

PLANNING AND DEVELOPMENT COMMITTEE MEETING

December 15th, 2014

Members Present:

Bill Meyer
Jack Minner
Kelly Tracy
Brenda Roosevelt
Brad Maxwell
Helen Hawkins
Robert Pollard

Members Absent:

None

Others Present:

Matt Brandmeyer
Tom Hawkins
Derek Jackson
Steve Brendel
Andi Campbell
Nancy Cooper
Sandra Renee Seitz
Ashley Moorman
Andrew Moorman
Miranda Meyer
Josh Meyer
Mike Mateer
Bill Lucco
Nathan Grimm
Michael Hertz
Steve Horrell

Approval of Minutes:

Meeting was called to order by Chairman Bill Meyer.

Kelly Tracy made a motion to approve the minutes from November 17th, 2014. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Planning Coordinator's Report

Derek Jackson presented the Committee with a summary of the Zoning Board of Appeals Finding of Fact and Recommendations for December 4th, 2014.

Citizens Wishing to Address the Committee:

Mike Mateer, property owner of 4530 Drda Lane, addressed the committee. Mr. Mateer spoke in reply to Bill Lucco's response letter to the County. Mr. Mateer expressed concerns with the validity and shortcomings of some of Mr. Lucco's statements and proposed remedies within the letter. He also stated that the letter demonstrates Roger Stunkel's disregard for Madison County Ordinances as well as the conditions of the special use permit.

Miranda Meyer, property owner of 4510 Drda Lane, addressed the committee. Mrs. Meyer also spoke in reply to Bill Lucco's response letter to the County. Mrs. Meyer specifically addressed the lack of trees in the buffer area, stating that the letter illustrates that Mr. Stunkel was aware that the trees have been missing and has chosen not to take action in addressing the matter. Mrs. Meyer also expressed concerns with the ongoing property maintenance and outdoor storage issues at the property.

Nancy Cooper, property owner of 4525 Drda Lane, addressed the committee expressing concerns with Mr. Lucco's response letter. Mrs. Cooper stated that the letter refers to Mr. Stunkel's "fill project" four times; she inquired about the nature of this project and why he is undertaking it. Mrs. Cooper stated that neither the tree nor the fence buffer were ever completed. Mrs. Cooper also inquired about the duration of the mobile home special use permit.

Renee Seitz, property owner of 4518 Drda Lane, addressed the committee with concerns about the excessive noise and vibrations caused by S&K Towing's operations. Ms. Seitz also addressed the nature of the tree removal that took place at S&K Towing, stating that the trees were removed from the buffer area at Mr. Stunkel's request using his equipment and have yet to be replaced. Ms. Seitz also stated that the buffer fencing was never completed.

Nancy Cooper, property owner of 4525 Drda Lane, referenced a 2008 letter to Mr. Stunkel from the IEPA, which stated that Mr. Stunkel was to "immediately cease disposing of all materials in the former borrow pit"; Mrs. Cooper stated that Mr. Stunkel is in clear violation of multiple terms put forth in the letter.

Bill Lucco, attorney for S&K Repair Service, addressed the Committee. Mr. Lucco stated that, following the November 17th Planning and Development Committee meeting, Matt Brandmeyer provided an updated list of roughly ten violation items that Mr. Stunkel was to address and stated Mr. Stunkel should also consider providing a site plan. Mr. Lucco stated that he received an additional "punch list" of violation items on November 26th 2014 and believes that Mr. Stunkel has worked toward addressing some of the issues since the November 17th meeting. He also stated that Mr. Stunkel has had an engineered site plan put together since the November 17th meeting showing elevations on the property. Mr. Lucco said there are items in the list that the county and his client do not agree on, and requested further discourse with the county.

Helen Hawkins spoke to the high water table in the area and its effect on the trees on and around the property.

Matt Brandmeyer stated that the Planning and Development Department received the engineered site plan, which indicates elevation and shows some attempt at a drainage plan. Mr. Brandmeyer stated that the department will need more time to review the plan against flood way maps, but that issues with grading within the floodway would be enforced by IDNR and FEMA. Mr. Brandmeyer went on to state that the zoning and property maintenance issues that exist on the property are all straightforward, and there is little room

for negotiations on these matters. Mr. Brandmeyer stated that land use issues are still a concern, and that Mr. Stunkel needs to disclose what is currently happening on site as well as what is planned to take place on site at the newly graded property and the property on Drda Lane. Mr. Brandmeyer also spoke to the difference between an automobile wrecking yard and a junk yard. He stated that Mr. Stunkel's original proposal specified that vehicles would not remain on the property for longer than 8-10 weeks, which should be the benchmark for department expectations. Mr. Brandmeyer also stated that the current activity taking place on Mr. Stunkel's property has gone above and beyond what the site plan initially submitted with the application indicated, which is also a violation of the special use permit – any expansion of use would require Mr. Stunkel to go through the process to amend the special use permit. Mr. Brandmeyer stated that an amendment to the special use permit, revocation of the current special use permit, or a civil court lawsuit are the three possible paths to resolution.

Jack Minner inquired whether all the fencing stipulated in the special use permit had been erected.

Matt Brandmeyer responded that the fence buffer that has been erected thus far meets the standards of the Zoning Ordinance for the previous extent of on-site development. Mr. Brandmeyer went on to say that if the site were to be inspected now, more screening would be required. He stated that this issue is compounded by the fact that many of the trees meant to provide screening are either dead or missing.

Jack Minner asked Mr. Lucco if he thought his client, Mr. Stunkel, would be agreeable to providing the necessary additional screening items.

Mr. Lucco stated that Mr. Stunkel would be agreeable to whatever he is required to do and what the department suggests he do, within reason. Mr. Lucco stated that three parcels of land were approved for the M-2 zoning classification and that the special use permit and the conditions set forth therein did not limit the areas within these parcels upon which activity could take place. He stated that the potential use on the three parcels rezoned to M-2 are any uses permitted within an M-2 Zoning District as well as the uses indicated within the special use permit, which is an automobile wrecking yard.

Josh Meyer, property owner of 4510 Drda Lane, stated that neither he nor his fellow complainants were looking to put Mr. Stunkel out of business, they merely wanted him to abide by the regulations set forth in the Zoning Ordinance and special use permit. Mr. Meyer stated that he and his neighbors wanted the County to enforce their ordinance – to make Mr. Stunkel complete the fencing and plant the screening trees as he is required to do.

Kelly Tracy requested that Mr. Brandmeyer put forth the options available to the Committee in order to move forward.

Matt Brandmeyer stated that the item being considered is the revocation of S&K Towing's special use permit. Mr. Brandmeyer went on to say that if the Committee voted to move forward with revocation, the matter would then be referred to the Zoning Board of Appeals to begin the revocation process. Mr. Brandmeyer stated that the Committee could table the matter for an additional 30 days, vote to begin the revocation process, vote not to revoke the special use permit, or pursue a remedy through the circuit court by filing a lawsuit. Mr. Brandmeyer stated that if the Committee voted to revoke the special use permit, then the earliest a public hearing would be scheduled is January 8th, at which time the Zoning Board of appeals would review the matter and make a recommendation.

Kelly Tracy stated that it's unfortunate that Mr. Stunkel did not put forth more effort to address the issues identified on the punch list. She stated that, as a small business owner, she would have done more to address these issues in order not to seem bad in the public eye. Ms. Tracy stated that too little has been done to address the issues identified by the department.

Old Business:

Kelly Tracy made a motion to move forward with the Revocation of Special Use Permit Z08-0111. Seconded by Brenda Roosevelt. Motion approved. Bill Meyer, Kelly Tracy, Brad Maxwell, Jack Minner, Robert Pollard, and Brenda Roosevelt voted aye. Hellen Hawkins voted nay.

Derek Jackson stated that he would notify every one of the date and time the public hearing as soon as it was scheduled.

New Business:

Brenda Roosevelt made a motion to approve Resolutions, Zoning Board of Appeals' Findings of Fact, and Recommendations for December 4th, 2014. Seconded by Kelly Tracy. Motion approved. All ayes.

Brenda Roosevelt made a motion to approve a Resolution Authorizing Allocation of Grant Funds to Madison County Soil and Water Conservation District FY 2015. Seconded by Kelly Tracy. Motion approved. All ayes.

Kelly Tracy made a motion to approve a Resolution Authorizing Allocation of Grant Funds to Madison County Soil and Water Conservation District CREP Program FY 2015. Seconded by Brenda Roosevelt. Motion approved. All ayes.

Kelly Tracy made a motion to approve a Resolution Authorizing Allocation of Host Fee Funds to U.S. Army Corps of Engineers for the Cahokia/Indian Creek Watershed Plan FY 2015. Seconded by Jack Minner. Motion approved. All ayes.

Kelly Tracy made a motion to approve the Purchase Order Report. Seconded by Helen Hawkins. Motion approved. All ayes.

Administrator's Report:

Matt said that the Stunkel issue brings to light an issue within the P&D Department that staff has been working to address. He said all code enforcement is complaint-driven. A resident has to call our offices to complain before an inspector will inspect the property, identify the issue, and issue a violation notice as needed. He said while this covers many of property maintenance issues, most ongoing zoning violations remain unaddressed. He said the County approves many site plans, SUP's, rezonings, etc., but doesn't conduct follow-up inspections to ensure the property owner is continually maintaining their property and abiding by any required conditions.

Matt said that the County has a single zoning enforcement officer and currently isn't staffed to address other zoning items. He said it's a big county, and one inspector isn't enough. He said he has repositioned other employees to pick up some enforcement items, but in the end, the attention that is required to keep issues like Stunkel from happening remains a problem. He said this one of the reasons why people grow to distrust the County. By approving a zoning petition, the County is making a promise to the neighborhood that the

land use will not have a negative impact on neighboring properties. He said if we don't enforce the requirements, then we can't provide assurance to property owners that their properties won't be impacted. He said for these reasons he budgeted for a new code enforcement position and intends to request approval from the Personnel Committee to create the position.

Derek Jackson informed the Committee that he has been reporting to the Public Safety Committee since June of 2014. Derek stated that the Public Safety Committee is responsible for reviewing and approving liquor licenses and manufactured home park licenses. Derek stated that he will bridge information between the two Committees to ensure collaboration while reviewing annual license renewals.

Adjournment:

Kelly Tracy made a motion to adjourn meeting. Seconded by Brad Maxwell. Motion approved. All ayes.

Meeting adjourned.