

MINUTES OF THE OTTAWA PLAN COMMISSION MEETING February 24, 2020

Chairman Brent Barron called the meeting to order at 7:00 PM in the Ottawa City Council Chambers.

ROLL CALL - Present: Barron, McConville, Burns, Mangold, Reagan, Sesto. Absent: Etscheid, Volker, Stone. Others: City Planner Doug Carroll of Carroll Planning, LLC, City Attorney Megan Cantlin of Cantlin Law Firm.

MINUTES OF PREVIOUS MEETING: Carroll stated he is still working on the January minutes. Regarding the November minutes, Reagan explained the edits and the tracking portion of her comments to the edits were not addressed. Reagan was looking for clarification on the lateral canal property and what transpired. She suggested Cantlin look at the last paragraph and respond to her comments.

Barron asked if there was any objection to tabling approval of the November minutes until March. Hearing none the November minutes were continued until March.

OLD BUSINESS

- 1. Continuation of a public hearing for a citywide text amendment of Chapter 118 (Zoning) of the Ottawa Municipal Code to provide for the regulation of adult use cannabis business establishments in certain zoning districts.*

Chairman Barron opened the public hearing. Barron noted the extensive discussion at the last meeting of the distances in the different zoning classifications. Planner Carroll highlighted the changes made at the last meeting:

1. Section 6.1, the distance was changed from 500' to 1500'
2. Section 4, Article (a), no dispensaries in C-2, C-4, C-5, C-6 and added adult use cultivation as a conditional use to D.

Carroll noted the main discussion points at the January meeting were the distance requirements and whether or not to allow dispensaries in C-4 and C-5.

Commissioner Burns asked Carroll to highlight on the zoning map the locations of zoning classifications, C-2, C-3, C-4, C-5, and C-6.

Burns clarified that in the draft ordinance no adult use cannabis businesses are allowed. Carroll stated that was correct. Burns asked for clarification on what constitutes the downtown. Barron explained it was generally between both rivers, the canal to the north, and the train tracks to the west.

Barron noted he is struggling with the 1500 foot distance requirement. He explained there is also a restriction on distance from residential uses. Barron explained the State statute requires a 1500

foot buffer between adult use cannabis businesses. Attorney Cantlin noted this distance requirement does not pertain to dispensaries only to the other cannabis businesses. She clarified she was incorrect, dispensaries do require a 1500 foot distance requirement. The other cannabis related businesses do not require the 1500 foot distance.

McConville asked if a dispensary was by a church and the church had a school, how would that work. Carroll explained it had to be a licensed school. Reagan noted the draft ordinance doesn't include the word "licensed". Carroll explained the map showing distance requirements was drawn with a buffer around licensed schools.

Reagan addressed the first page starting with "Intent and purpose", it should state "which was signed into law on June 25, 2019 and became effective 1/1/2020". She also explained she didn't see the purpose in excluding learning centers and vocational trade centers. McConville asked for the rationale. Reagan didn't see the difference between those centers and schools. Barron suggested removing the word "not" to include learning centers and trade centers. Barron asked plan commission members what they thought about removing the word "not". Most agreed with it. Barron instructed Carroll to remove "not".

Barron made the motion to recommend approval of the draft ordinance with the amendments as discussed. Seconded by Reagan.

Carroll went over the changes from the meeting:

1. Paragraph 1, insert "which was signed into law on June 25, 2019 and became effective 1/1/20"
2. Remove the word "not" from the sentence, "Learning centers and vocational trade centers shall not be classified as a public or private school for the purposes of this Section." This pertains to all instances.
3. No cannabis related businesses in C-1, C-2, C-4, C-5. (none of the drafts allowed them in C-6)
4. Dispensaries are a conditional use in C-3.
5. In D and E, all adult use cannabis businesses are allowed as a conditional use.

Ayes: Barron, Reagan, Burns, McConville, Sesto, Mangold.

Nays: none

Motion carried.

NEW BUSINESS

1. *Public hearing to consider a conditional use permit for an amendment to a Planned Unit Development (PUD), rezoning from E (Industrial) to C-3 (Special Business), and approval of a preliminary plat for property located at 1901-1919 N 2753rd Rd., Ottawa, IL 61350.*

Chairman Barron opened the public hearing. Tom Heimsoth, applicant and developer of Heritage Harbor, explained the location of the project. He stated this is a new concept called an

agri-hood. He explained this community will be about gardening, hanging out with neighbors and will be an age targeted community. He stated it will be ranch homes with maybe 4 duplexes. Square footages will range from 1200-1300 square feet to about 1800 square feet. Heimsoth speculated 30% of buyers will be local with 70% from out of town.

Kevin Donovan of Heritage Harbor presented home layouts. Donovan went over the price points with some townhomes starting at \$200,000 and single family homes having a base price less than \$300,000. Donovan explained different lot sizes. He said it sets up for a 2-3 bedroom ranch with a detached garage. He noted all the houses will face a park with an orchard. The southeast part of the project will have an area for gardens, an amenity building, and a place for hammocks and kids to hang out. Also included will be bocce ball and pickle ball courts.

Barron asked Heimsoth what kind of screening will be in place along the western edge of the property. Heimsoth replied the strip of land on the western edge may become larger to offer more of a buffer.

Barron asked if other homeowners in Heritage Harbor could use the amenities. Heimsoth replied they could.

Wayne Daugherty owns the house adjacent to the development. He said when it rains he gets 5-7 inches of water in the back of his property near the berms built by Heritage Harbor. He wondered how this will affect his property drainage. He also expressed concern with the dog park adjacent to his property and the lack of park hours.

Heimsoth explained he would be happy to try to do something for his drainage issue. He speculated the water issue would be resolved when this project is built as engineering will address the issue.

Daugherty expressed more concern with the lack of regulation for the dog park. Heimsoth said he will put up a sign at minimum to address hours of operation. Daugherty explained people are sitting on transformers within the dog park and he is worried about safety.

Reagan made the motion to concur with the findings of fact and recommend approval of the conditional use for an amendment to the PUD. Seconded by Mangold. Ayes: Barron, Reagan, Burns, McConville, Sesto, Mangold.

Nayes: none

Motion carried.

Burns made the motion to concur with the findings of fact and recommend rezoning from E (Industrial) to C-3 (Special Business). Seconded by McConville. Ayes: Barron, Reagan, Burns, McConville, Sesto, Mangold.

Nayes: none

Motion carried.

Burns made the motion to recommend approval of the preliminary plat for the Farmscape at Heritage Harbor. Seconded by Reagan. Ayes: Barron, Reagan, Burns, McConville, Sesto, Mangold.

Nayes: none

Motion carried.

2. *Public hearing to consider a rezoning request from Rural (Rural) to D (Commercial/Light Industrial) for property located at 1780 North 275th Road, Ottawa, IL 61350.*

Chairman Barron opened the public hearing. Barron stated he is recusing himself because his attorney represents the petitioner.

Carroll explained this is the old Kammerer property. They plan on using one of the existing buildings to work on their own personal vehicles, another building may be used for an antique store, lastly the petitioner may build a storage building on the property in the future. Carroll referenced a letter from Bob Eschbach, petitioner's attorney. Carroll explained the zoning in the area. He noted the comprehensive plan calls for this area could be an environmentally friendly business park.

Burns asked if there was any discussion for this property to be C-3. She noted with the improvement of Canal Rd if it makes more sense for this area to be commercial rather than industrial.

Diana Heiss, owner of the adjoining property, wondered why it couldn't be zoned C-2.

Burns expressed concern with the other allowed uses in D. She explained she didn't necessarily have a concern with the proposed uses by the applicant.

Reagan expressed concern over the applicant's absence. She moved to table the hearing until the March plan commission meeting. Seconded by McConville.

Jim Feely, 900 block of Pearl Street, explained he has no problem with the proposed uses. He does have concern with the possibility of other industrial uses should the current owner sell.

Barron called for a vote.

Ayes: Barron, Reagan, Burns, McConville, Sesto, Mangold.

Nays: none

Motion carried.

3. *Public hearing to consider a conditional use permit for a junk yard in E (Industrial) for property located at 950 W. Marquette Street, Ottawa, IL 61350.*

Barron opened the public hearing.

Mike Affarano, applicant, explained this is the perfect site for him. Affarano explained his operation.

Barron asked where the applicant operated previously. Affarano explained he was located at Grand and Cicero in Chicago. He was bought out by Walmart.

Barron asked if the public will pick parts from junked cars or will it be full service. Affarano explained it will be full service.

Barron asked about hours of operation. Affarano said 9-5 on Monday through Friday and 9-1 on Saturday.

Burns asked what the perimeter of the site will look like. Affarano explained he will fence the entire perimeter.

Burns asked what the inside of the yard will look like. Affarano said he strictly does cars and will resemble a parking lot. He explained he does not stack cars because it will damage parts.

Barron asked about a shredder. Affarano said a shredder will come on site periodically.

McConville questioned how many cars will be on site. Affarano said he will have about 1,500 cars on site.

Burns asked if the petitioner will use the existing buildings. Affarano said he will. Burns asked about semi trucks. Affarano said as cars get picked apart they get sent out and semis would come every few months to pick them up. Affarano said cars arrive via tow truck. Affarano further stated any car staying in the yard is drained of all fluids for safety purposes.

Burns asked about lighting. Affarano said there will be motion detectors on all three buildings.

Barron questioned whether there will be any new buildings. Affarano said there will not. He noted he could place sea containers on site to use as storage with shelves on the inside.

Barron asked about tires. Affarano said tires are taken by a licensed hauler.

David Pryzbila noted surrounding recyclers and said there is not enough room for another recycler. Affarano explained the other recyclers don't do what he does, the other places are strictly recyclers.

Dan Aussem asked if the fence would be one solid color. Affarano expressed it would.

Barron asked if the EPA is requiring the petitioner to collect runoff to keep it from discharging into the storm sewer. Affarano replied that no they are not, however, he uses absorbent pads to collect oil and gasoline before it gets to the storm sewer.

Diana Heiss asked who owns the property. Affarano said he is trying to purchase the property from the Maddens (current property owner).

Carroll stated there was a call into City Hall by a Brent Seibert who lives on Marquette Street and he is against the proposed use.

Anthony Provanzano, owner of the junkyard across the street, asked the applicant if he is buying the property across the street. He is not.

Cheryl Madden, daughter of property owner, expressed frustration because her family cleaned the property up and feels they are being punished for other junkyards not following rules.

Barron asked how can we make sure this property owner follows the rules and abides by putting up the fence. Carroll noted we can revoke the conditional use permit. Affarano said he is ok with a timeline for putting up the fence.

Reagan made the motion to recommend approval of a conditional use for a junkyard at 950 W. Marquette Street subject to the findings of fact and the following stipulations:

1. Construction of a fence around the perimeter of the site with 100% opacity and a height necessary to conceal the facility from adjacent properties.
2. Parking ban on vehicles outside of the fenced property boundaries and specifically not in City ROW.
3. Applicant meets all State and Federal guidelines for the operation of a junkyard.

Seconded by Mangold.

McConville asked if we could put a time period on the fence construction. Carroll responded we could. Reagan said construction of the fence should begin on Marquette Street. A 2 year time limit was agreed to.

Reagan amended her motion to add the fence had to be constructed within 2 years and begin on Marquette Street.

Seconded by Mangold.

Ayes: Barron, Reagan, Burns, McConville, Sesto, Mangold.

Nays: none

Motion carried.

DISCUSSION

Deed Restriction

Barron noted the need for discussion because of the confusion over the difference between the deed restriction on the feeder canal by the proposed Morris Hospital and the one on Woodward Memorial. Carroll explained the feeder canal deed restriction by the proposed Morris Hospital didn't have the public use restriction. Reagan asked if the deed restriction by the proposed Morris Hospital could be used as a precedent for other deed restrictions. Dan Aussem explained the City is working on lifting the deed restrictions for areas by the Ottawa Boat Club, Woodward Memorial, and areas south of the Jordan Block. He stated Bob Eschbach has written a letter to the City that he would donate his time to try to get the restrictions lifted. Aussem noted the City did not want to do it piecemeal but do all the properties at once. Aussem said City Attorney Keith Leigh is of the opinion the language used to say the restrictions couldn't be lifted was a typo. Aussem noted the City will take Bob Eschbach's offer but made no guarantee it will be able to be lifted. Reagan noted there was a similar issue in the past with Canal Road and it took help from the federal government to lift the restriction. Several simultaneous discussions ensued regarding different properties near Woodward Memorial and the history of the restrictions.

Barron welcomed Pete Mangold to the Plan Commission.

Being no further business, Barron adjourned the meeting at 9:22 PM.

Respectfully submitted,
Douglas Carroll, AICP
Carroll Planning, LLC