

**HIGHLAND, ILLINOIS  
MINUTES OF REGULAR SESSION  
COMBINED PLANNING & ZONING BOARD  
CITY HALL, 1115 BROADWAY  
WEDNESDAY, JUNE 2, 2021  
7:00 PM**

**Call to Order:**

The June 2, 2021, meeting of the Combined Planning & Zoning Board was called to order at 7:00 PM by Chairman Brad Korte.

**Roll Call:**

Members present: Chairman Brad Korte; Robert Vance; Alan Stoecklin; Shirley Lodes; Anthony Walker; Bill Koehnemann; and, Deanna Harlan.

Members absent: None

Also present: City Attorney Michael McGinley; SIUE Intern Gretchen Arnold; Deputy City Clerk Lana Hediger; and, eight members of the public

**Approval of Minutes:**

Deanna Harlan made a motion to amend the minutes of the May 5, 2021, Regular Session meeting of the Combined Planning & Zoning Board to correct the spelling of Cecilia Kloss' name on page 2; seconded by Anthony Walker. All members voted aye by roll call; none voted no; the motion carried.

Alan Stoecklin made a motion to approve the minutes of the May 5, 2021, Regular Session meeting of the Combined Planning & Zoning Board, as amended; seconded by Bob Vance. All members voted aye by roll call; none voted no; the motion carried.

Anthony Walker made a motion to approve the minutes of the May 12, 2021, Special Session meeting of the Combined Planning & Zoning Board; seconded by Bob Vance. Deanna Harlan abstained from voting. All other members voted aye by roll call; none voted no; the motion carried.

**Public Hearing Procedures:**

Chairman Korte reviewed the procedures for testifying on any item during the hearings and swore-in members of the public wishing to testify on items specifically listed on the agenda. Six members of the public took the oath.

**Public Comments Relating to Items Not on the Agenda:**

None

**New Business:**

**Springfield Sign (4825 E. Kearney St., Springfield, MO, 65803), on behalf of Frey Coffee LLC (12571 State Route 143, Highland, IL, 62249), is requesting a variance to Section 90-256 of the City of Highland's Municipal Code to increase the allowed amount of signage for Scooter's Coffee at 12571 State Route 143. (PIN# 02-2-18-32-02-201-005)**

Breann Speraneo reviewed a prepared Power Point presentation, as follows:

- Sign Variance Location: 12571 State Route 143
- Applicant: Springfield Sign
- Owner: Frey Coffee LLC
- Summary: Variance to Section 90-256 of the Municipal Code to increase the allowed amount of signage for Scooter's Coffee.
- **Section 90-256(1) of Municipal Code**  
Two square feet of sign area per one foot of lineal street frontage is allowed.
- **Need for Variance**  
The purpose of the request is to allow for a total of 187.05 sq. ft. of signage; 151.05 sq. ft. is flush mounted wall signage and 36 sq. ft. is monument signage. Scooter's is proposed to have 18 ft. of street frontage. Per the code, Scooter's would be capped at 36 sq. ft. of signage.

**Standards of Consideration with regard to this request include:**

1. The applicant is seeking a variance as a result of Scooter's being a drive-thru kiosk with only 18 feet of street frontage.
2. The proposed variance is consistent with the general purpose of Section 90-1 of the Highland Municipal Code.
3. If this variance is not granted, the applicant would not be able to have an appropriate amount of signage.
4. The proposed variance is the minimum deviation from Section 90-1 that will alleviate the difficulties/hardship and allow a reasonable return on investment on this property.
5. The applicant is seeking a variance as a result of Scooter's being a drive-thru kiosk with only 18 feet of street frontage.
6. A variance is the most appropriate remedy in this case, as opposed to an amendment to the code or a rezoning of the property.
7. The character of the area and comprehensive plan would not be affected by this variance.

**Staff Discussion**

Businesses are allowed two square feet of sign area per one foot of lineal street frontage, up to a maximum allowance of 300 sq. ft. The maximum allowance of 300 sq. ft. is not an issue. However, the variance is needed given that Scooter's has 18 ft. of street frontage and, by code, would be capped at 36 sq. ft. of signage. Staff does not believe that 36 sq. ft. of signage is an appropriate amount of signage for the coffee kiosk and therefore supports the variance request.

**The Public Hearing on this issue was opened:**

Mary Otis, 280 Kingsbury Court spoke in opposition to the variance. She believes that if the board grants this variance, they will be obligated to approve for others, and this area will begin to look like IL State Route 159 in Edwardsville/Glen Carbon. She doesn't believe that a smaller sign will negatively impact the business model. She believes that the board should give consideration to what a tax paying resident wants their city to look like.

**The public hearing on this issue was closed.**

Shirley Lodes made a motion to approve the variance to Section 90-256 of the City of Highland's Municipal Code to increase the allowed amount of signage for Scooter's

Coffee at 12571 State Route 143, as requested in the application; seconded by Deanna Harlan.

Deanna Harlan believes that it makes sense after looking at the plan and considering that it is a free standing kiosk and needs to have the sign on both sides in order to be seen.

Chairman Korte commented that typically a request is for more than 300 sq. ft. of signage; and, when looking at the code, it is difficult to cover every scenario. The request, in this case amounts to approximately 4 feet by 9 feet of additional signage and he believes that in this case, the request is appropriate.

All members voted aye by roll call; none voted no; the motion carried and the variance is granted.

**Double J Doggie Play N Stay LLC (803 3rd St., Highland, IL, 62249), on behalf of the Melvern Noll Estate, is requesting to rezone 140 Woodcrest Drive from C-3 Highway Business District to Industrial. (PIN# 02-2-18-32-15-401-002.001)**

Breann Speraneo reviewed a prepared Power Point presentation, as follows:

- Applicant: Double J. Doggie Play N Stay LLC
- Property Owner: Melvern Noll Estate (Double J has expressed interest in purchasing this property.)
- Summary: Requesting to rezone 140 Woodcrest Drive from C-3 Highway Business District to Industrial.

**Comprehensive Plan Consideration:**

- 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 "Industrial" on the Comprehensive Plan's Future Land Use Map. This rezoning would adhere to this designation.
- 140 Woodcrest Drive

**Standards of Review for Zoning Map Amendments and Findings of Fact with regard to this request for rezoning include:**

1. The property is currently zoned C-3 Highway Business District and has been vacant for several years.
2. This property is surrounded by C3-zoned properties on all sides. Bradford Bank to the North; Olde Wicks Factory to the South; Ki-Do Karate to the East; and, Splish Splash Auto Bath to the West.
3. Nearby properties will not be negatively affected so long as noise control is addressed. The proposal will greatly improve the property, which will have a positive impact on the area.
4. The property is zoned C-3 and there has not been a commercial use at this site for several years.

5. The property is suitable for light industrial uses, including pet care and pet related sales and services.
6. The proposed zoning goes with the character of the area. This area contains a mixture of uses.
7. The Proposed map amendment is consistent with the Future Land Use Map.
8. The map amendment will not affect public utilities, services, or traffic flow.
9. The map amendment will promote the health, safety, quality of life, comfort and general welfare of the city.

### **Staff Discussion**

The proposed map amendment has been proposed in order to allow Double J Doggie Play N Stay LLC to expand their business and move their pet grooming, doggie daycare, and other similar services to this location. Pet care and pet related sales and services are not currently permitted within the C-3 district, but are allowed outright in the Industrial district. This area contains a mixture of uses and the Future Land Use Map slates this area as industrial. Staff has no concerns with the proposed rezoning from C-3 to Industrial so long as potential noise is properly addressed.

### **The Public Hearing on Item B of New Business on this agenda was opened:**

Via email received today: Christie Haberer is strongly opposed to the rezoning. Dog feces will leach into the creek, which runs past the day care at 170 Woodcrest, which has flooded from the creek many times. This will make it unsafe for the children. She is also concerned about how the smell and noise will negatively impact the Olde Wicks Factory. Her last concern is regarding the barking noise in her neighborhood.

Jennifer Oestrander, 60 Baracuda Drive, Owner of the Olde Wickes Factory, read a prepared statement opposing the rezoning due to the negative impact she believes the doggie day-care would have on her business. While she was complimentary of entrepreneurs, specifically the applicants, she believes that rezoning the property would create a potential for any other industrial use to move there in the future, should the doggie day-care close or move. With the Olde Wicks Factory in recovery mode after the COVID-19 closures, which set them back two years, any other adverse situations would be detrimental and hinder that recovery.

Jessica Driemeyer, 2008 Cypress Street, spoke in opposition of the rezoning request. She has worked hard and long hours to follow her dreams of building up her daycare. The creek floods her property during heavy rains. She is concerned about dog feces and the smell, dogs barking, and the proximity of the dogs to the children, dogs being a safety concern near the daycare.

Dave Daiber owner of Ki-Do Karate was individually sworn to truthful testimony as he was not in the room, when the oath was originally administered. He is opposed to the rezoning of this property to suit one specific applicant as he is not in favor of "spot-zoning."

The petitioner, Jessica Pritchert, 36 Alice Drive, stated that, when they opened their business six years ago, their present location was zoned Commercial. At some point that

has changed. They have residential property all around them, so they are looking to move to a location of more suitable zoning. They respect their neighbors, so the barking is kept to a minimum, our facility is very clean and virtually odorless. They are proposing to move their daycare and grooming services to the new location at 140 Woodcrest. Daycare hours are Monday through Friday, with Saturday hours of 8AM-4PM. The dogs are not kept outdoors all day, nor do they have overnight kenneling. Sanitizing is ongoing, with Wishee Wash. Feces is always picked up and either discarded into the trash or sewer.

Jason Pritchert, co-owner/applicant, stated that during COVID-19, they were considered non-essential, and were shut down. As a business owner, they did not receive unemployment. 140 Woodcrest Drive is a hard property to utilize. It's \$1,800 / month for flood insurance. They do everything they can to keep the place clean and odor-free. They are willing to work with their neighbors. They want to do what is right for their business and for the community. This property will have to be built up.

Mr. Daiber asked why it needs to be changed to Industrial. Breann Speraneo indicated that kenneling is allowed in Commercial zoning; pet care and pet related sales and services are the activities that trigger the need for rezoning to industrial. Mr. Daiber noted that once it is rezoned, a junk yard could move into that location.

Jessica Pritchert responded that she understands the concerns of the neighbors, but their intention is to move in there, make a significant investment into the property, and remain in operation long-term. Why the pet care and pet related sales and services require Industrial zoning does not make sense to them as with those activities, the dogs are on premise short-term (i.e. hours), whereas, kenneling is a more long-term (i.e. overnight or, for days) situation. Mr. Pritchert indicated that at some point, when he retires, Double-J will be for sale, but it will be the property and the business together.

Brad Korte asked what makes this piece of property worth the trouble you seem willing to go through? Mr. Pritchert indicated that the size of this property, for the price is what makes it manageable for them. Chairman Korte asked what other industrial properties might be out there? Mrs. Pritchert indicated that the Industrial properties are far too expensive.

Petitioners: Just two years after our opening, we were looking for additional property.

Bob Vance asked how many dogs are expected to be there on an average daily basis. Mrs. Pritchert indicated that currently, between just the day care and grooming, she sees at least 60 dogs per day; and she is consistently turning customers away. Kenneling is another number that depends on the week; summers are busy. She could easily kennel 40-50 dogs per day in the current location. The day care and grooming dogs (~60) are gone by 6PM, closing time (main hours are 7:00 a.m. – 6:00 p.m.). Kennels in the current location will stay there. There will be no overnight kenneling at the Woodcrest location.

Jennifer Oestrander expressed concerns about the numbers the petitioners have just shared. She indicated that the business is growing so fast, that the likelihood that the business arrangement could change is high.

Dave Daiber asked why pet grooming has to be in an Industrial zoned property. Breann Speraneo shared the findings of her research. Anything pet related that would be an outdoor activity was required to be in an Industrial zoned area.

No emails have been sent regarding this item.

**The public hearing on this issue was closed.** There were no staff additions.

**Shirley Lodes** made a motion to recommend to the City Council that they approve the rezoning of 140 Woodcrest Drive from C-3 Highway Business district to I Industrial; seconded by **Bill Koehnemann**.

Deanna Harlan looked at this property and thinks it looks suitable for this use. She was also comfortable with the hours of operation, until she realized there were Saturday hours. Her biggest concern, however, is with creating an island of Industrial zoning in the midst of commercially zoned properties.

Anthony Walker indicated that he also has a concern with "spot zoning."

Shirley Lodes added that she agreed with members Harlan and Walker. She doesn't agree with "spot zoning."

Breann indicated that on the future land use map, this is slated to be industrial. Therefore, if this is voted down, the board should look to amending this area on the future land use map to a different zoning district.

Brad Korte told about another issue of "spot zoning" that the board addressed years ago, when a dentist office wanted to open at the property on the corner by the Highland Middle School. The board turned that down, because had the dentist office closed, a convenience store could have been built there and there would have been no way to stop it.

Breann asked if there is any appetite of the board to make this an allowable use in C3, or, are we saying that this is just the wrong location for this business. Chairman Korte indicated that it is not a good idea to amend the code for one specific case.

All members voted no by roll call; none voted aye; the motion failed. This request will go to the city council at their meeting on Monday, June 21, 2021 at 7:00PM. The Combined Planning & Zoning Board's recommendation to Council is that this request be denied.

**Next Meeting:**

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, July 7, 2021.

**Adjournment:**

Deanna Harlan made a motion to adjourn; seconded by Anthony Walker. All members voted aye; none voted no. The motion carried and the meeting adjourned at 8:15 PM.