

The Zoning Board of the Village of Winnebago held a Public Hearing on April 24, 2017 at 6:55 p.m. to receive input on a proposal to amend certain sections and paragraphs of the Zoning Ordinance, originally passed April 29, 1957, published May 23, 1957, and subsequently periodically amended, which Zoning Ordinance is also known as the Zoning and Building Code of the Village of Winnebago, Illinois, and that the proposed amendments, if adopted, will clarify the purpose and intent of the District No. 5--Light Industrial District zoning classification, change or add to the types of permitted uses allowed under District No. 5--Light Industrial District, and provide the potential for allowance of other uses with a Special Use Permit, all without changing the criteria requirements for operation under a Light Industrial District zoning classification. All other provisions of the 1957 Zoning and Building Code of the Village of Winnebago, Illinois, as amended, shall remain in full force and effect.

In attendance:

EMMERT – EUBANK – MEDEARIS – VAN SICKLE: present

COOK – KONING : absent

Guests:

Attorney Mary Gaziano, Alta Straley, Steve Straley, Dennis McDougall, Vivian Gaines, Randall Cunningham, Tamela Cunningham, Lindsay Carlson, Steven Cunningham, and Lori Schultz.

CHAIRMAN Van Sickle opened the meeting for public comment.

The following summarizes the substance of the comments made:

Dennis McDougall asked if those in attendance could see what amendments are being proposed. Attorney Gaziano read through the proposed amendment to the Zoning Ordinance for District No. 5 – Light Industrial as attached to the minutes. Mr. McDougall asked if outside vehicle storage is allowed under District No. 5. Attorney Gaziano replied that in the original Zoning Ordinance it is not allowed, all storage items must be enclosed within the building. Mr. McDougall stated that in the original Zoning Ordinance truck repair is not listed as a permitted use. Attorney Gaziano clarified that it is listed as a permitted use in the proposed amendment ordinance.

Bill Emmert asked the Board to consider removing items C.-G. of the permitted uses listed in the proposed amendment ordinance, keeping A. and B. to minimize permitted uses and make more special uses with restrictions to protect the neighbors. Mr. McDougall asked if the business currently operating at 202 N. Pecatonica Street was approved by the Zoning Board. Frank. Eubank replied it was not. Mr. McDougall asked if all plans for a business in District No. 5 must be submitted in advance to the Zoning Board for approval. Mr. Eubank replied that permitted uses are not required to submit plans in advance to the Zoning Board. Mr. McDougall asked if the business currently being operated at 202 N. Pecatonica Street is a permitted use. Mr. Eubank replied it is not. Mr. McDougall asked how the violations are going to be enforced. Attorney Gaziano replied that the Village employs a Code Enforcement Officer who will address the violations.

Steven Cunningham stated that they have trucks outside of the building at the 202 N. Pecatonica location most of the time and they are not only doing truck repair, they also run a

transport business from that location. Mr. Eubank stated that the violations at the location will be addressed by the Code Enforcement Officer. Mr. Emmert stated that the reason for the Public Hearing is to allow public comment regarding the proposed amendment ordinance, the amendments proposed do not mean the business is going to qualify to continue operation. Mr. Eubank stated that a wholesale business or warehouse with trucks moving in and out would qualify as long as the noise, vibration, and odors of the daily operation are contained within the building not to go beyond the property line. Mr. Eubank also stated that the Zoning Ordinance as is or with amendments to District No. 5 the trucking business will most likely not work in Light Industrial.

Mr. McDougall asked if there are currently any special use permits issued in District No. 5. Attorney Gaziano replied there are not. Mr. McDougall asked why the trucking company was not required to apply for a special use permit if they are operating a business that is not a permitted use in District No. 5. Mr. Eubank replied that the original Zoning Ordinance does not provide for special use permits in District No. 5 so it would not have been necessary for a business to apply for a special use permit in District No. 5. Attorney Gaziano added that the amendments proposed are for clarity of intent and purpose of District no. 5, the amendments are not proposed to accommodate any particular business but to add the provision for special use.

Mr. Cunningham asked for clarity regarding the language in the Zoning Ordinance that says the business noise, vibration, and odors must be contained within the building but not detectable beyond the property line. Mr. Emmert replied that if the noise, vibration, and odors cannot be detected beyond the property line of the business it is not disturbing the neighbors. Mr. Medearis suggested placing time limits on operation of businesses in District No. 5. Mr. Eubank stated that if the noise, vibration, and odors are contained within the property lines of the business it should not have any bearing what time of day the business is operating.

Mr. Eubank reminded those present that the purpose for the Public Hearing is to allow the public to comment on the proposed amendment ordinance. Mr. Emmert stated the amendment was drafted because the property owner of the trucking company, Alta Straley, applied for a special use permit, at which time it was determined the ordinance did not provide for special use in District No. 5. Mr. McDougall stated he believes all uses in District No. 5 should be special use due to the businesses operating within a residential district. Mr. Emmert stated he does not believe the Village can have a Zoning District without permitted uses.

Mr. McDougall asked if definitions of specific words in the Zoning Ordinance District No. 5 – Light Industrial could be added. Attorney Gaziano replied that several definitions have been added to the UDO that pertain to new development, they can also be added to the Zoning Ordinance for existing development.

CHAIRMAN Van Sickle asked if there is further public comment. Mr. Cunningham asked if they should continue to turn in complaints regarding the business at 202 N. Pecatonica Street. CHAIRMAN Van Sickle replied they should continue to turn them in to the Village office.

Mr. McDougall asked when compliance will be achieved, the first complaint was lodged in September 2016 and the violations continue. Attorney Gaziano replied that normally when a complaint is received it is turned over to the Code Enforcement Office, as Mrs. Straley applied for a special use permit before the complaints began the Boards focus has been to clarify the Zoning

Ordinance District No. 5 – Light Industrial regarding special use. Mr. McDougall pointed out that original or amended the business will still be in violation. Mr. Eubank stated that Attorney Gaziano will be meeting with the Code Enforcement Officer on April 26, 2017 and will discuss the violations with him and how to proceed with compliance.

Mr. Eubank stated that at the close of the Public Hearing the Zoning Board will meet to discuss modifying the proposed amendment and other Zoning Ordinance amendments discussed. Attorney Gaziano stated that any new modifications/amendments will go before the Zoning Board for approval and recommendation to the Village Board.

There being no additional public input, CHAIRMAN Van Sickle closed the public hearing at 8:47 p.m.

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Charles Van Sickle, Chairman