

The Zoning Board of the Village of Winnebago met at 7:00 p.m. with Chairman Charles Van Sickle presiding.

ROLL CALL

COOK – EMMERT – EUBANK – KONING – VAN SICKLE: present

MEDEARIS: absent

Guests: Attorney Mary Gaziano, Marco Rodriguez, Randall Cunningham, Lindsay Carlson, Steven Cunningham, and Lori Schultz

There was no disclosure of any conflict of interest.

A motion was made by Frank Eubank, seconded by Bill Emmert to approve the Public Hearing Minutes and the Zoning Board Minutes from April 24, 2017. The motion was carried on a voice vote of those present.

CHAIRMAN Van Sickle asked the attendees if they wished to report a complaint. Steven Cunningham said they were attending to discuss their ongoing complaint. Since there was no formal request for public comment, Mr. Emmert made a motion that the Cunningham family be allowed to discuss their complaint, seconded by Mr. Eubank. The motion was carried on a voice vote of those present.

Mr. Cunningham stated to the Board that they now have video evidence of the ordinance violations occurring at 202 N. Pecatonica Street. Mr. Emmert responded that any evidence of their complaint must be given to the Code Enforcement Officer through the Village office and that the Zoning Board is meeting at this time to discuss modifications to the Zoning Ordinance District No. 5 – Light Industrial. Mr. Cunningham stated that the Board asked them to provide pictures or video as evidence of their complaint. Mr. Emmert responded, yes the Board did ask you to provide evidence if obtained, but that it must be turned into the Village office for further investigation. Mr. Cunningham asked if they could review the new draft of the proposed ordinance. Mr. Emmert provided him with a copy.

Attorney Gaziano addressed the proposed ordinance to modify District No. 5 – Light Industrial, stating that Article 1. B. 1. will be modified to remove all permitted uses other than a. and b., all other uses will required a special use permit to have better control of the businesses in District No. 5. The proposed ordinance is attached to the minutes. Mr. Cunningham asked when a new business goes into District No. 5 are they required to go before the Zoning Board for approval. CHAIRMAN Van Sickle responded that as long as it is a permitted use they do not need approval from the Board.

Mr. Emmert stated the word “obtained” should replace the word “issued” in Article 1. C. second paragraph, first line, as the Village is not required to issue a special use permit. Mr. Eubank asked what the language “extension of the building” in the same paragraph means. CHAIRMAN Van Sickle responded that it means if a business grows and expands into another district, however, that language could probably be removed. Mr. Eubank suggested that the sentence end before that language or made into a new sentence for buildings that existed prior to the Zoning Ordinance. Mr. Emmert stated that the language will need to remain as it does apply to buildings currently existing or grandfathered in.

Mr. Eubank suggested changing the permitted use “Wholesaling and warehousing” to “Warehousing and distribution” as the UDO currently has a definitions for those terms. Mr. Emmert asked if the UDO has been adopted or is currently in progress. Attorney Gaziano responded that it is still a work in progress. Mr. Cook asked how warehousing is not in violation of being able to see, hear, smell, or feel the operation when there will be semi tractor/trailers loading and unloading. Mr. Eubank stated that it is the business inside the building that you should not be able to see, hear, smell, or feel. Attorney Gaziano stated that Mr. Cook makes a good point and that the proposed ordinance should be clarified to state times for loading and unloading and possibly other restrictions. CHAIRMAN Van Sickle stated that if we make warehousing special use we can put restrictions in place. Mr. Emmert stated the Board should consider removing Article 1 B. 1. b. from permitted uses. Mr. Eubank stated that the UDO will include warehousing so it won't be necessary to leave it in District No. 5.

CHAIRMAN Van Sickle asked what ordinances for parking the Village has adopted. Attorney Gaziano stated there are several: 201 (1944) Loading & unloading – 30 minute limit, 244 (1951) No stopping, standing, or parking on sidewalk or crosswalk, 91-3 Parking time limit – 48 hours, 98-6 Parking limit for large vehicles – 1 hour. Mr. Emmert asked if the Board should recommend to the Village Board a review of the parking ordinances for clarity. Mr. Eubank stated that when the UDO is completed the Village ordinances will be codified and it will combine or eliminate duplicate ordinances. Attorney Gaziano suggested that Section 12.08 and 12.09 of the UDO, which addresses parking, be added to the Zoning Ordinance.

Mr. Eubank stated that the definition for trailer in the UDO is for a dwelling, the definition for trailer in the Zoning Ordinance must include travel trailer, utility trailer, and semi-trailer. Mr. Cook suggested including in the definition of trailer the designation on the license plate.

Attorney Gaziano provided a definition for open storage and junk via email of May 18, 2017 to the Board and asked that they consider those definitions for the Zoning Ordinance. CHAIRMAN Van Sickle stated that the Zoning Ordinance as a whole must be reviewed, specifically, principal permitted uses and special permitted uses, the language should be updated or removed if no longer applicable.

Mr. Eubank asked the Board to review all of the definitions provided by Attorney Gaziano and email her any suggested changes. Attorney Gaziano stated that when all suggested changes are received she can draft a new ordinance or encapsulate the changes in the current ordinance.

There being no further business to present, upon motion by Frank Eubank, seconded by Bill Emmert, and passed unanimously, the meeting was adjourned at 8:10 p.m.

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Charles Van Sickle, Chairman