

**Planning and Development Committee
Meeting Minutes for June 15, 2017**

Members Present:

Brad Maxwell, Chairman
Nick Petrillo
Larry Trucano
David Michael
Mick Madison
Robert Pollard

Members Absent:

Phillip Chapman
Ray Wesley

Others Present:

Matt Brandmeyer	James & Charlotte Stewarts
Andi Yancey	Jim & Gina Hays
Breana Lamb	Craig Nelson
Jamie Budwell	Cheri Petrillo
Amy & Bill Laycock	Brett Cygan
Stacey Loomis	John & Sandra Hess
Chris Zimmer	
Rosanna Kosek	

Call of Meeting to Order and Roll Call:

Chairman Brad Maxwell called the regular meeting of the Planning and Development Committee to order at 5:00 p.m. and conducted roll call.

Approval of Minutes:

Mr. Pollard made a motion to approve the minutes from June 1, 2017. Seconded by Mr. Trucano. Voice vote. Ayes to the motion: Mr. Petrillo, Mr. Trucano, Mr. Pollard, and Chairman Maxwell. Nays to the motion: None. Abstaining from the vote: Mr. Michael and Mr. Madison. Motion approved.

Zoning Petitions and Subdivision Overview:

Chairman Maxwell stated that Z17-0023, petition of Emile Damotte, applicant and owner of record, requesting a zoning map amendment in order to rezone a tract of land from "R-3" Single-Family Residential District to "M-1" Limited Manufacturing District, was withdrawn and would not be considered.

Mrs. Yancey discussed Z17-0015, petition of John and Sandra Hess, requesting a zoning map amendment in order to rezone a 6 acre tract from "B-3" Highway Business District to "B-4" Wholesale Business District. Mrs. Yancey stated that the Committee postponed the request in May to receive more information from the applicant. Mr. Cygan provided additional information, which included the rendering on display for the Committee. Mr. Cygan was proposing 10 storage buildings varying in size from 56,000 to 10,000 square feet in order to accommodate approximately 308 individual storage units. Mr. Cygan had also proposed a 500 square foot office building in the southeast corner of one of the storage buildings. Mrs. Yancey stated that an additional 28 signature petition of opposition was submitted against the request, bringing the total number to 60.

Chairman Maxwell asked if the signatures are duplicates and Mrs. Yancey stated that they were not. Mrs. Yancey also mentioned that neighbors had submitted photos of the site illustrating different rain events in the area within the past several months.

Mrs. Yancey introduced Stone Cliff Manor Subdivision Phase 2. Mrs. Yancey stated that it is a preliminary plat and it is a 106 lot subdivision proposal. The property is currently zoned R-2 Single-Family Residential and meets all subdivision standards. The lots range in size from 17,000 to 40,000 square feet. Mrs. Yancey stated that the subdivision is within Edwardsville's growth area and they have reviewed the plat to ensure it met their standards. There is also an annexation agreement between the developer and the City of Edwardsville, which will be providing sewers services for the subdivision. Mrs. Yancey stated that until annexation is final, the roads will be maintained by Pin Oak Township.

Chairman Maxwell asked if Edwardsville has agreed to annex the subdivision even though there is only one primary ingress and egress out of the subdivision. Mrs. Yancey stated they have approved the preliminary plat. Mr. Brandmeyer stated that they had widened the stub street to make it more of an entrance from IL Rte. 143, which will eventually be used in that capacity. Chairman Maxwell asked if the impact on the Edwardsville School District was taken into consideration with the subdivision. Mrs. Yancey stated that she believes that is part of Edwardsville's review process.

Mrs. Yancey introduced Geiger Family Farms 2nd Subdivision. Mrs. Yancey stated that the subdivision is a lot split and that the property owner is wanting to build a house on the east side of the parcel. Mrs. Yancey said there is an access easement along the northern border of the parcels giving access to the east parcel. Chairman Maxwell stated that since it is a flag lot that the property owner plans on keeping the remnant parcel. Mrs. Yancey stated that the owner did plan to keep the remnant property, but clarified that the proposal is not considered a flag lot because the "flag pole" is an access easement and not actually part of the proposed lot.

Citizens Wishing to Address the Committee:

Brett Cygan spoke in regard to Z17-0015. Mr. Cygan stated that it is already zoned "B-3" which allows over 100 different businesses that could be worse than a storage unit and that those businesses would have lighting, drainage, and traffic issues as well. Mr. Cygan said that the water will run to the east and south, not toward the subdivision, and it will bring tax money to Madison County. Mr. Cygan stated that the storage units will not be unsightly or unsafe.

Stacey Loomis spoke in opposition to Z17-0015. Ms. Loomis lives at 5940 Country Pointe Lane, which is directly behind the proposed storage facility. Ms. Loomis stated that the first hand-out she provided to the Committee contains information on the number of crashes that occur within the map area and that those numbers continue to increase every year. Ms. Loomis said that the total number of crashes within rural Madison County is 94 and there was 14 crashes in the small corridor of IL Route 4 and I-70 Interchange. Ms. Loomis stated that the increase number of vehicles coming from the development onto the oil and chip road is a risk to those that live within the subdivision.

Ms. Loomis stated that within a 15 mile radius of Marine, there are 22 storage units and this proposal is not a need for the community. Ms. Loomis stated that within the Madison County Comprehensive Plan, the subdivision is within the rural/agricultural corridor and that the property is zoned "B-3" from when Route 4 came through the area but it has not been historically used as such. Ms. Loomis said that within the Comprehensive Plan a stated objective is to protect the mature conversion of agriculture lands from other developments related to land uses, protect country side residential, and to protect the agricultural soil. Ms. Loomis stated that the subdivision is agricultural and that is why they bought their land.

Amy Laycock, 932 Country Pointe Lane, spoke in opposition to Z17-0015. Mrs. Laycock stated that there are already drainage issues within the subdivision and the water does not currently drain the proper way that it should, away from their subdivision. Mrs. Laycock showed the Committee photos of flooding issues on her property. Mrs. Laycock stated that the proposed development will have the stormwater flowing toward her property. Mrs. Laycock stated that the 135 feet buffer between the proposed development and her home is not that much. Mrs. Laycock stated that the handout she provided to the Committee was information on how cops train their officers to look for drugs at storage facilities. Mrs. Laycock provided photos that showed the raids that happen on interstate 70 near their houses.

Rosanna Kosek, 924 County Pointe Lane, spoke in opposition to Z17-0015. Mrs. Kosek stated that Ms. Loomis and Mrs. Laycock have provided numerous reasons as to why the development should not go in at the proposed location. Mrs. Kosek stated that the sign indicating there was a hearing was not on the property until two (2) days before the hearing. Mrs. Kosek stated that she had just receive her tax bill and does not know if that will have an effect on her property with the

development being built. Mrs. Kosek stated that Mr. Hess has a property across the interstate that is zoned “B-3” that does not have a residential development next to it. Mrs. Kosek said that location would be a great option for everyone. Mrs. Kosek stated that she hopes that the Committee will deny the request as the concerns of the neighbors are valid.

Billy Laycock spoke in opposition to Z17-0015. Mr. Laycock stated that if the development was approved, he would have to look out his back window at storage facilities and it would change the whole dynamic of the neighborhood. Mr. Laycock was comparing the Z17-0015 petition to another rezoning petition in a previous Committee meeting. Mr. Laycock stated that during the discussion for the other rezoning petition, it was said that the oil and chip road would not be able to maintain the increase in users, the possibility that the gun club would be asked to move locations, and that developers did not contact the neighbors about the rezoning of the property. Mr. Laycock stated that all of those discussion points pertain to their situation with the Z17-0015 rezoning petition and their neighborhood. Mr. Laycock also said that the new development would increase stormwater issues in their neighborhood.

Mr. Trucano asked if Mr. Laycock contacted any agencies to put a ditch in the area. Mr. Laycock stated that they did not, explaining that there are ditches along the road but they are only cut and maintained once or twice a year. Mr. Laycock stated that the ditch goes around the whole frontage road and ends at their house.

Jim Hays spoke in opposition to Z17-0015. Mr. Hays stated that the water drainage is a great problem and if the development goes through, they must address how they will handle the stormwater. John Hess stated that the stormwater drains to the south portion of the property. Mr. Hess stated that now that the subdivision is there, there is brush and trees that block the ditch, keeping the water from draining properly.

Mr. Brandmeyer stated that the applicant would be required to comply with the stormwater ordinance. Mr. Brandmeyer explained which aspects of stormwater would be reviewed once a building permit application was submitted by the applicant. Mr. Brandmeyer said that the extent of stormwater mitigation required would depend on whether the area is paved or rocked. Mr. Brandmeyer stated that everything would have to be directed toward the ditch. Mr. Brandmeyer stated that the applicant would have to get a permit with IDOT and they would also have to review the culverts and ditches.

Mr. Cygan stated that the majority of the issues addressed by the neighbors was hearsay and there were not a lot of facts involved.

Ms. Loomis stated that the trees that Mr. Hess was speaking of are in the ditch because it is so wet in that area that there isn't anything that can be done with it.

Unfinished Business:

Mr. Madison said that it is a difficult decision to make because the property is already zoned business. Chairman Maxwell stated that it was zoned business but was not zoned for this business. Mr. Madison stated that it was zoned commercial regardless.

Mr. Petrillo asked why there is farming in a “B-3” District. Chairman Maxwell stated that it is used for agriculture because it has never been developed, explaining that when the interstate came through and the frontage road was created, it was designated “B-3” but the property has continued to be used for agriculture. Mr. Brandmeyer said that it was more than likely an incentive zoning, which means that the County identified and held the area as commercial, and thus designated it a “B” District, explaining that it was probably because of the interchange.

Mr. Madison said if the Committee were to vote “no” on the petition, that the land would be worthless. Chairman Maxwell stated that is not the case, it would just prevent it from being rezoned from “B-3” to “B-4”.

Mr. Petrillo asked if the property was zoned “B-3” when the neighbors built their homes. Mr. Brandmeyer stated that was the case. Mr. Petrillo asked if they built the homes knowing and understanding that the adjacent property was zoned “B-3” and could be used for businesses. Mr. Brandmeyer stated that the information would have been available.

Mr. Pollard said that there are already drainage problems there that do not involve the storage facility and asked if the County would prevent flooding issues. Mr. Brandmeyer stated that there would probably be a reduction in flooding issues because the stormwater would be managed and redirected to different locations, but that it would not solve all of their drainage problems.

Mr. Brandmeyer stated that a residential subdivision can be zoned Agriculture if they can have the infrastructure installed correctly. Mr. Brandmeyer continued to discuss having residential uses within Agriculture Districts.

Mr. Trucano asked if the builder is responsible for the traffic flow and entrance way. Mr. Brandmeyer stated that they are responsible for what is on their property but not for what is on the public roadway. Mr. Brandmeyer stated that the development has customers throughout the day and does not have a peak flow traffic, so it should not cause traffic issues. Mr. Brandmeyer stated that the traffic facilities would not have been improved and upgraded to accommodate the development.

Mr. Michael stated that he agrees with Mr. Petrillo's thoughts and, while he believes that Mr. Cygan would bring a successful business, he is concerned with the importance of zoning and rezoning and why the County requires a public process. Mr. Michael stated that the hearing was conducted, there was a lot of opposition to the request, and the ZBA recommended denial. Mr. Michael asked if the Committee were to overturn the recommendation, what would be the point in having a public hearing and allowing people to voice their opposition.

Mr. Petrillo stated that he agrees with Mr. Michael comments. Mr. Petrillo stated that when the Committee is addressing rezoning, that the Committee should not just consider the facility but that they are potentially rezoning a whole stretch of land for other businesses that may not be properly kept. Mr. Petrillo said and that when people speak, the Committee should pay attention to their concerns.

Mr. Brandmeyer stated that he felt Mr. Petrillo was discussing concerns of "spot zoning". Mr. Brandmeyer said when there is an area that is already zoned commercial and you want to change a small portion of that to a more intense use, in the future, it would be very hard for the Committee to turn down similar requests for rezoning adjacent to that property and it will change the character of the area over time.

Chairman Maxwell said that he thinks that zoning is very important. There are rezoning requests frequently and he only voted in favor of rezoning petitions where both parties were in favor of it. Chairman Maxwell stated that it is a spot zoning issue and the rezoning of the property would have the potential to change the overall demeanor of the neighborhood.

Mr. Michael made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Z17-0015, petition of John and Sandra Hess, requesting a zoning map amendment in order to rezone a 6 acre tract from "B-3" Highway Business District to "B-4" Wholesale Business District. Seconded by Mr. Petrillo. Roll call vote. Ayes to the motion: Mr. Michael, Mr. Petrillo, Mr. Trucano, and Chairman Maxwell. Nays to the motion: Mr. Madison and Mr. Pollard. Motion approved.

New Business:

Mr. Madison made a motion to approve Stone Cliff Manor Subdivision Phase 2. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

Mr. Madison made a motion to approve Geiger Family Farms 2nd Subdivision. Seconded by Mr. Michael. Voice vote. All ayes. Motion approved.

Chairman Maxwell stated that the request for a refund is due to the applicant applying for a variance to allow a metal accessory structure in an "R-3" District that would actually be allowed by right following the text amendment being approved at the June 21 County Board meeting.

Mr. Madison made a motion to approve a Request for Refund for Zoning File Z17-0027. Seconded by Mr. Michael. Roll call vote. All ayes. Motion approved.

Mr. Brandmeyer stated that the Planning and Development Committee does not have by-laws, explaining that Chairman Maxwell asked that they be created in order to determine how meetings are conducted and provide information and rules to the Committee. Mr. Brandmeyer said that most of the regulations are routine and traditional for by-laws. Mr. Brandmeyer stated that the ex parte section is a suggestion. Mr. Brandmeyer stated that he understands that Committee members are County Board members and have to answer to the public, explaining that he wrote the guidelines with that in mind and wanted to ask the Committee their opinion. Mr. Brandmeyer said that the by-laws promote transparency. Mr. Brandmeyer stated that, if there is a conversation with the public, Committee members try to have the conversation at the meeting, avoid making promises to people on how they will vote, and maintain impartiality.

Chairman Maxwell stated that he and Mr. Brandmeyer have discussed creating by-laws for quite some time and he thinks that having the by-laws will provide a roadmap on how to conduct meetings. Chairman Maxwell stated that he would like to discuss the by-laws with the Committee and establish a baseline. Chairman Maxwell stated he would like to see a vote on the by-laws at the next meeting.

Mr. Michael asked for more information regarding the ex parte section, explaining that he feels that it is his job as a County Board member to talk with citizens. Chairman Maxwell provided an example of how ex parte communication is different from a conversation with a citizen regarding a petition. Mr. Brandmeyer stated that he does not want to get in the middle of the conversations between an elected official and their constituents, explaining that there is no issue with an elected official having a one-sided conversation with a constituent about a petition in order to understand it better. Mr. Brandmeyer stated that when the discussion becomes a back and forth conversation, issues can arise.

Mr. Madison stated that when things are put on paper, like the Comprehensive Plan, people want to use that as if it is cast in stone and that is not necessarily the case. Mr. Madison stated that ex parte is usually used for parties in a lawsuit or court case talking to other counsel. Mr. Brandmeyer stated that zoning petitions are land-use cases so there is applicability. Mr. Brandmeyer said he would work on the language and report back to the Committee at the next meeting.

Mr. Brandmeyer stated that he is not ready to discuss the Review of the Resource Management Program.

Administrator's Report:

Mr. Brandmeyer stated that he is doing a complete rewrite of the Zoning Ordinance and one of the issues he is thinking about is the central issue to the Demotte case, how they can maintain the yard area. The zoning ordinance speaks to land use but only to the use of the building and not the use of the yard and how that is kept. Mr. Brandmeyer told Mr. Damotte that he could be denied and not be able to do anything with the business or he could withdraw and then wait two months until the zoning ordinance update is completed and reapply. Mr. Brandmeyer stated that the department will keep an eye on the property.

Adjournment:

Mr. Madison made a motion to adjourn the meeting. Seconded by Mr. Petrillo. Voice vote. All ayes. Motion approved. Meeting adjourned.