



# City of Highland

## Building and Zoning

Combined Planning & Zoning Board  
Virtual Meeting Minutes  
January 6, 2021 7:00 P.M.

1. Call to Order – **7PM**
2. Roll Call  
**CPZB Members – Present – Chairman Brad Korte, Anthony Walker, Bob Vance, Shirley Lodes, Bill Koehnemann, Deanna Harlan and Al Stoecklin**  
**Staff – Present – Breann Speraneo, Chris Conrad, Mike McGinley, Mallord Hubbard, and Kim Kilcauski**
3. General Business:  
Approval of the December 2, 2020 Minutes  
**A motion was made by Deanna Harlan to approve the December 2, 2020 meeting minutes as written and seconded by Al Stoecklin. 7 Ayes, 0 Nays. 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, 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 Dustin Barry and Mike Tebbe.**
6. New Business
  - a. Michael Tebbe (15B Warren Manor) is requesting to rezone 1210 Zschokke Street from R-1-D Single-Family Residential to C-2 Central Business District. (PIN# 01-2-24-05-11-202-011).  
**Chairman Korte opened the public hearing regarding the request to rezone 1210 Zschokke St. from R-1-D Single-Family Residential to C-2 Central Business District. Breann Speraneo presented the report. She stated that the Comprehensive Plan and Future Land Use Map are considered policy guides to current and future development. While they do not have the force of an ordinance, it is generally recommended that municipalities adhere to the findings, policies, principals, and recommendations in these documents. Changes and deviations are permissible, but they should be reasonably justified. The subject property is denoted as “downtown” on the Comprehensive Plan’s Future Land Use Map. A hair salon is an appropriate**



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use for the downtown district. Breann Speraneo went on to present the Standards of Review for Zoning Map Amendments and Findings of Fact. The property is currently a two-unit apartment building and is zoned R-1-D with properties to the North, South and West zoned R-1-D and to the East the property is zoned C-2. Nearby property will not be negatively affected. The area to the east is zoned C-2 and this area contains a variety of uses. R-1-D is primarily for single-family residences and, therefore, is not the most appropriate zoning classification. The property is suitable for a hair salon. While there is not on-site parking, additional parking is not required given that the building is not being altered in any way. The proposed zoning goes with the character of the area. This area has a mixture of zoning districts, including C-2. The proposed map amendment is consistent with the City's Comprehensive Plan. There would not be a negative effect on public utilities, other needed public services and traffic circulation on nearby streets. The map amendment will promote the health, safety, quality of life, comfort and general welfare of the city. Staff discussion included that given the area consists of a mixture of residential and commercial uses, staff believes that rezoning to allow for a hair salon to operate on the property is appropriate. The applicant has stated that one employee will be providing hair services and will only be scheduling one customer at a time, so staff is not concerned about overcrowding the available street parking. Breann Speraneo asked if there were any questions. There were none. Chairman Korte asked if anyone wanted to add to what was said. Mike Tebbe, the applicant stated that he had nothing to add. Chairman Korte closed the public hearing. He asked if there was anything further to report. Breann Speraneo added that the applicant submitted photos showing that there are no traffic concerns. She shared the photos with the board. Mike Tebbe also added that there is a handicap parking spot by the Tot-Lot which is not specifically dedicated to the playground. Chairman Korte asked for a motion to approve. A motion was made by Anthony Walker and seconded by Deanna Harlan. Chairman Korte asked if there was further discussion. Hearing none, he requested a roll call vote. **7 Ayes, 0 Nays. Motion approved.**

- b. Molly's Mochas, LLC (916 6th Street), on behalf of Dustin & Laura Barry (2505 Country Hills Ln.), is requesting a variance to Table 5.1 of the Municipal Code to decrease the minimum number of required parking spaces for a restaurant. (PIN# 02-2-18-32-19-403-017).

Chairman Korte opened the public hearing regarding a variance request to decrease the minimum number of required parking spaces for a restaurant (Molly's Mochas, LLC at 916 6th Street). Breann Speraneo presented the report. She stated Table 5.1 of the City of Highland Municipal Code includes restaurants require 1 space per 2 seats or 8 per 1,000 square feet of floor area, whichever is greater. In this case, the square footage requirement is greater than the seating requirement. The building will be 2,000 square feet, meaning that 16 parking spaces are required by code. The site can safely accommodate 12 parking spaces. Surrounding uses include Industrial to the North, C-2 to the South and West and R-1-D to the East. Breann Spearneo continued with the Standards of Review for Variances. The need for a variance is the result of parking requirements for restaurants. The applicants were required by City Council to add an addition that will allow for 2,000 total square feet, bringing the required number of parking spaces to 16. The proposed variance is consistent with the general purpose of this chapter, Section 90-1. If a variance is not granted, the applicant will be unable to operate a



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2,000 sq ft restaurant without locating permanent off-site parking. It is the minimum deviation. The size of the lot does not allow for a 2,000 sq ft building and 16 parking spaces. The variance is a more appropriate remedy than an amendment to the zoning code. The variance will not alter the essential character of the area. Breann Speraneo also presented the staff discussion. Molly's Mochas has been classified as a restaurant. In following the parking requirements for restaurants, 16 parking spaces would be required for the 2,000 sq ft building. The building is currently 1,582 sq ft and the City Council has required the applicants to add an addition that will bring the total square footage to 2,000 sq ft. After the addition is constructed, only 12 parking spaces (including 1 ADA Accessible space) could be safely implemented. City Staff would rather the applicants receive a variance for 4 parking spaces than create traffic and safety issues on the site. Staff does not consider leasing off-site parking a viable option to circumvent the need for a variance, as a lease can be broken at any time. The parking for the establishment should be permanent in nature. Furthermore, as neighboring properties have previously expressed concern of foot traffic in the area, it is preferred to keep all parking on-site to prevent pedestrians from crossing the street. Breann Speraneo asked if there were any questions for her or the applicant. Dustin Barry, the applicant, stated that they have done a lot to try to squeeze more spots in. He said they tried a couple of ways, but it did not work out to code. He went on to say that they did not want to cause problems with the parking and make it tighter than it needed to be, so the best option was to request the variance. Mr. Barry said that they did consider leasing property across the street to avoid asking for the variance, but again as Breann previously said they would like to keep the parking onsite and prevent foot traffic across the street. Breann Speraneo added that she met Mr. Barry onsite to help measure the parking spaces and at one point they thought they could get 16 parking spaces. She noted in her and Mr. Barry's calculations 12 is the amount that can safely be implemented and the City would like it done in a safe manner to prevent fender benders, so 12 is preferred. Chairman Korte asked if anyone else had comments. Hearing none, Chairman Korte closed the public hearing. Chairman Korte asked for a motion regarding the variance request to decrease the minimum number of required parking spaces from 16 to 12. Motion made by Al Stoecklin and seconded by Shirley Lodes. Chairman Korte asked if there was any discussion.

Bob Vance stated the following: "I have quite a bit to say. First I want to say that I am very disappointed with the Mayor and the City Council for their actions on this issue. They knew that this board was not in favor of many of the proposals made on this issue, but still decided to go ahead and approve the request for the "restaurant/bar/gaming facility" knowing full well that Planning and Zoning would still have to grant a parking variance for everything to go forward. To me this is an example of putting the cart before the horse and it puts this board in a very untenable position. There are procedures set up that we are supposed to follow regarding city business and those protocols were not followed. Now we either have to rubber stamp something that the council has already approved because they were looking at the money it will bring in to the city or we turn this variance down because we feel that the number of parking spaces that it lacks would set a precedence that would make it hard to turn down other businesses that did not have adequate parking in the future. I'm not sure what the Council was thinking or if they were only thinking about the money. That's not the way we



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should do business in this community and this is not the first time Council has put this advisory board in an uncomfortable position. Now, in regards to the current issue, there is so much about this proposal from when it was first presented to us until now that really bothers me. First off we were sold an idea for a coffee shop/ice cream parlor to sugar coat what this was really all about - getting a liquor license in order to have gaming machines. We turned down the majority of the initial proposals only to find out that an end around was pulled, changing the proposal to a restaurant/bar/gaming facility and the restaurant part of it is really sketchy based on what I heard at the city council meeting. I don't like being used as a pawn and that's how I feel with this issue. I don't trust this group and I don't trust what they might do in the future if we approve this variance. I'm not against opening a business at this location, obviously there was one there years ago, but in my mind we would be setting a bad precedence in approving this variance both with future businesses and in our future dealings with the city council."

Deanna Harlan agreed with everything Bob Vance said. She said that she was not in favor of the business at that location. She added that she is thrilled that someone wants to do something with that property and bring it back to life with some kind of business operation, but she is not in favor of this particular business being in this location. She noted that she is very disappointed with the position this Council has put the board in as well. She said on the other hand the City Council has taken the opportunity or decision making on all of the things that she was not in favor of out of the board's hands. Deanna Harlan noted that the board is down to the parking issue and in considering this, after much thought, if the only issue was the parking and that was all that the board was struggling with and not all of the other issues that have been brought forward, then she would probably give them the variance on the parking because that is less of a concern especially when looking at the space in the building and how many people might possibly be in there. She said that the fact that she no longer has the opportunity to vote on any of the other problems that she has with the business and that it is coming done to just parking is causing her to struggle. Deanna Harlan reiterated that she agreed with Bob Vance's statement.

Chairman Korte stated that he has to look at this and say what he sees in front of him which is that the board's job is to vote on what is in front of them. He said that they are not currently voting on the other issues and there is not even an opportunity. Chairman Korte added that the board's job is the use of the land, this variance and whether the board wants this piece of property to have 12 parking spaces from now on. He noted that he cannot sit and judge the business that is going in there, whether they are going to make a million dollars, whether they are going to fail, what they do, if what they do and what they are going to do in there is legal and whether they can do it. Chairman Korte went on to say that his only say is whether they can have parking spots or not. He said that approving the parking is all that his job and the board's is at this time. He added that anyone looking at what is in front of the board could only use what is in front of them too. Chair Korte asked if there was further discussion. Hearing none, Chairman Korte requested a roll call vote. 6 Ayes, 1 Nay. Motion approved.

### 7. Calendar



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a. February 3, 2021– Combined Planning and Zoning Board Meeting  
**Breann Speraneo stated that there would be a February meeting. She added that the February meeting would probably be virtual.**

b. Adjournment

**A motion was made to adjourn by Deanna Harlan. Meeting adjourned at 7:25PM.**

**NOTICE:** *The January 6, 2021 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](mailto: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.*