

Marseilles Plan Commission Meeting Minutes
September 25, 2019

Members in attendance:

1. Glen Combs
2. Don Weber
3. Brad Miller
4. Bob Hauge
5. Jackie Hanlon
6. Brad Cresto

Members absent:

1. Karen Stillwell

Other City Officials:

1. City Atty Richard Burton and associate attorney Morgan Strow
2. Mayor Jim Hollenbeck

The meeting was called to order by Chairman Glen Combs at 6:00 P.M. Glen Combs led all present in the pledge to the flag.

Brad Cresto motioned to approve the minutes of June 6, 2019. A second was made by Don Weber and the minutes were approved by unanimous oral vote.

Pursuant to the newspaper published notice and posted agenda, Glen Combs called for consideration the annexation agreement with Walbridge Creek Estates. Glen commented that he was a member of the Plan Commission when the annexation agreement was first considered but many years had passed and his recollection of details had faded. Mayor Hollenbeck and Attorney Burton commented that the annexation of Walbridge Creek Estates was pursuant to an Annexation Agreement, copies of which were passed out to those present. Attorney Burton advised that he had recorded the agreement in 2018 as part of his directions from the City Council to investigate why owners of Walbridge Creek Estates were not receiving property tax bills from the City of Marseilles despite the fact that many years ago annexation documents and a plat of annexation were recorded with LaSalle County Officials. The LaSalle County Clerk's office had notes of the annexation document being recorded but work was not undertaken to place the parcels of land in Walbridge Creek Estates on the tax roles for Marseilles. LaSalle County Officials asked Attorney Burton to re-record documents, and County Officials commenced work to start to assess parcels of ground in Walbridge Creek Estate with City Taxes. This year in 2019, the first tax bills were issued to owners of land in Walbridge Creek Estates.

Following issuance of tax bills, a number of owners complained that they purchased their properties not knowing they were in the Marseilles city limits. Two such owners were present and confirmed that they did not know they were in the City when they purchased their property.

Former Rutland Township Highway Commissioner Russell Boe was present, and he stated that despite the annexation that Rutland Township Road District continued to maintain the roads in Walbridge Creek Estates. Road jurisdiction should have changed to the City of Maresilles. Russell Boe also commented that although he had recollection of there being an annexation agreement, he questioned if proper annexation notices had been sent to Township and Library District Officials. Attorney Burton commented that the prior City Attorney had undertaken much of the annexation work for Walbridge Creek Estates and that he was not personally familiar with the mailing of notices. Attorney Burton commented, however, that the one year statute of limitations to question an annexation had long since passed. Mayor Hollenbeck and Attorney Burton advised that the City had met with owners of land at Walbridge Creek Estates discussing possible terms of an amendment to the Annexation Agreement. The purpose of the hearing today was to receive public comments on the negotiated Amendment to the Annexation Agreement.

Attorney Burton commented that one of the proposed amendments was on page 3 in Section 6 WATER/SEWER CONNECTION. Each existing owner of a developer sold lot would be entitled to one connection to water and sewer lines when available without payment of a connection fee. Attorney Burton advised that a similar waiver of a connection fee was typical for other annexation agreements for properties north of the traditional City Limits towards the Morris Blacktop. Attorney Burton also advised that an amendment was proposed on Page 4 in Section 8 City Tax Rebate. Pursuant to the proposed amendment, 50% of City tax would be refunded to existing owners until such time as water and sewer was available to serve property owners. The annexation agreement if amended would be re-recorded and any further consents to annexation would also be recorded.

No members of the public made any objection to the proposed amendment to the Annexation Agreement. Robert Vickery, the successor developer and owner of the majority of the lots at Walbridge Creek Estates, was not present at the hearing. Russell Boe advised that he had not received any comments from Robert Vickery about the proposed Annexation Agreement Amendment as Robert was out of town. Attorney Burton advised that he had attempted to discuss the proposed Annexation Agreement Amendment with an attorney for Robert Vickery without success. No final action was taken by the Plan Commission on the proposed Annexation Agreement Amendment pending attempts of Russell Boe and Attorney Burton to receive comments from Robert Vickery or his attorney.

The Plan Commission next considered a zoning text amendment relevant to variances in Subsection G in Section XII Administration and Enforcement of the MARSEILLES ZONING ORDINANCE. This zoning text amendment is part of work of the Plan Commission to update the current MARSEILLES ZONING ORDINANCE. Attorney Burton passed out copies of the proposed amendment and reviewed such. Significant changes included:

- new language is added as to need of a landowner to complete an application for a variance and pay required fees,
- new language is added advising that conditions and restrictions could be incorporated into a grant of variances, and,

- new language is added for review of variances and possible termination of such.

Chairperson Glen Combs proposed a further amendment that any reference to the “Zoning Board” be changed to “Zoning Board of Appeals.” Following discussion of all of the proposed changes, Don Weber made a motion that the Plan Commission recommend to the City Council that the proposed zoning text amendment relevant to variances in Subsection G in Section XII Administration and Enforcement of the MARSEILLES ZONING ORDINANCE be approved. Bob Hauge made a second to the motion which was approved by unanimous oral vote.

The Plan Commission next considered a zoning text amendment relevant to conditional uses in Subsection J in Section XII Administration and Enforcement of the MARSEILLES ZONING ORDINANCE. This zoning text amendment is also part of work of the Plan Commission to update the current MARSEILLES ZONING ORDINANCE. Attorney Burton passed out copies of the proposed amendment and reviewed such. Significant changes included:

- new language is added as to need of a landowner to complete an application for a variance and pay required fees,
- new language is added as to factors for the Plan Commission to consider when considering a conditional use.
- new language is added advising that conditions and restrictions could be incorporated into a grant of a conditional use, and,
- new language is added for review of conditional uses and possible termination of such.

Following discussion of the changes, Brad Cresto made a motion that the Plan Commission recommend to the City Council that the proposed zoning text amendment relevant to conditional uses in Subsection J in Section XII Administration and Enforcement of the MARSEILLES ZONING ORDINANCE be approved. Bob Hauge made a second to the motion which was approved by unanimous oral vote.

The Plan Commission next considered a zoning text amendment creating a new SECTION XI-C– CANNABIS BUSINESS ESTABLISHMENTS to the MARSEILLES ZONING ORDINANCE along with proposed amendments to various zoning districts creating conditional uses for various CANNABIS BUSINESS ESTABLISHMENTS. Attorney Burton provided some background on the CANNABIS REGULATION AND TAX ACT as did Attorney Strow and Mayor Hollenbeck. Attorney Burton advised that much of new SECTION XI-C– CANNABIS BUSINESS ESTABLISHMENTS is modeled off of the Illinois Municipal League model cannabis ordinance but there are additional local control issues not found in the Illinois Municipal League model ordinance including provisions for local cannabis business establishments to obtain a local license through the application to be filed with the Clerk and Police Department. Attorney Burton reviewed with the Plan Commission the various cannabis business establishments found both in the CANNABIS REGULATION AND TAX ACT and the proposed new SECTION XI-C– CANNABIS BUSINESS ESTABLISHMENTS of the MARSEILLES ZONING ORDINANCE. All cannabis business establishments would be approved as a conditional use. Special consideration factors for a conditional use are identified

in the proposed amendment and conditions and restrictions could be incorporated into the terms of a conditional use.

Discussion took place as to where various cannabis business establishments would be allowed as a conditional use. The following is the result of such discussions:

- Cannabis Craft Grower business would be a conditional use in the A2 General Agricultural District.
- Cannabis Cultivation Center would be a conditional use in the A2 General Agricultural District.
- Cannabis Dispensing Organization would be a conditional use in the Downtown Business District.
- Cannabis Infuser Organization would be a conditional use in the M-2 Intensive Manufacturing District.
- Cannabis Processing Organization would be a conditional use in the M-2 Intensive Manufacturing District.
- Cannabis Transporting Organization would be a conditional use in the M-2 Intensive Manufacturing District.

At about 7:30 P.M., Chairman Glen Combs made a motion that the Plan Commission recess until October 23 at 6:00 P.M. for further consideration of the proposed amendment to the annexation agreement with Walbridge Creek Estates and for further consideration of the zoning text amendments as to Cannabis Business Establishment. A second to the motion was made by Don Weber and approved by unanimous oral vote.