

Village of Germantown Hills Zoning Board of Appeals

October 24, 2017 Meeting with Public Hearing 6:00 p.m.

Vehicular Surfaces Proposed Amendments

2017-02

Call to Order/Roll Call-Don Schaffer called the meeting to order at 6:00 p.m.

ZBA Members	RC	1	2	3
Don Schaffer	P	Y	Y	Y
Tom Emlen	P	Y	Y	Y
Randy Nash	P	Y	Y	Y
Joe Maier	A	-	-	-
Glen Riley	P	Y	Y	Y
Dan Mair	P	Y	Y	Y
Ron Schneider	P	Y	Y	Y

Don Schaffer noted the purpose of the meeting was to consider proposed amendments to the Village of Germantown Hills Code, Chapter 4 of Title 9 regarding zoning regulations concerning vehicular surface requirements.

Recommendation to the Village Board on the proposed amendments to the Village of Germantown Hills Code regarding zoning regulations concerning vehicular surface requirements.

Ann Sasso explained the proposed amendments. The first ordinance was the initially proposed amendments that were put together in June by the Planning Commission. The second set is what had been amended last night by the Planning Commission. The Planning Commission added a statement that would exempt properties that have a valid home occupation permit for a business in their homes, allow the Village Board to give consent to an extension passed the 30 days on making a repair or modification and they eliminated the option of a chip and seal type of surface. This would require a hard surface of concrete, asphalt or pavers only for new and existing businesses.

Dan Mair asked if prior to this if there was an ordinance for vehicular surface requirements. Ann Sasso noted this is a new ordinance. This change will currently affect, Kouri's, Germantown Grille and the Village of Germantown Hills. For the Village this will affect the Village Hall, Community Center, WWTP plant and roads, and Oak Grove Park.

Don Schaffer opened the public hearing and noted all wishing to speak will be heard but would need to be sworn in. Jake Adkins, 118 High Street, Germantown Hills, IL and Dan Kouri, Peoria, Illinois were sworn in.

Ann Sasso noted the Zoning Board of Appeals will make a recommendation to the Village Board on the proposed ordinance. The Village Board will then be able to make a final decision on approval of the ordinance.

Randy Nash asked for an understanding of what the ZBA's responsibilities are. Don Schaffer explained that this was a hearing and they collect information to make a recommendation to the Village Board based on the information they receive.

Jake Adkins, owner of the Germantown Grille asked why this ordinance is being proposed and why this needs to be done? He stated he is not sure he could go back to a bank within the next 3 years and if he doesn't he will be fined until he goes bankrupt. He is against this ordinance completely. Jake noted they put the rock down this year and the big issue is the flooding. He already has drainage issues and more concrete is going to make it worse. The financial impact will be a detriment to his business. Jake asked why Germantown needs to do this.

Denny Couri, Peoria, Illinois was sworn in.

Denny Couri asked how much this was going to cost the Village to come into compliance and if the Village was prepared to handle the drainage.

Rich Brecklin, Dunlap, Illinois, and Mike Hinrichsen, 601 Mayfair Court, Germantown Hills, IL were sworn in.

Rich Brecklin stated he is not sure of the cost but the properties owned by the Village that are within the corporate limits include: Village Hall/maintenance building, WWTP #1 and roadway, Community Center, and Oak Grove Park. Rich explained the Village Hall parking lot is a A-2 chip & seal that was put down on September 11, 2001. He noted most of the roads in the Village have a chip & seal on them. As long as the area has a good solid base an A-2 chip & seal will hold tight as a good hard surface. Rich explained other hard surfaces that could be used.

Rich Brecklin stated he did a measurement and a rough estimate on what it would cost Kouris to do an asphalt surface vs. a chip & seal. He estimated asphalt at approximately \$125,000 and a chip & seal at \$20-25,0000. The drainage issues would need to be addressed too. The Grille would have less prep work than Kouri's since they just put the gravel in and people have been driving on it to compact it. He noted it is going to cost the village much more than the private businesses since the village will have to go through the bidding process and pay prevailing wages.

Dan Mair asked for the answer of Jake's question as to the why this is being proposed. Ann Sasso explained how the proposed Ordinance change has come up. Years ago, the Planning Commission had made a recommendation for an ordinance to require commercial properties to have a hard surface on their parking lots. Jim O'Laughlin had been on the Planning Commission years ago when the recommendation was made and the issue resurfaced when the Grille put down the gravel parking lot.

Ron Schneider noted you are going to run businesses out of town if they can't afford to do this but if people don't want to go to a business because they have a gravel lot then people won't go to the establishment anyway.

Ann Sasso noted she feels the reason it came up is that most communities have a hard surface ordinance and it came up again at board level that there was a recommendation from Planning Commission from years ago to look at a vehicular surface ordinance.

Jake Adkins noted he doesn't have the money to put in concrete and the Village doesn't have money to put in sidewalks, curbs and gutters. He questioned why he would be forced to do this.

Don Schaffer asked if Rich has an idea of how much it is going to cost the Village to do all of their properties. Rich stated he does not. Rich noted all of ours are currently chip & seal so the financial impact would be if we were required to make it asphalt or concrete.

Mike Hinrichsen noted at the Planning Commission meeting the input from the members was that the chip & seal was not of a professional appearance for the community. The Planning Commission was aware that they were going to pass the recommendation to the ZBA and the ZBA would pass it to the Village Board. Ann Sasso noted at the June meeting the Planning Commission had discussed with Rich Brecklin and the engineer that a chip & seal surface would be acceptable. They were not in attendance last night to share their views on the chip & seal surface so we didn't have that professional opinion on acceptable surfaces. Rich noted it is not a preferred surface but it is a reasonable method for the small businesses. Planning Commission had recommended eliminating any other types of surface other than concrete, asphalt and pavers.

Jake Adkins questioned if the chip & seal is even reasonable when he just took out a massive loan. He is not sure he could get the bank to give him more loans. Then if he doesn't do the upgrade he is fined until he is driven out of town and lose everything that he has done.

Don Schaffer asked if the Planning Commission discussed the base at all. Ann Sasso noted they did not. Don noted that would be a bigger concern to make sure there is enough base because if you don't it will deteriorate rather quickly.

Rich noted you have to have the right base on all of these surfaces no matter what you put on top.

Denny Couri noted the concern of all of the water with a heavy rain.

Dan Kouri shared that Kouri's has always done what the village has asked them to do over the years. They shielded their lights when the ordinance was changed and they built a wall for the outdoor patio area as required. He noted three years ago he did get

an estimate for asphalt for the parking lot and it was \$125,000. He stated this was too much for them but he also felt the Village would need to fix the drainage.

Jake Adkins asked who is responsible for the drainage. Rich Brecklin noted the Village now has an ordinance that requires the businesses to put in their own drainage. Years ago, we didn't but the property owners would still be required to handle their own drainage.

Randy Nash mentioned the option of grandfathering the existing businesses.

Dan Mair stated if this is for aesthetics we don't want to do something to the detriment to two of our successful businesses and the huge impact it would have on the village.

Denny Couri asked whose responsibility it is for the drainage.

Rich Brecklin stated the village wouldn't be responsible. The lots should have had detention areas and are responsible for their own drainage. CEFCU and Casey's both had to engineer their drainage plans and have them approved by the Village. The drainage has to be managed on the individual properties.

Mike Hinrichsen stated he felt this was good dialogue. The proposed ordinance does give businesses 3 years to plan with chip & seal being the most cost effective. The problem is this doesn't solve the drainage problems. He feels the chip & seal option needs to be retained.

Randy Nash agreed the chip & seal needs to be put back in to the ordinance as an alternative. Randy Nash noted the need to put more thought into the drainage aspect and this ordinance is not ready to be recommended for approval.

Ron Schneider asked about the possibility of a French drain. Rich noted the problem is the soil in Germantown Hills and a lot of the ditches are full of utilities.

Jake Adkins noted he still wants to know who is responsible for the drainage when he won't be able to control it.

Dan Mair recommended a grandfather clause, add chip and seal back in and give more thought on the impact of the drainage.

Randy Nash noted more conversations are needed and questioned why someone from the Planning Commission wasn't in attendance and why they wouldn't have had more conversations with the business owners ahead of time.

A motion was made by Randy Nash to recommend to the Village Board on the proposed amendments to the Village of Germantown Hills Code regarding zoning regulations concerning vehicular surface requirements with the addition of a grandfathering clause, add chip & seal or other hard type of surfaces back in, and give

more thought on the impact on drainage. The motion was seconded by Dan Mair.
Motion passed #1.

The business owners asked if they needed to be at the meeting on Thursday. Ann Sasso noted they are welcome to attend but it would appear there are going to be a number of items the board would have to address before any type of action.

Minutes Approval-July 11, 2017-A motion was made by Dan Mair to approve the July 11, 2017 Zoning Board of Appeals minutes. The motion was seconded by Tom Emlen.
Motion passed #2.

A motion was made by Dan Mair to adjourn the meeting at 6:59 p.m. The motion was seconded by Don Schaffer. **Motion passed #3.**

Ann Sasso, Village Clerk