

VILLAGE OF ST. JOSEPH
Zoning & Planning Commission
APRIL 21, 2022

Hackney called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

Hackney notified the Commission that Chair of the Zoning & Planning Commission Doug Dahl has resigned from the Commission. Hackney requested that the Commission members to appoint a temporary Chair for the meeting tonight. Cooley motioned and Kern seconded to appoint Furrer as the Chair for tonight's meeting. Roll call vote was taken: Foltz – Aye, Kern – Aye, Cooley – Aye, Crider – Aye, and Furrer – Aye. Motion passed 5-0.

Roll call was taken:

ZONING & PLANNING COMMISSION MEMBERS

Cooley	Present
Foltz	Present
Crider	Present
Knight	Absent
Kern	Present
Furrer	Present

VILLAGE BOARD MEMBERS (not voting members at ZPC)

Fruhling-Voges	Absent
Wagner	Present
Van Buskirk	Absent
Painter	Absent
Davis	Absent
Cummings	Present
Rapp	Present

Others in attendance: Joe Hackney, Village Administrator; Tiffany McElroy-Smetzer, Village Clerk; Marc Miller, Village Attorney; Les Hovel and Kevin Rogers, Philo Exchange Bank; Jason Snyder, Cheryl Bosley, Shelley & Gregory Keith, Village Residents; and Art Rapp, Petitioner.

Public Hearing #1- Amendment of Allowed Special Uses in R-1 District:

The Public Hearing #1 opened at 7:04. Hackney introduced this issue. This would be to revise the Zoning Code to allow more items to be put into the Code that could be requested for Special Use Permits. Furrer asked for any public comment. Audience members asked if this was for the Philo Bank. Miller answered that this was not specifically for Philo Exchange Bank but this would need to be passed for Philo Exchange Bank to be able to request a Special Use Permit. No further public comment. Kern motioned and Cooley seconded to close Public Hearing #1. Roll call vote was taken: Kern – Aye, Cooley – Aye, Crider – Aye, Furrer – Aye, and Foltz – Aye. Motion passed 5-0. Public Hearing #1 was closed at 7:06.

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Public Hearing #2- Consideration of Special Use Permit Application in R-1 District:

The Public Hearing #2 opened at 7:06. Hackney noted that the Special Use Permit that would be discussed was for the possible development of the Philo Exchange Bank on the property bordered by 8th Street, Warren Street and Crestwood Drive. Hackney noted that the Village had not received an application from the Philo Exchange Bank at this time.

Hackney recommended that the hearing tonight take place and that it be continued to the next Zoning & Planning Commission meeting. Furrer asked for any public comment. Greg and Shelley Keith spoke regarding the proposed development. At first, they were not in favor of the development. They were worried about the drainage in the area that is already a problem. They went to the informational meeting held by the Philo Exchange Bank. They came away from the meeting with many of their concerns put to rest. No further public comment. Cooley motioned and Foltz seconded to close Public Hearing #2. Roll call vote was taken: Cooley – Aye, Crider – Aye, Furrer – Aye, Foltz – Aye, and Kern - Aye. Motion passed 5-0. Public Hearing #2 was closed at 7:10.

Public Hearing #3- Consideration of Variance Request to Relieve Side-Yard Set-Back Standards in R-1 District:

The Public Hearing #3 opened at 7:11. Hackney introduced the item for this Public Hearing. Art Rapp of 401 Aspen Court is requesting a variance for an area approximately 4 feet * 6 feet on the Northwest corner of the garage to extend into the 10 foot separation from the house to the property line. Rapp's house was destroyed by fire on 12.30.2021. He and his wife are planning to rebuild. The insurance constraints are to rebuild on the same foundation footprint. The reason for the variance request is to add 4 feet to the west side of the garage extending southward and enlarging the (new) existing garage. His neighbor on the side he requesting the variance does not have a problem with the plan and there are no utilities in the area. There should be no noticeable change to the front west side other than the garage will extend 4 feet further west.

Furrer asked for any public comment. Cooley was concerned about drainage and how this would impact water flowing onto the neighbor's property. He reminded Rapp that in the ordinance that there was a specific distance from the lot line that the grade must not be changed so as not to impact the drainage flow onto the neighbor's property. Rapp said that he will make sure that it is not a problem. There was no further public comment. Foltz motioned and Cooley seconded to close Public Hearing #3. Roll call vote was taken: Crider – Aye, Furrer – Aye, Foltz – Aye, Kern – Aye, and Cooley – Aye. Motion passed 5-0. Public Hearing #3 was closed at 7:14.

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REGULAR ZONING & PLANNING COMMISSION MEETING:

Furrer called the meeting to order at 7:15.

Roll call was taken:

ZONING & PLANNING COMMISSION MEMBERS

Cooley	Present
Foltz	Present
Crider	Present
Knight	Absent
Kern	Present
Furrer	Present

VILLAGE BOARD MEMBERS (not voting members at ZPC)

Fruhling-Voges	Absent
Wagner	Present
Van Buskirk	Absent
Painter	Absent
Davis	Absent
Cummings	Present
Rapp	Present

Others in attendance: Joe Hackney, Village Administrator; Tiffany McElroy-Smetzer, Village Clerk; Marc Miller, Village Attorney; Les Hovel and Kevin Rogers, Philo Exchange Bank; Jason Snyder, Cheryl Bosley, Shelley & Gregory Keith, Village Residents; and Art Rapp, Petitioner.

MINUTES: Foltz motioned and Cooley seconded to approve the 3.17.22 minutes as presented. Roll call vote was taken: Furrer – Aye, Foltz – Aye, Kern – Aye, Cooley – Aye, and Crider – Aye. Motion passed 5-0.

PUBLIC COMMENT: Hackney referred the Commissioners to their packet page 5. Hackney noted that he had been speaking with Steve Littlefield regarding the possibility of developing the southwest corner of Douglas and Main Streets. Littlefield had wanted to come to speak to the Commission but was out of town at a conference and not able to attend the meeting. Hackney to bring up the possibility to the Board. Littlefield and the owner Mr. Appl are wanting to either subdivide the lot into several lots or perhaps put condos on that lot. It is a very deep lot. Hackney had told Littlefield that there were 3 options that could happen with this property: 1) The Board could rezone the lot. This is not desirable because of “spot” zoning issues. 2) The Board could amend the Special Use allowances to include condos in R-1 districts. This is also not desirable as it would open up condos in every residential district. 3) The Board could do a “Planned Use Development”, which are intended to encourage mixed use development. These districts are used for customized purposes in cases where standard district regulations are inadequate to protect surrounding property or where flexibility is sought. Of the three

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options, this is the one most likely to work. Hackney noted that he is not advocating for the project, he is just bringing the question for Littlefield. Commission members said that this something that they would be interested in looking into.

OLD BUSINESS:

- 1) **RECOMMENDATION: TO BOARD OF TRUSTEES REGARDING ALLOWABLE SPECIAL USES IN R-1 DISTRICTS:** Hackney referred the Commissioners to their packets, page 7, for the current language regarding special uses and some possibilities for proposed uses. One reason for adding more than just banks to the language is that if the bank would ever go out of business, they would want to be able to sell their building to another commercial use. Roger strongly said that Philo has no intention of leaving the Village but said that who knows what banking will look like in the future, maybe bank buildings will no longer be necessary. Commissioners spent quite a while discussing what they felt comfortable with putting in the Special Use section. After much discussion, it was decided that at this time, they only felt comfortable with adding offices or banks with or without drive through. They felt that any other situation should be handled at that specific time. Furrer motioned and Cooley seconded to recommend to the Board of Trustees to add offices and banks with or without drive throughs to the list of Special Uses in R-1 Districts. Roll call vote was taken: Foltz – Aye, Kern – Aye, Cooley – Aye, Crider – Aye, and Furrer – Aye. Motion passed 5-0.
- 2) **RECOMMENDATION: CONTINUE THE PUBLIC HEARING (PUBLIC HEARING #2 FROM TONIGHT) FOR CONSIDERATION OF SPECIAL USE PERMIT UNTIL MAY 19, 2022 ZONING & PLANNING COMMISSION MEETING:** Furrer motioned and Foltz seconded to continue the Public Hearing for the consideration of the Special Use Permit Application until the May 19, 2022 Zoning & Planning Commission Meeting. Roll call vote was taken: Kern – Aye, Cooley – Aye, Crider – Aye, Furrer – Aye, and Foltz – Aye. Motion passed 5-0.

NEW BUSINESS:

- 1) **RECOMMENDATION TO THE BOARD OF TRUSTEES REGARDING THE SIDE-YARD VARIANCE REQUEST:** Furrer motioned and Cooley seconded to approve the variance as requested in the Zoning Variance Request Application for property located at 401 Aspen Court, St. Joseph, Illinois. Roll call vote was taken: Cooley – Aye, Crider – Aye, Furrer – Aye, Foltz – Aye, and Kern – Aye. Motion passed 5-0.

In support the Commission makes the following findings of fact:

- a. The strict application of Zoning Regulations without the variances would unreasonably restrict the property owners use of the property in a

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manner similar to that of other property in the existing Zoning District and would create an unnecessary hardship on the owner.

- b. The proposed variance is the minimum deviate to alleviate the hardship and allow a reasonable return on the property.
- c. Granting the variance will not have a negative impact on surrounding properties and will not alter the essential character of the area.

At 7:54, Foltz motioned and Kern seconded to adjourn.

These minutes are respectfully submitted.



Tiffany McElroy-Smetzer
Village Clerk