

**HIGHLAND, ILLINOIS
MINUTES OF REGULAR SESSION
COMBINED PLANNING & ZONING BOARD
CITY HALL, 1115 BROADWAY
WEDNESDAY, NOVEMBER 3, 2021
7:00 PM**

Call to Order:

The November 3, 2021, meeting of the Combined Planning & Zoning Board was called to order at 7:00 PM by Chairman Anthony Walker.

Roll Call:

Members present: Chairman Anthony Walker, Deanna Harlan, Bill Koehnemann, Shirley Lodes, and Alan Stoecklin.

Members absent: Brad Korte and Robert Vance.

Also present: Director of Community Development Breann Vazquez; City Attorney Johanna Schallenberger; Economic & Business Retention Coordinator Mallord Hubbard; SIUE Intern Gretchen Arnold; Deputy City Clerk Lana Hediger; and, approximately 60 members of the public, including one member of the press.

Approval of Minutes:

Shirley Lodes made a motion to approve the minutes of the September 1, 2021, Regular Session meeting of the Combined Planning & Zoning Board; seconded by Bill Koehnemann. Harlan, Koehnemann, Lodes, Stoecklin, and Walker voted aye; none voted no; the motion carried. There was no meeting held in October.

Public Hearing Procedures:

Chairman Walker reviewed the procedures for testifying on any items on this agenda during the hearings and swore-in members of the public wishing to testify on any issue. 19 members of the public took the oath.

Public Comments Relating to Items Not on the Agenda:

None

New Business:

- a. Stephanie Huelsmann (95 N. Porte Drive) is requesting a variance to Section 90-73 of the Municipal Code to allow for a pool to be 8 feet from the residence.
PIN# 01-2-24-04-16-403-020**

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

- Applicant and Property Owner: Stephanie Huelsmann (95 N. Porte Drive).
- Summary: The applicant is requesting a variance to Section 90-73 of the Municipal Code to allow for a pool to be 8 feet from the residence. Section 90-73(5)(a) states that "No accessory structure shall be built closer than ten feet from the principal building."
- The purpose of the request is to allow for the property owner to have a pool 8 ft. from the principal structure due to a 10 ft. utility easement located at the rear of the lot.

Standards of Consideration with regard to this request include:

1. The applicant is seeking a variance due to an easement on the structure. Current code states that a pool may not be constructed within an easement.
2. The proposed variance is consistent with the general purpose of this chapter, Section 90-1.
3. If a variance is not granted, the applicant would not be able to install their pool.
4. The proposed variance is the minimum deviation from the current code that will alleviate the difficulties/hardship and allow a reasonable return on the property.
5. The applicant is seeking a variance as a result of a 10 ft. utility easement located on the property.
6. A variance, rather than an amendment (rezoning), is the most appropriate remedy.
7. The character of the area and comprehensive plan would not be affected by this variance.

Staff Discussion

A utility easement at the rear of the property makes this request necessary. Staff does not believe that allowing the pool to be 8 ft. from the home would pose a safety risk, and therefore supports this variance request.

The Public Hearing on this issue was opened:

There were no comments.

The public hearing on this issue was closed.

Koehnemann made a motion to approve the variance to Section 90-73(5)(a) to allow a pool 8 ft. from the existing home at 95 N. Porte Drive; seconded by Lodes.

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

Lodes made a motion that Items B through I be made general orders for the December 1, 2021 meeting, by placing them first under New Business on that agenda; seconded by Harlan. There was no discussion.

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

Breann Vazquez added that the applicant requested that this item be addressed in front of the full board and knowing that 2 members were likely to be absent, requested to have it heard at the next meeting.

Jeff McCray introduced himself as an attorney who is not a Highland resident, but is experienced in zoning matters. He noted that the parcel of land the applicant wishes to have rezoned to industrial is 35-40 acres. He indicated that the city has given no notice on the definition of truck stop. He questioned why a truck stop has to be in an Industrial zoned area, not commercial. He stated that truck stops usually cater to out of town trucks and that the neighbors to this property are mostly agricultural and residential. He doesn't believe the business model makes any sense. Once zoned industrial, nothing

says it has to be a truck stop. There are other Industrial areas, not so close to residential. He pointed out that if this is rezoned Industrial, it could end up with a use the city has no say over.

A Cambridge Meadows resident, Wayne Sway, stated that he believes the location is inappropriate due to proximity to the all abilities playground, the walking path, and residential properties. He noted that Industrial zoning would allow a commercial stable and/or junkyard. He would be in favor of a truck stop in an appropriate location but not in his back yard.

Mary Otis, of Cambridge Meadows wanted to thank the news media for informing the residents because the city did not. She asked why the Building & Zoning Supervisor did not send notices to residents, give a presentation, and answer questions. She asked if board members had visited the truck stop in Carlyle. She did and found a pole barn style building in which the main focus is liquor sales. She stated that it is not situated near any residential properties. She noted that this proposed development is in a residential area with a bike trail and a playground; and, that no trucks will fuel there because they have their own tanks. She asked what environmental studies, traffic studies, and infrastructure studies have been done; and, can our infrastructure handle this size of a business. She stated that there are already five gas stations in Highland. She asked how the city benefits by taking business away from existing businesses. She stated that this development would be eligible for grant money and TIF money; and, that this owner has already received TIF moneys. She asked why the city would give him more, when others have been denied. She indicated that the applicant's business on Walnut Street is partially vacant with the exception of video gaming machines. She indicated that a better location for this development would be at U.S. Hwy 40/Hemlock St./Frank Watson Parkway. Speaking of the city's duty to serve its taxpayers she noted that millions were spent to refurbish the Broadway firehouse and then millions more were spent to build a new public safety building with a five star workout area for employees, a kitchen with high end appliances, and a dispatch center that is now obsolete due to state mandates. She asked the city to work within the budget to provide repairs to roads and basic services before spending money on excessive city facilities, and to remember that it is the taxpayers that fund the generous compensation packages given to city employees. She asked board to vote against this item when it is considered in December.

Lynn Hargus, of Winfield Place, noted his concern about the Industrial zoning and what would be allowed in the future, and that this is also close to a walking path.

Alan Snow, a Highland resident, asked, "What's to say that all members of the board will be present at the next meeting?"

The public comments portion has been closed (7:30)

Next Meeting:

The next meeting of the Combined Planning & Zoning Board is scheduled for Wednesday, December 1, 2021.

Adjournment:

Harlan made a motion to adjourn; seconded by Lodes. Chairman Walker adjourned the meeting at 7:31 PM.