Planning and Development Committee  
Draft Meeting Minutes for July 19, 2018

Members Present:
Mick Madison, Chairman  
David Michael  
Robert Pollard  
Nick Petrillo  
Larry Trucano  
Phillip Chapman  
Ray Wesley

Members Absent:  
Dalton Gray

Others Present:  
Matt Brandmeyer  
Andi Yancey  
Kellie Shelton  
Michael Black  
Anna Black  
Don Metzler

Call of Meeting to Order and Roll Call:  
Chairman Madison called the regular meeting of the Planning and Development Committee to order at 5:00 p.m. and conducted roll call.

Approval of Minutes:  
Robert Pollard made a motion to approve the minutes from June 21, 2018. Seconded by Nick Petrillo. Voice vote. All ayes. Motion approved.

Zoning Petitions and Subdivision Overview:  
Mrs. Yancey presented the final plat for Fawn View Meadows Subdivision. Mrs. Yancey informed the committee that the developer has changed the name from Fawn View Meadows to Fawn Ridge Estates to avoid confusion with similarly-named subdivisions. The final plat will list the name as Fawn Ridge Estates. This is a (9) nine lot subdivision ranging from 2-3.5 acres in size and satisfies all of the minimum acquired zoning ordinances. A 24 ft wide concrete roadway is being installed, it has been graded and the pavement is scheduled to go in this week. At the July 10th Zoning Board hearing there were some variance reviewed regarding this property - lots 6,7,8,9 were recommended approval for side yard setback variances from 50 feet to 30 feet. The variance was approved for lots 6, 7, 8, and the north side of 9. The south property boundary of lot 9 will be required to keep the 50 foot setback due to opposition from the adjoining property owner.

Mrs. Yancey discussed re-subdivision plat for Lot 3 of Straeter Business Plaza. It is a minor subdivision plat for a proposed lot split. Lot 3 is currently 4.07 acres. The developer is proposing to split the property into two lots being 1 acre and 3.07 acres in size. There is an ingress/egress easement along the southern boundary which satisfies the frontage requirement and the lots satisfy the minimum requirement for private sewage.

Mrs. Yancey presented an extension request for a temporary mobile home placement at 5567 Moro Road that was approved in June of 2018. The one-year time frame is up and they have not completed plans for the new home, so they are requesting a one-year extension due to unforeseen setbacks. Mr. Madison stated that the request is located in his district, he recently drove by the property, and feels that the trailer home is in decent condition. Mr. Madison stated that sometimes unforeseen things happen, and he is not opposed to granting the extension.
Mrs. Yancey discussed a refund request for zoning file Z18-0046. The owner wanted to bring the site into compliance with the mobile home park requirements for the county; however, due to site characteristics and lack of sewers available, he withdrew the request and is asking for a refund.

Mrs. Yancey discussed a refund request for zoning file Z18-0047. This gentleman applied for a variance to place his accessory structure in the front yard but shortly afterwards decided to just comply with the code and withdrew his application and now wants a refund.

Mr. Petrillo whether applicants are made aware upon submitting an application that there is a possibility that they may not get approved and then they apply anyway? Mrs. Yancey responded that typically when they come into the office they are informed by the office staff that the application is subject to review and approval. Mr. Brandmeyer also stated that before issuing refunds staff looks into a number of different variables such as: how much money has been spent on notifications and how much staff time was used in reviewing the application. Mr. Petrillo asked if there a percentage that applicants receive for refunds and whether the committee reviews the amount of staff time spent on the application. Mr. Brandmeyer stated that the policy has generally been to refund the entire amount however P & D can look into that option of refunding percentages based on the work staff as completed. Mrs. Yancey clarified that neither of the refund requests had been reviewed by ZBA and were both still in the staff review phase.

Citizens Wishing to Address the Committee:
Mike and Ann Black addressed the Committee regarding a violation letter he received citing §93.097 of the Madison County Zoning Ordinance, which regulates the storage of RVs. He stated that the letter advised that he needed to move his camper from the front of his home and place it in the back. He brought in pictures to show where the camper is placed on his property and also stated that he can’t possibly place the camper in the backyard and the camper is parked on a pad that he had specifically built for it. He wants the violation to be overturned and asked that the ordinance regulation be reconsidered by staff and Committee members.

Unfinished Business:
None.

New Business:
Mr. Madison noted for the record that Mr. Michael arrived approximately 15 minutes into the meeting.


Mr. Wesley made a motion to approve the Resolution to Award Contract for Asbestos Abatement in Various Areas at the Madison County Wood River Facility for Facilities Management Department. Seconded by Mr. Michael.

Mr. Wesley inquired whether there was enough money in the account to cover the request. Mr. Brandmeyer stated that the transfer would be made for the Host Fee and that the account is well-funded.

Roll-call vote. All Ayes. Motion approved.

Mr. Brandmeyer discussed the purchase request for an SIUE internship for Anna Myers. Mr. Brandmeyer stated that it has been common practice to hire an intern from SIUE to work in the planning department and that the department tries to hire the interns for the duration of their study program. The previous intern graduated in May, so a purchase request is being made to hire a new intern. Mr. Brandmeyer discussed the nature of work undertaken by interns for the department. The total cost of the contract is $9,843, which covers two (2) semesters. Mr. Michael inquired whether the
price had increased since last year and who sets the price. Mr. Brandmeyer stated that the price is set by SIUE with some room for negotiation and has not deviated from last year’s price.

Mr. Chapman made a motion to approve the Purchase Request – SIUE Internship Contract for Anna Myers. Seconded by Mr. Petrillo. There was some discussion about the motion. The intern will work 16 weeks and receives college credit as well.

Mr. Madison inquired about the intern’s work schedule. Mr. Brandmeyer stated that the intern will work 20 hours a week for sixteen weeks. Mr. Madison inquired whether the college receives some of the money. Mr. Brandmeyer stated that the college does receive a portion of the fee, but that the interns also get school credit for their time at the County.

Roll-call vote. All Ayes. Motion approved.

**Administrator’s Report:**

The committee discussed Mr. and Mrs. Black’s camper violation. It was determined that, by the letter of the law, the Black’s camper is not in compliance with the ordinance; however, the regulation needs to be fair and if the ordinance isn’t doing what it was designed for, then it may need amended. Mr. Brandmeyer stated that he will evaluate the ordinance as it regards to the camper and get back to the committee regarding recommendation.

Mr. Michael Blue, FAICP, of Teska & Associates presented a training workshop to the Planning and Development Committee. Mr. Blue fielded questions from Committee members, please see the attached Q&A.

Mr. Brandmeyer discussed the potential for Madison County and the City of Wood River to receive a grant from the US Army Corp. of Engineers for $5 million. Mr. Brandmeyer stated that the grant would have a 35/65 split, meaning that the City of Wood River would need to come up with 35% matching funds. Wood River is short on money, so they will be asking for a loan from Madison County. Mr. Brandmeyer will suggest that the money be taken from the Host Fee Fund for the loan. Mr. Brandmeyer stated that he will have additional information to present to the Committee at the August 2, 2018 meeting.

**Adjournment:**

Mr. Chapman made a motion to adjourn the meeting. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved. Meeting adjourned.

*The training presentation is available in the Planning & Development Department.*
1. Should county codes be the same or coincide with municipal codes? (Phil Chapman)
   There is no right answer what works for the county may not work for one of the municipalities. Do they counties have to be the same as the nearby municipalities and how far does that reach? Would it be the mile and a half or some other determining factor?

2. Why would there be different codes or regulations specifically when it refers to the mile and a half rule when those unincorporated area may eventually be annexed? (Phil Chapman)
   The idea of municipalities having the same rules and the same process is a local practice. For example the I-55 corridor agreement between Glen Carbon & Edwardsville. They are not exactly the same but they are close. Many municipalities adopt the same ordinance so that development can been seen as consistent but it is not seen everywhere and there are a lot of moving pieces to keep control of but it’s something to think about. It’s all about local personal practice.

3. You mentioned that state not the feds had control over municipalities and counties is that parallel or is one subsumed by the other? (Phil Chapman)
   There will be a sections of the state code that relate to county and sections of the state code that relate to municipalities some things will be similar but some will be different and they are dealt with differently. They don’t overlap like Venn diagrams, but there may be similar regulations and similar controls in each.

   Matt Brandmeyer stated that municipalities are afforded a say within a mile and a half of their municipal borders. So, when you’re talking about equal standing the way the Illinois Statute is set-up, power emanates from the municipalities because of the mile and a half since they have the right to review subdivisions plats within that area.

4. If someone develops a subdivisions and doesn’t want to follow the rules of the municipality that they are within a mile and a half of on purpose because they don’t want to be eventually annexed to the city so should they have to follow the same ordinances? (Mick Madison)
   The process is essentially the balancing of personal property rights with the roles and regulations of the community. So there are limits in terms of community being able to force an annexation of property. In terms of developing a subdivision so the it will not be annexed there are two thoughts: 1) There are plenty of subdivisions that get annexed by counties throughout the state (Illinois) that do not meet the subdivision code and 2) subdivision codes should be written that they establish a certain quality of life and a certain character.

5. Is it our responsibility to uphold the policing side of the ordinance or to protect the citizen side of the ordinance? (Ray Wesley)
   The answer would have to be the second half because it’s not your obligation to police the ordinance. However you need to find a balance between the general good of the community and where the code is. Ordinances are not chiseled in stone and should be able to change if the no longer work. Codes change over time just like the world.
Matt Brandmeyer stated that we used to do 150 petitions a year and we’re down to 50 petitions. We reduced that by making certain kinds of changes; we increased the maximum height of accessory building in an agricultural district from 22’ to 24’ and that got rid of 30 variances year. We made changes to type of access to each lot. We said that a private drive can be an access to a lot rather than a public street which reduced another 30-40 variances a year. All these variances were getting approved so it didn’t make sense anymore to keep enforcing it. It would have been a big concern if we approved all of them except one or two without rationale for denial. As I was talking to Michael (Blue) about this training session, I mentioned that we need more consistency, predictability and overall have more discussions to identify the rationale.

6. If you consistently side with the individual can you be seen as arbitrary and capricious? (Phil Chapman)
   Yes, because if you make a zoning decision that the neighbor is impacted by the neighbor can also sue the county.

7. Are we going to get cheat sheet? (Ray Wesley)
   Cheat sheets are your staff reports; it has those standards it there.

8. If you put all those thing is a comprehensive plan it seems as if you’re subject to being sued for not following the plan. (Mick Madison)
   The comprehensive plan is not regulatory, it is a guiding document, and it is a policy document. It is a way to help answer questions that you may not have thought of before in the zoning ordinance.

9. What are the two things that the current plan doesn’t deal with in your estimation? (Phil Chapman)
   In terms of guiding the forms of development that it doesn’t give you enough direction. Commercial because there is not a lot that is going to happen in the county and residential because it doesn’t match what you see these days, but this is not a detailed assessment it’s based on a brief overview of the plan.

10. In terms of no right way or no wrong way, you have to have something in a plan that says you need this this and this because you have to understand what a plan looks like or how else can you put one together? (Phil Chapman)
    There is no right or wrong answer because it’s a policy decision. While there is no right or wrong answer, there is a best answer. For example, if you have a policy allowing higher density, it needs to be located close to services and transportation. Once you decide the way you want things to be, there is a best way to make it happen.

11. So if we get high-density development we should make sure to put it next to where MCT is, and where people can walk to shop, and people likely want certain options to walk or get to mass transit? Mr. Chapman stated that one of his fears is that to go through the whole planning process and come up with a plan that does not address certain essentials. (Phil Chapman)
    Michael Blue stated that, based on his brief review of the plan, such as supporting municipal growth and strong communities and managing rural growth – the idea of managed growth – rather than an unfocused growth. The plan should focus on issues such as transportation, stormwater management, and economic development. Mr. Blue stated this is the broad
framework of the comprehensive plan, but that he does not want to spend the entire evening evaluating the plan, but would like to focus on what the plan can do for the Committee. The plan takes those broad parameters and adds details and implementation pieces to them.

Matt Brandmeyer stated that the plan is very fundamental. Matt stated that the current plan, which was developed in '99 and adopted in 2000, covered a lot of ground and contained roughly 200 policy recommendations were never implemented. Matt explained that the plan in 20 years old and most of the plan was never implemented, and he thinks part of that is due to the fact that it’s so complicated. It covers too much ground, and the changes that took place in the county in the meantime, making some of the plan’s provisions inappropriate. Matt stated that he is looking to simplify the plan. Matt stated that the development pressures are going to be in the municipal growth areas, and overall the plan states that we follow what the municipalities are planning for those areas. Michael Blue stated that in terms of counties, this is a very common and appropriate approach given the language in IL State Statutes which emphasizes municipal development. Matt stated that the plan doesn’t spend a lot of time focusing on the density of development, but states that we should follow what the municipalities want because it’s their growth area and they should provide services. Mr. Chapman said this keeps us out of the services businesses, which leads to more bureaucracy, and keeps that with the municipalities.

12. How do you respond to city not wanting to take a subdivision because the developer couldn’t afford to meet that standards such as adding sidewalks & curbs? (Phil Chapman)
   Someone commented that the group was getting off focus and the question was not answered by the facilitator. Mr. Madison stated that then there’s stub streets, and walkability, and close to transit and all those things may or may not be feasible but if the new comprehensive plan says it’s the rule then it’s the rule.

13. Would you say that using Robert’s Rules of Order is necessary for maintaining decorum? (Phil Chapman)
   Yes. Robert’s Rules is a useful structure for setting up the meeting.

14. Is cutting off comments after twenty minutes frowned upon? (Mick Madison)
   You might want to ask the attorney but it is generally frowned upon.

15. How can you be consistent when people are not consistent and subjective? (David Michael)
   For special uses and variations your zoning ordinance has the standards. There are standards that you can interpret and think through; part of being consistent is following the standards. For example if everyone in the community says yeah let them do it and it doesn’t meet the standard then the answer should be no. If there are a lot of variance request then maybe you should think about changing the ordinance.

16. Can I get a copy of your definition of variance relief from specific zoning standards based on unique circumstance or hardship? (Phil Chapman)
   These are in the code and in every staff report. We can have the information for you at the next meeting.

Matt Brandmeyer stated that the standards are in the code and in every staff report. Matt stated that if the Committee was looking to have the answers to these questions, staff can do that. Matt stated that this has not been done in the past, but staff would be more than happy to do so. He said that the Zoning Board Chair instructed him to not provide that information in the past.
17. Why would they (ZBA) have power over what we see? (Phil Chapman)
   Matt Brandmeyer said the reports are addressed to them because they are written for the hearings.

**What to Review for Next Time...**
Variances
Special Use
What is the concept of planning? / What is it supposed to do?
A Case Study and scenarios– Then go through the planning process
Long Range Planning