

**MINUTES OF THE COMMITTEE OF THE WHOLE COMMITTEE MEETING OF
THE CITY COUNCIL OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
AUGUST 13, 2018 IN THE COUNCIL ROOM OF CITY HALL**

I. CALL TO ORDER

Chairman Ebersohl called the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois to order at 7:00 P.M.

Upon Roll Call, the following members were:

Present: Committee Members - Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens. Mayor Hutchinson was also present.

Absent: None.

Quorum Present.

Administrative Staff Present: City Administrator James Morani, City Attorney Terry Bruckert, City Clerk and Director of EMA Wes Hoeffken, Accounting Manager Linda Sharp, City Engineer Chris Smith, Director of Community Development Scott Dunakey, Building Official Justin Osterhage (Arrived at 7:06 P.M.), Police Chief Jerry Paul, Deputy Chief of Police Jason Donjon, EMS Chief Kim Lamprecht, and Deputy Clerk Donna Mehaffey.

Guests: Ms. Ann Wegmann and Mrs. Christy Hornacek representing Budnick Converting; Andrew and Erica Crannage for the Variance Request at 624 Lakefield Drive; Mr. Al Bollinger of the Zoning Board of Appeals Board; Jordan and Erica Ridgway of the Lakefield Place Subdivision; Mr. Richard D. Moore, President of the Lakefield HOA; Mr. Matt Lanter, Mr. Lucas Liefer, and Mr. William Wilson of Laurie Homes, Inc. for the Variance Request at 2359 Lake Shore Drive - Fox Run Estates Subdivision; and Mr. Dan Krankeola and Ms. Mary Beth Connolly of the Fox Run Estates Subdivision.

Chairman Ebersohl stated the meeting was called for the purpose of discussing: (1) Approval of Minutes from the July 30, 2018 Committee of the Whole Meeting; (2) Budnick Converting Redevelopment Agreement; (3) Zoning Variance Request - 624 Lakefield Drive; (4) Zoning Variance Request - 2359 Lake Shore Drive; (5) Right-of-Way Management/Small Wireless Facilities Regulations; (6) Other Items to be Considered; (7) Public Comments; and (8) Executive Session – 5 ILCS 120/2(c).

II. APPROVAL OF MINUTES FROM THE JULY 30, 2018 COMMITTEE OF THE WHOLE MEETING

The minutes from the July 30, 2018 Committee of the Whole committee meeting were submitted for approval.

MOTION:

It was moved by Alderman Reis and seconded by Alderman Martens, to approve the minutes from the July 30, 2018 Committee of the Whole committee meeting. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp, and Martens voted yea. **MOTION CARRIED.**

III. BUDNICK CONVERTING REDEVELOPMENT AGREEMENT

Director of Community Development Scott Dunakey presented the draft copy of the proposed Budnick Converting Redevelopment Agreement to the Committee. He reported the proposed draft agreement had first been presented at a prior City Council meeting. Ms. Ann Wegmann and Mrs. Christy Hornacek representing Budnick Converting were present at the meeting if there were any questions or concerns.

Project Description

Budnick Converting, Inc. owns and operates a 42,000 square-foot production facility on a six-acre site located in the Admiral Parkway TIF District. Budnick currently employs 91 workers in Columbia. They have outgrown their current building and propose to construct a new 100,000 square-foot facility that will create at least 11 new jobs. The 11-acre site is large enough to accommodate future expansion of another 77,000 square feet. Budnick estimates their total investment is at \$8-\$10 million, which is projected to generate \$23,000 to \$29,000 annually in municipal real estate taxes (city revenue only).

Mr. Dunakey said the new facility will double their space. In the proposed agreement, the City will allocate up to \$300,000 in Tax Increment Financing (TIF) incentives and the City can only reimburse \$300,000 for qualified TIF expenses. He also added the City will waive the initial building permit fees and the water and sewer tap fees for the new facility.

There being no questions or concerns regarding the proposed Budnick Converting Redevelopment Agreement, Chairman Ebersohl entertained a motion be made.

MOTION:

A motion was made by Alderman Reis and seconded by Alderman Niemietz to recommend to the City Council for consideration of the approval of the Budnick Converting Redevelopment Agreement. Upon Roll Call vote, Chairman Ebersohl and

Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea.
MOTION CARRIED.

IV. ZONING VARIANCE REQUEST - 624 LAKEFIELD DRIVE

Per a motion from the last Committee of the Whole Committee Meeting of Monday, July 30, 2018, further discussion was to be held at this meeting concerning the Zoning Variance Request for 624 Lakefield Drive.

Building Official Justin Osterhage addressed the Committee on the Zoning Variance Request from Section 17.16.050 (B) "Yard Areas" that provides and requires on each lot upon which a dwelling is constructed, there shall be a side yard of not less than 15 feet for Andrew and Erica Crannage at 624 Lakefield Drive. Mr. and Mrs. Crannage are requesting a side yard of 10 feet to construct an addition to their single-family home. The home is located in an R-3 (One Family Dwelling) Zoning District. A Zoning Board of Appeals public hearing and meeting was held on July 18, 2018 and the members present voted unanimously three to zero to recommend approval.

Mr. Osterhage reported the applicants were in attendance.

Discussion:

- Mrs. Erica Crannage addressed the Committee explaining their letter to the Chairman of the Zoning Board of Appeals with their application. She explained the reason for the variance request in detail; namely relatives visiting and needing extra bedroom space (two bedrooms), one additional garage space (no vehicles would need to be parked on the street), the addition is not being done for extra storage, is being done for living space, love living in the City of Columbia and their subdivision, wonderful neighbors, would rather add onto the home instead of moving, explained how adding onto the rear of the home would not work, etc. She explained granting this variance would also avoid hardship to the community around them by allowing their home to be of a reasonable size and not disrupt the visual harmony of the neighborhood. Their home was also the last one to be built in the subdivision in 2002. She added the side yard requirement was amended in 2005 from 10 feet to 15 feet and noted many of her neighbors and even their own home is 10 feet from the property line. Erica said that five feet means they can stay in their current home, have enough room for their family, have an addition that looks original to their home and is consistent with what is expected in their neighborhood. She thanked the Committee for listening and would be happy to answer any questions or concerns they may have.
- Alderman Roessler said in the last two months, the Committee has had two requests for zoning variances from 15 feet side yards to 10 feet side yards. In the last 10 years; there have been three similar variance requests and two were

approved and one was denied. The City is trying to go by the facts, circumstances, and definition and not by the applicants. It was also noted the hardship definition is vague and are trying to re-interpret it and are trying to interpret all definitions to be consistent. The current zoning (15 foot side yard) was done to have more spacious lots in a neighborhood versus a more dense neighborhood. Variance requests should take into account the neighborhood, the neighbors, the HOA, the esthetics, the topography, etc.

- Mr. Al Bollinger of the Zoning Board of Appeals (ZBA) addressed the Committee. He has been a member of the board for 12 years and said the ZBA supported the request and recommended approval. He supports the Crannage family for the variance for their side yard from 15 feet to 10 feet to make a substantial investment to their home and said the Committee needs to show some flexibility, good judgment, and look at the individual applicant. As a ZBA member, he tries to keep things simple and he questions the applicant what do you do, why do you want to do it, what will it look like, who is going to do it, does it bring a value to your property and the neighborhood, and what do the neighbors and/or HOA have to say. There is always a concern regarding setting a precedent when granting variances and when it comes to an ordinance, he wonders what the intent is. He also said to apply a little common sense and strive for a positive outcome for all involved. Variance requests should be considered individually, otherwise why are notices placed in the newspaper and why are letters sent to all property owners within 250 feet to seek their input. If the committee is worried about setting a precedent, then don't send out the letters or place a notice in the newspaper if the variance request won't be considered. A hardship shouldn't be the only thing taken into consideration. He said the Lakefield Place HOA is a legal entity, should always listen to their input, represent 60-plus homes, and they have approved the request. All the subdivision HOAs are a good thing as they represent the watchdogs for the subdivision. He added the ZBA members visit and carefully review each request before a recommendation is made to the City Council. The addition would add value to the neighborhood, their property, would bring in more tax revenue and would be paying more taxes which would in turn be more money for the City of Columbia. He also said the Crannage family has grown, have out of town family that visits, don't want to tell the family they have to stay at a hotel, the addition will look the same as the original home, the addition is costing over \$100,000, and will be done by a professional contractor. Mr. Bollinger said that being a member of the ZBA, applicants have really struggled with the variance application and with the hardship issue. He also said new families move to Columbia and they don't know the ordinances. Mr. Bollinger said there are 10-15 variances per year since he has been on the board and only a few have been side yard issues. He added this is the first variance for Lakefield Place subdivision that he can remember and he doesn't feel their variance request sets a precedent. He noted the differences between the homes and lots of Gedern Estates Subdivision and Lakefield Place Subdivision

with the side yards, size of the lots and sizes of the homes. Both subdivisions are zoned R-3. He added the original homes in Lakefield Place subdivision were built with 10 feet side yards. If their homes would have been built originally with the 15 feet side yards, they would have smaller homes and less property taxes.

Mr. Bollinger lastly said the neighbors within 250 feet support the Crannage Variance Request, the Lakefield Place HOA supports it, the ZBA supports it and the Committee needs to recommend it to the City Council because there is no precedent. He also said there is a hardship in the eyes of the requestor. A vote yes is a right vote in this situation. Mr. Bollinger thanked the Committee for their time.

- Mr. Crannage addressed the Committee. He wanted to review what he said at the previous meeting and wanted to clarify some items. He said there are no negatives associated with their request. There are no negative aesthetics, no negative financial market impact, no negative traffic impact, health, safety or life issues. He said their hardship is as least as great as the variances that have been approved in the past 13 years in the City of Columbia. He noted he sent Alderman Roessler a spreadsheet that was distributed to the Committee that has everything on it since 2006. He explained the spreadsheet showed all of the variances with a column for all of the hardships. The most common hardship which was greater than 50% of the hardships was that it allowed the owners to have a reasonable size and shape addition to best serve their needs. They are struggling with what harm there is if the variance request is approved and said it is minimal at best. Mr. Crannage said they have spoken to the homeowners at 3 Melbourne Court, 617, 620, 621, 622, 623 626, 627 and 628 Lakefield Drive and that they are in support of the variance request, do not object, and express support. The Lakefield Place HOA is supporting the variance request and pointed out President Richard Moore is in attendance for support. The addition is being placed on the driveway of the home and there will still be 33 feet of grass area between their home and the Ridgeway home next door. He pointed out the number of homes on Lakefield Drive with a 10 foot side yard. He said they will be investing \$180,000 for the home addition. Mr. Crannage said that since 2006, the City of Columbia has never overturned a yes recommendation from the ZBA. He said there is no proof of any issues in any City Council minutes after variances have been granted to homeowners. Mr. Crannage asked what is so different from their request than to any other requests. He thanked the Committee for the opportunity to address them again.

- Alderman Agne suggested they could purchase additional land needed from their neighbor, but that would be quite expensive. It was also proposed to place the addition in their back yard and not the side yard.
- Mr. Crannage said he has looked at other ways for the addition and all of the homes are lined up with all the other homes in the back yards and doesn't want to change that. He also said if an addition was made to the rear of his home, the first thing the neighbors would see when they walk outside is the side of their home.
- Alderman Niemietz said building the addition to the back of the home would give them privacy.
- Erica Ridgeway, next door neighbor of the Crannage family, said if the home addition was made to the rear of the home, they would have to look at the side of their home when they go outside. Mr. Ridgeway clarified that the home would stick out in the back yard and the other homes in the subdivision are completely lined up in the backyards.
- Mrs. Crannage said they have a one and one-half story home and have had different options for the addition, but always come back to the side addition.

Mayor Hutchinson said the City Council/Committee has a lot of opinions and different views which makes them work so well together. He said the opinions are not personal and entertained a motion for a vote.

MOTION:

A motion was made by Alderman Hutch and seconded by Alderman Reis to recommend to the City Council for consideration as presented the Zoning Variance Request for 624 Lakefield Drive. Upon Roll Call vote, Chairman Ebersohl, Roessler, and Hutch voted yea. Aldermen Agne, Niemietz, Reis, Holtkamp and Martens voted nay. Three yeas and five nays. **MOTION FAILED.**

V. ZONING VARIANCE REQUEST - 2359 LAKE SHORE DRIVE

Per a motion from the last Committee of the Whole Committee Meeting of Monday, July 30, 2018, further discussion was to be held at this meeting concerning the Zoning Variance Request for 2359 Lake Shore Drive.

Mr. Osterhage addressed the Committee on the Zoning Variance Request from Section 17.20.050 (A) "Yard Areas" that provides and requires on each lot upon which a dwelling is constructed, there shall have a front yard of not less than 40 feet for Mr. Matt Lanter at 2359 Lake Shore Drive. Mr. Lanter is requesting a front yard of 33 feet, six inches to construct a single-family dwelling. The Fox Run Estates Phase III Final Plat provides and requires an established building line of not less than 40 feet. The property is located in an R-5 (One Family Dwelling) Zoning District. A Zoning Board of Appeals public hearing and meeting was held on July 18, 2018 and the members present voted unanimously three to zero to deny the request.

Committee of the Whole Meeting -August 13, 2018

Budnick Converting Redevelopment Agreement - 8 pages

Zoning Variance Request - 624 Lakefield Drive - 8 pages

Zoning Variance Request - 2359 Lake Shore Drive - 7 pages

Right-Of-Way Management/Small Wireless Facilities Regulations - 19 pages

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Mr. Osterhage reported the applicant was in attendance.

Discussion:

- Mr. Dan Krankeola of the Fox Run Estates Subdivision addressed the Committee with two comments against the Zoning Variance Request at 2359 Lake Shore Drive. The building contractor should stand by his brand and the mistake needs to be corrected. He also added he has never heard anything from the buyer that there was a hardship.
- Mr. William Wilson of Laurie Homes addressed the Committee and said the property owner is aware of the situation. He added a disgruntled builder found the mistake and added no one noticed it until the disgruntled builder noticed it. He said the site plan was submitted incorrectly and the City approved the site plan incorrectly. He said the front yard setback was measured from the distance from the curb and not the property marker pins.
- Mr. William Wilson of Laurie Homes has built four homes in Columbia per a question from Alderman Martens.
- Alderman Martens also said when you drive by the property, you can see the foundation is incorrect.
- Alderman Agne suggested to pick a different lot for that type of home or maybe choose a different house plan with a walk-out basement.
- Mr. Wilson said the proposed home was a ranch home with a walk-out basement.
- Mr. Wilson stated a new employee completed the foundation incorrectly for Laurie Homes. Alderman Martens said there should have been more supervision if the employee was new.
- Alderman Niemietz said a hardship can't be self-created and there are positives and negatives to the situation. Only the facts can be reviewed. It is not personal and the building contractor needs to comply with the regulations.
- Alderman Roessler asked Mr. Wilson to confirm that he mistakenly measured too close to the road and if he could have built the home further back then he would have done so. Mr. Wilson answered in the affirmative. He also asked Mr. Wilson to confirm that a hardship based on topography would not apply since the home could have been built in the proper location. Mr. Wilson responded in the affirmative.

MOTION:

A motion was made by Alderman Huch and seconded by Alderman Reis to recommend to the City Council for consideration as presented the Zoning Variance Request for 2359 Lake Shore Drive. Upon Roll Call vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted nay. No yeas and eight nays. **MOTION FAILED.**

VI. RIGHT-OF-WAY MANAGEMENT/SMALL WIRELESS FACILITIES REGULATIONS

Mr. Morani presented to the Committee the final draft ordinance for the Right-Of-Way Management/Small Wireless Facilities Regulations entitled "An Ordinance Amending Chapter 12.04 of the Columbia Municipal Code Related to Regulations for Right-Of-Way Management".

Mr. Morani said revisions were made and were mostly technical in nature. The draft ordinance will be ready for consideration at the next City Council meeting. Alderman Holtkamp asked that any changes be highlighted so all the Committee members would see them. Mr. Morani said there were no major changes. He said the attorney did not send a redline version but can follow up with him. Mr. Morani said one of the changes which was discussed at the previous Committee meeting was the language for ground-mounted equipment, which has been revised in the proposed ordinance so that the City Council approves the ground-mounted equipment instead of the City Engineer.

It was the consensus of the Committee to recommend to the City Council for consideration the proposed draft ordinance for the Right-Of-Way Management/Small Wireless Facilities Regulations entitled "An Ordinance Amending Chapter 12.04 of the Columbia Municipal Code Related to Regulations for Right-Of-Way Management".

VII. OTHER ITEMS TO BE CONSIDERED

1. EMS/EMA Wildwood Trailer Update

Director of EMA Wes Hoeffken updated the Committee on the status of the EMS/EMA Wildwood Trailer renovations. The trailer is back and has been repaired, but the cost was extra due to the air conditioning unit not working. The cost will be split 50/50 between the EMS and the EMA. Mr. Hoeffken also reported they will begin outfitting the trailer and there may be a possibility of obtaining surplus radio equipment from Monroe County for the trailer.

VIII. PUBLIC COMMENTS

There were no public comments.

IX. EXECUTIVE SESSION - 5 ILCS 120/2(c)

Chairman Ebersohl inquired if there was a need to go into Executive Session. There was none.

X. **ADJOURNMENT**

MOTION:

It was moved by Alderman Agne and seconded by Alderman Reis to adjourn the Committee of the Whole committee meeting of the City Council of the City of Columbia, Illinois held Monday, August 13, 2018 at 8:15 P.M. Upon voice vote, Chairman Ebersohl and Aldermen Agne, Niemietz, Roessler, Huch, Reis, Holtkamp and Martens voted yea. **MOTION CARRIED.**

Minutes taken by:



Chairman Gene Ebersohl
Committee of the Whole



Donna Mehaffey, Deputy Clerk