

The Zoning Board of the Village of Winnebago met at 7:00 p.m. with Chairman Charles R. Van Sickle presiding and calling the meeting to order at 7:00 p.m.

ROLL CALL

EMMERT-EUBANK-KOENING AND MCDUGALL were present. COOK and MEADERIS were absent.

Guests: Jason and Teresa Ackerman, Kellie Symonds, and Attorney Mary J. Gaziano.

The Minutes from the July 22, 2019 Zoning Board Meeting, were approved via voice vote.

CONFLICT OF INTEREST INQUIRY:

MR. EUBANK asked guests Jason and Teresa Ackerman if he had ever represented them personally in legal matters. Teresa responded that he had, but not in regard to any property transactions.

There was no public comment.

REZONING OF VACANT LOT AT SOUTHEAST CORNER OF MAIN & SWIFT ST.

MR. VAN SICKLE indicated an oral application for Zoning Change had been submitted to him by Jason Ackerman and Teresa Ackerman for the property located at the southeast corner of Main and Swift streets in the Village of Winnebago. The existing zoning is District #2 TWO FAMILY RESIDENTIAL, and the requested zoning is for a SPECIAL USE PERMIT IN DISTRICT #3 GENERAL BUSINESS for storage units.

As indicated above, there was no formal application, but rather the request has been conversational between the Ackermans and MR. VAN SICKLE. Attorney Gaziano indicated she does not believe the Village currently has a zoning application form.

Mr. Ackerman presented a map and a drawing of the potential placement of the storage units on the vacant lot. The drawing identified two 100ft by 30ft storage buildings. The buildings will be 33ft from the center of both roads, and with a 17.5ft wide drive between the buildings. There is no fencing planned, nor will the units have electric. There will be 24/7 access with lighting. MR. VAN SICKLE indicated the only way the structures could be put on the lot was with a General Business designation with a Special Use Permit. Jason also stated the buildings would look very similar to the storage units at Winnebago Corners, but he wants to put insulation in the roof to help with condensation.

Jason also indicated he plans on two rows of buildings. Access would be off of a gravel alleyway which is their driveway, and he would also put a driveway in connection to Main Street. One would be able to drive all the way around the buildings as well. Jason also indicated Chuckie Meyers is looking at the Fire Codes for them.

There was extensive discussion about the lighting. MR. EUBANK asked if it will be directional lighting on the units. His concern was for the neighbors and how the lighting on the units will affect those nearby. He indicated there could possibly be motion activated lights, but MR. EMMERT indicated it could be annoying having the lights come on and off.

MR. EMMERT asked if there was an ordinance restriction regarding height of the lights, such as residential lighting. Attorney Gaziano confirmed that if a Special Use Permit is granted, the Village can put whatever restrictions are desired. MR. EMMERT had concerns also about the brightness of the lighting, and that there should be possible restrictions on the brightness, or covered lamp directing light downward. MR. KOENIG expressed similar thoughts on possible regulation of the brightness of the lights.

MR. VAN SICKLE commented that an ordinance may need to be considered regarding the lighting.

Mrs. Ackerman commented that the placement of the lights would be for safety of those accessing the units at night. Mr. Ackerman stated that the street light on the corner is bright.

MR. VAN SICKLE stated that possibly the lighting would be post-light style, and that the building would be taller which could prevent impacting the neighbors at night.

Mr. Ackerman said he would investigate potential lighting options, and MR. VAN SICKLE requested that Mr. Ackerman speak specifically to the builders about lighting.

Discussion was also had about landscaping and fencing. MR. EMMERT also recommended landscaping and fencing that would minimize direct headlights from disturbing the neighbors as cars come and go from the storage units at night.

Mr. and Mrs. Ackerman said they wanted to be good neighbors, and would do what was necessary. They would agree to a fence.

MR. MCDUGALL motioned to set the public hearing on the proposed zoning change, and MR. KONING seconded.

MR. EMMERT questioned if another meeting would be necessary prior to a Public Hearing to approve the zoning change. MR. EMMERT preferred another meeting to address lighting, fencing, etc., issues more specifically.

MR. EUBANK stated the next Zoning meeting would be the 4th Monday in March, and could be followed by a Public Hearing the 4th Monday of April, and the earliest approval would be at May's meeting.

Motion to set the public hearing on the proposed zoning change was withdrawn by MR. MCDUGALL, and tabled pending more information on lighting and related concerns.

Mr. Ackerman does not have a set time to begin construction. He also brought up the question of pavement between the buildings and around the units. He prefers not to have the expense of pavement, and has spoken to Chad Insko, the Public Works Director about using chip and seal for the drives and access to the storage units, as Mr. Ackerman indicated it is more reasonably priced and more porous than blacktop. Frank Eubank indicated he would see if Chad Insko could obtain some information on chip and seal.

MR. EUBANK asked about water runoff, and Mr. Ackerman stated the water runoff would be to the North. MR. EMMERT also questioned the capacity of the storm drains nearby.

MR. VAN SICKLE agrees that chip and seal would allow for rainwater to absorb rather than the solid surface of pavement.

MR. EMMERT suggested speaking with the Village Engineer.

Attorney Gaziano commented that Jason should speak with his own engineer to get recommendations and solutions for rainwater runoff, as opposed to utilizing the Village of Winnebago's engineer. She pointed out the complications of using the Village of Winnebago's engineer in that if results are not favorable for the property owner, there is the potential to place blame on the Village for the problem since it was the engineer for the Village whose professional advice was implemented. Attorney Gaziano is to check with Village Engineer Seth Gronewold to find out what are the generally accepted rules for runoff so there will be more clarity as to what to put in the restrictions regarding the same.

MR. EUBANK questioned which should come first -- the engineering or the decision for the zoning change.

MR. EMMERT agreed he would be in favor of granting the zoning change with conditions which are based on the engineer's approval, and he also stated that General Business is a good designation for that area considering what surrounds the property, such as the other businesses nearby.

MR. EUBANK indicated he is comfortable with a General Business District designation even if the Special Use Permit does not come to fruition, and stated the owners at the next Zoning Board Meeting would not have to have a plan yet from their engineer for the runoff issue.

MR. EMMERT made the motion to adjourn, MR. EUBANK seconded the motion. Motion approved by voice vote.

Next regularly scheduled Zoning Board Meeting is set for March 23, 2020 at 7:00 p.m.

Meeting adjourned at 7:50 p.m.

APPROVED

Charles R. Van Sickle, Chairman
(Approved April 27, 2020)

PREPARED BY:
Kellie Symonds, Deputy Clerk