

MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON APRIL 18, 2019

The meeting was called to order by Chairman Ken Hartman at 7:30 PM.

Roll call was taken: **Present: Goessling, Hagenow, Boothman, Loerch, Gibbs and Hartman.**

Chairman Hartman asked if there were any additions or corrections to the minutes of the February 21, 2019 meeting. A motion was made by Goessling and seconded by Hagenow to approve the minutes of the February 21, 2019 meeting as presented. Motion carried.

The Chairman asked if there were any citizens to address the Zoning Board of Appeals. There were none.

The Chairman also asked if there were any corrections or deletions to the agenda. There were none.

OLD BUSINESS:

The Chairman asked if there was any old business. There was none.

PETITIONS:

Z-19-04-01 Review and Comment on a proposed Zoning Text Amendment to Section 40-2-3(B) of the Zoning Code of the City of Waterloo, IL regarding the addition of “Car Wash” to the B-3 Central Business District, Special Use Permit Required list.

Mr. Allen Jacob, attorney for Mr. Mike Kostelac, was present to speak on behalf of this petition. Mr. Jacob stated that it was more effective to add “car wash” as a special use permit in a B-3 Central Business District than zone the lots to a B-2 General Business District, especially in light of the fact that there was already a car wash in a B-3 Central Business District operating as a “non-conforming” use. It was mentioned that “automobile service stations” were listed as a special use permit in a B-3 Central Business District and this would be a similar automotive facility. The Zoning Administrator pointed out that approval for this petition would allow car washes in all B-3 Central Business Districts within the City of Waterloo.

Motion was made by Gibbs and seconded by Boothman to recommend approval on proposed Zoning Text Amendment to Section 40-2-3(B) of the Zoning Code of the City of Waterloo, IL regarding the addition of “Car Wash” to the B-3 Central Business District, Special Use Permit Required list.

Members voted as follows: YES – Goessling, Hagenow, Boothman, Loerch, Gibbs and Hartman.

Z-19-04-02 Review and Comment on a Petition by Mike Kostelac for a Special Use Permit for the construction and operation of a Car Wash to be located on Lot #6 and #7 (Improvement Plans) of Waterloo Commons (Schnucks Development)(Part of Parcel #07-24-2656-099-000).

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic Times on April 3, 2019, and the postal notification receipts have been received. Mr. Allen Jacob, attorney for Mr. Mike Kostelac, was present to speak on behalf of this petition. The petition was filed by Mr. Mike Kostelac who is requesting a Special Use Permit to construct a car wash on Lot 6 and Lot 7 of Waterloo Commons (Schnucks Development). This Special Use Permit is contingent on the approval of Petition Z-19-04-01 by the Waterloo Board of Appeals and the Waterloo City Council. Mr. Jacob stated that the site plans meet all the requirements of the Zoning Code. Mr. Jacob added that this request conformed to the City of Waterloo's Comprehensive and Economic Development plans. Mr. Jacob also mentioned that a proactive approach had been taken to review the following topics: noise, lighting, environmental issues and traffic. Noise levels have been tested with the decibel levels measured at 34 DPS. That according to Mr. Jacob is equivalent to a quiet night in the desert. The vacuum systems are housed within the building so outside vacuum noise should be minimal. The lighting will not breach beyond the property line, and headlights from the cars will not affect residential properties as fences or landscaping will be installed. Only biodegradable and environmentally safe products will be used, and a three based system will be use to separate solids, waste and chemicals. MSDS sheets will be provided if necessary. Lastly, they are working with a private consulting firm and IDOT to make sure traffic is not obstructive or disruptive. The building will have the appearance of a bank.

Motion was made by Gibbs and seconded by Goessling to recommend approval on Petition by Mike Kostelac for a Special Use Permit for the construction and operation of a Car Wash to be located on Lot #6 and 7 (Improvement Plans) of Waterloo Commons (Schnucks Development)(Part of Parcel #07-24-2656-099-000).

Members voted as follows: YES – Goessling, Hagenow, Boothman, Loerch, Gibbs and Hartman.

Z-19-04-03 Review and Comment on a proposed Zoning Text Amendment to Section 40-10-1 of the Zoning Code of the City of Waterloo, IL regarding the continuation of crops as a non-conforming use in a business zoned district.

The Zoning Administrator commented that the public notice for this petition was published in the Waterloo Republic Times on April 3, 2019. The petition was filed by the City of Waterloo in response to an objection by Mr. Floyd Engel, owner of Pound 4 Pound Fitness. The adjoining property to Mr. Engel's business was recently sold by Ms. Susan Ward to Mr. Jay Heutsch and is zoned as B3 Central Business District. Ms. Ward planted crops on the property during her ownership of the property as a continuing non-conforming agricultural use. Ms. Ward also had a "gentleman's agreement" with the City of Waterloo to only plant low lying crops on the property. Mr. Heutsch, owner and manager of the land, plans on planting corn in a regular rotation to order to keep this soil more viable. Mr. Heutsch mentioned that he tried to made several concessions to Mr. Engel including renting the property or renting even a portion of the

property. The proposed amendment would prohibit the planting of corn in all developed business subdivisions. However, as the City looked into this issue more, it was determined that this was in direct violation of several state laws. Since the notifications on this petition were sent, and the public notice for this petition was published, it was determined to move this issue forward through the boards. One of the state statutes prohibits placing restrictions on agricultural use. Another statute stated that a non-conforming property use transfers from owner to owner. Mr. Heutsch stated it is proper stewardship of the land to have corn planted here to adhere to the typical agricultural rotation of land for the reduction of the soil erosion and recycling of micronutrients back to the soil. Mr. Jay Heutsch also stated that “you” (in general terms) cannot take away a non-conforming use because you are taking away a property right. Mr. Heutsch added that he could put in trees, a berm, a building, tractor trailer or numerous other things that could affect the sight line to Mr. Engel’s business.

Motion was made by Gibbs and seconded by Hagenow to “opposed” a Zoning Text Amendment to Section 40-10-1 of the Zoning Code of the City of Waterloo, IL regarding the continuation of crops as a non-conforming use in a business zoned district.

**Members voted as follows: YES – Goessling, Hagenow, Boothman, Loerch and Gibbs.
ABSTAIN - Hartman**

Motion carried.

NEW BUSINESS:

The Chairman asked if there was any old business. There was none.

COMMENTS:

The Chairman asked if there was any comments. There was none.

**Motion to adjourn the meeting at 8:10 PM was made by Loerch and seconded by Hagenow.
Motion carried.**

Minutes respectfully submitted by Mechelle Childers.