

COUNTY OF MENARD)
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STATE OF ILLINOIS)

The Menard County Planning Commission met on Monday, August 15, 2011 at 7:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Chairperson Jim Orum called the meeting to order at 7:00 p.m.

Chairperson Orum called for a roll call of present members. Planning Commission members Jim Orum, Edie Sternberg, Ben Kiningham, Terry Entwistle, Rod Riech, Kevin Willis, Ed Blair and John Greenan II were present. Planning Commission member Julie Wankel was absent. A quorum was present. Zoning Administrator Steve Duncan was also present.

Minutes from the January 18, 2010 meeting were presented for approval. Planning Commission member Entwistle moved to approve the minutes, as presented. Planning Commission member Riech seconded the motion. The motion carried with eight “ayes”, no “nays” and one absent.

NEW BUSINESS

LEGISLATIVE PUBLIC HEARING: (Case number 11-01MA) ZONING MAP AMENDMENT APPLICATION FROM RONALD POND TO RE-ZONE PROPERTY HE OWNS LOCATED AT 501 N. YATES ST., TALLULA, IL. THE BRIEF LEGAL DESCRIPTION OF THE PROPERTY IS AS FOLLOWS: PART OF LOT 13, COUNTY CLERK’S PLAT #3, SOUTHEAST ¼, SECTION 1, TOWNSHIP 17 NORTH, RANGE 6 WEST OF THE 3RD PRINCIPAL MERIDIAN, CONTAINING 7 ACRES, MORE OR LESS. THE PROPERTY IDENTIFICATION NUMBER IS 15-01-400-008. THE PROPOSAL IS TO AMEND THE CURRENT ZONING OF THE PROPERTY FROM B-1 DOWNTOWN BUSINESS TO RURAL RESIDENTIAL.

Chairperson Orum opened the public hearing at 7:01 p.m. to give consideration to Ronald Pond’s application for a map amendment to re-zone property he owns at 501 N. Yates St., Tallula, Illinois from B-1 Downtown Business to Rural Residential.

Chairperson Orum swore-in Ronald Pond, a Menard County resident, who provided an overview of the map amendment application. Mr. Pond informed the ZBA that the property located directly north of his property (Hembrough) had been re-zoned to Rural Residential. He said there was 8.5 acres that made up the property. He informed that he was getting several cuttings of hay off his property. He provided a letter with signatures informing that the property had a past history of having livestock on the property. Mr. Pond provided several exhibits including a letter from the farmer who had been cutting hay off the property for many years and many pictures of the property.

Planning Commission member Kiningham asked if Mr. Pond intended to live on the property and what kind of livestock did he expect to keep on the property. Mr. Pond informed that, depending on his health, he would like to have a few horses. He informed that the house was being worked on at this time.

Planning Commission member Sternberg asked Mr. Pond if he owned property in Menard County before purchasing the subject property. Mr. Pond informed that he was a lifelong resident of Menard County, except for four years in the military. Mr. Pond informed that he should have checked the zoning of the property before he purchased it but he had a dream to

own the property and assumed that, since the property to the north of it had horses (Hembrough property) that this property would be allowed to have horses too.

As there were no other public comments, Planning Commission member Blair moved to adjourn the public hearing at 7:05 p.m. Planning Commission member Sternberg seconded the motion. The motion carried with eight “ayes”, no “nays” and one absent.

Planning Commission member Kiningham informed that he liked to talk to residents of the area and was told that they felt Mr. Pond would take care of the property and that they would never smell a horse due to the Village of Tallula’s sewage pond that is located in the area.

Planning Commission member Entwistle stated that he did not think the property should have been zoned B-1 to begin with and that it was a victim of how the zoning maps were drawn.

Planning Commission member Sternberg informed that she had driven over to view the property and that to the average person driving by it looked like a farm.

Planning Commission member Kiningham moved to send a recommendation to approve the map amendment application to the Menard County Board of Commissioners, as presented. Planning Commission member Greenan seconded the motion. The motion carried with eight “ayes”, no “nays” and one absent.

LEGISLATIVE PUBLIC HEARING: TEXT AMENDMENTS PROPOSED BY THE COUNTY TO AMEND ZONING REQUIREMENTS TO PROVIDE FOR THE FOLLOWING:

DEFINITIONS

AMEND ARTICLE III, SECTION 3.01 TO PROVIDE AN AMENDED DEFINITION OF BED & BREAKFAST WITH THE FOLLOWING LANGUAGE BEING CONSIDERED FOR ADOPTION “AS IS” OR WITH MODIFICATION: Bed and Breakfast. A building, or portion thereof, providing accommodations for a charge to the public with no more than 5 guest rooms for rent, in operation for more than 10 nights in a 12 month period, where breakfast or other meals may be provided to the guests only. Bed and Breakfast establishments shall not include motels, hotels, boarding houses, or food service establishments.

A-AGRICULTURE DISTRICT

AMEND ARTICLE VI, SECTION 6.03 TO PROVIDE BED AND BREAKFAST ESTABLISHMENTS AS A PERMITTED ACCESSORY USE TO THE PRINCIPAL USES OF PROPERTY “FARMS”. “CONVERTED FARM RESIDENCES” & “SINGLE FAMILY DWELLINGS”

RR-RURAL RESIDENTIAL DISTRICT

AMEND ARTICLE VI, SECTION 6.04 TO PROVIDE BED & BREAKFAST ESTABLISHMENTS AS A PERMITTED ACCESSORY USE TO THE PRINCIPAL USE OF PROPERTY “FARMS” & “SINGLE FAMILY DWELLINGS”

Zoning Administrator Duncan informed the Planning Commission that Menard County residents Eric and Gail Adamski had approached the Board of Commissioners to ask if they would provide text amendments to the zoning ordinance that would allow them to convert a barn on their property into a bed and breakfast establishment.

The Board had directed him to take steps to provide for Bed and Breakfast establishments, as being presented. He passed out a copy of the State of Illinois Bed and Breakfast Act which included a definition of a bed and breakfast establishment. He informed that, since this definition essentially is written the same as the County's current definition, he believed that the attorney who had written up the definition for the County's zoning ordinance had used the Bed and Breakfast Act definition as his guide. He informed that he had written up and proposed the text amendment to change the definition since it talked about an operator-occupied bed and breakfast as being required and, knowing the Adamski's did not plan to reside in the bed and breakfast, made an assumption that the definition needed to be changed as well. But after reading the Bed and Breakfast Act definition which refers to an operator as someone who is required to be on contiguous property (and not necessarily staying in the bed and breakfast building) he felt like the definition did not need to be changed and would rely on the State definition of "bed and breakfast establishment" and "operator" for guidance. He stated that he was requesting that the Zoning Board of Appeals send a recommendation to continue with the existing Bed and Breakfast definition in the zoning ordinance and not adopt the changes that were proposed prior to becoming familiar with the Bed and Breakfast Act.

Chairperson Orum opened the public hearing at 7:14 p.m. to give consideration to several text amendments to provide for bed and breakfast establishments as an allowable accessory use in the Agriculture and Rural Residential Zoning District Regulations.

Chairperson Orum swore-in Gail Adamski, 21648 Old Farm Avenue, spoke in support of the proposed text amendments, as needed to allow them to operate a bed and breakfast on their property. She provided a brief overview of their plans to renovate a barn on their property into a small bed and breakfast establishment.

As there were no other public comments, Planning Commission member Kiningham moved to adjourn the public hearing at 7:16 p.m. Planning Commission member Entwistle seconded the motion. The motion carried with eight "ayes", no "nays" and one absent.

Planning Commissioner member Kiningham moved to recommend that the text amendment to amend Article III, Section 3.01 "Bed and Breakfast" definition not be adopted and the existing definition retained per the Zoning Administrator's previous recommendation. Planning Commission member Sternberg seconded the motion. The motion carried with eight "ayes", no "nays" and one absent.

Planning Commissioner member Kiningham moved to recommend approval to amend Article VI, Section 6.03, as presented. Planning Commission member Greenan seconded the motion. The motion carried with eight "ayes", no "nays" and one absent.

Planning Commission member Kiningham informed that he had talked to Commissioner Fore who lived in the area and that he was not currently opposed to the proposal. He informed that he was with Menard County Tourism Council and that he supports expanding opportunities for tourism. He asked Zoning Administrator Duncan if bed and breakfasts were subject to the hotel and motel tax. Mr. Duncan informed that they would be subject to that tax.

Planning Commissioner member Kiningham moved to recommend approval to amend Article VI, Section 6.04, as presented. Planning Commission member Riech seconded the motion. The motion carried with eight “ayes”, no “nays” and one absent.

Unscheduled Public Comments/Requests

There were no unscheduled public comments.

Zoning Administrator’s Report

Zoning Administrator Duncan informed that he had Board direction on some other text amendment proposals but had not been able to find the time to properly address them so had not brought them through the process as of yet.

Individual Planning Commission Member Comments

There were no individual Planning Commission member comments.

Adjournment

As no other business was brought before the Planning Commission, Planning Commission member Entwistle moved to adjourn the meeting at 7:22 p.m. Planning Commission member Greenan seconded the motion. The motion carried with eight “ayes”, no “nays” and one absent.