

PLANNING AND DEVELOPMENT COMMITTEE MEETING
February 16, 2016

Members Present:

Bill Meyer
Helen Hawkins
Brad Maxwell
Brenda Roosevelt
Robert Pollard

Members Absent:

Jack Minner
Kelly Tracy

Others Present:

Matt Brandmeyer
Derek Jackson
Andi Yancey
Nicole and Dave Mintert
Todd and Tracy Wernle

Approval of Minutes:

The meeting was called to order by Chairman Bill Meyer.

Brenda Roosevelt made a motion to approve the minutes from January 19, 2016. Seconded by Brad Maxwell. Voice vote. All ayes. Motion approved.

Planning Coordinator's Report:

Matt Brandmeyer announced that Items 2 and 3 under "New Business" were not going to be considered. He said they're going to rebid the services. Matt also asked the Committee to table the I-55 Code cross reference portion of the Text Amendment until further information is received and to add an amendment prohibiting metal panels for exterior walls on single-family dwellings, excluding mobile homes. Matt explained this was due to requests for pole-buildings to be used as dwellings.

Derek Jackson presented Zoning Board of Appeals Findings of Fact and Recommendations for the January 28, 2016 zoning hearings. Mr. Jackson also presented three subdivision plats: Estates at Lynn Meadows, Plocher Family Farms 2nd Subdivision, and Warmouth Estates, to the committee. Mr. Jackson fielded questions from the Committee pertaining to the hearings and request. Brad Maxwell recused himself from discussion and voting on Warmouth Estates due to his personal ties to the proposal.

Citizens Wishing to Address the Committee:

Nicole Mintert and Dave Mintert addressed the committee in support of Ms. Mintert's petition for an amendment to Special Use Permit Z13-0006 in order expand and existing dog kennel operation at 3366 Hill Road in Highland. Ms. Mintert briefed the committee on her experience in the dog grooming and boarding business, and spoke to the success of her business and the need to expand her operation. Ms. Mintert stated that she is providing a necessary service to the area, and discussed the steps she would take to mitigate possible nuisances. Ms. Mintert stated that there have not been any nuisance complaints against the establishment in the years that they've operated. Dave Mintert, who will be constructing the proposed building, spoke to the building specifications and noise insulating materials that will be used.

Old Business:

Brad Maxwell made a motion to approve a Resolution Authorizing a Text Amendment to Chapter 93 of the Madison County Zoning Ordinance with an amendment prohibiting metal panel exterior walls and to table the I-55 Development Code cross reference within the Text Amendment. Seconded by Brenda Roosevelt. Voice vote. All ayes. Motion approved.

New Business:

Z16-0004 was separated from Resolutions, Zoning Board of Appeals' Findings of Fact, and Recommendations for January 28, 2016.

Brenda Roosevelt made a motion to approve the Resolution, Zoning Board of Appeals' Findings of Fact, and Recommendation for Z16-0004. Seconded by Robert Pollard. Brad Maxwell recused himself from the vote. Voice vote. All ayes. Motion approved.

Brad Maxwell made a motion to approve Resolutions, Zoning Board of Appeals' Findings of Fact, and Recommendations for January 28, 2016 for Zoning Case sZ16-0002 and Z16-0005. Seconded by Brenda Roosevelt. Voice vote. All ayes. Motion approved.

Brenda Roosevelt made a motion to approve Estates at Lynn Meadows – Minor Subdivision Plat. Seconded by Brad Maxwell. Voice vote. All ayes. Motion approved.

Brad Maxwell made a motion to approve Plocher Family Farms 2nd Subdivision – Minor Subdivision Plat. Seconded by Robert Pollard. Voice vote. All ayes. Motion approved.

Robert Pollard made a motion to approve Warmouth Estates – Minor Subdivision Plat. Seconded by Brenda Roosevelt. Brad Maxwell recused himself from the vote. Voice vote. All ayes. Motion approved.

Helen Hawkins made a motion to approve the Purchase Order Report. Seconded by Robert Pollard. Roll call vote. All ayes. Motion approved.

Administrator's Report:

Matt Brandmeyer said he wanted to debrief on the Dillon Smith SUP denial at the last County Board meeting. He said that staff has reviewed several years of mobile home SUP applications, and historically, the County has been consistent. He said that SUPs are always attributed to the user of the property whether that is an owner or a renter. Matt said that any new mobile home in the rural areas is either for an elderly parent or a temporary situation, such as placing the mobile home while a new home is built. He said the SUPs can be renewed every 5 years, provided the circumstances are the same, but they sunset once it changes. He said some mobile home installations have been approved in existing neighborhoods such as Eagle Park and Forest Homes where mobile homes are more fitting within the character of the neighborhood. Matt said all other mobile homes are located within mobile home parks. Matt said the County has been consistent. He said there are some things in the ordinance that can be tightened up and asked the Committee if they wanted staff to look into it. The Committee declined to make changes at this time.

Matt said staff would like to have a discussion about commercial uses within "A" Agriculture Districts. He said it's a topic that hasn't been fully discussed by the Committee for several years, and it's a common issue. He said staff will gather information and initiate discussion at the next Committee meeting.

Matt Brandmeyer updated the Committee regarding the revocation of Roger Stunkel's Special Use Permit to operate S&K Towing. Matt stated that the item was taken off the table for discussion on January 28, 2016, which marked the one-year anniversary of establishing the Compliance Agreement between the Department and Mr. Stunkel.

Matt stated that there were approximately thirty (30) members of the public and interested parties present to witness the discussion. Matt stated that he asked the ZBA to move forward with revocation of the Special Use Permit, explaining that the compliance agreement was a last resort and had not been executed in good-faith as they have been at a standstill since July 2015.

Matt stated that nothing was done between July and today. Matt stated that the agreement also required that the existing fence be expanded to screen the entire fill area by the end of September 2015, which was never accomplished. Matt stated when he inquired about the fence project, he was told by Mr. Stunkel's attorney, Mike Hertz, that they

didn't realize how much work was involved with completing the fence and they needed fill to complete the fence. Matt stated that the department conducted the biannual inspection of the Stunkel premises, as per the Compliance Agreement, and found that there were use violations as well. Matt stated that one of the primary purposes of drafting the Compliance Agreement was to clarify permitted uses, yet the tow yard continues to have elements of an auto salvage or junk yard. Matt said there has also been continued pushback on the planting and replacement of the trees. Both the trees and fence are a minimum requirement of the code. Matt said for those reasons he asked the ZBA to move forward.

Matt stated that in his opinion the only way an amendment to the Compliance Agreement should even be considered is if Mr. Stunkel submits a Letter of Credit (LOC) for the cost of bringing the property into full compliance, which would put money on the line and provide assurance that the measures put forth in the Compliance Agreement are accomplished. Matt stated that at this point, Mr. Stunkel just doesn't have any skin in the game and that there is likely about \$400,000 in work to be done to bring the property into compliance. Matt also stated that if we were to assess the fines, they would amount to about \$5 million.

Brenda Roosevelt inquired what the Committee could do if the Zoning Board does not act, as she is interested in moving the matter forward aggressively. Matt stated that there are a few options. He explained that the P&D Committee initiates the SUP revocation, so they could withdraw the request and ask the State's Attorney to sue in Circuit Court. Matt stated that he did not know how effective that option would be as the State's Attorney's Office has thus far not moved forward. Matt stated that the Committee could send a letter to the ZBA stating that they would like the item moved forward. Brenda stated that she didn't think a letter would be effective and asked if there were any additional options. Robert Pollard expressed concerns about potential conflicts. Matt stated the other option was that the committee take no action, and he could cancel the Compliance Agreement, and then ask the State's Attorney to sue in Circuit Court.

Matt stated that he's afraid the county lost a lot of credibility at the previous ZBA meeting. Mr. Pollard audibly concurred and Brenda Roosevelt stated that she would like to move forward aggressively. Robert stated that he was pro-business and not looking to fine Mr. Stunkel \$5 million, but that he is essentially poking us in the eye. Brenda stated that this is the biggest item the Committee has addressed since she's been here, and she has no problem moving forward. Helen Hawkins and Robert Pollard agreed. Robert suggested writing a letter on behalf of the Committee. Matt stated he could write the letter to reflect the conversation to the ZBA. Robert stated that he would be good with that.

Robert asked Brad Maxwell what he thought on the matter, as he is pro-business as well. Brad stated that he is indeed pro-business, but there are rules – he and everyone else have to play by them. He said he understands Mr. Stunkel is trying to run a business, but he needs to make progress. Brad stated that everyone had touched on the business aspect, but no one had discussed the neighbors, who we're turning our backs on by not enforcing rules. The other members concurred.

Matt asked if Bill Meyer had any input. Bill stated that he's talked to Roger several times, and he's concerned about local municipalities' and governments' contribution to the fill problems. Matt stated much of the fill has come from local road projects. He said the cities could be named as a generator and be involved in the clean-up, but that would be between them. Matt said that it's his understanding the county used the borrow pit for a road project and then filled it with clean C&D debris several years ago, but all of that work was permitted.

Brenda reiterated that she wants to take aggressive action. Helen and Robert audibly agreed. Matt stated he could write a letter to reflect the Committee's discussion, and that it could come from him. The Committee was agreeable.

Adjournment:

Brenda Roosevelt made a motion to adjourn the meeting. Seconded by Brad Maxwell. Voice vote. All ayes. Motion approved.

Meeting adjourned.