



City of Highland

Building and Zoning

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

1. Call to Order
2. Roll Call
3. General Business:
Approval of the December 2, 2020 Minutes
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.
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.
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).
 - 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).
7. Calendar
 - a. February 3, 2021– Combined Planning and Zoning Board Meeting
 - b. Adjournment

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 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.



City of Highland Building and Zoning

Meeting Date: January 6, 2021

From: Breann Speraneo, Director of Community Development

Location: 1210 Zschokke Street

Zoning Request: Rezoning

Description: Rezoning from R-1-D Single Family Residential to C-2 Central Business District

Proposal Summary

The applicant and property owner is Michael Tebbe of 15B Warren Manor, Highland, IL. The applicant of this case is requesting the following rezoning:

- 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)

The property currently consists of a two-unit apartment building. The rezoning is being requested in order to allow for a hair salon to occupy one of the two units.

Comprehensive Plan Consideration

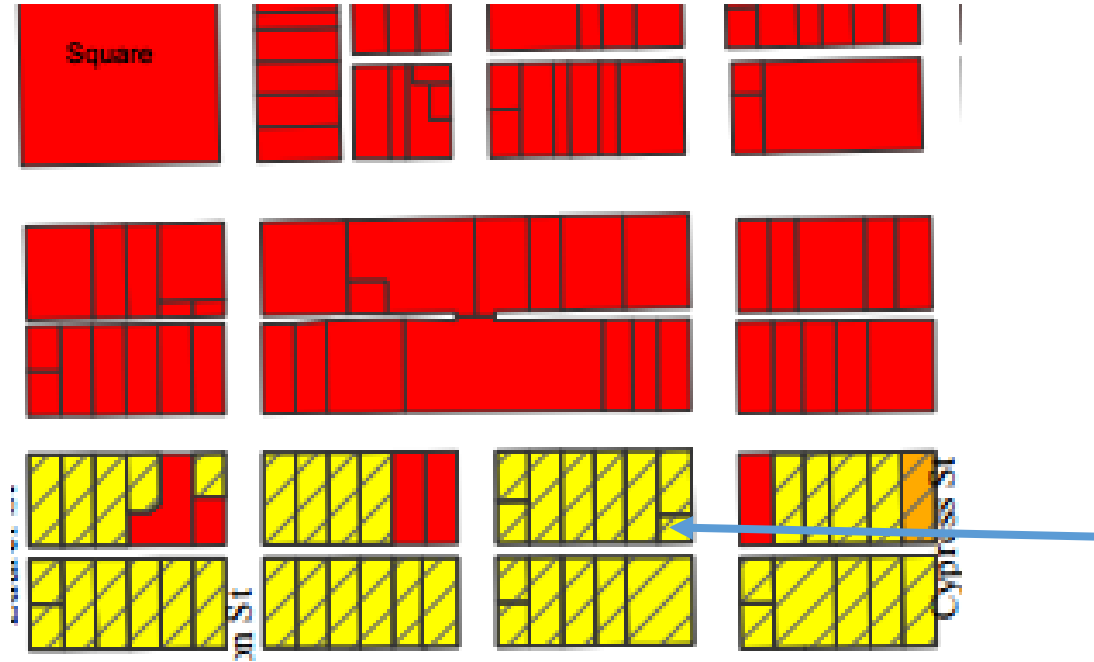
The Comprehensive Plan and Future Land Use Map are considered policy guides to current and future development. While they do not have the force of an ordinance, it is generally recommended that municipalities adhere to the findings, policies, principals, and recommendations in these documents. Changes and deviations are permissible, but they should be reasonably justified.

The subject property is denoted as “downtown” on the Comprehensive Plan’s Future Land Use Map. A hair salon is an appropriate use for the downtown district.



City of Highland Building and Zoning

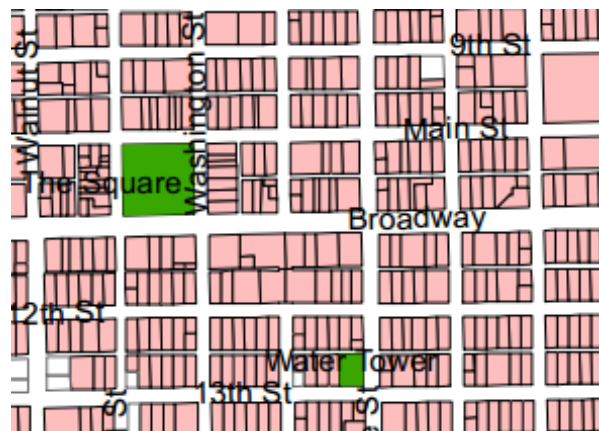
Zoning Map



Legend

- Corporate Boundary
- R-1-A - Single Family Residence 150 FT. Lot Width
- R-1-B - Single Family Residence 100 FT. Lot Width
- R-1-C - Single Family Residence 70 FT. Lot Width
- R-1-D - Single Family Residence 50 FT. Lot Width
- R-2-A - Multiple Family Residence 70 FT. Lot Width
- R-2-B - Multiple Family Residence 70 FT. Lot Width
- R-3 - Multiple Family Residence 60 FT. Lot Width
- C-2 - Central Business District No Lot Width Requirement
- C-3 - Highway Business District None
- C-4 - Limited Business No Lot Width Requirement
- I - Industrial District No Lot Width Requirement
- MX - Mixed Use
- Not In Corporate Limits

Future Land Use Map



Future Land Use

- Non-Urban/Ag
- Residential
- Med. Density Res.
- Multi-Family
- Institutional/Public
- Downtown
- Mixed Use
- Commercial
- Industrial



Standards of Review for Zoning Map Amendments and Findings of Fact

Below are the nine (9) consideration items listed in Section 90-88 of the Zoning Code which the Combined Planning and Zoning Board shall take into account while reviewing a zoning map amendment request.

1. Existing use and zoning of the property in question.

The property is currently a two-unit apartment building and is zoned R-1-D.

2. Existing use and zoning of other lots in the vicinity of the property in question.

Direction	Land Use	Zoning
North	Four-Unit Residence	R-1-D
South	Tot Lot	R-1-D
East	Shopper’s Review	C-2
West	Two-Unit Residence	R-1-D

3. The extent to which the zoning map amendment may detrimentally affect nearby properties.

Nearby property will not be negatively affected. The area to the east is zoned C-2 and this area contains a variety of uses.

4. Suitability of the property in question for uses already permitted under existing requirements.

R-1-D is primarily for single-family residences and, therefore, is not the most appropriate zoning classification.

5. Suitability of the property in question for the proposed uses.

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.

6. The type, density and character of development in the vicinity of the property in question, including changes, if any, which may have occurred since the property was initially zoned or last rezoned.

The proposed zoning goes with the character of the area. This area has a mixture of zoning districts, including C-2.

7. The effect the proposed map amendment would have on the implementation of the City’s Comprehensive Plan.

The proposed map amendment is consistent with the City’s Comprehensive Plan.

8. The effect the proposed map amendment would have on public utilities, other needed public services and traffic circulation on nearby streets.

There would not be a negative effect on public utilities, other needed public services and traffic circulation on nearby streets.

9. Whether the map amendment will promote the health, safety, quality of life, comfort and general welfare of the city.



City of Highland

Building and Zoning

The map amendment will promote the health, safety, quality of life, comfort and general welfare of the city.

Staff Discussion

Given that this 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.

In considering the size of the property, any future use would need to be small-scale enough to operate on the property.

Aerial Photograph



Site Photos



EXHIBIT "A"

Zoning Map Amendment Rezoning Application

Return Form to:

Administrative Official
City of Highland
2610 Plaza Drive
Highland, IL 62249
(618) 654-7115
(618) 654-1901 (fax)

For Office Use Only

Date Submitted: _____
Filing Fees: _____
Date Paid: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____
Zoning File #: _____

APPLICANT INFORMATION:

Applicant: Michael R. Tebbe Phone: 618-581-0152
Address: 15 WARREN MANOR UNIT B Zip: 62249
Email Address: Rita Tebbe @ yahoo.com
Owner: Michael R. Tebbe + Rita M. Tebbe Phone: 618-581-0152
Address: SAME AS ABOVE Zip: _____
Email Address: _____

PROPERTY INFORMATION:

Street Address or Parcel ID of Property: 1210 ZSCHOKKE
Property is Located In (Legal Description): _____

Present Zoning R-1-D Requested Zoning: C-2 Acreage: _____
Present Use of Property: apartments - vacant

SURROUNDING LAND USE AND ZONING:

	Land Use	Zoning
North	<u>4-unit residence</u>	<u>R1D</u>
South	<u>Top Lot</u>	<u>R1D</u>
East	<u>Shopper's Preview</u>	<u>CZ</u>
West	<u>2-unit residence</u>	<u>R1D</u>

RELATIONSHIP TO EXISTING ZONING PATTERN:

1. Would the proposed change create a small, isolated district unrelated to surrounding districts? Yes _____ No If yes, explain: _____

2. Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes No _____ If yes, explain: A SALON IS NOT ALLOWED

in RESIDENTIAL ZONING

CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Is the proposed change consistent with the goals, objectives and policies set forth in the Comprehensive Plan? Yes No _____

2. Is the proposed change consistent with the Future Land Use Map? Yes No _____

UNIQUE CHARACTERISTICS OF PROPERTY AND ADDITIONAL COMMENTS:

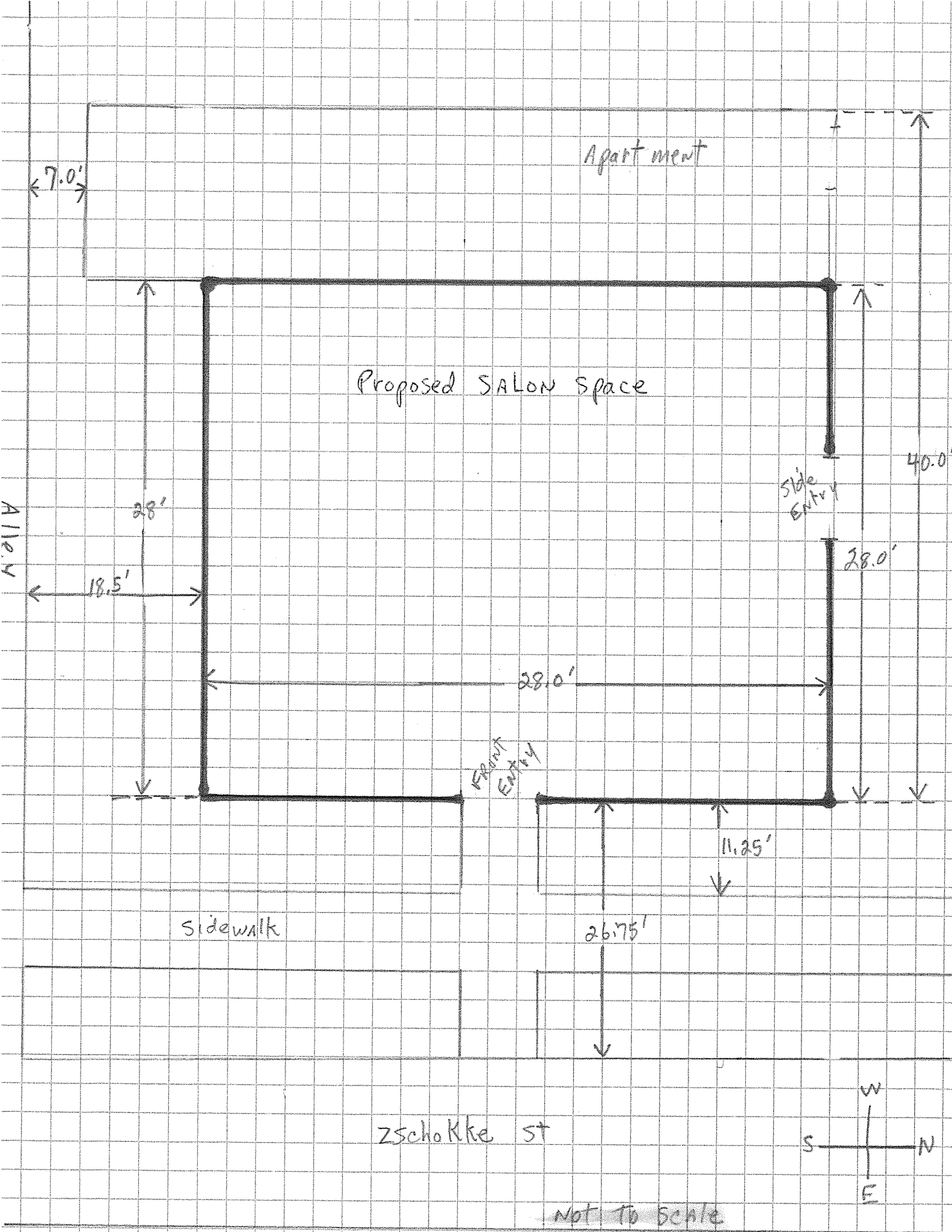
THE FOLLOWING ITEMS MUST ACCOMPANY YOUR APPLICATION:

- 1. One copy of a legal description AND warranty deed of the property proposed to be rezoned. If the applicant is not the property owner, a notarized letter from the property owner granting the applicant permission to apply for the request will be required.
- 2. A current plat, site plan, survey, or other professional illustration.
- 3. One copy of a narrative statement describing the impact of the proposed change, including the purpose of the request, the desired land use, any traffic conditions that may result, how the proposed change may affect the character of the surrounding properties, and how the proposed change will benefit the City of Highland.
- 4. If the proposed zoning is a Planned Use or requires a special use permit, the rezoning application shall be accompanied by a use permit application defining the specifically requested use or list of uses.
- 5. Application fee.
- 6. A stamped copy from the Madison County Maps and Plats Department identifying all property owners within 250 feet of the subject property (see Exhibit "B").
- Any other information required by planning staff (i.e. landscaping plan, elevation plan, exterior lighting plan, etc).

I HAVE READ AND UNDERSTAND THE ABOVE CITY OF HIGHLAND PETITION TO THE COMBINED PLANNING & ZONING BOARD REQUIREMENTS

Michael R. Tibhe
Applicant's Signature

11/18/2020
Date



Apartment

Proposed SALON Space

ALLEY

7.0'

28'

18.5'

28.0'

28.0'

40.0'

Side Entry

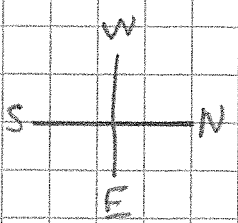
FRONT ENTRY

Sidewalk

11.25'

26.75'

Zschokke St



Not To Scale

This space has been used as a one-bedroom apartment but is currently empty. I have been approached by someone who wishes to operate a hair salon with the desire to purchase the property and the adjoining apartments at 1120 12th street.

I have owned both properties since 1988 and have known the traffic on Zschokke Street to be light. While parking is on the street only, one client would be scheduled at a time so I don't believe parking would be affected by any additional traffic. In fact, I have previously rented this apartment to working couples that have had two vehicles.

The property is across the street from the Shopper's Review at 1200 12th Street and ½ block to the north on 12th street is Kloss Furniture. For a time a coffee shop was operating at 1115 12th street.

I don't think that this sort of business would change the character of the neighborhood and would provide a convenient and close walk-to alternative for neighboring residents for hair care.

Although I am not well versed in this, I assume that this business would generate additional sales tax revenue for the city.

Thank you for your consideration.

dec. 7 monday
Approx. 1 P.M.



dec. 7 monday
Approx 1 P.M.



dec. 8 Tuesday
Approx 5:00 Pm



dec. 8 Tuesday
Approx 5 Pm



dec. 9 Wednesday

Approx 8:30 AM



dec. 10 Thursday

Approx 9:30 AM



dec. 10 Thursday

Approx 4:30 PM



dec. 11 Friday

Approx 11:30 AM



dec. 11 FRIDAY

Approx. 11:30 AM



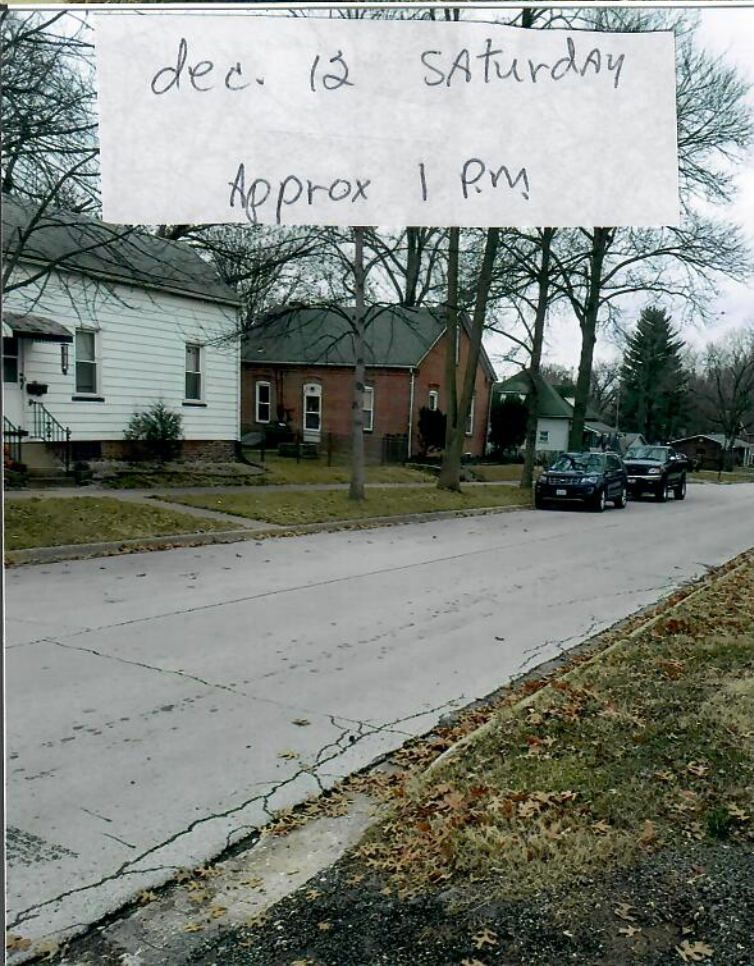
dec. 12 SATURDAY

Approx 6 AM.



dec. 12 SATURDAY

Approx 1 PM



Dec. 12 SATURDAY

Approx. 1 P.M



dec. 14 Monday

Approx. 10:30 AM



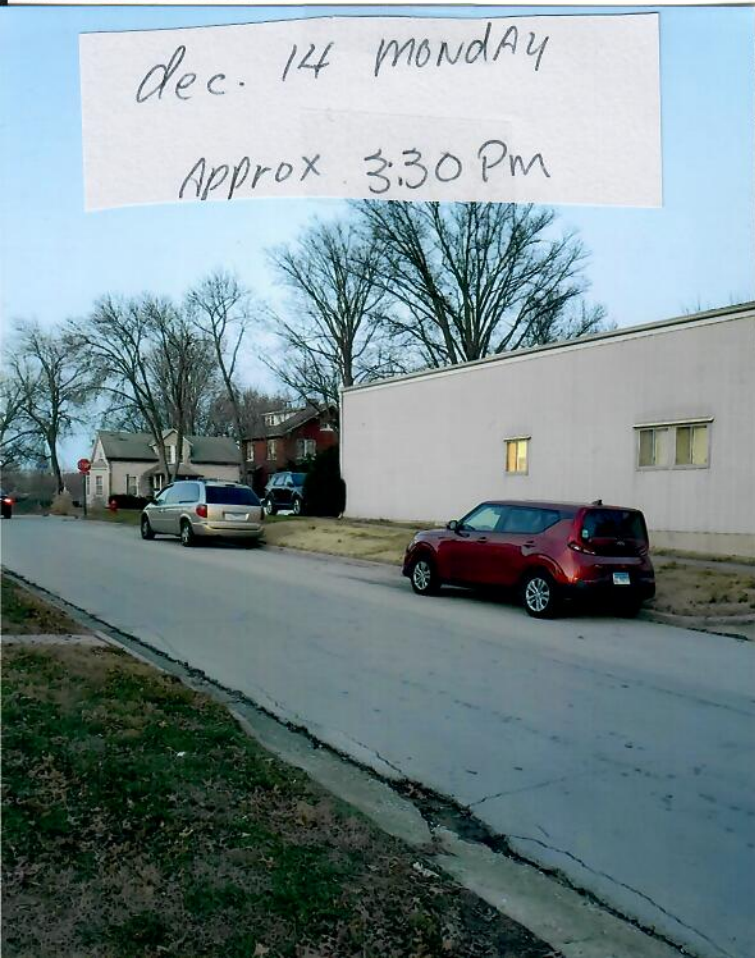
dec. 14 Monday

Approx 10:30 AM



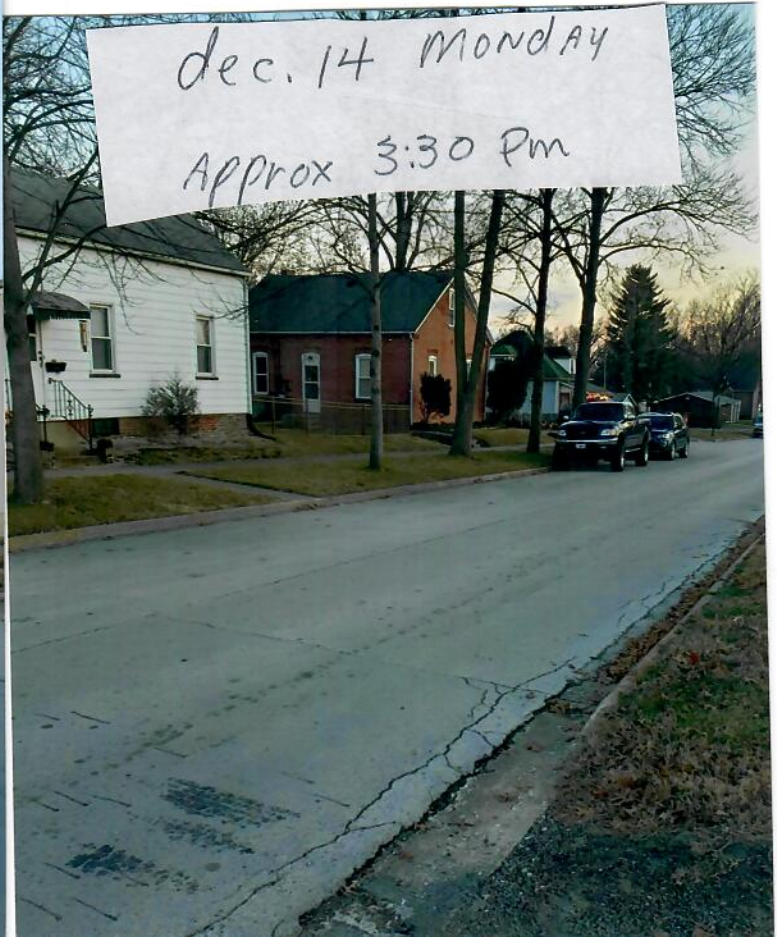
dec. 14 Monday

Approx 3:30 PM



dec. 14 Monday

Approx 3:30 PM





City of Highland Building and Zoning

Meeting Date: January 6, 2021

From: Breann Speraneo, Director of Community Development

Location: 916 6th Street

Zoning Request: Variance

Description: Parking Variance

Proposal Summary

The applicant is Molly's Mochas, LLC on behalf of Dustin & Laura Barry. The applicant in this case is requesting the following variance to Table 5.1 of the City of Highland Municipal Code:

- To decrease the minimum number of required parking spaces for a restaurant.

In order for the applicants to be granted variance approval, the request must first be reviewed and approved by the CPZB as per 90-93 'Variances – Public hearing and notice requirements' of the Zoning Code.

Table 5.1 of the City of Highland Municipal Code

Restaurants: 1 space per 2 seats or 8 per 1,000 square feet of floor area, whichever is greater

Need for Variance

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.

Standards of Review for Variances

Below are the seven (7) consideration items listed in Section 90-94, Section (1) Item (b) of the Zoning Code which the Combined Planning and Zoning Board shall take into account while reviewing a variance.

1. The applicant acquired his property in good faith and where by reason of exceptional narrowness, shallowness or shape of his 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 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.



City of Highland Building and Zoning

2. The proposed variance is consistent with the general purpose of this chapter, Section 90-1;

It is consistent.

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 will be unable to operate a 2,000 sq ft restaurant without locating permanent off-site parking.

4. The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;

It is the minimum deviation.

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 size of the lot does not allow for a 2,000 sq ft building and 16 parking spaces.

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); and

The variance is a more appropriate remedy than an amendment to the zoning code.

7. 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.

The variance will not alter the essential character of the area.

In granting a variance, the board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.

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.

Aerial Photograph



Site Photos





EXHIBIT "A"
Variance Application

Return Form To:
Administrative Official
City of Highland
2610 Plaza Drive
Highland, IL 62249
(618) 654-7115
(618) 654-1901 (fax)

For Office Use Only
Date Submitted: 11-30-2020
Filing Fees: 200.00
Date Paid: 11-30-2020 CK 772
Date Advertised: 12/16 & 17/17
Date Notices Sent: 12/10
Public Hearing Date: 1-10-21
Zoning File #: 7

VAR-1220-0002

APPLICANT INFORMATION:

Applicant: Molly's Mochas, LLC Phone: 618-977-1854
Address: 916 6th Street Zip: 62249
Email Address: Mollysmochas@gmail.com
Owner: Dustin & Laura Berry Phone: 618-977-1854
Address: 2505 Country Hills Ln. Zip: 62249
Email Address: Dustin.Berry81@gmail.com

PROPERTY INFORMATION:

Street Address of Parcel ID of Property: 916 6th Street Highland IL, 62249

Present Use of Property: Vacant

Proposed Use of Property: Restaurant / coffee shop

Variance Requested: 12 parking spots in lieu of the 16 required for 2000 sqft

Code Section: Table 9.1

SURROUNDING LAND USE AND ZONING:

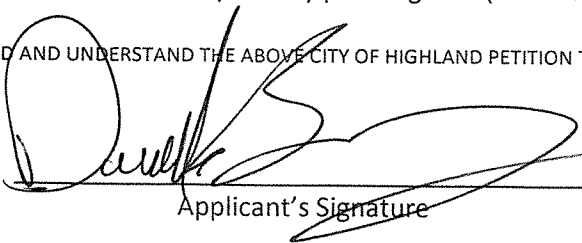
	Land Use	Zoning
North	<u>Barnett's Pest Control</u>	<u>I</u>
South	<u>SF residence</u>	<u>C-2</u>
East	<u>SF residence</u>	<u>R-1-D</u>
West	<u>SF residence</u>	<u>C-2</u>

<i>The Combined Planning and Zoning Board shall not grant any zoning variance unless, based upon the evidence presented to them, they determine that:</i>	Yes	No
1. <u>Property Acquisition:</u> The property was acquired in good faith and strict application of the terms of the Zoning regulations would prohibit the use of the property.	X	
2. <u>Zoning Code Compliance:</u> The granting of the variance desired will not be opposed to the general spirit and intent of the zoning regulations.	X	
3. <u>Hardship:</u> Strict application of this Chapter of which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application;	X	
4. <u>Minimal Deviation:</u> The proposed variance is the minimum deviation from such requirements that will alleviate the difficulties/hardship and allow a reasonable return on the property;	X	
5. <u>Uniqueness:</u> 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.	X	
6. <u>Public Interest:</u> The variance is not applicable to other property within the district, and therefore, that a variance would be a more appropriate remedy than an amendment (rezoning), and	X	
7. <u>Comprehensive Plan Compliance:</u> The variance, if granted, will not alter the essential character of the area where the premises in question are located, nor materially frustrate the implementation of this City's comprehensive plan.	X	

THE FOLLOWING ITEMS MUST ACCOMPANY YOUR APPLICATION:

- One copy of a legal description AND warranty deed of the property. If the applicant is not the property owner, a notarized letter from the property owner granting the applicant permission to apply for the request will be required.
- ② A current plat, site plan, survey, or other professional illustration.
- ③ One copy of a narrative statement describing the impact of the proposed change, including the purpose of the request, the desired land use, any traffic conditions that may result, how the proposed change may affect the character of the surrounding properties, and how the proposed change will benefit the City of Highland.
- ④ Application fee.
- A stamped copy from the Madison County Maps and Plats Department identifying all property owners within 250 feet of the subject property (see Exhibit "B").
- Any other information required by planning staff (i.e. landscaping plan, elevation plan, exterior lighting plan, etc).

I HAVE READ AND UNDERSTAND THE ABOVE CITY OF HIGHLAND PETITION TO THE COMBINED PLANNING & ZONING BOARD REQUIREMENTS.

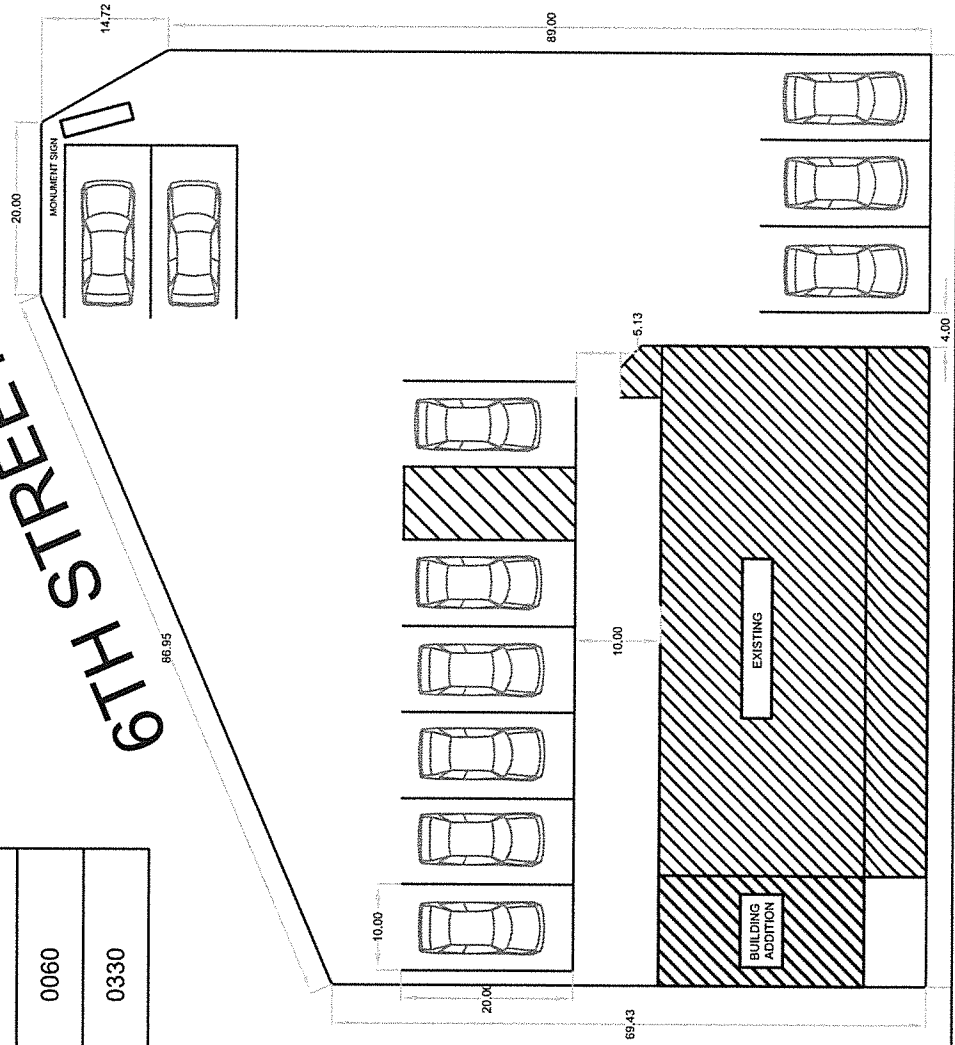

 Applicant's Signature

11-28-20
 Date

916 6TH ST, HIGHLAND IL 62249	
PIN #	02-2-18-32-19-403-017
ACREAGE	0.1700
PROPERTY CLASS	0060
LAND USE	0330

9TH STREET

WASHINGTON



Molly's Mochas, LLC is requesting a variance to allow 12 parking spaces in lieu of the 16 required for a 2000 sq ft restaurant at 916 6th street. No impact is anticipated by allowing the variance of reduced parking. It's anticipated a majority of the patrons will be taking their orders to go. There will also be no effect on surrounding properties. By allowing this variance we will be bringing a new business to the city of Highland that is unique to the area.