in which it is currently zoned.
5. The property is suitable for some uses permitted in the Industrial District, but it is not suitable for all uses permitted in the District.
6. While the character of the proposed use may be acceptable within the neighborhood, the CPZB must consider potential future permitted uses, which may be less desirable.
7. The Future Land Use Map identifies the property as Residential, so the proposed zoning amendment is not consistent with the Comprehensive Plan.
8. The proposed rezoning will not have a negative impact on public utilities, public services, or traffic circulation on nearby streets, since there are other industrially zoned properties directly north of the subject property.
9. While the proposed amendment may not be contradictory to the health, safety, quality of life, comfort, and general welfare of the City, it may not necessarily promote these factors, either.

Staff Discussion and Recommendation:

The applicant wishes to rezone the property so that he can build a new building for his business, Diversified Service, a lawn care business. The proposed new building will house lawn care equipment, including materials for sprinkler installation and landscaping.

While the proposed use may be acceptable, with minimal impact on the residential properties within the neighborhood, the CPZB must consider future users and the long-term impact of rezoning the property to Industrial, which would allow any of the permitted uses in the I District by-right.

Because the Comprehensive Plan's Future Land Use Map identifies the property as residential, denial of the Zoning Amendment is recommended.

Korte pointed out that two years ago the property just one block west of tonight's subject property was rezoned to "I" Industrial.

The Public Hearing on this issue was opened:

There were no comments submitted via phone or email.

The applicant, Charles Keltner, of Ferti-Lawn Inc., pointed out that all the properties to the north of this one are either commercial or light industrial. He questioned whether anyone would want to build a home on this site. He recapped current uses of surrounding properties. And pointed

out that the tax revenues would be beneficial to the city. He indicated that he intends to build a structure similar to others in that area.

Harlan asked about the nature of the building. The applicant indicated that it would be a building for his offices and some equipment storage inside, and trucks and equipment outside. The business is service in nature; no retail. Therefore, there will not be a large volume of traffic. He employs about 15 people. They service an area within a 50 mile radius. The employees arrive at about 6:45 AM. Once they deploy for the day, there would be very little traffic. They work four ten-hour days each week; no Saturdays or Sundays except during snow emergencies.

Darwin Callin indicated that he lives on Cedar Street. He is opposed to the rezoning and believes that property outside city limits would be more suitable for the proposed business. He argued that adding businesses in the neighborhood is not creating a safe environment for families. He would like this area to remain primarily residential as opposed to it slowly becoming commercial/industrial.

Matthew Galligos indicated that he lives on Beech St. on the next corner from the subject property. He is opposed to the rezoning for reasons relating to increased traffic in a neighborhood with several small children, proximity to residential property, and potential for decline of property values to surrounding properties. He is concerned with the number of large sheds being built in Highland. He, too, believes that property outside city limits would be more suitable for the proposed business.

Mr. Keltner addressed the safety concerns, noting that he will not be adding large trucks to the traffic. He also was proud to say that in 42 years he has not had an injury at his company; employees or customers. And, as a grand-father, he would never put a child at risk. He argued that what he is proposing to put there is not out of character with what is already in the neighborhood. He also believes that his improvements might increase property values.

Mr. Galligos stated that the zoning is what the issue is here and not what Mr. Keltner is proposing to build. Industrial would allow businesses with the potential of heavy machinery in the future.

The public hearing on this issue was closed.

Korte made a motion to recommend approval of the request for rezoning 904 Beech Street from "R-1-D" Single Family Residence to "I" Industrial District; seconded by Koehnemann.

Harlan indicated that these issues are not personal. She is opposed to spot zoning. She feels that Madison St. is a clear line between residential and commercial/industrial zoning areas. She believes that by adding Industrial here and there, the entire area will become industrial, slowly but surely. She believes the board needs to be concerned with what would be allowed in the future, if rezoned to "I" Industrial.

Korte agrees that the use of the land is all that matters. He recalled a meeting from years ago, involving property insurance, residential vs. industrial, in this area. His point being that there is always a certain amount of due diligence required, and many of the industrial/commercial properties in this area have been there a very long time. These questions will continue to come up from time to time. We don't know what the city council will do. Apparently, the line has already been made crooked.

Vance indicated that the area is surrounded by industrial with small cutouts here and there. This property has been there and nobody has built a home on it. Because someone is here wanting to use this empty lot, he is likely to vote in favor of it.

Chairman Walker indicated that he is torn as he wants to see the community continue to grow and he likes to hear that businesses want to invest in Highland. On the other hand, he looks at this neighborhood and he fears that this would whittle away at a long-standing residential neighborhood.

The vote was taken by roll call: Vance voted aye; Harlan, Koehnemann, Korte, Lodes, Munie, and Walker voted no. The motion failed. The Board recommendation to the city council will be for denial of this request.

Next Meeting:

As there were no applications submitted for the April meeting, the next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, May 1, 2024.

Adjournment:

Harlan made a motion to adjourn; seconded by Korte. All members voted aye. The motion carried and the meeting was adjourned at 7:37 PM.