

**HIGHLAND, ILLINOIS  
MINUTES OF REGULAR SESSION  
COMBINED PLANNING & ZONING BOARD  
HIGHLAND AREA SENIORS CENTER, 187 WOODCREST DRIVE  
WEDNESDAY, OCTOBER 2, 2024  
7:00 PM**

**Call to Order:**

The October 2, 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, Shirley Lodes, and Larry Munie,.

Members absent: Brad Korte and Robert Vance.

Also present: Economic Development Director Mallord Hubbard; City Attorney Trent Carriger; Chief of Police Carole Widman; and, Deputy City Clerk Lana Hediger.

**Approval of Minutes:**

Harlan made a motion to approve the minutes of the September 4, 2024, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Koehnemann. Harlan, Koehnemann, Munie, and Walker voted aye; Lodes abstained; none voted no. 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 the item on this agenda during the hearings and offered to swear-in members of the public wishing to testify on the issue. One person took the oath.

**New Business:**

- a) Nic Frey of 10115 Lower Marine Road, Marine, IL, is requesting to rezone 12448 Sportsman Road (PIN 02-2-18-32-00-000-022.002) from I Industrial District to C3 Highway Business district.

Hubbard presented information related to this application for Rezoning, as follows: the subject property is located at 12448 Sportsman Road. The applicant is Nic Frey (10115 Lower Marine Road, Marine, IL) and the property owner is Nic Frey Farms (10115 Lower Marine Road, Marine, IL). The applicant is requesting that the subject property be rezoned from I Industrial zoning district to C3 Highway Business zoning district. The applicant intends to use the property for a youth daycare, children's sports training facility, and for Mama's Rehab production and retail facility.

**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 to rezone the property is inconsistent with the Future Land Use Map but is consistent with the goals and policies established within the Comprehensive Plan.

**Findings of Fact based on the nine standards of review listed in Section 90-88 of the Zoning Code include:**

1. The subject property is currently a property that contains two vacant warehouse structures and one other vacant building.
2. Glik Park is on the property situated to the north and is zoned "R-1-C" Single Family Residential. Properties to the south and west are zoned "I" Industrial. The property to the south is currently used as mini warehouse and self-storage and the property to the south is Hunsche Excavating. The property situated to the east is vacant and currently zoned "C3" Highway Business district.
3. The proposed C3 Highway Business zoning district would allow for any of the following permitted uses to occur on the property, pursuant to Section 90-201:

Public Parks & playgrounds	Massage Facility (therapeutic) (licensed)
Agricultural/Farming Operations	Medical or Dental office
Automotive Service	Parking garage or lot (public or private)
Bakery	Personal services (barber / beauty, etc.)
Business or Vocational School	Print Shop
Community Center	Printing and publishing
Construction Sales & Service	Professional services
Dance Studio or Schools	Recreational vehicle sales, lease, rental
Day Care Facility (Commercial)	Repair Service
Drug Store / Pharmacy	Restaurant – fast food, no drive through
Dry Cleaning / Laundry Pickup	Restaurant, general
Financial Services without Drive Through	Retail Sales & Service
Food Store	Studio (radio, TV, film, music)
Government / Public buildings	Theatre, Motion picture
Health Club or Fitness Center	Theatre, performing arts
Institutions (charitable or philanthropic)	Used merchandise store
Kennel, Commercial (indoors)	Utilities (public)
Lumber or Building Materials Sales	Veterinarian
Manufactured Home Sales	

While some of these permitted uses may be acceptable in this area, 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 uses already permitted in the district in which it is currently zoned. With a history of industrial uses, two underground diesel fuel storage tanks were removed in 1998 and 1997. The 1997 removal resulted in the observation of a leaking underground storage tank. A March 14, 2022 letter indicates that further investigation is required before the IEPA can provide a No Further Remediation (NFR) letter. Quality Testing & Engineering completed testing on soil samples for the site and determined that the samples meet the requirements for the owner to seek a No Further Remediation (NRF) letter.
5. The primary question of suitability for the proposed use as a daycare is dependent upon the ability of the applicant to obtain a NFR letter from the IEPA.
6. While the character of the proposed use may be acceptable, the CPZB must consider potential future permitted uses, which may be less desirable.
7. The Future Land Use Map identifies the property as Industrial, so the proposed zoning amendment is not consistent with the Comprehensive Plan due to that singular factor.

8. The proposed rezoning will not have a negative impact on public utilities, public services, or traffic circulation on nearby streets.
9. The proposed amendment does not appear to be contradictory to the health, safety, quality of life, comfort, and general welfare of the City as a whole.

**Staff Discussion and Recommendation:**

Three buildings currently exist on the property, as shown on the site plan. The northern-most building will be demolished, while two warehouses will remain and be re-sided and repurposed. The northern building is proposed to be Mama's Rehab and the southern-most building will be used for a youth sports training facility.

A third building will be constructed on the east side of the property. The new building will be 10,000 square feet and will house a children's daycare. It will also include a fenced playground area immediately south of the building.

While the proposed use may be acceptable, with minimal impact on neighboring properties, the CPZB must consider future users and the long-term impact of rezoning the property to Highway Business, which would allow any of the permitted uses in the C3 zoning district by right.

Likewise, the impact that adjacent industrial properties could have on the subject site must also be considered. Because the Comprehensive Plan's Future Land Use Map identifies this parcel, and adjacent parcels to the south and west, as industrial, future industrial users that may potentially produce some nuisances such as dust, noise, or fumes, will continue to operate nearby.

Because the Comprehensive Plan's Future Land Use Map identifies the property as I Industrial, denial of the requested zoning amendment is recommended.

Despite the denial recommendation based solely on the property's industrial designation on the Future Land Use Map, Staff has no concerns for the current proposal submitted by the applicant. The proposal would provide economic benefits for the City's sales and property tax base through the redevelopment of a property that has been vacant for some time. The C-3 designation and future permitted uses would not pose significant risks to adjacent properties in the area and would not be considered "spot-zoning" due to the property to the east sharing the C-3 designation. Additionally, C-3 is more restrictive than Industrial, therefore tightening regulations on the property in terms of usage, setbacks, etc. These restrictions would provide increased protections to the character of the area.

The Comprehensive Plan serves as a long-term guide to help the City achieve its goals and vision. With that said, the current plan, adopted in 2013, cannot fully anticipate current changes & trends, and thereby has limitations as more time passes from its adoption date.

To that point, Staff has taken note of these limitations and have begun discussions around updating the Comprehensive Plan in the near future.

Should the board approve the Zoning Amendment, Staff will amend the property's Industrial designation on the next Future Land Use Map update. Lastly, while the Future Land Use map would require adjustment, this request is in fact consistent with the goals in the Comprehensive Plan.

**The Public Hearing on this issue was opened:**

The applicant, Nic Frey, reiterated the intended uses for which the rezoning to C-3 is being requested. Through redevelopment of this property, they expect to add 35 to 45 full-time jobs for the daycare alone. With regard to the No Further Remediation letter, he indicated that soil samples performed by Quality Testing & Engineering, show that it is very likely to be issued upon

request. He was unable to request the NFR letter until he purchased the property. Harlan asked what the hours of operation will be. Frey stated that the daycare hours will be 6 AM to 6 PM. They will be providing a shuttle service to school. Harlan asked if the owner could foresee any problems with Hunsche Excavating operating next door. He indicated that the daycare will be on the opposite side of the property and that he is intending to build a privacy fence along the lot line. He stated that there is a need for more daycare evidenced by the large number of children on the wait list for next year based on their ages at May 1, 2025. The order of completion will be daycare facility first, then Mamas Rehab, and the youth sports training facility last, once the daycare is up and running. The training facility will have an astroturf arena for speed training, soccer, football, and the like. Harlan asked what Mamas Rehab is. Frey stated that it is organic skin care products, bath balms, lotions, etc., created by his wife. It is already a successful business, it will be moved to this location from their home. The three buildings on the site will be coordinated aesthetically.

There were no comments submitted via phone or email.

**The public hearing on this issue was closed.**

Koehnmann made a motion to recommend approval of the request for rezoning 12448 Sportsman Road from "I" Industrial to "C3" Highway Business zoning; seconded by Munie.

Harlan inquired if this could be allowed to run with the owner, but revert back to industrial zoning if sold. After brief discussion, it was determined that rezoning is the proper course of action in this case.

Discussion also fleshed out that this is not an example of spot zoning due to the property next to it already being zoned C-3.

The vote was taken by roll call: Harlan, Koehnmann, Lodes, Munie and Walker voted aye; none voted no. The motion carried. The Board recommendation to the city council will be for approval of this request.

**Next Meeting:**

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, November 6, 2024.

**Adjournment:**

Harlan made a motion to adjourn; seconded by Lodes. All members voted aye. The motion carried and the meeting was adjourned at 7:23 PM.