

**Planning and Development Committee
Meeting Minutes for March 5, 2020**

Members Present:

Philip Chapman
Dalton Gray
David Michael
Nick Petrillo
Robert Pollard
Ray Wesley, Chairman Pro Tem

Members Absent:

Mick Madison
Larry Trucano

Others Present:

Breana Buncher	Priyan Patel	Henry Martinez
Noelle Maxey	Jacob Hillkey	Ron Wentzel
Chris Doucleff	Robin & Steve Woodson	Royce Roy
Andi Yancey	Pat Devening	Mike Babcock
Kirk Johnson	Kristee Shaw	Matthew King
Steve Dempsey		

Call of Meeting to Order and Roll Call:

Chairman Pro Tem Wesley 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 Pro Tem Wesley asked the committee if any changes need to be made for the February 6, 2020 minutes. Chairman Pro Tem Wesley approved the minutes.

Zoning Petitions and Subdivision Overview:

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 petition was postponed at the last P&D Committee meeting. Mrs. Buncher stated the use on the property is legal non-conforming since it has been running as a commercial building since 1970. Mrs. Buncher stated that staff recommended rezoning to "B-2" instead of "B-1" because rezoning to "B-1" would be considered spot-zoning. Mrs. Buncher stated there are no violations on the property, but there was opposition expressed at the ZBA and last P&D meeting from nearby property owners and County Board member Matthew King. Mrs. Buncher stated Mr. Patel did provide a petition in support of the rezoning at the last P&D meeting. Mrs. Buncher stated the ZBA recommended denial of the request with a 3-2 vote.

Mrs. Buncher introduced Resolution Z20-0012, petition of Robert Bursell, owner of record along with Angela Bursell, requesting a variance as per §93.051, Section A, Item 3, Sub (c) of the Madison County Zoning Ordinance in order to construct an accessory structure that extends into the front yard setback area. Mrs. Buncher stated Mr. Bursell expressed a hardship of a drop-off at the rear of his property that prevents him from building behind fully behind the front line of his home. Mrs. Buncher stated the proposed structure would be 32 feet by 42 feet and 14 feet in height. Mrs. Buncher stated there was no opposition expressed, and ZBA and staff are recommending approval.

Mrs. Buncher introduced Resolution Z20-0014, petition of Bryan Dempsey, owner of record, requesting a zoning map amendment to rezone a 0.28 acre tract of land from "B-2" General Business District to "R-1" Single-Family Residential District. Mrs. Buncher stated that staff advised Mr. Dempsey to rezone the smaller tract of land where his home is located and combine

it with the larger adjacent tract of land Mr. Dempsey also owns so that there would be a primary use on the property, and Mr. Dempsey would be allowed to build the new accessory structure he is wanting. Mrs. Buncher stated the property meets all "R-1" requirements, except the southern setback from the house, which would be 15 feet. Mrs. Buncher stated the property structure would be 30 feet by 30 feet and 14 feet in height. Mrs. Buncher stated there are no outstanding violations on the property, there was no opposition expressed for the request, and ZBA and staff are recommending approval.

Mrs. Buncher introduced Resolution Z20-0015, petition of Weber Living Trust and Joe Weber, owner of record, requesting a zoning map amendment to rezone a 2.88 acre tract of land from "B-2" General Business District to "B-3" Highway Business District. Mrs. Buncher stated Mr. Weber is requesting to rezone to "B-3" in order to lease out the building for either a contractor's shop and yard use or a plumbing and heating showroom use. Mrs. Buncher stated the property is surrounded by the Village of Glen Carbon, but the Village also has the property listed as commercial in their Comprehensive Plan, so the proposed uses would adhere to their Comprehensive Plan. Mrs. Buncher stated there are no outstanding violations on the property, there was no opposition expressed, and ZBA and staff are recommending approval.

Mrs. Buncher introduced Leder Lane Subdivision – Minor Plat. Mrs. Buncher stated the property is located along Lake Road in St. Jacob Township and is within the growth boundary of the Village of St. Jacob. Mrs. Buncher stated St. Jacob reviewed and approved the subdivision in February. Mrs. Buncher stated the applicant is proposing a two lot minor subdivision where the existing house and 2.02 acres around it will be subdivided off from the rest of the property, leaving 129 acres as the remnant Lot 2. Mrs. Buncher stated Lot 1 will have access with a 40 foot ingress/egress easement, and the maintenance agreement for that easement was included on the plat. Mrs. Buncher stated the proposed layout meets all zoning and subdivision requirements, and there is a portion of floodplain on the northern part of the property; however, the applicants are not intending to develop that area of the property at this time.

Mrs. Buncher introduced Ahlmeyer Estates Subdivision – Minor Plat. Mrs. Buncher stated the property is located at the end of Dundee Lane in Marine Township and is within the growth boundary of the Village of Marine. Mrs. Buncher stated Marine reviewed and approved the subdivision in February. Mrs. Buncher stated the proposal is a two lot minor subdivision, with Lot 1 being 2.1 acres and Lot 2 being 21.33 acres. Mrs. Buncher stated there will be a 40 foot access easement, and a maintenance agreement for the easement has been submitted. Mrs. Buncher stated the proposed layout meets all zoning and subdivision requirements, and there is no floodplain on the property.

Mrs. Buncher introduced Merkle Subdivision – Minor Plat. Mrs. Buncher stated this property is located near the intersection of Trestle Road and Becker Road in Saline Township and is within the growth boundary of the Village of Pierron, which opted out of the option to review the subdivision. Mrs. Buncher stated the proposal is a two lot minor subdivision, with Lot 1 being 2.3 acres and Lot 2 being 36.69 acres. Mrs. Buncher stated there will be a 40 foot access easement, and a maintenance agreement for the easement has been submitted. Mrs. Buncher stated the proposed layout meets all zoning and subdivision requirements, and there is no floodplain on the property.

Pre-Application Presentation:

None.

Citizens Wishing to Address the Committee:

Chairman Pro Tem Wesley opened up the floor for citizens who want to address the Committee and gave the rules for doing so.

Pat Devening, resident of the Rosewood Heights community, read a letter of opposition in regards to the petition of Sejal Patel written by another local resident who was unable to attend the meeting. Ms. Devening stated she provided a document regarding minimum wage. Ms. Devening stated she is concerned rezoning to "B-2" will allow other uses to be put on the property if Mr. Patel decided to do that or decided to sell to someone else.

Kristee Shaw, resident of Rosewood Heights, spoke in opposition of the petition of Sejal Patel. Ms. Shaw stated the community is close-knit, and generations of kids have been going to this convenience store. Ms. Shaw stated that we tell our kids we're

always trying to better ourselves, eliminate crime, and eliminate bad examples, and there is a girls' softball team that plays right next to the Farm Fresh. Ms. Shaw asked what we're showing our kids and the rest of the community if alcohol is incorporated into the Farm Fresh. Ms. Shaw said schools are trying to teach kids to stay away from drugs and alcohol, on a moral concept and a criminal concept as well. Ms. Shaw stated adding alcohol can bring in the wrong crowd, and the community is opposing this to keep the area safe. Ms. Shaw stated, however, that she would prefer the building and lot be vacant than have something else go in there instead.

Henry Martinez, resident of Rosewood Heights, spoke in opposition to the petition of Sejal Patel. Mr. Martinez stated this is a bedroom, close-knit community. Mr. Martinez said he is concerned this will not stop at adding the sale of liquor, and something else might go on the property instead if the rezoning is approved. Mr. Martinez stated he lives across the street from the Farm Fresh, and he is most concerned about added traffic and selling alcohol with a lot of kids around there and the funeral home across the street. Mr. Martinez said he's also worried that parents watching their kids' baseball/softball games next to the Farm Fresh might go over there to get a six-pack and bring it back to drink while watching the game.

Ron Wentzel, pastor in Rosewood Heights, spoke in opposition to the petition of Sejal Patel. Mr. Wentzel stated he's not against drinking alcohol, but adding the sale of alcohol to the Farm Fresh will change the character of the business and clientele. Mr. Wentzel stated that even though Mr. Patel might not be looking to add gaming now, rezoning could open the door to that becoming more of a possibility. Mr. Wentzel stated he thinks the most important thing is that the community doesn't want it and neither do the elected officials from the area. Mr. Wentzel stated the community has tried to help Mr. Patel add other items to the store instead, especially since their local grocery store closed.

Mrs. Buncher clarified that the text amendment to the Zoning Ordinance was passed, and Mr. Patel would not be allowed to put video game gambling on the property unless the use on the property was one of the four that the Ordinance allows to have gaming. Mrs. Buncher stated the most likely use that could be on the property that would allow gaming would be a bar or restaurant, but the owner of the property would have to come back to have another zoning hearing to get a Special Use Permit to be a bar or restaurant.

Mike Babcock interjected at this time that he does not understand why Mrs. Buncher is allowed to intervene and say what she is saying. Mr. Babcock stated that the public is discussing things with the Committee, while Mrs. Buncher is intervening with information that isn't relevant to the issue. Chairman Pro Tem Wesley responded that we want to ensure the Committee has all the necessary information available.

Steve Woodson, pastor and property owner to the east of the Farm Fresh, stated they are not comfortable with a change with the Farm Fresh, and they have a girls' softball team that plays next door. Mr. Woodson stated there are plenty of places to buy alcohol in the area but not many places to buy groceries. Mr. Woodson stated they took a petition around to about sixteen immediate neighbors of the Farm Fresh and about 75% was in opposition of the zoning change.

Robin Woodson stated she and her husband, like Mr. Wentzel, are not against alcohol. Mrs. Woodson stated Mr. Patel should look to the community to see what they would like him to add to the store instead of alcohol and that he has other stores he can sell alcohol in and his employees could work at if they were to close this location.

Royce Roy, pastor in Rosewood Heights, stated the kids that go to that church often walk up to the Farm Fresh. Mr. Roy stated there are six churches within an eighth of a mile from the Farm Fresh, and all the pastors Mr. Roy has spoken to agree that they do not want alcohol being sold at the Farm Fresh. Mr. Roy stated when you open the door to one thing, it can open the door to a lot more and attract the wrong kind of person. Mr. Roy stated he has a petition of about twenty signatures that are against the rezoning, and he and much of his church will take their business elsewhere.

Mike Babcock, Wood River Township, stated that he, Matthew King, and Tom McRae are supporting their constituents. Mr. Babcock stated the community does not want this change and asked the elected officials to consider their request. Mr. Babcock stated the change with the milk supplier, minimum wage, and tobacco taxes are just business risks that you have to

take. Mr. Babcock stated that, even though Mrs. Buncher already stated that the property owner would have to go through a zoning hearing to get a Special Use Permit to operate as a bar, he knows it's still a possibility.

Matthew King, County Board member of the district where the Farm Fresh is located, spoke in opposition to the petition. Mr. King stated the Committee is not obligated to make this change, that the Farm Fresh has been operating like it is now for decades, and that the store serves a purpose and has done a good job serving that purpose. Mr. King urged the Committee to leave the zoning alone and listen to the citizens.

Priyan Patel, owner of the Rosewood Heights Farm Fresh, stated they want the zoning change for a packaged liquor license only, not a pour license or to get video gaming. Mr. Patel 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 understands that owning a business comes with risks, but businesses have to improve over time in order to survive. Mr. Patel stated that to those who are concerned with exposing kids to alcohol, most of that type of exposure begins at home, not at businesses. Mr. Patel stated all other grocery stores, gas stations, restaurants, and convenience stores in the area already sell alcohol, so exposure already is happening at all these other places. Mr. Patel stated that they need a packaged liquor license in order to keep their doors open.

Jacob Hillkey, resident and educator, stated he knows Mr. Patel and the Farm Fresh store very well, and he, like many others, would go to the store as a kid growing up. He stated that the other Farm Fresh stores in the area all sell alcohol, and the character of those stores have not changed. Mr. Hillkey stated that in school and at home is where you teach your kids to stay away from alcohol, and all other similar stores are already selling alcohol. Mr. Hillkey stated he would still let his students go to the Farm Fresh, even if they start selling alcohol. Mr. Hillkey stated that if the Farm Fresh closes its doors, the eight employees there would not be sent to other stores to work, but would lose their jobs. Mr. Hillkey stated that he doesn't think the character of the neighborhood would change with the sale of alcohol at this location.

Kirk Johnson, retired teacher, stated his mother-in-law used to work at the Farm Fresh for many years. Mr. Johnson stated local businesses are important for the community. Mr. Johnson stated that when he was a history teacher, he would teach them about capitalism and how competition is a major part of it. Mr. Johnson stated that your business can't compete if every other business like yours can provide items to their customers that you cannot provide. Mr. Johnson stated that there's already cigarettes in the store as well. Mr. Johnson stated that if you can't change your business to meet the needs, then you will fail, your employees will lose your jobs, and the County will not get their tax money. Mr. Johnson stated that there were a lot of people who also signed a petition in favor of the zoning change.

Unfinished Business:

Chairman Pro Tem brought in Resolution Z19-0059 for consideration. Mr. Chapman made a motion to deny the petition. Seconded by Mr. Pollard. Mr. Chapman asked if it was accurate if most of the people in the general area against the rezoning, to which Mrs. Buncher stated there is a map from the opposition petition in the packet, but it was based on the original opposition petition staff received, not the most recent petition. Mr. Chapman stated that looking at the opposition and support petitions, it is difficult to know if the people for or against the rezoning actually live nearby the property. Mr. Chapman asked how often these types of rezoning result in a change of the use on the property to something else after approval, to which Mrs. Buncher stated that that has never happened that she is aware of. Mr. Chapman asked if there was anything in the Ordinance that states you cannot sell alcohol adjacent to a church, to which Mr. Doucleff stated there is a distance requirement between places that sell alcohol and churches/funeral homes, but it is measured from building to building, not from the property lines. Mr. Pollard asked if Mr. Patel could ask to be rezoned to a "B-1" instead, to which Mr. Doucleff stated that liquor licenses are treated the same between all Business Districts, but the "B-2" District does include additional uses to "B-1". Mr. Doucleff stated that, like Mrs. Buncher said, that if Mr. Patel wanted gaming or a license to pour, he would have to go through another hearing process just like this. Mr. Petrillo asked if Mr. Patel has already applied with the State to have a liquor license, to which Mrs. Buncher stated he would have to have the correct zoning and apply with the County for a liquor license, which is the point of the rezoning. Roll-call vote. All ayes. Motion approved.

New Business:

Chairman Pro Tem Wesley brought in Resolution Z20-0012, petition of Robert Bursell, for consideration. Mr. Chapman asked if there was any opposition in the community, to which Mr. Doucleff responded there was not. Mr. Chapman made a motion to approve. Seconded by Mr. Michael. Roll-call vote. All ayes. Motion approved.

Chairman Pro Tem Wesley brought in Resolution Z20-0014, petition of Bryan Dempsey, for consideration. Mr. Michael made a motion to approve. Seconded by Mr. Chapman. Roll-call vote. All ayes. Motion approved.

Chairman Pro Tem Wesley brought in Resolution Z20-0015, petition of Weber Living Trust and Joe Weber, for consideration. Mr. Michael made a motion to approve. Seconded by Mr. Pollard. Roll-call vote. All ayes. Motion approved.

Chairman Pro Tem Wesley brought in the three minor subdivision – Leder Lane Subdivision, Ahlmeyer Estates Subdivision, and Merkle Subdivision – for consideration together. Mr. Michael made a motion to approve all three of these minor subdivisions. Seconded by Mr. Petrillo. Roll-call vote. All ayes. Motion approved.

Chairman Pro Tem Wesley brought in the Resolution Authorizing Allocation of Environmental Grants FY 2020 for consideration. Andi Yancey, Resource Management Coordinator for the County, discussed this resolution. Mrs. Yancey stated that the request is for \$73,795 in Environmental Grants. Mrs. Yancey stated that we received 15 applicants, and of those, 6 were able to be funded. Mrs. Yancey discussed the projects that the funds will be used for. Mrs. Yancey stated that none of these 6 applicants received grant funding last year, and these 6 have received the least amount of funding from the County in the last 5 years. Mr. Chapman stated he was glad to see these 6 applicants receive grants this year. Mr. Michael made a motion to approve. Seconded by Mr. Pollard. Roll-call vote. All ayes. Motion approved.

Chairman Pro Tem Wesley asked if everyone has looked over the Purchase Request for Oates Associates, Inc., for Engineering Services. Mr. Chapman made a motion to approve. Seconded by Mr. Pollard. Mr. Michael asked if these funds are on an as-needed basis, to which Mr. Doucleff stated that is the case. Mr. Michael asked if this is a request that comes up every year, to which Mr. Doucleff stated it is. Roll-call vote. All ayes. Motion approved.

Chairman Pro Tem Wesley asked if everyone has looked over the Purchase Order Report. Mr. Pollard made a motion to approve. Seconded by Mr. Gray. Roll-call vote. All ayes. Motion approved.

Administrator’s Report:

None.

Adjournment:

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

Meeting adjourned.