

**MINUTES OF THE PUBLIC HEARING AND REGULAR MEETING OF THE COLUMBIA
PLAN COMMISSION
OF THE CITY OF COLUMBIA, ILLINOIS HELD MONDAY,
MARCH 11, 2019 IN THE CITY HALL AUDITORIUM**

1. CALL TO ORDER

The Plan Commission meeting of the City of Columbia, Illinois held Monday, March 11, 2019 was called to order by Chairman Bill Seibel at 6:30 P.M.

2. ROLL CALL

Upon roll call, the following members were:

Present: Chairman Bill Seibel and Commissioners Russell Horsley, Virgil Mueller, Caren Burggraf, Karin Callis, Amy Mistler, Tony Murphy and Doug Garmer.

Absent: None.

Quorum Present.

Administrative Staff Present: Director of Community Development Scott Dunakey and Accounting/Clerical Assistant Sandy Garmer.

Administrative Staff Absent: None.

Public Hearing Guest Speaker List: Kris Brower, Will Trowbridge, Julie and Pete Ingold, Patrick and Rhonda Quint, Maria and Keith Renner, Tom and Shari Smugala, Pat Schmidt, Jay Riddle, Natalie Lorenz, Samantha Smugala, Jennifer Green, Nichol Hakuc, Lea Mertens, Jeff Fultz and Dennis Schwandt (left meeting at 8:15 p.m.)

Guest Present: Approximately sixty-five (65) guests attended the Public Hearing (most left meeting at 8:15 p.m.)

3. APPROVAL OF PLAN COMMISSION MINUTES OF MONDAY, FEBRUARY 25, 2019

The minutes of the Monday, February 25, 2019 Plan Commission Meeting were submitted for approval.

A. MOTION:

It was moved by Commissioner Karin Callis and seconded by Commissioner Caren Burggraf to approve the minutes of the Monday, February 25, 2019 Plan Commission Meeting as presented and on file at City Hall. On roll call vote, Chairman Seibel and Commissioners Russell Horsley, Virgil Mueller, Caren Burggraf, Karin Callis,

Amy Mistler, Tony Murphy and Doug Garmer voted yes. **MOTION CARRIED.**

4. **PUBLIC COMMENTS (For Items Not on the Agenda)**

A. None.

5. **PUBLIC HEARING**

A. Zoning Map Amendment at 11604 Bluff Road (Sunset Overlook). Request to rezone base district from C-1 Neighborhood Commercial to C-2 General Commercial with no change to existing HP Historic Overlay.

Chairman Bill Seibel opened the Public Hearing for the request of change in zoning district.

Chairman Seibel asked the Plan Commissioners if there were any abstentions from voting on the agenda item. There were none. Chairman Seibel declared we have a quorum of eight (8) Commissioners present for the Public Hearing.

Chairman Seibel asked the Plan Commissioners to report ex parte communications. Commissioner Virgil Mueller said he was contacted about a month ago by Ms. Brower regarding the issue with Sunset Overlook. He drove by 11604 Bluff Road (Sunset Overlook) and the Brower residence where Ms. Brower was outside of her residence and invited Commissioner Mueller in her home to look at the distance from balcony to Sunset Overlook and they had a conversation. Commissioner Mistler reported a call from Bruce Freeland concerning Sunset Overlook and she encouraged Mr. Freeland to attend the Public Hearing.

Chairman Seibel stated the Public Hearing notice was published in the Republic Times on February 20, 2019, which meets the notification requirements for the Public Hearing.

Director of Community Development Scott Dunakey summarized the Staff Report and Recommendation provided to the Plan Commissioners. He presented a detailed analysis of the following:

- Existing Conditions
- Property History
- Public Feedback (through March 7, 2019)
- Land Use Impacts of Proposed Zoning/Use
- Transportation Impacts of Proposed Zoning/Use
- Drainage Impacts of the Proposed Zoning/Use
- Public Utility Impacts of the Proposed Zoning/Use
- Findings Based on the Analysis

In conclusion, Mr. Dunakey stated the Staff Recommendation is to deny the request to rezone the property from C-1 Neighborhood Business with HP Historic Preservation

Overlay District to C-2 General Business with HP Overlay for the property at 11604 Bluff Road. Following Mr. Dunakey's presentation there was only one question asking why the applicant's reason for the rezoning amendment was indicated as, "the original zoning was in error". Mr. Dunakey confirmed originally the applicant applied for C-1 zoning, however, he is unable to address what guidance the applicant had received from city staff at that time.

Chairman Seibel asked the applicants to introduce themselves and present their request to the Plan Commission. Julie and Pete Ingold, sole owners of the Sunset Overlook, LLC located at 11604 Bluff Road, presented the following: (1.) detailed background information on business and rezoning; (2.) prior city staff guidance and current city staff interpretation of the zoning code; (3.) specific concerns for their business success which includes ancillary entertainment (live music) and serving of food and beverages outdoors, (4.) their hard work and financial dedication over the last six (6) years to build the business; and (5.) the overwhelming community support for their business. Mrs. Ingold concluded by thanking the Plan Commission for their time, continued support and guidance. The Plan Commissioners had a few questions concerning noise impact of live outdoor music, clarifying the business hours of operation and prior noise citations.

Chairman Seibel opened the Public Hearing to the speakers who had signed in to address the Plan Commission.

The first speaker to address to the Plan Commission was Kris Brower, who resides at One Grandview Bluff. Ms. Brower identified herself as the spokesperson for Bruce Freeland, Cindy Huseman, Paul Galeski and Tim Dewald (all are neighbors bordering Sunset Overlook). Ms. Brower addressed the Plan Commission covering the following issues opposing the rezoning: (I.) the zoning code protection, since surrounding area was zoned R-2 and R-3 when their homes were built; (II.) the original business plan of Sunset Overlook to be a bistro type restaurant versus a bar with outdoor live music; (III.) the major sound implications to their residences with Ms. Brower playing an audio recording from her balcony; and (IV.) the violations noted in the C-1 district includes outside live music, use of food trucks and beer vendors, sign code (banners) and outside temporary structure (tent). In conclusion, Ms. Brower emphasized the zoning request be denied.

Will Towbridge introduced himself and expressed support for the rezoning. He encouraged the Plan Commission to review recorded transcripts of the discussion concerning the history of the rezoning and the business plan conversations relating to intent to have live music. Mr. Towbridge served on the Zoning Board of Appeals when the property was rezoned to C-1. He mentioned several neighbors were against the business from the beginning, regardless of the zoning changes. He also commented the Zoning Board of Appeals was given guidance from the city staff and their decisions were based on that direction. Mr. Towbridge concluded that there is an inability to restrict a neighbor's noise level and he feels Sunset Overlook is a good corporate neighbor.

Patrick and Rhonda Quint spoke in favor supporting Sunset Overlook.

Maria Renner also spoke in favor supporting Sunset Overlook requesting that rezoning to C-2 be considered. Ms. Rinner made positive comments on the beauty of the historical establishment that locals and visitors can enjoy.

Keith Renner addressed the Plan Commission by stating currently the zoning surrounding Sunset Overlook is R-2 and R-3, however, in the near future it is likely the property across Bluff Road and north of Sunset Overlook will be developed which will impact the noise level and surrounding neighbors.

Tom Smugala commented in support of Sunset Overlook stating the noise of Columbia events and businesses impact his home, however, the music is over in the early evening. He pointed out Sunset Overlook grounds have been cleared and maintained ever since the Ingold's purchased the property which is another positive aspect and that it is a beautiful establishment.

Chairman Seibel called the following speakers: Shari Smugala, Pat Schmidt and Jay Riddle. All declined to speak stating their comments had been recognized and concerns addressed by previous speakers.

Natalie Lorenz introduced herself as the attorney representing Ms. Brower, Mr. Galenski, Mr. DeWald, Mr. Freeland and Ms. Huseman. Ms. Lorenz addressed the Plan Commission by stating this is a Public Hearing concerning a zoning issue and the question is whether the requested zoning change to C-2 is appropriate. She also referenced all the potential uses for C-2 and reminded the Plan Commissioners, if approved as C-2, any potential use would be allowed. Ms. Lorenz then covered in detail the eight (8) factors under the law to consider when a zoning change is appropriate:

- Existing uses of nearby property - all surrounding property within city limits is residential
- Extent of diminished property value – hardship cannot be self created and the owners had full knowledge of the zoning of the property when purchased
- Promotion of public health, safety and welfare – you have a choice to buy your home in a residential area
- Relative gain to public – already discussed under extent of diminished property value and promotion of public health, safety and welfare
- Suitability of C-2 zoning benefits surrounding neighborhood – suppose to benefit the local neighborhood
- Length of time property vacated – not applicable
- Communities need for the proposed use – Mr. Dunakey addressed earlier stating Columbia has bars and restaurants with live music
- Care with which the community taken to plan it's development – referred to Columbia's Comprehensive Plan (on website) which strongly encourages residential zoning surrounding the city

Chairman Seibel asked if there was anyone else who wished to speak. Samantha Smugala introduced herself and referenced a comment made by Ms. Lorenz about access to Sunset

Overlook and crossing private property. She stated no one walks through private property to access Sunset Overlook. Ms. Smugala spoke in favor supporting Sunset Overlook saying there have been minimal noise complaints, the business is preserving a historical building, increasing revenue for the city and providing a tourism opportunity. In conclusion, Ms. Smugala stated it is unfair to not rezone Sunset Overlook, unless all Columbia restaurants are C-2. Mr. Dunakey stated generally speaking, all Columbia restaurants are in C-1, C-2 or C-3 zoning.

Jennifer Green introduced herself and spoke in favor supporting Sunset Overlook stating it is unfair not to rezone Sunset Overlook to C-2.

Nicole Haukap addressed the Plan Commission supporting Sunset Overlook by stating even without the rezoning, Sunset Overlook will continue as a business and there will still be a noise impact.

Leah Mertens introduced herself as an employee of Sunset Overlook and spoke in favor of her support of the owners of Sunset Overlook and the business.

Jeff Baltz introduced himself as a business owner in Columbia, and he spoke in support of Sunset Overlook commenting that denying the rezoning will not take care of the noise impact since you will still hear people at Sunset Overlook.

Dennis Schwandt introduced himself as a member of the Columbia Aero Club and speaking on behalf for the Columbia Aero Club Board in favor of supporting Sunset Overlook as an enormous asset to the community.

Chairman Seibel asked if Mrs. or Mr. Ingold had any additional comments. Both replied they had none. Chairman Seibel then closed the Public Hearing at 8:05 P.M.

Chairman Seibel opened the deliberation and referred to the difference between the C-1 and C-2 zoning permitted uses. He clarified C-1 has a limit of sixteen (16) permitted uses and C-2 has the potential of eighty-six (86) different permitted uses. The Plan Commissioners discussed and provided feedback on the rezoning to C-2 and future potential permitted uses and issues. It was the consensus of the Plan Commission to deny the request based on the city staff's recommendation.

A. MOTION:

It was moved by Commissioner Russell Horsley and seconded by Commissioner Virgil Mueller to recommend denial of the request to change zoning from C-1 to C-2 for property located at 11604 Bluff Road, pursuant to staff recommendation. On roll call vote, Chairman Bill Seibel and Commissioners Russell Horsley, Virgil Mueller, Caren Burggraf, Karin Callis, Amy Mistler, Tony Murphy and Doug Garmer voted yes. **MOTION CARRIED.**

6. NEW BUSINESS

A. Land Transfer Request – Parcel 04-15-100-008-000 to Parcel 04-15-404-004-000

Chairman Seibel referred to the Plat of Survey and Land Transfer Parcel information distributed and questioned if the applicant was in attendance to address the Plan Commission. The applicant was not there. There was a brief discussion on the location of the parcels resulting in the consensus to approve the land transfer request.

A. **MOTION:**

It was moved by Commissioner Amy Mistler and seconded by Commissioner Doug Garmer to recommend approval of the land transfer request of Parcel 04-15-100-008-000 to Parcel 04-15-404-004-000. On roll call vote, Chairman Bill Seibel and Commissioners Russell Horsley, Virgil Mueller, Caren Burggraf, Karin Callis, Amy Mistler, Tony Murphy and Doug Garmer voted yes. **MOTION CARRIED.**

7. **OLD BUSINESS**

A. None.

8. **STAFF REPORTS**

A. None.

9. **MEETING ADJOURNED**

Since there was no further business to discuss, Chairman Seibel entertained a motion to adjourn.

MOTION:

Motion was made by Commissioner Virgil Mueller and seconded by Commissioner Caren Burggraf to adjourn the Regular Meeting of the Columbia Plan Commission held Monday, March 11, 2019 at 8:32 P.M. On roll call vote, all Commissioners present voted yes.

MOTION CARRIED.

* Bill Seibel, Chairman

* Amy Mistler, Secretary

* Minutes by Sandy Garmer, Accounting/Clerical Assistant

* Signed copies are available in the Clerk's Office.