

CITY OF OLNEY
PLAN COMMISSION
JANUARY 7, 2019

AGENDA #1 “CALL TO ORDER” The meeting of the Plan Commission was called to order at 7:30 p.m. in the Council Chambers of the Olney City Hall, 300 S. Whittle Avenue, Olney, Illinois, with Wesley Tolliver presiding.

AGENDA #2 “ROLL CALL” The following Plan Commission members were present: Barb Roberts, David Abell, Greg Eyer, Vicki Lobacz, Scott Jones, Wesley Tolliver, Belinda Henton, and Steve Eichhorst. Pat Everete was absent. Also present were City Manager Allen Barker, Code Enforcement Officer Mike Mitchell, City Attorney Bart Zuber and City Clerk Kelsie Sterchi.

AGENDA #3 “APPROVE MINUTES OF THE PLAN COMMISSION MEETING ON JUNE 26, 2018, AND DECEMBER 3, 2018” Mr. Eichhorst moved to approve the minutes of the Plan Commission meetings on June 26, 2018, and December 3, 2018, seconded by Mrs. Henton. Mrs. Roberts, Mr. Abell, Mr. Eyer, Mrs. Lobacz, Mr. Jones, Mr. Tolliver, Mrs. Henton, and Mr. Eichhorst voted yes. There were no opposing votes. The motion carried.

AGENDA #4 “SWEARING IN” Mr. Tolliver asked that anyone wishing to testify on behalf of the items being discussed to stand and be sworn in. City Clerk Sterchi asked those standing to raise their right hand and “swear to tell the truth, the whole truth and nothing but the truth so help me God.” Laurie Rist, Harry Brockus, and Connie Waldrop were sworn in.

AGENDA #5 “REZONE: VACANT LAND WITH TAX ID 06-28-200-026 FROM R-S (SINGLE-FAMILY RESIDENCE DISTRICT) TO M-1 (LIGHT INDUSTRIAL DISTRICT)” Ronald E. Waldrop came before the Plan Commission to request rezoning of vacant land with Tax ID 06-28-200-026 from R-S (Single-Family Residence District) to M-1 (Light Industrial District). The petitioner was requesting the rezoning in order to place a contractor’s yard/office/storage/equipment.

Mr. Tolliver asked if the Plan Commission had any questions. With no response, Mr. Tolliver asked if any members of the audience wished to speak. Laurie Rist stood to address the Commission.

Mrs. Rist stated that she owned the property adjacent to the parcel in question, and that she had submitted a two page letter of opposition along with some photos. Mrs. Rist was opposed to the rezoning request for several reasons. First, Mrs. Rist indicated that two nearby neighbors had told her that Mr. Waldrop’s plan was to place a concrete batching plant on the parcel. The lot asked for rezoning was large, and she could not understand why Mr. Waldrop would want to place a business in between two residences instead of in a more open area.

If the request for rezoning was granted, Mrs. Rist requested that a 10 to 12-foot high fence be placed, and that the Waldrops accept full maintenance of the access road to their properties.

Mr. Waldrop argued that he was the owner of the road. Mrs. Rist stated that they both had an easement.

Mrs. Waldrop said that they were already maintaining the road. Mrs. Rist replied that the two parties had a constant battle over maintenance of the road. She continued that the road was a one-lane, gravel road between two houses and was not built for the commercial traffic it was now seeing.

Mrs. Roberts wondered if the parcel was inside of the Enterprise Zone because the area looked so commercialized. Mr. Mitchell replied that it was not. Mrs. Rist confirmed that the area was residential, and felt that Bergstrom Concrete Construction was already in violation of the zoning there. Online, the business address was shown as 5045 N. IL 130. She continued that the zoning ordinance stated that accessory buildings could be utilized in residential areas, but that buildings could not be involved in the conduct of a business. Mrs. Rist then stated that had she known of the possible zoning violation, she would have complained six years ago.

Mr. Eyer wondered if M-1 (Light Industrial District) would be the proper zoning for the Waldrop's plans. Mr. Mitchell confirmed that the zoning change would be appropriate for the purpose that the Waldrops had listed on the application.

Mrs. Henton wondered if Bergstrom Concrete Construction would be moved to the parcel requested for rezoning in order to be in complete compliance. Mrs. Waldrop replied that the goal of the rezoning request was to erect a building to store equipment. She did not feel that the existing building would or should be moved because business was not conducted inside. The existing building would continue to hold equipment. She clarified that Mr. Bergstrom was a contractor and handled all of his work off site. She also disagreed with Mrs. Rist's account of how many vehicles utilize the road.

If the current site of Bergstrom Concrete Construction was not properly zoned, Mrs. Roberts asked what would be done. Mr. Mitchell replied that if it was improper, the Bergstroms would receive notice that they could no longer continue to use the land for that purpose. Mr. Mitchell was not made aware of any possible zoning violations until later in the week prior to this evening's meeting.

Mr. and Mrs. Bergstrom's residence was also located at 5045 N. IL 130. Mrs. Rist commented that per the zoning ordinance, that property could not even be requested for M-1 or M-2 status because residences were not allowed to be placed on such zoned property.

Mrs. Henton asked for clarification as to whether or not the building on 5045 N. IL 130 was just being used for storing equipment. Mr. Waldrop confirmed, and believed that Mr. Bergstrom had the right for a garage.

Because office work for Bergstrom Concrete Construction, Mrs. Henton wondered if that would be a violation. Mr. Mitchell indicated that use would not be a violation. Mrs. Rist said that the Bergstroms also stored concrete forms, rock, and other such items.

Mr. Waldrop offered that the Rists could purchase the land instead.

Mr. Rist asked why the entire acreage was requested to be rezoned instead of the area between the residences. Mr. Tolliver replied that this was a simpler process, otherwise the Waldrops would need to go through the process of subdividing.

Mrs. Rist was also aware that the Waldrops owned land in Noble, and wondered why the Bergstrom business could not be placed there instead.

Mr. Waldrop reminded the Commission that they had a letter of approval signed by surrounding neighbors. Mrs. Henton informed Mr. Waldrop that Dave Lawless had provided a letter rescinding his support for the Waldrop's request. From the audience, Mr. Lawless confirmed.

Mr. Jones moved to approve a recommendation for rezoning vacant land with Tax ID 06-28-200-026 from R-S (Single-Family Residence District) to M-1 (Light Industrial District), seconded by Mr. Eichhorst. Mr. Jones, Mr. Tolliver, Mrs. Henton, and Mr. Eichhorst voted yes. Mrs. Roberts, Mr. Abell, Mr. Eyer, and Mrs. Lobacz voted no. The vote was tied.

Mr. Tolliver informed the audience that the rezoning request would be heard by the City Council on January 14, 2019, at 7:00 p.m. for a final decision.

AGENDA #6 “REZONE: 804 E. LOCUST STREET FROM R-1 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4 (MULTIPLE DWELLING DISTRICT)” Carle Richland Memorial Hospital (CRMH) submitted a request to rezone 804 E. Locust street from R-1 (Single-Family Residence District) to R-4 (Multiple Dwelling District). If the request for rezoning was granted, the property would be used for medical purposes.

Noting that CRMH had submitted five requests for rezoning properties from R-1 (Single-Family Residence Districts) to R-4 (Multiple Dwelling Districts), Mr. Tolliver asked the Commission if they would like to combine the requests to one vote.

Mr. Eyer moved to combine all requests from CRMH to one vote, seconded by Mr. Abell. A majority affirmative voice vote was received.

Harry Brockus, CRMH CEO, clarified that the hospital leadership was in the process of creating a 25-year master plan. The specific use of the lots proposed for rezoning was yet unknown, but would certainly be used for purposes related to the hospital.

Mrs. Henton asked if an R-4 designation would be the most appropriate. Mr. Mitchell replied that the designation would be appropriate for any accessory use by the hospital.

Referencing the applications for rezoning, Mrs. Roberts notices that Mr. Brockus and Christina Bare, Director of Business Operations, had signed as owners. Mr. Zuber replied that Mr. Brockus and Mrs. Bare were agents of the hospital, and authorized signers. He admitted that the application form itself was not perfect and did not provide options for such designation. He

indicated that would not be a fatal application error. Mr. Zuber continued that Land Trust #400 was also listed as the title owner, but clarified that the trust acted as managers for CRMH with CMRH being the owner of beneficial interest in the trust. Trust Officer Karise Roberson submitted an Acknowledgement of Consent in regards to the petitions for rezoning. Overall, providing notice that CRMH was asking for the rezonings for the purpose listed was giving much more clear notice than the Land Trust #400 or Mr. Brockus/Mrs. Bare.

Mrs. Lobacz still insisted that Mr. Brockus and Mrs. Bare list their titles.

Mr. Zuber did not believe that making the application more clear for the future would be a problem.

Mrs. Henton moved to approve recommendation of rezoning 804 E. Locust Street, 810 E. Locust Street, 812 E. Locust Street, 603 N. East Street, and 607 N. East Street from R-S (Single-Family Residence District) to R-4 (Multiple Dwelling District), seconded by Mr. Eichhorst. Mrs. Roberts, Mr. Abell, Mr. Eyer, Mrs. Lobacz, Mr. Jones, Mr. Tolliver, Mrs. Henton, and Mr. Eichhorst voted yes. There were no opposing votes. The motion carried.

Mr. Tolliver reminded those present that the rezoning requests would be heard by the City Council on January 14, 2019, at 7:00 p.m. for a final decision.

AGENDA #7 “REZONE: 810 E. LOCUST STREET FROM R-1 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4 (MULTIPLE DWELLING DISTRICT)” Carle Richland Memorial Hospital (CRMH) submitted a request to rezone 810 E. Locust street from R-1 (Single-Family Residence District) to R-4 (Multiple Dwelling District). If the request for rezoning was granted, the property would be used for medical purposes.

Action on this item was taken under Agenda #6.

AGENDA #8 “REZONE: 812 E. LOCUST STREET FROM R-1 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4 (MULTIPLE DWELLING DISTRICT)” Carle Richland Memorial Hospital (CRMH) submitted a request to rezone 812 E. Locust street from R-1 (Single-Family Residence District) to R-4 (Multiple Dwelling District). If the request for rezoning was granted, the property would be used for medical purposes.

Action on this item was taken under Agenda #6.

AGENDA #9 “REZONE: 603 N. EAST STREET FROM R-1 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4 (MULTIPLE DWELLING DISTRICT)” Carle Richland Memorial Hospital (CRMH) submitted a request to rezone 603 N. East Street from R-1 (Single-Family Residence District) to R-4 (Multiple Dwelling District). If the request for rezoning was granted, the property would be used for medical purposes.

Action on this item was taken under Agenda #6.

AGENDA #10 “REZONE: 607 N. EAST STREET FROM R-1 (SINGLE-FAMILY RESIDENCE DISTRICT) TO R-4 (MULTIPLE DWELLING DISTRICT)” Carle Richland Memorial Hospital (CRMH) submitted a request to rezone 607 N. East Street from R-1 (Single-Family Residence District) to R-4 (Multiple Dwelling District). If the request for rezoning was granted, the property would be used for medical purposes.

Action on this item was taken under Agenda #6.

AGENDA #11 “PUBLIC COMMENTS/PRESENTATIONS” No one from the public wished to speak, but Mr. Tolliver wished to address the Commission. Mr. Tolliver indicated that he was resigning from his position as Chair of the Plan Commission. The Commission would vote at its next meeting on replacing that position.

AGENDA #12 “ADJOURN” Mrs. Roberts moved to adjourn, seconded by Mr. Abell. A majority affirmative voice vote was received. The Plan Commission meeting adjourned at 7:52 p.m.

Kelsie J. Sterchi
City Clerk