

**Planning and Development Committee
Meeting Minutes for November 14, 2019**

Members Present:

Mick Madison, Chairman
Philip Chapman
David Michael
Nick Petrillo
Ray Wesley

Members Absent:

Dalton Gray
Robert Pollard
Larry Trucano

Others Present:

Breana Buncher Judy Marco
Noelle Maxey Kathy Wason
Chris Doucleff

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:

Chairman Madison asked the committee if any changes need to be made for the October 3, 2019 minutes. Chairman Madison approved the minutes.

Zoning Petitions and Subdivision Overview:

Mrs. Buncher introduced Resolution Z19-0043, petition of James Baze, owner of record, requesting a variance as per §93.025, Section C, Item 4 of the Madison County Zoning Ordinance in order to construct an addition to an existing residence that will be two feet (2') from the property line instead of the required fifteen and a half feet (15.5'). Mrs. Buncher stated there are no outstanding violations on the property, there was no opposition expressed, and the ZBA and staff recommended approval.

Mrs. Buncher introduced Resolution Z19-0045, petition of Ryan Jorgensen, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to have five (5) chickens on site. Also, a variance as per §93.100, Section B, Item 5 in order to have a chicken coop and run eight feet (8') from the west property line instead of the required twenty feet (20'). Mr. Jorgensen received a violation on August 12 of this year for having the chickens without a Special Use Permit. Mr. Jorgensen stated at the ZBA meeting that chickens and coop were left at the property by the previous owners when they bought it, and he was not aware he needed a Special Use Permit to keep them. Mrs. Buncher stated there was no opposition to the request, and the ZBA and staff are recommending approval with the normal conditions for the keeping of chickens. Mr. Chapman stated this property is in his district, and the chicken coop has been there for a long time with no complaints.

Mrs. Buncher introduced Resolution Z19-0047, petition of Cory Poole, applicant on behalf of Joy Majors, owner of record, requesting a Special Use Permit as per §93.025, Section G, Item 20 of the Madison County Zoning Ordinance in order to have five (5) chickens on site. Also, a variance as per §93.100, Section B, Item 5 to have a chicken coop and run ten feet (10') from the north property line instead of the required twenty feet (20'). Mrs. Buncher stated Mr. Poole had also received a violation for keeping chickens without a Special Use Permit, and he stated he had not been aware of the Special Use process for keeping chickens, as he had previously kept chickens while living in Bethalto. Mrs. Buncher stated there was one neighbor in support

of the applicant's request, and another neighbor who had provided an opposition email. The ZBA and staff are recommending approval with the normal conditions for the keeping of chickens.

Mrs. Buncher introduced Resolution Z19-0048, petition of Edward Johnson and Kimberly Kaehler, owners of record, requesting a variance as per §93.051, Section A, Item 3, Subsection (c) of the Madison County Zoning Ordinance in order to construct an accessory structure in the front yard setback area. Mrs. Buncher stated he has a hardship with building behind the front line of the house due to significant elevation changes in the backyard. Mrs. Buncher stated the ZBA and staff are recommending approval.

Mrs. Buncher introduced Marco Subdivision – Minor Plat. Mrs. Buncher stated the proposal is for a two lot subdivision. Lot 1 would be 14.67 acres, and Lot 2 would be 105.4 acres. The subject property is zoned "A" Agricultural. Mrs. Buncher stated Lot 1 would continue to be used a single-family dwelling, and Lot 2 is mostly conservation reserve and 100-year floodplain. Mrs. Buncher stated both lots meet all zoning and subdivision requirements, and a maintenance agreement for the easement had been submitted to staff. Chairman Madison stated the bank is requiring this subdivision for loan purposes to sell both lots to the same person. Chairman Madison requested a motion for approval. Mr. Chapman made a motion for approval. Seconded by Mr. Wesley. Roll-call vote. All ayes. Motion approved.

Mrs. Buncher introduced a text amendment to Chapter 93 of the Madison County Code of Ordinances, including regulations for community solar, video game gambling, and signs. A discussion ensued regarding the Eating and Drinking Establishment definition and use and where video game gambling will be allowed and prohibited.

Mrs. Buncher introduced the resolutions to either permit adult-use cannabis business establishments in certain districts or to prohibit adult-use cannabis business establishments in unincorporated Madison County. Mrs. Buncher stated both resolutions will need to be voted on, and the ZBA voted 3-2 on the prohibiting resolution and 2-3 on the permitting resolution. Mr. Chapman asked if there is a summary on the arguments from the ZBA meeting, to which Mrs. Buncher replied those comments are in the Findings of Fact in the packet.

Pre-Application Presentation:

None.

Citizens Wishing to Address the Committee:

Chairman Madison asked if there are any members of the public wishing to address the Committee. Kathy Wason voiced her concerns regarding cannabis business establishment in unincorporated Madison County with the Committee, including regulation, the time it takes for police to get out to unincorporated parts of the county, and the lack of police manpower to be monitoring the goings-on of the establishments. Ms. Wason asked the Committee to consider postponement to consider the effects in unincorporated Madison County and to let the unincorporated community voice their opinions on the matter. A discussion ensued regarding the effects legalization has had in other states.

Unfinished Business:

Chairman Madison asked for a motion for the text amendment to Chapter 90 Building Regulations. Mr. Doucleff described the changes that would be made to Chapter 90 Building Regulations, including making appeals to an Adjudication Officer rather than a three-person panel. Mr. Chapman stated he is concerned that changing from a three-person panel to a single Adjudication Officer might limit a person's freedom. A discussion ensued about what the violation and appeals process would be like with this change, and why the three-person panel had never been created. Mr. Wesley made a motion for approval. Seconded by Mr. Michael. Roll-call vote. All ayes. Motion approved.

New Business:

Chairman Madison brought in Resolutions Z19-0043, Z19-0045, Z19-0047, and Z19-0048 together for discussion or to be voted on. Mr. Chapman made a motion to approve Resolutions Z19-0043, Z19-0045, Z19-0047, and Z19-0048. Seconded by Mr. Petrillo. Mr. Petrillo asked about the opposition in regards to Z19-0047, petition of Cory Poole. Mr. Michael asked for Chairman Madison's opinion since the subject property is within his district. Chairman Madison responded that he thinks it's a pretty

small yard for a chicken coop. Mr. Chapman and Mr. Petrillo withdrew their motion and second to approve Resolutions Z19-0043, Z19-0045, Z19-0047, and Z19-0048 together. Mr. Michael made a motion to approve Resolutions Z19-0043, Z19-0045, and Z19-0048. Seconded by Mr. Wesley. Roll-call vote. All ayes. Motion approved.

Mr. Wesley asked how the ZBA voted in regards to Resolution Z19-0047, to which Mr. Doucleff responded that they recommended approval. Mr. Michael made a motion to approve Resolution Z19-0047. Seconded by Mr. Wesley. A discussion ensued about the placement of the chicken coop. Roll-call vote. Ayes to the motion made by Mr. Wesley, Mr. Chapman, and Chairman Madison. Nays to the motion made by Mr. Michael and Mr. Petrillo. Motion approved.

Chairman Madison brought in the resolution to approve a text amendment to Chapter 93 of the Madison County Code of Ordinances. Mr. Wesley made a motion for approval. Seconded by Mr. Michael. Mr. Wesley asked when the last amendment to the Zoning Ordinance took place, to which Mrs. Buncher responded that it was in 2017, but P&D staff try to do an amendment annually. A discussion ensued regarding the proposed amendments and changes that Chairman Madison and the Committee would like to see made to the proposed amendment. Mr. Wesley and Mr. Michael withdrew their motion and second for approval. Mr. Chapman made a motion to postpone the vote until the December 5 meeting after the discussed changes have been made to the text amendment. Seconded by Mr. Wesley. Motion approved.

Chairman Madison brought in the Resolution to Amend the Zoning Ordinance, Chapter 93 of the Madison County Code of Ordinances, to Allow Cannabis Business Establishments in Certain Districts and the Resolution to Prohibit Cannabis Business Establishments as per the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027. A discussion ensued regarding the two resolutions and the need to vote on both. Chairman Madison called for a five minute recess. A discussion ensued regarding what would happen next if the permitting resolution was approved and the districts that the establishments would be allowed in. Mr. Doucleff discussed the taxation options with permitting or prohibiting. Mr. Michael discussed his opinion that dispensaries and production facilities are not suitable for unincorporated areas at this time.

Mr. Wesley made a motion to approve the Resolution to Amend the Zoning Ordinance, Chapter 93 of the Madison County Code of Ordinances, to Allow Cannabis Business Establishments in Certain Districts. Seconded by Mr. Petrillo. Roll-call vote. All nays. Motion failed.

Mr. Wesley made a motion to approve the Resolution to Prohibit Cannabis Business Establishments as per the Illinois Cannabis Regulation and Tax Act, Public Act 101-0027. Seconded by Mr. Petrillo. Roll-call vote. All ayes. Motion approved.

Chairman Madison introduced the Resolution Authorizing the Demolition of Unsafe Buildings and Structures – 156 Neunaber, Cottage Hills; 1208 Lee Ave., Cottage Hills; 300 E Roosevelt Dr., Moro. Mr. Petrillo made a motion to approve. Seconded by Mr. Wesley. Roll-call vote. All ayes. Motion approved.

Mr. Michael made a motion to approve the Purchase Order Report. Seconded by Mr. Wesley. Roll-call vote. All ayes. Motion approved.

Administrator's Report:

Mr. Doucleff discussed the upcoming E-Waste Collection on November 16 at the Chouteau Township Shed from 8am-2:30pm.

Mr. Doucleff discussed Mr. Brandmeyer taking a new job and his approval hearing with the County Board to become the next Planning & Development Department Administrator. A discussion ensued regarding a replacement for the Deputy Administrator and possibility of an Economic Development Coordinator.

Adjournment:

Mr. Wesley made a motion to adjourn the meeting. Seconded by Mr. Michael. Voice-vote. All ayes. Motion approved.

Meeting adjourned.