

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

Call to Order:

The July 7, 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; Bill Koehnemann; and, Deanna Harlan.

Members absent: Anthony Walker

Also present: Director of Community Development Breann Vazquez; City Attorney Michael McGinley; City Manager Christopher Conrad; SIUE Intern Gretchen Arnold; Deputy City Clerk Lana Hediger; and, twenty members of the public

Approval of Minutes:

Bob Vance made a motion to approve the minutes of the June 2, 2021, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Deanna Harlan. All 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. Eleven members of the public took the oath.

Public Comments Relating to Items Not on the Agenda:

None

New Business:

- a. **St. Paul Catholic Church (1412 9th Street) is requesting a variance to have an 8' fence for a playground at 1409 & 1417 Broadway.**
PIN# 01-2-24-05-08-203-018; 01-2-24-05-08-203-019

Gretchen Arnold reviewed a prepared Power Point presentation, as follows:

- Applicant: St. Paul Catholic Church
- Summary: St. Paul Catholic Church is requesting to have an 8' fence for a playground at 1409 & 1417 Broadway.

Standards of Consideration with regard to this request include:

1. The applicant acquired this property in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of this code, or where by reasons of exceptional topographical conditions or other extraordinary circumstances, that the strict

application of the terms of the zoning regulations actually prohibit the use of this property in the manner similar to that of other property in the zoning district where it is located; the applicant is seeking a variance for 8' high fencing for a playground.

2. The proposed variance is consistent with the general purpose of Section 90-1 of the Highland Municipal Code.
3. Strict application of this chapter of which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application; if a variance is not granted, the applicant would not be able to have a fence higher than 6'.
4. It is true that the proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;
5. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or applicant. The applicant is seeking a variance for an 8' high fence for a playground.
6. The peculiar circumstances engendering the variance request are not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning). A variance is the most appropriate remedy.
7. It is true that the variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate implementation of this city's comprehensive plan.

Staff Discussion

St. Paul approached City staff about relocating their playground to 1409 & 1417 Broadway as a result of recent remodeling of the St. Paul campus. Given that the proposed location is off of Broadway, a main roadway, City staff requested that St. Paul apply for a variance to allow for a fence to be 8' in height along Broadway. City staff believes an 8' fence will help ensure the safety of children using the playground and vehicles and pedestrians on Broadway.

The Public Hearing on this issue was opened:

Gloria Schwarz, 1010 Lemon St., residence next to the subject property, is not opposed to the playground, but has a few questions. She would like to know what is going to happen to the alley; will it remain an alley? Is someone going to surveil the area during the night? And, finally, will there be facilities there? Breann Vazquez spoke to the issues, stating that the St. Paul Church has a request of the City Council that will be addressed at the July 19 city council meeting, requesting that they be permitted to close the alley during school hours so that children can pass safely from the playground to the school area. The alley would be reopened after school hours. The whole alley will not be blocked; just this section, allowing the neighbors access to the rest of the alley. No special police patrols have been planned at this time. There will be no facilities other than playground equipment on this site.

Jerry Rehkemper with the St. Paul Campus Growth Committee stated that the kids will be utilizing restroom facilities within the school. Chairman Korte asked Mr. Rehkemper if there have been any issues in the past with kids going to and from the playground. Mr. Rehkemper, stated that there have been no issues in the past.

Gloria Schwarz addressed the board members again and restated that she is not opposed to the playground, but wants to be sure that there is going to be surveillance during the nights, as she walks her dog in that area. Chairman Korte, responded, "Duly noted."

The public hearing on this issue was closed.

Bill Koehnemann made a motion to approve a variance for St. Paul Catholic Church for an 8' fence around a playground at 1409 & 1417 Broadway; seconded by Shirley Lodes.

Bob Vance, asked if the fence is similar to the fence that is already around the south side of the school. Breann Vazquez stated that it will be the same wrought iron style in black. It may not be exact, but they are matching it very closely.

The vote was taken by roll call. Harlan abstained; Koehnemann, Lodes, Stoecklin, Vance and Korte voted aye; none voted no. The motion carried.

b. Sharon K. Head (1222 Broadway) is requesting a Special Use Permit to allow for apartments at 1222 Broadway within the C-2 Central Business District.
PIN# 01-2-24-05-08-201-046

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

- Applicant: Sharon K. Head
- Summary: Requesting a Special Use Permit to allow for apartments at 1222 Broadway within the C-2 Central Business District.
- The zoning matrix identifies "dwelling – multifamily" as a Special Use within the C-2 central business district.
- Comprehensive Plan Consideration: The subject property is denoted as downtown on the Comprehensive Plan's Future Land Use Map. Apartments are an appropriate use for the downtown area, although the City prefers that commercial properties within this area remain commercial. Commercial properties surrounding 1222 Broadway, all zoned C-2, include Meridith Funeral Home to the north, apartments to the south, Dollar General to the east, and, Highland Physicians to the west.

Standards of Consideration with regard to this request, as listed in Section 90-79 of the Zoning Code, include:

1. Whether the proposed amendment or Special Use is consistent with the City's Comprehensive Plan. The proposed Special Use is consistent with the Comprehensive Plan.
2. The proposed Special Use would not have an adverse effect on public utilities or traffic circulation on nearby streets.
3. The proposed design, location and manner of operation of the proposed Special Use will adequately protect the public health, safety and welfare, and the physical environment.
4. The effect the proposed Special Use would have on the value of neighboring property and on this City's overall tax base. The value of neighboring property is not expected to be affected. This property would be more beneficial to the City's overall tax base as a commercial use as opposed to the proposed residential use.

5. The effect the proposed Special Use would have on public utilities. The proposed Special Use will utilize public utilities.
6. There are no facilities near the proposed Special Use, such as schools or hospitals that require special protection.

Staff Discussion

Staff believes that it is in the City's best interest to keep commercial properties in the downtown area commercial rather than allowing them to convert to residential, especially off of a main artery such as Broadway. If a special use permit to allow for apartments is granted, the apartment units will need to meet all current City codes and be registered within the rental program.

The Public Hearing on this issue was opened:

Dave Daniels, a homeowner on 12th Street, indicated that a few facts stated are incorrect. Few parking places available on Cypress and on 12th St.; results in insufficient parking, which is a major problem. The parking issue needs to be addressed. When this area was a restaurant, the overflow parking was an issue. The second false statement was that this would not adversely affect the surrounding property values. Multi-family reduces values in any area. There is no description available for the proposed apartments. If they are multi-bedroom, you could have a family with multiple drivers, adding to the already problematic parking situation. The final point he would like to make, is that when this was a restaurant, there was an overflow of people from this facility parking on 12th St., including employees. Breann Vazquez noted that she contacted Madison County regarding the affect this might have on property values, and was told by the assessor that he did not believe that the value of any neighboring property would be affected, but he did state that in order to keep the city's overall tax base up, it is important to keep a certain amount of commercial property.

Sharon Head, owner of 1222 Broadway, handed copies of drawings of her plan for renovation to the board members, and stated that her plan is for 2 two-bedroom apartments in the front, each 20' x 60'; splitting the space down the middle. There is already one apartment at the back of the building that is 30' x 40', which she has lived in for 48 years. She passed around a drawing of her plans. She stated that there is parking in the front lot for four vehicles and parking on the side of the building for five vehicles.

Chairman Korte noted that it has been on the market for 1 ½ years; six months of that with a commercial realtor, with no takers. He stated that, personally, he doesn't think that for commercial property, that doesn't seem like a long time to be on the market. Sharon Head stated that she wants the property to pay its own taxes and insurance. Brad Korte asked if it has been independently appraised. Sharon Head said yes, and added that the selling price is comparable to the appraisal. She took her drawings back.

Gerald Sparlin, 200? Washington Street, stated that he believes that the occupants of apartment buildings cause trouble in Highland. He believes we need more single-family properties, rather than apartments.

Breann Vazquez mentioned some concerns with this property are related to the age and condition of the structure. Renovating the structure to bring it up to residential code will be a major investment. It may end up being too costly if finances are a factor in

considering converting the structure to residential, which might lead to the renovation being only partially completed.

Bob Vance asked if any other commercial properties in the downtown area have been converted to residential. She stated, "Not to my knowledge."

Brad Korte noted that, driving down Broadway to the east, the next block is all commercial buildings, in the next block there are four buildings; the first is a residence, the next one is a residence that has been converted to a business, the next one was built as a business in recent memory, and the next one is a law office. Businesses seem to be the theme. Being within a few blocks of the square and along the main drag, gives a lot of credibility to remain a business, which is my opinion on this issue. And, again, 1½ years in the real estate world is not a long time.

Deanna Harlan asked the owner if anyone (interested in buying) has looked at the building. Mrs. Head responded, "Yes. They were not interested due to age of building and the cost of remodeling it."

The public hearing on this issue was closed.

A motion was made by Bob Vance to recommend approval of a Special Use Permit to allow for apartments at 1222 Broadway within the C-2 Central Business District.; seconded by Bill Koehnemann.

Deanna Harlan stated that it doesn't make sense to her and it will be very expensive to bring up to code. Residential right in the middle of the Central Business District doesn't make sense to her. We don't want it to set empty, but it doesn't make sense to do this, just to have something there.

Brad Korte agreed and reiterated that the trend has been Residential to Commercial on Broadway. He doesn't think it has been on the market long enough to make this change.

Bob Vance asked what happened to Michael's. It was commercial and converted to condos, so it has been done before.

Sharon Head indicated that the downtown area does not include her building. It doesn't get promoted that way.

The vote was taken by roll call. Vance voted aye; Harlan, Koehnemann, Lodes, Stoecklin, and Korte voted no. The motion failed.

c. The City of Highland is requesting a text amendment to Section 90-216 of the Municipal Code to amend the supplemental regulations for short-term rentals.

Breann Vazquez reviewed the Proposal Summary, as follows:

- The City of Highland is requesting a text amendment to Section 90-216 of the Municipal Code to amend the supplemental regulations for short-term rentals.
- Upon further review of the supplemental regulations for short-term rentals, staff found that there was no language stating that a short-term rental unit must be

owner-controlled. Staff believes it is important to add this language in order to ensure that the owner of the property is the party in control of the short-term rental.

Proposed Text

Sec. 90-216 – Short-term Rentals

(k) Short-term rentals must be owner-controlled, meaning that a property owner may not rent the property to an individual (renter) and allow the renter to utilize the unit as a short-term rental. The owner may manage the property outright or contract an entity for professional management services so long as the contracted entity is only contracted for said services and is not leasing the property from the owner.

The Public Hearing on this issue was opened:

Miles Maggio, the owner of Kingdom Stays Property Management Co., has noticed that it is better if the owner contracts the property to a property management company.

Marge Donnelly, the owner considering an Air B AND B at 1320 Zschokke St., stated that Miles Maggio will screen the guests. With the income from the rentals, she plans to do massive changes to the exterior of the property to make it more appealing.

Chairman Korte reminded Mrs. Donnelly that they are currently discussing the text amendment (Item C on the agenda).

The public hearing on this issue was closed.

Deanna Harlan made a motion to recommend approval of a text amendment to Section 90-216 of the Municipal Code to amend the supplemental regulations for short-term rentals, as shown on the application; seconded by Shirley Lodes.

Brad Korte mentioned that rules on Air B AND B's run the gamut. It is the job of the city to make sure that it fits our city and what the people want. This text amendment fits our city and it's possible there may be more to come.

Attorney McGinley agreed with the Chairman. He indicated that in the interest of striking a balance between being pro-business and values that have made Highland, Highland, for a hundred years, at its core, everything we do here has to be for the health, safety, general welfare, and economic welfare of this city. These are not set in stone, and there may be more to come policy-wise to try to make sure that what we do is good for all of our citizens.

The vote was taken by roll call. Harlan, Lodes, Stoecklin, Vance, and Korte voted aye; Koehnemann voted no. The motion carried.

- d. Miles Maggio (801 N. Keebler Rd, Collinsville, IL), on behalf of Marge Donnelly (308 Laurel St) is requesting a Special Use Permit to allow for a short-term rental at 1320 Zschokke Street.**
PIN# 01-2-24-05-11-204-030

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

- Applicant: Miles Maggio
- Property Owner: Marge Donnelly

- Summary: Applicant is requesting a Special Use Permit to allow for a short-term rental at 1320 Zschokke Street.
- The zoning matrix identifies "short term rental" as Special Use within the R-1-D single family residential zoning district.
- Comprehensive Plan Consideration: The subject property is denoted as downtown on the Comprehensive Plan's Future Land Use Map. A short-term rental is an appropriate Special Use for the downtown area. Properties surrounding 1320 Zschokke Street on all sides are zoned R-1-D.

Standards of Consideration with regard to this request, as listed in Section 90-79 of the Zoning Code, include:

1. The proposed Special Use is consistent with the City's Comprehensive Plan.
2. The proposed Special Use would not have an adverse effect on public utilities and on traffic circulation;
3. The proposed Special Use will adequately protect the public health, safety and welfare, and the physical environment.
4. The proposed Special Use will not have a detrimental impact on the value of neighboring property or on the City's overall tax base.
5. The proposed Special Use will utilize public utilities.
6. There are no facilities near the proposed Special Use, such as schools or hospitals that require special protection.

Staff Discussion

An application for a short-term rental for this property was recommended for denial by the Combined Planning & Zoning Board on April 7, 2021 and was denied by the City Council on April 19, 2021. This application is for the same home that was previously considered, but rather than proposing a special use permit for a short-term rental on just the main floor as in the original application, this application is requesting a special use permit for a short-term rental for the entirety of the home.

The short-term rental is not proposed to be controlled by the property owner, but rather by the renter of the property.

Breann added that with regard to the text amendment that was just voted on; this item would violate that text amendment. We still need the board to vote on this issue, as both items will be presented to the city council and they need a recommendation on both items. In the event that the city council would vote in favor of the text amendment, this item would be voided.

The Public Hearing on this issue was opened:

Miles Maggio, the owner of Kingdom Stays Property Management Co., a small business, noted that this application does fully-comply with the new text amendment. Chairman Korte asked, for clarification purposes, if Mr. Maggio is the applicant. Mr. Maggio indicated that he is representing Mrs. Donnelly. Mr. Korte, stated that he understands that. He would like to know who the applicant is. Mrs. Donnelly stated that she is the applicant. Breann Vazquez stated that Miles Maggio of Kingdom Stays is the applicant representing the property owner, so in this case, it would be Miles Maggio running the Air B AND B. What she last understood is that Mr. Maggio rents the unit from Mrs. Donnelly, which would be a violation of the text amendment. In order for this to comply with the text amendment, should it be adopted, Mrs. Donnelly, as the owner would have to be the applicant, and contracting out the professional services of running of the Air B AND

B. Mr. Maggio indicated that there is a huge misunderstanding. Kingdom Stays is no longer renting 1320 Zschokke Street. That agreement is null and void. After the last application was denied, the lease was terminated immediately. We now have a property management agreement, which fully meets the text amendment. Marge Donnelly is buying the furniture and contracting out the guest rentals.

Breann Vazquez read Deborah Toennies' Email comment into the record. It stated:

I am voicing my opinion of the proposal for the above address to become an Air B & B. I live at 1204 14th St. I am a single, almost 70 year old woman and do not like the idea at all.

Please add my vote as NO.

Debra Toenyas

Chairman Korte asked Breann directly if this application meets the text amendment or do we have something changed in the text amendment or in what you know. Breann stated that this is something that we have to take the applicant's word for. We cannot ask to see any leases that may exist or may have been voided between them. People do apply on behalf of property owners, so we would have to allow that as in any other instance. Attorney McGinley added that anyone speaking this evening has sworn to tell the truth under penalty of perjury, so anything represented here tonight that is not true, is a big problem.

Marge Donnelly of 308 Laurel Street, property owner of 1320 Zschokke Street, stated that she is the property owner and is hiring Miles to screen the guests. She stated that she pays the bills and buys the furniture, brings in all the amenities and Miles puts up the cameras and the signs and the locks. She is now the manager, the owner. The lease was terminated. She believes they meet the text.

Deanna Harlan asked Mrs. Donnelly if she would be the one responding to any issues at the property. Mrs. Donnelly confirmed that she would be the one.

Chairman Korte asked if this property is still 2 units. Mrs. Donnelly stated that this will offer some versatility in the rental. There are two units, connected by an internal staircase with a door. The door has multiple locks on it, which will be changed to digital locks when this gets approved. We will be able to advertise it for families that want to have privacy, so their kids can stay upstairs and they can shut the door. Or, if it's a large group and they want to intermingle, they can keep the door open.

Deanna Harlan pointed out that the application states that it will be rented out to one party for the whole house, and clarified that it will not be rented to more than one party at a time. Marge confirmed that it would not be rented to more than one party at a time.

Al Stoecklin asked what kind of parking there will be. Mrs. Donnelly indicated that there will be three car parking in back and room for three to four more cars on the street. She added that the parking situation was outlined on Page 13 of the packet of information submitted with the application.

Deanna Harlan, noted that if it is rented to up to 12 individuals, there could be 12 cars. Chairman Korte read verbatim the paragraph from Page 13 relevant to the parking situation that says there is room for three cars in the driveway and no more than four vehicles allowed to park in the immediate vicinity.

Miles Maggio wants to reiterate that this does meet the text. He wants to give an overview of the application because it is important to the neighbors. Chairman Korte asked Mr. Maggio to stick to only the items that aren't already known. Mr. Maggio stated that he and Mrs. Donnelly, do not want to be averse to the neighbors. He is asking the board to make a reasonable decision if this is adverse impact for any neighbors. He reviewed the requirements for guests and the security features in place in the building. Marge is the rapid response contact person. He added that he has had no complaints by any Kingdom Stays guests in 2 ½ years. He continued to read a prepared statement, ending with asking, at what point does Marge Donnelly get to use, enjoy, and increase the value of her property.

Chairman Korte asked if there were any questions for Mr. Maggio.

Gerald Sparlin of 203 Washington asked what if 12 young kids decide to have a smoking/drinking party? Can anything be done? Chairman Korte stated that the application indicates there is a system in place for handling that. The property monitored for loud noise. Mr. Miles uses Minute Point System software that notifies his and Marge's phones. Anything outside the parameters sends notification. He goes there and asks them to leave. House rules are strictly enforced. Grounds for immediate rectification and he is not afraid to nip in the bud. Mr. Sparlin asked where Mr. Miles lives and was told that he lives in Collinsville.

Sarah Knobloch, lives at the corner of Pine and Lindenthal. She is concerned about the constant flow of strangers. There are approximately 20 school aged children, or younger, within this block. Every so often, there will be another stranger coming in. Research on this was done by Northeastern University in Boston, and published in 2020. According to the study, over time Air B AND B's do increase crime in the area due to the transient nature. How would you hold Marge accountable to making the improvements she is claiming to make. Her last concern is the 20 children vs. traffic in the alleyway, including the transient guests who are unfamiliar with the area.

Anton Welch of 1319 Pine Street, directly behind the property.

Parking has been an issue even when it was long-term renters. The maintenance people that have been getting it ready to be an Air B AND B had to be asked to move their vehicles. Also, he has 5 of the 20 kids in the neighborhood that he is concerned about.

Karen Mason of 1404 Zschokke St., stated that she has no objection to short-term rentals or Air B and B's but believes this is not an appropriate property for it. She believes there are inconsistencies in the application packet presented by Mr. Miles, noting that he is still coming and going from the property all the time, but she has not seen the owner there. Against the city code which regulates advertisement of rental property, this property is still listed in two places online for \$37/night, which she contends is disrespectful to the neighbors by low-balling the property value. She compared it with a \$38/night, 10x10 shed, with no water or facilities at a tourist attraction in Arkansas. There is a playground

½ block away, therefore, it cannot be rented to a pedophile. She questions many statements contained in the application, such as the present use of property, it is being advertised as for a small family, but 12 people is not a small family. She believes this arrangement, if approved, should be reviewed annually. She read from page 2, regarding Mrs. Donnelly's rights to do what she wants with her property as long as it doesn't adversely impact the neighborhood. She argues that the neighbors also have the right to object to this proposed use within their neighborhood. Mrs. Mason questioned how Mr. Maggio can enforce house rules, she doesn't see how he can. She told of a YouTube video about drug and money laundering through Air B and B's. She contends that forcing guests to park in the alley is endangering the kids in the area. She called attention to Page 7 regarding his track record with neighbors who supposedly offered complimentary testimonials without being prompted. She then noted that Mr. Miles had delivered packages containing gift cards and boxes of chocolates to the neighbors. On Page 8, the applicant states that his homes are safer than the neighboring homes and apartments. Overnight renters have no care about infractions due to the limited time of their stays. Regarding the Comparison to Double J Doggie Play n Stay and Express Vapors, she notes that they don't have any interaction with neighbors. Regarding Tibbets B and B, their parking is right off Walnut Street, convenient without driving through the alley. Mrs. Mason noted that short-term rentals are the future, and stated that she loves them but not next to her. She claims that this one is not quality. She suggested that, if approved, this should only be allowed for one year, as a trial. She argues that the Zoning board is to keep us safe and keep businesses where they belong. On Appendix G, it says that background checks will be "considered." Appendix G also states 6 cars will be allowed, which contradicts previous statements within the application. She believes that Mr. Miles cannot be trusted.

Diane Carrillion of 1400 Zschokke St. stated that she has concerns about this, and the transient nature of rental tenants. She would prefer to have a permanent neighbor. Have looked at the 6th St. Air B and B. It is pretty secluded and fenced. Now there are a lot of kids in the neighborhood and she is concerned about each one of them. She is pleased with the development of the neighborhood, which now only has two rentals where there used to be five and one vacancy; and the owners are taking good care of their properties so that the neighborhood looks really nice. She is leery about what is being proposed and wishes that it were more secluded from the rest of the neighbors.

Attorney McGinley asked Mr. Maggio if he has a signed property management agreement. Mr. Maggio stated that it is drawn up and emailed but not signed yet. Marge Donnelly indicated that they are waiting to see what happens at this meeting so as not to bind anyone. Attorney McGinley clarified that the text amendment was drawn up to make sure that the person who is ultimately responsible for this house and who is in it, has skin in the game and can be held accountable; meaning that the owner of the house is the one who will suffer the consequences if whatever goes on there isn't above board and doesn't reflect the values of this community. These need to be located in places where they uphold the values and benefit the health, safety, and general and economic welfare of the community. Mr. McGinley asked if it was stated in the application that the owner and Mr. Maggio would be operating under a property management agreement, rather than Mr. Maggio renting it and operating it. It was Attorney McGinley's understanding that the only change since the last meeting was that it was going from two units to one rentable unit, but that the arrangement between Mrs. Donnelly and Mr. Maggio was staying the same. Mr. McGinley asked if Mrs. Donnelly

would be receiving a flat amount payment every month. She indicated that she is. Chairman Korte asked for clarification on who the renter would be paying directly and Mr. McGinley asked who is carrying the insurance on the property. Mrs. Donnelly indicated that she is. Breann Vazquez asked who would be on site interacting with guests. Mrs. Donnelly indicated that she would be. Mrs. Vazquez then asked Mr. Maggio what he would be doing to manage the property that Mrs. Donnelly would not. Mr. Maggio stated that he agrees that a property management agreement where Mrs. Donnelly is fully-responsible is best for this to be managed properly. Mr. Maggio indicated that his responsibilities regarding this property are outlined on his website...he would be marketing the rental, answering any inquiries, accepting, screening, accepting reservations, and house enforcement, noting that his business is the primary go-to for the alert system and then we dispatch responsibilities for on-site theft. We manage the cleaning. We (the management company) do not pay for the cleaning, the amenities, repairs or insurance. It manages and facilitates, and that is all covered on the website. Mrs. Donnelly is the property owner and the business owner, Mr. Maggio is the property manager.

Brad Korte asked again who the renter pays. It is paid online. The payment goes automatically to a billing system which automatically splits it; 15% goes to Kingdom Stays and the remainder goes to Marge Donnelly. Chairman Korte asked Mrs. Donnelly how she can confirm that the revenue split is correct. Mrs. Donnelly confirmed that all payments are done online. The money goes to Mr. Maggio and then gets split. He gets 15% for his managerial duties and she gets the rest. She is responsible for the upkeep of the house, the insurance, and all of the other expenses, including the utilities.

Mike McGinley spoke directly to Mr. Maggio and Mrs. Donnelly, to ask if there is some criteria whereby someone would be denied access to the rental. Mr. Maggio indicated that, according to the standard full background check, which is in addition to the traveler background check, *(directly from the text)* "less serious convictions will never result in removal, such as disorderly conduct or marijuana possessions. Some other crimes may result in removal, for a period of 14 years, such as felony burglary or felony larceny; or seven years, such as fraud or property damage; from the date of conviction. Severe crimes may result in removal for longer periods of time, even permanent, such as murder, terrorism, rape, and child molestation." Chairman Korte asked for clarification...you get this information by a name search? Mr. Maggio indicated that you enter your name, birth date, and a government-issued photo ID. It matches you with your avatar online, through all screening/guest verification processes. If there is any bad traveler activity, you will be stopped from booking. This does not even include his screening process as a business. This is absolutely good for children. It is managed very differently than any others. Kingdom Stays has a long track record, namely, 2½ years; 1300 nights hosted, nested in low density residential neighborhoods. The marketing platform will refuse any guest with history against children. This is way safer than general community standards. We are asking the board to use a reasonable and relevant standard with this home to determine if this specific way of managing this property will substantially, adversely impact the use, enjoyment, property values of adjoining properties, or not. Mr. Maggio emphasized that "substantially" is the key. If it does not substantially, adversely impact neighbors; if, for some reason, this is an anomaly and is completely different from all the other homes I have managed before, then absolutely, by Highland code, this should be denied.

Chairman Korte asked what the cost will be to rent this home for one night. Mr. Maggio indicated that it is on the Kingdom Stays website (kingdom-stays.com), and it is in the application, itself. He stated that when you block dates on VRBO, it changes the price dramatically. The dates aren't even available, so there's no actual real pricing on the core of the product in the dynamic pricing tools. Chairman Korte asked again for the price of the rental. Mr. Maggio was unable to say for certain, but he thinks it is between \$110 - \$130/night.

Breann Vazquez noted that after the last meeting the applicant was asked to remove all listings from all websites if this item failed to pass. Mr. Maggio indicated that once something is on the web, it stays out there.

Gerald Sparlin asked how much insurance they have if someone runs over a kid. Mrs. Donnelly stated if this passes, she will be looking into getting new insurance that will cover anything and everything. Currently, she only has normal residential homeowner's insurance.

Breann Vazquez reminded the board that it is up to them if they would like to see this in this area.

Shirley Lodes asked if this property is compliant with ADA accessibility rules. Miles responded that it is not, but, it isn't required to be.

The public hearing on this issue was closed.

Deanna Harlan made a motion to recommend approval of a Special Use Permit to allow for a short-term rental at 1320 Zschokke Street; seconded by Bob Vance.

Brad Korte stated that rules are in place to handle these things and when safety is used as a reason for opposition, it is difficult to deny strictly based on that. He stated that he feels that much of what is being presented this evening, were put in place after the applicants got here. He indicated that the applicants are not far enough along in their plan to move this forward. This is a new thing for the city, but he thinks that some of this should have been addressed prior to the meeting. They are talking about an agreement they have, but cannot produce it. He believes that the property owner should have made the application, herself.

Deanna Harlan stated that she feels blind-sided as she came prepared to ask questions based on Miles being the renter and Mrs. Donnelly being the owner. Our understanding was changed this evening. This discrepancy caused confusion. She does not have a problem with Air B AND B system, but the feeling at this meeting is confusing and not in line. She would feel better if she could see the agreement and the plan in writing.

Mike McGinley offered that if this is the sentiment of the board, it may be worth tabling this item until the next meeting. Chairman Korte indicated that he feels the same way, and asked that the agreement be provided before that time.

Shirley Lodes made a motion to table this item until the next meeting; seconded by Deanna Harlan.

The vote was taken by roll call. Harlan, Koehnemann, Lodes, Stoecklin, Vance, and Korte voted aye; none voted no. The motion carried. Therefore, this item is tabled until the August 4 Combined Planning & Zoning Board meeting.

Chairman Korte indicated that a five minute recess would be taken at this point. When the meeting reconvened, all the same board members were seated.

e. Feldmann Homes, Inc. (13811 Frey Acres Drive) is requesting a preliminary plat review for a residential subdivision located to the south of Falcon Drive and to the north of Quail Drive, pending annexation.

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

- Applicant: Feldmann Homes Inc.
- Feldmann Homes, Inc. is requesting a preliminary plat review for a residential subdivision located to the south of Falcon Drive and to the north of Quail Drive, pending annexation.
- This request is pending annexation of the property into City limits. It is currently zoned Madison County Agricultural and will be zoned R-1-C single-family residential upon annexation.

Staff Discussion

This proposal is for a 9-lot single family residential subdivision. Staff reviewed the preliminary plat dated May 17, 2021 and sent a letter with comments to Netemeyer Engineering Associates, Inc. Staff then reviewed the revised June 6, 2021 version and sent a letter with further comments to Netemeyer Engineering Associates, Inc. Staff received the final version of the preliminary plat, dated June 10, 2021 and all necessary corrections had been made. Nothing further is needed at this time.

The Public Hearing on this issue was opened:

Bob Vance asked if the lots are similar in size to the existing ones in this area. Breann Vazquez indicated that they are.

Marjorie Chassels, resident of 170 Falcon Drive stated that she is surprised with number of lots being developed in this location. Fifteen years ago she moved in, then her sump pump failed and her basement flooded. The carpeting, the bottom two feet of wallboard, and some furniture were all destroyed, resulting in over \$25,000 of damage. The previous owners of the home behind hers, located on Quail Dr., had the same misfortune several years ago. She believes the water table is very high because the sump pump runs so frequently. She has replaced six worn out sump pumps in her home. Despite a new drainage the city installed a few years ago, her yard still floods after a hard rain or an extended period of rain. She is concerned that this will get worse after this development is regarded. She noted that if this area is to be developed, the drainage problems at the surrounding lots need to be addressed first.

Gerald Sparlin approached the microphone to ask where this development was located.

Breann Vazquez wants to assure the community that the city has runoff restrictions that have to be adhered to during development.

The public hearing on this issue was closed.

Bob Vance made a motion to recommend approval of the preliminary plat for a residential subdivision located to the south of Falcon Drive and to the north of Quail Drive, pending annexation; seconded by Deanna Harlan.

The vote was taken by roll call. Harlan, Koehnemann, Lodes, Stoecklin, Vance, and Korte voted aye; none voted no. The motion carried.

Next Meeting:

Breann Vazquez noted that all items, with the exception of the tabled item, will be addressed at the July 19 City Council meeting. The tabled item will be the only item on the August 4 Combined Planning & Zoning Board meeting agenda.

Adjournment:

Shirley Lodes made a motion to adjourn; seconded by Deanna Harlan. All members voted aye; none voted no. The motion carried and the meeting adjourned at 9:22 PM.