



City of Highland

Building and Zoning

Combined Planning & Zoning Board Meeting Minutes
Virtual Meeting
October 7, 2020 7:00 P.M.

1. Call to Order – **7:00PM**
2. Roll Call
CPZB Members – Present – Chairman Brad Korte, Anthony Walker, Al Stoecklin, Bob Vance, Shirley Lodes, and Deanna Harlan
CPZB Members – Absent – Bill Koehnemann
Staff – Present – Breann Speraneo, Mike McGinley, Mallord Hubbard, Matt Kundrat, and Kim Kilcauski
3. General Business:
Approval of the September 2, 2020 Minutes
A motion was made to approve the September 2, 2020 meeting minutes as written by Anthony Walker, seconded by Bob Vance. 4 Ayes, 0 Nays, 1 Abstention, 1 not present for the vote. Motion approved.
4. Public Comment Section
Persons who wish to address the Combined Planning and Zoning Board regarding items not on the agenda may do so at this time. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney. Any presentation is for informational purposes only. No action will be taken.
Chairman Korte opened the Public Comment Section regarding items not on the agenda at this time. Hearing none, he asked if any comments not on the agenda had been received and needed to be read into the minutes. Kim Kilcauski responded that there were not any comments received other than those received on meeting agenda items. Chairman Korte closed the Public Comment Section.
5. Public Hearings and Items Listed on the Agenda
Persons wishing to address the Combined Planning and Zoning Board regarding items on the agenda may do so after the Chairperson opens the agenda item for public hearing or for public comment. Speakers shall be limited to five (5) minutes or a reasonable amount of time as determined by the City Attorney.
Chairman Korte reviewed the meeting process and administered the oath to those guests in attendance wishing to address the board. Guests taking the oath included Monica Lange, Jennifer Ostrander, Karie Schuck, and Kelly Hunt.
6. New Business
 - a) Monica Lange (1606 Oak Street) is requesting a variance to Section 90-74-A of the City of Highland Municipal Code to allow for a detached garage to occupy 12.6% of the lot rather than the maximum 10% at 1606 Oak Street.
 - b) Monica Lange (1606 Oak Street) is requesting a variance to Section 90-74-B of the City of Highland Municipal Code to allow for a detached garage (900 sq. ft.) to have a gross floor area greater than the floor area of the principal structure (716 sq. ft.) at 1606 Oak Street.

Chairman Korte requested that Breann Speraneo present the details on both variances for 1606 Oak Street prior to the separate hearings. Breann Speraneo stated that the variances are for a detached garage. The first is for an accessory structure to occupy 12.6% of the lot rather than the maximum 10%. The second is for an accessory structure (900 sq. ft.) to have a floor area greater than the floor area of the principle structure (716 sq. ft.). She went on to present the standards of review for variances. Breann Speraneo included that the size of the lot does not allow for a detached garage greater than 716 sq. ft. without a variance. She noted that a variance is a more appropriate remedy than an amendment to the zoning code and will not alter the essential character of the area. Breann presented the staff discussion noting that staff does not usually



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recommend allowing a detached structure to be larger than the principal structure. However, it should be taken into consideration that the principal structure is only 768 sq. ft. on a 7156 sq. ft. lot. Without a lot coverage variance for a detached structure, the largest the garage can be is 716 sq. ft. If the applicant does build an addition onto the home, a lot coverage variance to Section 90-74-A for a detached structure will still be needed. A floor area variance to Section 90-74-B would no longer be needed. The applicant has been advised of accessory structure setbacks and is not requesting a setback variance. Breann Speraneo noted that the applicant, Monica Lange, is present to answer any questions.

Chairman Korte opened the public hearing and asked for any questions. Kim Kilcauski read the following comments and questions received from Lisa Zobrist via email on October 5, 2020 at 6:55AM: "Good Morning. I wanted to email you regarding some questions that I had regarding the property at 1606 Oak Street wanting a detached garage. Is there going to be plumbing in this garage? If so, what is the purpose of the plumbing? What is the purpose of having a garage bigger than their house? Will this garage be a one story or two story structure? How will this affect my property value of my house? From what I have heard at one point they were going to have someone live in the garage. I have also heard that they were going to be lifting their house up and building out their basement to make it bigger and they were going to live in their garage until their house is completed. I know I really don't have a say in the decision if they get approved for the garage or not, but I don't want something that big in the neighborhood. Our property lines are very close already and having something this big in their back yard (in my opinion) will not look good and will be very crowded. I feel if they want a garage bigger than their house, I think this is made for in the country where there is more room and won't look so crowded. If you have any questions, please do not hesitate to contact me. Thank you so much!" Chairman Korte stated that at this level he didn't know if any of those questions could be addressed. He said that whether or not plumbing is included is unknown at this point. Monica Lange asked if she could speak. She said that they do not intend to live in the garage or let anyone else live in there. Monica Lange also noted that the garage will be one story. She added that the other questions are private. Breann Speraneo noted from a staff perspective a variance comes before the building permit. The building permit phase is where any appropriate plumbing, electrical work, etc. would be reviewed and verified it is up to code and no one would be allowed to live in a detached garage.

Chairman Korte asked the minimum house size that can be built in the City of Highland today. Breann Speraneo responded that is 800, 1,000 or 1,200 sq. ft. depending on the zoning district. She said the home at 1606 Oak St. is 768 sq. ft. and today the City would not allow a home of that size to be built.

Chairman Korte asked if there were further questions or comments. Hearing none, Chairman Korte closed the public hearing. He requested a motion to approve a variance to Section 90-74-A of the City of Highland Municipal Code to allow for a detached garage to occupy 12.6% of the lot rather than the maximum 10% at 1606 Oak Street. A motion was made by Shirley Lodes and seconded by Deanna Harlan. Chairman Korte asked for any discussion. Hearing none, he requested a roll call vote. 6 Ayes, 0 Nays. The motion was approved.

Chairman Korte asked if there were further questions of comments on the second variance. Hearing none, Chairman Korte closed the public hearing. He requested a motion to approve a variance to Section 90-74-B of the City of Highland Municipal Code to allow for a detached garage (900 sq. ft.) to have a gross floor area greater than the floor area of the principal structure (716 sq. ft.) at 1606 Oak Street. A motion was made by Deanna Harlan and seconded by Anthony Walker. Chairman Korte asked for any discussion. Hearing none, he requested a roll call vote. 6 Ayes, 0 Nays. The motion was approved.

- c) Richard Schuck (2003 Zschokke) is requesting a Special Use Permit to allow for apartments within the C-2 district at 708 Laurel Street.



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Chairman Korte opened the public hearing. Breann Speraneo presented the information on the special use permit to allow for apartments within the C-2 district, including the standards for review for special use permits. She stated the proposed Special Use is consistent with the Comprehensive Plan and would not have an adverse effect on public utilities or traffic circulation on nearby streets. Staff discussion included that the building was converted into two apartment units prior to the applicant purchasing the building. The former owner did not obtain a Special Use Permit before converting the building into apartments, meaning that the new owner must obtain the permit. Staff has walked through the apartment units and they are finished to a high standard. The units would be registered within the Rental Program prior to being rented. Staff has no concerns. Breann Speraneo added that Karie Schuck is present to answer any questions.

Breann Speraneo said that Bill Koehnemann, a CPZB member, could not be present at this meeting. He does live across the street from 708 Laurel St. and wanted to have his concerns regarding parking read into the minutes. He said that residents have faced parking issues with surrounding businesses and he wanted to make sure this would not cause any parking issues. Breann Speraneo mentioned that she had a conversation with Karie Schuck regarding parking and Karie had thought that this might alleviate parking issues with massage clients parking in the front of the building and tenants in the rear so the street can be kept clear. Karie Schuck confirmed that is their plan. Chairman Korte asked for further questions and comments. Hearing none, he closed the public hearing. He asked for a motion to approve a Special Use Permit to allow for apartments within the C-2 district at 708 Laurel Street. A motion was made by Al Stoecklin and seconded by Deanna Harlan. Chairman Korte asked for further discussion. Hearing none, he requested a roll call vote. **6 Ayes, 0 Nays. The motion was approved.**

- d) The City of Highland (1115 Broadway) is requesting a text amendment to Article I of the Municipal Code to allow for short-term rentals.
- e) The City of Highland (1115 Broadway) is requesting a text amendment to Article III of the Municipal Code to allow for short-term rentals.
- f) The City of Highland (1115 Broadway) is requesting a text amendment to Article IV of the Municipal Code to allow for short-term rentals.

Chairperson Korte opened the public hearing on the text amendments and asked that they all be presented at one time. Breann Speraneo agreed and noted that Jennifer Ostrander and Kelly Hunt were present to speak on their experiences with AirBnBs and why this would be an asset to the community. Breann Speraneo presented the proposal summary. The City of Highland (1115 Broadway, Highland, IL) is requesting text amendments to Articles I, III, and IV of the Municipal Code to allow for short-term rentals as a Special Use within the R-1-C, R-1-D, R-2-A, R-2-B, R-3, C-2, & C-3 districts. Short-term rentals are commonly referred to as AirBnBs, VRBOs, etc. City staff has received multiple requests for short-term rentals to be allowed within City limits. Staff believes that allowing short-term rentals as a Special Use is a way to ensure that each short-term rental is known by the City, registered in the Rental Program, and is submitting hotel-motel tax. Breann Speraneo noted that short-term rentals would be added to the Dwelling definition in Article I, Section 90-15 – Definitions. She also added that the definition for short-term rental is as follows: Short-Term Rental: A dwelling unit or portion thereof located within the principal building and offered for rent for a period of thirty (30) consecutive days or less to any person other than a member of the owner's immediate family. She noted that short-term rentals are different than a bed and breakfast because a bed and breakfast is an owner-occupied residence and meals are provided. Hotels are also different as they provided lodging to the public and have more than two bedrooms furnished for the accommodation of guests. Breann Speraneo noted the updates to Article III, Districts & Zoning Map 90-201, Table 3.1.A.



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Breann Speraneo presented the proposed text for Article IV, Section 90-216 – Short-Term Rentals. This includes the following:

A. Intent

1. The purpose of this section is to protect the public health, safety, sanitation, traffic control, solid or hazardous waste control, pollution control, and other specified circumstances in relation to short-term rentals.
2. Short-term rentals are distinct from Bed and Breakfast establishments in that prepared meals are not provided and only one group of patrons in a 24-hour period shall be allowed in a short term rental.
3. Short-term rentals are distinct from Hotel or Motel establishments in that only one group of patrons in a 24-hour period shall be allowed in a short-term rental. Further, Hotel or Motel establishments are land uses allowed only in non-residential zoning districts.

B. Requirements

1. It shall be unlawful to rent, offer for rent, or advertise for rent a short-term rental without first obtaining a Special Use Permit (SUP) issued by the City of Highland for the specific location.
2. All short-term rentals shall meet the following:
 - a. No rental or advertisement for rental for a period of time shorter than twenty (20) hours.
 - b. No short-term rental may provide for food or beverage to any guests with the exception of pre-packaged food and drink items.
 - c. The SUP application shall identify what living space within the principal structure is available for short-term rental. If more than one (1) living area is offered for short-term rental, those living areas shall be specifically identified and numbered on the SUP application. While a separate SUP application is not required for each living area, the applicant shall not be allowed to exceed the maximum number of short-term rentals identified in the SUP application.
 - d. Any short-term rental shall be subject to the hotel and motel tax and associated requirements of Article II Hotel and Motel Tax (Sections 70-26 to 70-33).
 - e. Short-term rentals shall be inspected annually for compliance with the requirements of Article VII Health Safety Inspection (Sections 33-211 to 33-260).
 - f. Short-term rental owners/operators shall be required to register with the City of Highland as a landlord per the provisions of Article VI. – Landlord Registration (Sections 33-195 to 33-201).
 - g. The SUP application shall include owner and property identification information, including emergency contact and insurance information, to be provided to the City of Highland Police Department.
 - h. The maximum number of overnight occupants shall not exceed that allowed per the Building Code.
 - i. Off-street parking locations shall be identified on the SUP application.
 - j. The applicant shall be responsible for confirming that the use of the property and structure as a short-term is allowed by any applicable covenants and restrictions. Approval of a SUP by the City of Highland shall not circumvent these covenants and restrictions.



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C. SUP Criteria

In reviewing a Special Use Permit application, the Combined Planning and Zoning Board shall consider and affirmatively ascertain the following have been met:

1. The proposed short-term rental has complied with all provisions of subsection B (Short-Term Rentals – Requirements).
2. The proposed short-term rental will not cause a negative cumulative effect when considered in conjunction with the effect of other short-term rentals in the immediate neighborhood.
3. The proposed short-term rental will not have a substantial adverse impact on the use, enjoyment, or property values of adjoining properties.
4. The proposed short-term rental will not have an adverse effect upon the public health, welfare, or safety of the community.

Breann Speraneo introduced Jennifer Ostrander and Kelly Hunt. She asked them to explain what they had in mind for their short-term rentals. Jennifer Ostrander stated that she and her husband own the Olde Wicks Factory. She said that they live in a 4,600 sq. ft. 6 bedroom and 5 bathroom home. Jennifer Ostrander noted that Wicks is booking events on Fridays, Saturdays and Sundays. She said the only hotel in Highland is the Baymont Inn with 59 rooms. She provided an example from last Columbus Day weekend when they had a Saturday wedding and a Sunday wedding. The Sunday wedding couldn't get any rooms at the Baymont, because the Saturday wedding had booked them. Jennifer noted that Wicks capacity is 350 and there are other venues in town as well. Referrals are being given for Edwardsville, Collinsville and Greenville. The Ostranders also have an apartment on 12th Street and have owned it for 14 years. If they make it a VRBO, then they would target wedding couples and not put the property on the VRBO website. Jennifer said that they have had VRBOs on Carlyle Lake with success as a central meeting place. She noted benefits to the community include the use of local restaurants and shops. She added that the hotel tax is a benefit to the city as well. She said the house is furnished, the stays are rated, the tenants should be respectable, and contracts can be written so as to have a deposit for noise or other things to maintain control.

Kelly Hunt said everything Jennifer said applies to their house too at 1306 6th Street. They have 2800 sq. ft. space, handicap accessibility, and unique courtyard. She said there is history to the house and believes that would draw people. They live downstairs, but would rent the upstairs. Kelly added that her mother ran the SWIL Tourism Bureau and has seen the need for this to draw people to the area. Kelly noted that they would like to help serve the need.

Breann Speraneo shared her screen to show the Hotel and Motel Tax form which is submitted each month. The city would receive 5% of the revenue.

Jennifer Ostrander asked if each special use permit has to go through CPZB and the City Council. Breann Speraneo stated that was correct; however, if owners had more than one property those properties could be done all at once.

Chairman Korte asked for any additional discussion. Hearing none, he closed the public hearing on item D. Chairman Korte asked for a motion to approve the text amendment to Article I of the Municipal Code to allow for short-term rentals. A motion was made by Bob Vance and seconded by Deanna Harlan. Chairman Korte asked if there was any further discussion. Hearing none, he requested a roll call vote. 6 Ayes, 0 Nays. The motion was approved.

Chairman Korte asked for any additional discussion. Hearing none, he closed the public hearing on item E. Chairman Korte asked for a motion to approve the text amendment to Article III of the Municipal Code to



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allow for short-term rentals. A motion was made by Deanna Harlan and seconded by Shirley Lodes. Chairman Korte asked if there was any further discussion. Hearing none, he requested a roll call vote. 6 Ayes, 0 Nays. The motion was approved.

Chairman Korte asked for any additional discussion. Hearing none, he closed the public hearing on item E. Chairman Korte asked for a motion to approve the text amendment to Article IV of the Municipal Code to allow for short-term rentals. A motion was made by Al Stoecklin and seconded by Anthony Walker. Chairman Korte asked if there was any further discussion. Hearing none, he requested a roll call vote. 6 Ayes, 0 Nays. The motion was approved.

Chairman Korte added that he has heard several comments over the years that this type of business was needed and he believes it will be very positive.

7. Calendar

- a) November 4, 2020– Combined Planning and Zoning Board Meeting

Breann Speraneo stated that there would be a CPZB Meeting in November.

- a. Adjournment – **7:46PM**

NOTICE: The October 7th CPZB meeting at 7:00pm will be conducted virtually. To monitor the meeting, call 618-882-4358 and use conference ID# 267091. To have a comment read into the meeting minutes, email your comment to kkilcauski@highlandil.gov or submit it through our Citizen Request portal on our website.

Anyone requiring ADA accommodations to attend this public meeting, please contact Breann Speraneo, ADA Coordinator, at 618-654-7115.