

**Planning and Development Committee
Meeting Minutes for May 18, 2017**

Members Present:

Brad Maxwell, Chairman
Nick Petrillo
Larry Trucano
David Michael
Philip Chapman
Ray Wesley
Mick Madison
Robert Pollard

Members Absent:

None.

Others Present:

Matt Brandmeyer
Andi Yancey
Breana Lamb
Chris Doucleff
Jeff Ezra

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. Madison made a motion to approve the minutes from May 4, 2017. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

Zoning Petitions and Subdivision Overview:

Mrs. Yancey introduced Z17-0021, petition of DEI Holdings LLC, applicant and owner of record, requesting a zoning map amendment in order to rezone a 0.96 acre tract of land from "R-3" Single-Family Residential District to "B-2" General Business District and a Special Use Permit as per Article 93.030, Section D, Item (1), in order to have a bar and a Special Use Permit as per Article 93.030 Section D, Item (4) in order to have a dwelling. Mrs. Yancey stated that they have recently come under new ownership and are bringing the property into compliance with Madison County Zoning Ordinance. Mrs. Yancey said the applicant is requesting a special use permit in order to continue to have the tavern and dwelling on site. The Zoning Board of Appeals (ZBA) recommended approval with conditions. Mrs. Yancey said that there was opposition onsite due to parking and noise concerns. A petition of support was submitted with 139 signatures from nearby property owners. Mrs. Yancey read the conditions of the special use that were proposed by the ZBA.

Mr. Chapman asked if the concerns about the parking are legitimate and if the parking that is proposed is adequate. Mr. Brandmeyer stated that the applicant meets the parking standards.

Mr. Madison stated that he heard that the tavern has been updated on the inside and asked Mrs. Yancey if the outside of the building has had any improvements. Mrs. Yancey stated that they have not updated the outside of the building but once the request is approved, the applicant will obtain a building permit from Planning and Development in order to update the building.

Mr. Madison asked who was in opposition of the request. Mrs. Yancey stated that Mary Nelson, along with other residents, is opposed and lives south of the subject property.

Mr. Petrillo asked about potential outdoor events. Mrs. Yancey stated that the tavern will have an outdoor patio but they did not mention any additional outdoor events. Mr. Petrillo asked what the current ordinance states about closing time. Chairman Maxwell stated that it is 2 a.m. Mr. Brandmeyer stated that the property may be grandfathered at 3 a.m. Mr. Petrillo stated that outdoor activities are loud and the noise will travel. Mr. Brandmeyer stated that the liquor ordinance restricts bands indoors and outdoors to an earlier time and that with a special use permit, conditions can be added in order to provide a specific closing time. Mr. Brandmeyer stated that liquor ordinance states bands must end by 10 p.m.

Mr. Chapman stated Prairietown residents have not been in contact with him regarding any opposition to this request.

Mrs. Yancey discussed Z17-0024, petition of John and Nikkiesha Waddy, owners of record, requesting a Special Use Permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order place a single-wide manufactured home on site for the occupancy of John and Nikkiesha Waddy for a period not to exceed five (5) years. Mrs. Yancey stated that ZBA recommended approval and that three (3) neighbors voiced objection stating they did not want the lot occupied.

Mr. Petrillo asked what happens with the special use permit after five (5) years. Mrs. Yancey stated if there is not a change in ownership and there are not any violations that the owners will be able to do an administrative extension and avoid the zoning hearing process.

Mrs. Yancey introduced Z17-0022, petition of DeAnna Brown, owner of record, requesting a Variance as per Article 93.025, Section E, Item (4) of the Madison County Zoning Ordinance in order to construct an attached garage to an existing home that will be ten (10) feet from the east property line instead of the required 25 feet. Mrs. Yancey stated that the property has street frontage on three (3) sides of her property therefore she is limited on building space. Mrs. Yancey said that staff did reach out to Nameoki Township and they stated that they did not have any objections to the request. ZBA recommended approval.

Lastly, Mrs. Yancey discussed Z17-0025, petition of Catherine Durer, applicant, for owner of record, Linda Durer, requesting a Variance as per Article 93.061, Section A of the Madison County Zoning Ordinance in order to have a lot that is 33,690 square feet instead of the required 40,000 feet for a private sewage system to an existing home. Mrs. Yancey stated that the applicant is reconfiguring the lot lines based on how each person uses their property. Mrs. Yancey said in doing that it will make the first lot become less than 40,000 square feet which triggered the need for the variances for lot size, private sewage, and setbacks. Mrs. Yancey stated that the ZBA recommended approval and there was no opposition.

Mr. Madison asked what the required size for septic tank was in the past. Mr. Brandmeyer stated he does not know but that the lateral systems are what require a specific lot size. Mr. Brandmeyer stated that the 40,000 square feet regulation came to be by taking the average foot print for a house and then allowing room for a lateral field and a replacement for a lateral field.

Mrs. Yancey introduced the Nicholas H. Mintert and Nicole T. Mintert 1st Subdivision. Mrs. Yancey stated that the applicant is doing a lot split creating a 2.69 acre lot. The remnant lot will be less than 2 acres but will be combined with the adjacent lot to the east after the subdivision process is completed.

Mr. Brandmeyer introduced the proposed text amendments to the Committee. Mr. Brandmeyer stated that it is the annual review of the Planning and Development Zoning Ordinance in order to determine what needs to be adjusted or fixed. Mr. Brandmeyer said that staff is proposing the following to be adjusted. First, adding landscaping services as a special use in the Agriculture District. Mr. Brandmeyer stated there are supplemental regulations to support the business and it is added due to demand by Madison County residents.

Mr. Brandmeyer stated that staff is proposing to remove the requirement for farmers to sign an Agriculture Exempt form in order to get a permit for an accessory structure because it is overreaching on the department's behalf. Mr. Brandmeyer said that the form allows farmers to not be charged a permit fee and there is wording in the application that asks the

applicant to prove that they are in the business of farming. Mr. Brandmeyer stated that the form would be voluntary and would still be available to farmers.

Mr. Brandmeyer said he would like to delete the requirement for a 40,000 square foot minimum for private sewage systems on existing lots. Mr. Brandmeyer said there are a lot of problems with the requirement, one being that it is an existing lot of record and the owner has a reasonable expectation to be able to use the lot for a single-family dwelling. It could be considered a regulatory taking and Madison County could get sued if the request is not approved. Mr. Brandmeyer stated if the system is installed correctly and maintained, it would be clean water coming out of the systems. Mr. Brandmeyer said that the prevailing item when considering lot size is the drainage on the property and at that point it becomes a stormwater issue. Mr. Brandmeyer stated that if the ditches are being maintained and there is positive drainage the problem should be solved.

Chairman Maxwell asked how many existing lots are less than 40,000 square feet. Mr. Brandmeyer said there is probably a few hundred within Cottage Hills, State Park, Eagle Park, and Forest Homes neighborhoods. Chairman Maxwell stated that the County is already fighting flooding issues in these areas and allowing for them to have private sewage systems is not aiding in the solution to the issues. Mr. Brandmeyer stated that the County has to be consistent on how these lots are treated since their neighbors were allowed to be on septic systems. Chairman Maxwell said that every subdivision that was allowed to have a private sewage systems on lots less than 40,000 have had issues. Mr. Brandmeyer stated that the subdivision in Troy, which Chairman Maxwell was referring to, is on a common collector line which is a different issue. Chairman Maxwell stated he is concerned with deregulation of the lot size because he sees a lot of problems down the road that the County will be required to handle.

Mr. Chapman stated that it is a public health issue and that if private sewage systems being allowed on smaller lots causes a lot of issues, the County will be commanded to use their resources to fix the issues and that would cost time, money, and effort that could have been avoided.

Chairman Maxwell asked how many violations are issued due to failing private sewage systems. Mr. Brandmeyer stated that there are approximately 40,000 private sewage systems in Madison County and around 650 are sited each year.

Mr. Chapman stated that these violations could just the tip of the iceberg since our code enforcement is complaint driven. Mr. Chapman stated he disagrees with Mr. Brandmeyer that it is not a health issue because if there is dirty effluent being discharged, it becomes a health issue.

Mr. Madison stated his concerns are if there are no private sewage systems that can go on existing lots of records, what can the property owner do with the property. Mr. Brandmeyer asked if it would be okay if there was a way to provide more oversight for the private sewage program and to address the drainage issue.

Mr. Chapman said that it is his job as a board member to build healthy subdivisions. Mr. Petrillo stated that he agrees with Mr. Chapman.

Mr. Brandmeyer stated that staff also made some adjustments to the exterior building materials to allow for certain metal panels to be allowed in Agriculture Districts for single-family dwellings.

Chairman Maxwell stated he is not trying to lean one way or another but he wants the ability to make sure the neighbor two doors down does not have a floaty going through the drainage ditch next week.

Citizens Wishing to Address the Committee:

None.

Unfinished Business:

Mr. Brandmeyer stated that the applicant has requested to postpone Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for April 25, 2017 for Zoning File Z17-0015, 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 until the June 15, 2017 Planning and Development meeting.

Mr. Michael made a motion to postpone Z17-0015, petition of John and Sandra Hess, until the June 15, 2017 meeting. Seconded by Mr. Chapman. Voice vote. All ayes. Motion approved.

New Business:

Mr. Chapman made a motion for the acceptance of Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for a Resolution Authorizing a Text Amendment to Chapter 93 of the Madison County Zoning Ordinance provided that §93.061 Section 93.061 "A" is stricken. Seconded by Mr. Michael. Voice vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0021, petition of DEI Holdings LLC, applicant and owner of record, requesting a zoning map amendment in order to rezone a 0.96 acre tract of land from "R-3" Single -Family Residential District to "B-2" General Business District and a Special Use Permit as per Article 93.030, Section D, Item (1), in order to have a bar and a Special Use Permit as per Article 93.030 Section D, Item (4) in order to have a dwelling Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0024, petition of John and Nikkiesha Waddy, owners of record, requesting a Special Use Permit as per Article 93.025, Section G, Item 9 of the Madison County Zoning Ordinance in order place a single-wide manufactured home on site for the occupancy of John and Nikkiesha Waddy for a period not to exceed five (5) year. Seconded by Mr. Michael. Voice vote. All ayes. Motion approved.

Mr. Petrillo made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0022, petition of DeAnna Brown, owner of record, requesting a Variance as per Article 93.025, Section E, Item (4) of the Madison County Zoning Ordinance in order to construct an attached garage to an existing home that will be ten (10) feet from the east property line instead of the required 25 feet. Seconded by Mr. Madison. Voice vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation Z17-0025, petition of Catherine Durer, applicant, for owner of record, Linda Durer, requesting a Variance as per Article 93.061, Section A of the Madison County Zoning Ordinance in order to create a lot in an "R-1" Single-Family Residential District that is 33,690 square feet instead of the required 40,000 square feet, in order for the existing dwelling to be 40 feet from the front property line instead of the required 50 feet, and in order to have a private sewage system on a lot that is less than 40,000 square feet. Seconded by Mr. Trucano. Voice vote. All ayes. Motion approved.

Mr. Madison made a motion to approve Nicholas H. Mintert and Nicole T. Mintert 1st Subdivision. Seconded by Mr. Michael. Voice vote. All ayes. Motion approved.

Mr. Chapman made a motion to postpone the Resolution for Intergovernmental Agreement between the Planning & Development Department and the Village of New Douglas for Code Enforcement Services until June 1st. Seconded by Mr. Michael. Voice vote. All ayes. Motion approved.

Mr. Chapman stated he wanted to introduce a resolution in support of the Illinois Senate Bill 7 SB 0007 to allow electronic gaming at Illinois race tracks. Mr. Chapman read the resolution aloud to the committee. Chairman Maxwell stated that since the item was not on the agenda, he would ask that the item be put on the agenda for the next Planning and Development meeting. Mr. Chapman stated that he raised the issue tonight because he learned that the house has to move on the bill by May 31 and Planning and Development is outside of their decision cycle. Chairman Maxwell asked if we are able to vote on the item since it is not on the agenda. Mr. Brandmeyer stated that there is problems with it as far as OMA. He said while it's not an ordinance, which would certainly trigger OMA requirements, it doesn't meet the letter of the law. Mr. Chapman stated he did not want to do anything that is not within the rules and requested the Attorney's opinion. Mr. Ezra stated it would be a violation of the OMA. Mr. Chapman withdrew his motion until the next Planning and Development Committee meeting.

Administrator's Report:

None.

Adjournment:

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