

**Planning and Development Committee
Meeting Minutes for February 6, 2020**

Members Present:

Mick Madison, Chairman
Dalton Gray
David Michael
Robert Pollard
Ray Wesley

Members Absent:

Philip Chapman
Nick Petrillo
Larry Trucano

Others Present:

Breana Buncher	Dennis Williams	Ronald Toops
Noelle Maxey	Jack Humes	Kristin & Ryan Kneeder
Chris Doucleff	Ryan Williams	Chris Byron
Kirk Johnson	Debra Hoertel	Ron Wenzel
Jacob Hillkey	Robin & Steve Woodson	Matthew King
Priyan Patel	Pat Devening	Mike Babcock
Jan Wallace	Tanja Cook	

Call of Meeting to Order and Roll Call:

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

Approval of Minutes:

Chairman Madison asked the committee if any changes need to be made for the January 16, 2020 minutes. Chairman Madison approved the minutes.

Zoning Petitions and Subdivision Overview:

Mrs. Buncher stated Resolution Z19-0052, petition of Pro Excavating and Grading, LLC, was supposed to be considered during this meeting, but the applicant is requesting an additional 60 day postponement for legal issues that are currently being worked through.

Mrs. Buncher introduced Resolution Z19-0054, petition of December Investments, LLC, and Ryan and Kristin Kneeder, owners of record, requesting an amendment to a "B-5" Planned Business District for proposed changes to the previously-approved site plan to have a self-storage facility, as well as professional offices, on site. Mrs. Buncher stated the original resolution for the property included that another hearing must take place if substantial changes to the site plan were proposed. Mrs. Buncher stated the applicants are proposing four (4) new self-storage buildings on the property with outdoor storage behind the buildings, as well as fencing and landscaping around the property. Mrs. Buncher stated there was opposition expressed during the Zoning Board of Appeals (ZBA) meeting by several nearby property owners, as well as one nearby property owner who spoke in support of the project. Mrs. Buncher stated the ZBA recommended approval unanimously, and staff is recommending approval as well. Chairman Madison stated that during the ZBA meeting, some of those who spoke in opposition said that the original property owner, Dennis Williams, had promised them there would never be outdoor storage on that property and asked Mrs. Buncher if she knew anything regarding this. Mrs. Buncher replied that at the time the two properties were all one parcel, and when it was split, the same uses, including outdoor storage, were permitted on both properties, which, according to Mr. Williams, was not his intent.

Mrs. Buncher introduced Resolution Z19-0059, petition of Sejal Patel, owner of record, requesting a zoning map amendment to rezone a tract of land from "R-3" Single-Family Residential District to "B-2" General Business District. Mrs. Buncher stated the property is currently functioning as legal non-conforming since it has been running as a commercial building since 1970. Mrs. Buncher stated the intent of the rezoning was so the applicant would be able to get a liquor license to sell packaged liquor. Mrs. Buncher stated there are no violations on the property, but there was opposition expressed at the ZBA meeting from nearby property owners, Rosewood Heights Fire Department, and County Board member Matthew King. Mrs. Buncher stated the ZBA recommended denial of the request with a 3-2 vote.

Mrs. Buncher introduced Resolution Z20-0001, petition of Mitchell Public Water District, owner of record, requesting a variance as per §93.099, Section A, Item 5 of the Madison County Zoning Ordinance in order to construct a ninety foot (90') telecommunication tower on site that will be twenty feet (20') from the east property line and approximately seventy-six feet (76') from the west property line instead of the required ninety feet (90') on both sides. Mrs. Buncher stated there are no violations on the property and there was no opposition expressed at the ZBA meeting, but Eddie Lee, Chouteau Township Supervisor, spoke in support of the request. Mrs. Buncher stated ZBA and staff are recommending approval.

Mrs. Buncher introduced Resolution Z20-0008, petition of Mind, Inc., d/b/a Oleo Science, on behalf of Mike Moniger, owner of record, requesting a zoning map amendment to rezone a one (1) acre tract of land from "B-4" Wholesale Business District to "PD" Planned Unit Development District. Mrs. Buncher stated the purpose of the request is to continue operating the excavating business on site with the addition of a CBD oil extraction business, with future plans to manufacture biodegradable packaging materials from hemp. Mrs. Buncher stated the existing building on the property will be used for both the excavating business and the CBD oil extraction. Mrs. Buncher stated that the applicant's intent is to purchase the property from the current owner as the CBD business expands. Mrs. Buncher stated there are no violations on the property, and ZBA and staff are recommending approval.

Mrs. Buncher introduced Resolution Z20-0009, petition of Mind, Inc., d/b/a Oleo Science, on behalf of Mike Moniger, owner of record, requesting a zoning map amendment to rezone a 4.54 acre tract of land from "B-4" Wholesale Business District to "PD" Planned Unit Development District. Mrs. Buncher stated the request is the same as Z20-0009 with the same Conditions of Use. Mrs. Buncher stated this property will continue being used for the excavating business for the time being, but as the CBD business expands, they will use this property as well, mostly for the manufacturing of biodegradable packaging materials from hemp. Mrs. Buncher stated the applicant intends to purchase this property eventually as well, but they will be purchasing the smaller of the two properties first, and as the business expands, the applicants said they could have up to 65 employees. Mrs. Buncher stated there are no violations on the property, no opposition was expressed during the ZBA meeting, and ZBA and staff are recommending approval.

Tom McRae, County Board member, expressed his support of the denial of Resolution Z19-0059, petition of Sejal Patel, and his support of the approval of Resolutions Z20-0008 and Z20-0009.

Pre-Application Presentation:

None.

Citizens Wishing to Address the Committee:

Chairman Madison opened up the floor for citizens who want to address the Committee, and gave the rules for doing so. Chairman Madison clarified that originally there was video game gambling and a Class A liquor license involved with the rezoning request of Sejal Patel (Resolution Z19-0059), but that has since changed with the intent for only a Class B liquor license to sell packaged liquor with no video game gambling.

Matthew King, County Board member of the district where the Farm Fresh is located, spoke in opposition to Resolution Z19-0059. Mr. King stated Airline Drive connects communities, and the communities around there are very close and care about their neighborhoods and property values. Mr. King stated the neighbors around there have had meetings with Mr. Patel in attendance, and Mr. Patel was able to speak at those meetings, and the neighbors were able to share their concerns with him. Mr. King stated rezoning this property would be considered "spot zoning," and instances like this have been overturned in

courts. Mr. King stated that the neighbors around there are unsure whether they can trust Mr. Patel. Mr. King stated that Mr. Patel could get packaged liquor with a "B-1," but would be able to get a Class A license and video game gambling with the "B-2". Chairman Madison clarified that this would not be spot zoning, as there is an adjacent "B-2" District. Chairman Madison stated the property has always been zoned incorrectly since it's been commercial since 1970. A discussion ensued regarding that "B-1" vs. "B-2" District. Mr. Doucleff stated that to get a Class A liquor license and have video game gambling, per the Zoning Ordinance text amendment that would be going to the County Board for approval on February 19th, the building would have to be an "eating and drinking establishment," which requires a Special Use Permit and another zoning hearing.

Steve Woodson, pastor and property owner to the east of the Farm Fresh, stated that they took a petition around, and 75% of the immediate neighborhood was in opposition of the zoning change. Mr. Woodson stated the neighbors were concerned about what Mr. Patel would eventually do on the property if granted the zoning change. Mr. Woodson stated that they know Mr. Patel wants video game gambling in his other establishments, and there is nothing to indicate that that is not what he wants at this Farm Fresh. Mr. Woodson stated that he is concerned about safety for the kids if they are able to sell alcohol at the store.

Robin Woodson, grandma, stated she has attended the previous meetings and has seen all different types of people stating their concerns for this zoning change. Mrs. Woodson stated she does not live nearby, but her grandchildren do. Mrs. Woodson stated the area has a very homey atmosphere, and that's what she wants to keep seeing. Mrs. Woodson stated that anytime there is a zoning change, there is a change in the feel of the neighborhood. Mrs. Woodson stated there has been an overwhelming amount of people in opposition at other meetings. Mrs. Woodson stated she took the petition around in a neutral position, and all the neighbors do not want the change. Mrs. Woodson stated she was disappointed that the ZBA asked Mr. Patel if he could lose his business if the zoning change was not approved and asked the Committee to remember that he has two other businesses.

Debra Hoertel, pastor, spoke in opposition of the rezoning of the Farm Fresh. Ms. Hoertel stated her concerns regarding safety for children and changing the spirit of the neighborhood. Ms. Hoertel stated they don't need another liquor store in the area.

Priyan Patel, owner of the Rosewood Heights Farm Fresh, described challenges he has faced recently with his business, including rising minimum wage, the closing of their main dairy supplier, and increased taxes. Mr. Patel stated he needs to be able to sell packaged liquor to compete with other businesses that do. Mr. Patel stated his jobs would be lost if he had to shut his doors, and he provided a petition of support to the Committee.

Kirk Johnson, retired teacher, stated his mother used to work at the Farm Fresh. Mr. Johnson stated that there are places all along Airline Drive that sell tobacco and alcohol. Mr. Johnson stated that those speaking in opposition would not let a large company fail and that the majority of jobs in America are small businesses, which support the county, township, and municipality. Mr. Johnson stated that taking away the opportunity for small businesses to compete with larger business will result in those people losing their jobs and that business won't be paying taxes anymore. Mr. Johnson asked those in opposition and those against tobacco and alcohol to not penalize Mr. Patel and his employees. Chairman Madison stated that for full disclosure, Mr. Johnson is his uncle.

Jacob Hillkey, teacher's assistant, stated he agrees with some of the points others have made, and he does not want the integrity of the Farm Fresh to change, but if the change isn't permitted, Mr. Patel could have to cut down on staff. Mr. Hillkey stated the closure of the dairy supplier has had a major effect on the business and some people have stopped shopping there. Mr. Hillkey stated that he does not believe selling some beer or packaged liquor will change the value or integrity of the store and that Mr. Patel is a family man and treats his employees well. Mr. Hillkey stated he believes selling packaged liquor will help keep the doors of the Farm Fresh open.

Ron Wenzel, pastor, stated the community is already well-served with places that will sell packaged alcohol, and the Farm Fresh will end up looking like a liquor store with beer signs in the windows if the rezoning is approved. Mr. Wenzel stated the Farm Fresh already has problems with vandalism and hold-ups, and he thinks it will become more frequent if they start selling liquor. Mr. Wenzel stated he thinks Mr. Patel will do anything to make more money, as a businessman does, and he does not

want other uses that are permitted with the "B-2" zoning to go in at this location. Mr. Wenzel stated that neighbors tried to convince Mr. Patel to sell other things that might bring in more customers since the Schnucks had recently closed, but Mr. Patel seems to have declined that offer to go in this direction instead.

Pat Devening provided the opposition petition to the Committee along with the "B-2" permitted uses and a document about the minimum wage. Ms. Devening stated she supports the Farm Fresh store with the current line of products only, but she feels there are safety concerns and issues with traffic, law enforcement, and having a single person opening and closing the store daily. Ms. Devening stated there are morality issues because there is a funeral home across the street, several churches nearby, and a playground. Ms. Devening asked what's to stop Mr. Patel from getting video game gambling or changing the use of the building in the future. Chairman Madison stated if Mr. Patel wanted to do something like a bar and serve alcohol he would have to have another zoning hearing to get a Special Use Permit. Ms. Devening responded that with a "B-2" he would be allowed to do that without any neighbors really knowing. Chairman Madison replied that if half as many people came out in opposition of a Special Use Permit for a bar, it probably would not pass. Ms. Devening stated she always supports small businesses, but you should research a property to make sure it's what you want or need before buying it.

Mike Babcock, Wood River Township, stated that he and Matthew King are supporting their constituents. Mr. Babcock stated Mr. Patel bought the Farm Fresh in September, but the minimum wage law was passed in July. Mr. Babcock thanked Mr. Patel for buying the Farm Fresh, but said he should have addressed the zoning before buying it. Chairman Madison asked Mr. Babcock to address the Committee, not Mr. Patel. Mr. Babcock stated that as a representative of the voters and constituents in the area, it has been an overwhelming amount of opposition. Mr. Babcock stated they could get 1000 signatures on the petition if they wanted to. Mr. Babcock stated they want to support Mr. Patel, but they don't want it to become something else.

Unfinished Business:

Chairman Madison asked for a motion to postpone the consideration of Resolution Z18-0052, petition of Pro-Excavating and Grading, LLC, for another 60 days. Mr. Wesley made a motion to postpone for 60 days. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

New Business:

Chairman Madison brought in Resolution Z19-0054, petition of December Investments, LLC, and Ryan and Kristin Kneedler, for consideration. Chairman Madison reopened the floor for public comment.

Citizens Wishing to Address the Committee:

Jack Humes, attorney, spoke in regards to Resolution Z19-0054, on behalf of Dennis Williams, adjacent property owner. Mr. Humes read a statement from Mr. Williams regarding the zoning and conditions of use of the Kneedler's property when he had done the original rezoning. Mr. Humes stated Mr. Williams never intended for outdoor storage on the subject property. Mr. Humes stated Mr. Williams has no problem with the property being developed in the way Mr. and Mrs. Kneedler are proposing as long as they stick to their site plan and have the outdoor storage hidden behind the buildings, fencing, and landscaping.

Kristin Kneedler, property owner along with Ryan Kneedler of the subject property for Resolution Z19-0054, spoke regarding their request and what they are proposing to do on the property. Mrs. Kneedler stated Mr. Williams never owned the subject property and had no right to promise the adjacent neighbors that there would not be storage on the property. Mrs. Kneedler stated Mr. Dan Davidson, owner of the subject property prior to the Kneedlers, had told them that property had been purposely zoned for outdoor and indoor storage. Mrs. Kneedler stated everything they are proposing has already been approved for the property since being rezoned in 2013. Mrs. Kneedler stated they are proposing to tear down one existing structure and put up four new self-storage structures that are half the width and size of Mr. Williams' buildings. Mrs. Kneedler stated they are proposing fencing the entire property with aesthetically pleasing fencing with slats to block any outdoor storage. Mrs. Kneedler stated they have already invested a large amount of money in the property and will continue to invest more money to increase the value of the property, and she believes that their investment will also increase the value of nearby properties.

Ronald Toops, nearby property owner to the subject property of Resolution Z19-0054, stated he does not want the facility going in across the street, and that Mr. Williams' structures and outdoor storage are far enough away from the street that you do not notice them unless you turn and look. Mr. Toops stated that if they do move forward with building the self-storage facility, he requests that they put buildings in the front and any outdoor storage be behind the buildings so you cannot see them from the road. Mr. Toops stated there is nothing that will hold the Kneedlers to keeping the outdoor storage behind the buildings. Chairman Madison asked if this is how the other neighbors feel as well, to which Mr. Toops stated that it is. Mr. Toops stated the property is right next to the road and the road is high so a fence wouldn't hide outdoor storage from the road.

Jan Wallace, part of Oleo Sciences, applicant for Z20-0008 and Z20-0009, spoke in regards to their plans for the CBD oil extraction business and future plans for the two properties. Ms. Wallace stated they are proposing a hemp processing business, which is federally regulated, does not emit odors, and is safe. Ms. Wallace stated they came to wanting to do this business because they have seen a lot of misinformation regarding the processing of hemp. Ms. Wallace stated they originally wanted to grow hemp, but they noticed a lot of smaller hemp farmers in Illinois do not have relationships with businesses to process their hemp, so a lot just goes to waste. Ms. Wallace stated they are starting out small and have 40 local farmers wanting to do business with them, and they believe these two properties would be the perfect location for their business.

New Business:

Chairman Madison brought in Resolution Z19-0054 again for consideration. Chairman Madison stated there was a lot more discussion during the ZBA meeting, but he believes the plan is to keep any outdoor storage behind the buildings. Chairman Madison asked the Kneedlers what the large parking lot would be used for, to which Mrs. Kneedler responded it would be for those visiting the counseling office and would not be accessible to the storage facility users. Chairman Madison asked if all outdoor storage would be behind the buildings, to which Mrs. Kneedler responded that has been the plan since the beginning. Chairman Madison asked for a motion. Mr. Gray made a motion to approve with the proposed conditions. Seconded by Mr. Pollard. Chairman Madison approved the motion.

Chairman Madison brought in Resolution Z19-0059, petition of Sejal Patel, for consideration. Mr. Pollard stated he is fine with the fact that Mr. Patel wants to sell packaged liquor, but he would rather the property be rezoned to "B-1" instead of "B-2." Chairman Madison stated that Mr. Doucleff had told him that it had to be "B-2" because "B-1" would be spot zoning. Mr. Michael stated he would be fine with the proposal if it were a Special Use Permit, but changing the zoning opens up a laundry list of items that could go on the property. Chairman Madison stated any Special Use would have to be approved by the Board, but Mr. Michael replied that any of the listed permitted uses would automatically be allowed on the property. Chairman Madison stated the current zoning does not allow for the business to be there already. Mr. Wesley asked if there is a Special Use under the current zoning for packaged liquor, to which Mr. Doucleff responded that it would have to be a Business District to sell packaged liquor. A discussion ensued about what could go on the property with the current zoning and the proposed zoning and the legal non-conforming status. Mr. Gray asked if we could postpone and get an opinion from the State's Attorney's office on whether "B-1" would be possible, to which Mr. Doucleff stated "B-1" would be spot zoning and would not be allowed. Tanja Cook, attorney with the State's Attorney's office, agreed that they would not be in favor of the spot zoning. Chairman Madison stated there are several nearby businesses with alcohol and video game gambling, so he does not believe that the rezoning and sale of packaged liquor would not fit the area. A discussion ensued about what would be allowed on the property if the rezoning were approved and the changes proposed in the text amendment to the Zoning Ordinance going to County Board February 19th for approval that would disallow video game gambling on the property with the current use. Mr. Pollard made a motion to postpone until the next meeting after the text amendment to the Zoning Ordinance is approved by the County Board. Seconded by Mr. Gray. Voice vote. All ayes. Motion approved.

Chairman Madison brought in Z20-0001, petition of Mitchell Public Water District, for consideration. Chairman Madison noted there are homes on adjacent properties and the tower is supposed to be 90' from all property lines to avoid falling over and hitting a house. Mr. Michael made a motion to approve. Seconded by Mr. Wesley. Roll-call vote. All ayes. Motion approved.

Chairman Madison brought in Z20-0008, petition of Mind, Inc., d/b/a/ Oleo Sciences, on behalf of Mike Moniger, for consideration. Mr. Wesley made a motion to approve with the proposed conditions. Seconded by Mr. Gray. Roll-call vote. All ayes. Motion approved.

Chairman Madison brought in Z20-0009, petition of Mind, Inc., d/b/a/ Oleo Sciences, on behalf of Mike Moniger, for consideration. Mr. Wesley made a motion to approve with the proposed conditions. Seconded by Mr. Michael. Roll-call vote. All ayes. Motion approved.

Chairman Madison brought in the Resolution Authorizing the Demolition of Unsafe Buildings and Structures. Mr. Wesley asked if the county has gotten any money back from the money they put into these demolitions, to which Mr. Doucleff responded there are liens placed on the properties for any future sale. Mr. Pollard made a motion to approve. Roll-call vote. All ayes. Motion approved.

Chairman Madison brought in the Resolution Authorizing a Grant for Yearly Funding to the Madison County Soil and Water Conservation District. Steve Brendel, Stormwater Coordinator, discussed this resolution as well as the Resolution to Award Contract for Stormwater Policy and Floodplain Management Consulting Services FY 2020. Mr. Wesley asked if the amount requested for the Soil and Water Conservation District was the same as last year, to which Mr. Brendel responded that it is.

Chairman Madison brought in the Resolution to Authorize Madison County Green Schools Program FY 2020. Baily Lutz, Green Schools Coordinator, gave a short presentation on the overview of the Green Schools Program and discussed what the resolution is for. Mr. Wesley asked how much was funded last year, to which Ms. Lutz stated it is less than last year. Mr. Wesley asked if the money is coming from the landfill fees, to which Chairman Madison stated that the money for all three of the resolutions are. Ms. Lutz also stated that the funds for two of the schools were encumbered from last year.

Chairman Madison brought in the Resolution Authorizing a Grant for Yearly Funding to the Madison County Soil and Water Conservation District FY 2020, Resolution to Award Contract for Stormwater Policy and Floodplain Management Consulting Services FY 2020, and Resolution to Authorize Madison County Green Schools Program FY 2020 to be voted on together. Mr. Michael made a motion to approve. Seconded by Mr. Gray. Roll-call vote. All ayes. Motions approved.

Chairman Madison asked if all Committee members had had a chance to look at the Purchase Order Report. Mr. Michael made a motion to approve the Purchase Order Report. Seconded by Mr. Wesley. Mr. Doucleff stated the purchase of the Lenovo computer listed on the Purchase Order Report had been cancelled, but it was too late for another Purchase Order Report to be made. Mr. Michael amended his motion to approve the Purchase Order Report without the purchase of the Lenovo computer. Mr. Wesley amended his second as well. Roll-call vote. All ayes. Motion approved.

Administrator's Report:

None.

Adjournment:

Mr. Michael made a motion to adjourn the meeting. Seconded by Mr. Wesley. Voice-vote. All ayes. Motion approved.

Meeting adjourned.