

## MINUTES OF THE CITY OF PONTIAC PLANNING & ZONING BOARD

The City of Pontiac Planning and Zoning Board held a meeting on Monday, January 28, 2019 at 4:30 p.m. in the City Hall Council Chambers to consider the following:

Marc Largent, petitioner, requests a Special Use Permit, allowing him to have a drive through window upon his building at 1041 "A" W. Reynolds St., Pontiac, IL. Pontiac Zoning Ordinance Table 4.04.1 requires a Special Use Permit for a drive through window in a B-3 Zoning District. The legal description is as follows: Part of the East half of the Southeast Quarter of Section 21, Township 28 North, Range 5 East of the Third Principal Meridian, Livingston County, Illinois, described as follows: Beginning at the intersection of the West line of said East Half of the Southeast Quarter of Section 21 and the North right of way line of Illinois Routh 116 (Reynolds Street), said point of intersection being North 00 degrees 15 minutes 37 seconds West (assumed bearing) a distance 92.36 feet from the Southwest corner of said East Half of the Southeast Quarter of Section 21; thence North 00 degrees, 15 minutes 37 seconds West on and along said West line a distance of 1022.74 feet; thence South 89 degrees 58 minutes 51 seconds East a distance of 280.00 feet to the East line of the West 15 acres of said East Half of the Southeast Quarter of Section 21; thence South 00 Degrees 15 minutes 37 seconds East on and along last named line a distance of 782.74 feet to the Northeast corner of Lot 1 of WILLIAM PAUL'S FIRST ADDITION TO PONTIAC, as recorded in Doc. No. 635720 in the Livingston County Recorder's Office; thence North 89 degrees 58 minutes 51 seconds West on and along the North line of said Lot 1, a distance of 143.67 feet to the North west corner of said Lot 1; thence South 00 degrees 00 minutes 00 seconds East on and along the West line of said Lot 1, a distance of 240.00 feet to said North right of way line of Illinois Route 116; thence North 89 degrees 58 minutes 46 seconds West on and along last named line a distance of 135.25 feet to the Point of Beginning, containing 5.78 acres, more or less.

Note: This is a re-recording of a Subdivision Final Plat previously recorded on September 20, 2018 as Document No. 2018R-03718.

Petitioners Thomas Ewing and Jeffery Barth are requesting to Amend the final plat of lots 56 & 57 of Gardner-Ewing 2nd Addition to Fairway View Subdivision: 1 - Removing the Utility easements from the common property line between the two lots. 2 - Reducing the 30 ft., 214 ft., southwest side yard setback line to 12 ft. The Legal description is as follows: Lot 56 Gardner/Ewing 2nd Addition Fairway View Subdivision and Lot 57 Gardner/Ewing 2nd Addition Fairway View Subdivision.

The following members were present: Rick Baier, Bill Cole, Paul Giordano, Tim Lewis, and Pat Martin. Bill Abraham and Matt stock were absent. Also present were Dave Lopeman from the Building office, City Administrator Bob Karls, City Engineer Brian Verdun, and Alan Schrock, City Attorney. With a quorum being present, the meeting began at 4:30 p.m.

Pat Martin made a motion to approve the minutes from the December 10, 2018 meeting

and with a second by Tim Lewis and with a unanimous vote, the minutes were approved. City Administrator Bob Karls told the Board that petitioner Marc Largent was unable to show and asked the Board to consider tabling the meeting. City Attorney Alan Schrock reviewed the code and explained that this particular Drive Thru meets all code requirements. Paul Giordano then opened to the public.

Sharon Roberts, a member of the audience, expressed concern that Jimmy John's will be noisy and that headlights from vehicles will flash into the condominiums. She was also concerned about vehicles driving in and out of Elk's Club Road. Another member of the public expressed concern over a berm to block out lighting as well as safety of vehicles going in and out of driveway. Alan Schrock mentioned an easement which allows vehicles to cross Baby Bull's and Big R parking lot to avoid driving onto Reynolds Street. This easement is already in place at this time. Another member of the audience then expressed his concern over this property being used for a park for the condominiums. Alan Schrock reminded the public and the Board that the meeting was about the drive thru and that the building had already been approved. Another member of the audience asked why there was never discussion of a drive thru in past meetings and Alan Schrock pointed out that a drive thru has been discussed in the site plans which was discussed in past meetings. Members of the audience then had an open discussion about headlights being directed towards the condominiums, a berm being placed to block headlights, noises coming from Jimmy John's, and vehicles being on Elk's Club Drive. Alan Schrock then asked the Board again if they would like to table this meeting so that the petitioner can help answer questions and Paul Giordano stated that if the public has unanswered questions, then yes. Mark Lewis mentioned that all the criteria is already being met. Terry McCoy then asked the Board about dimensions of building to which Alan Schrock showed him the site plans. Bill Cole and Bob Karls mentioned that the petitioner is not in charge of the building itself. Terry McCoy stated that the Board should listen to the residents' concerns regarding a berm and blocking out headlights. Paul Giordano agreed and then asked the Board what could be done, to which Alan Schrock mentioned that putting greenery between buildings would take too long and then mentioned a fence. Alan stated that the City Engineer Brian Verdun and Building Inspector Dave Lopeman need to look at location and length of fencing. Tim Lewis made a motion to approve a Special Use Permit contingent upon fencing along the West and North side to block headlights and points to be determined by city. With a second from Pat Martin, the motion passed unanimously.

Alan Schrock welcomed Jeff Barth and his attorney Nick Ehrgott. Nick Ehrgott stood before the Board and explained to members the desires to reduce setback of 30 feet next to Elks Club property to 12 feet. He also desires to eliminate utility easements between Lots 56 and 57. With no objections, Bill Cole made a motion to recommend approval of the setback requirement on the Elk's Club side and removal of public utility easements, that to be contingent upon all utilities signing off on need for this easement. With a second from Pat Martin and without any further discussion, this motion passed unanimously.

Tim Lewis made a motion to adjourn the meeting and with a second by Bill Cole and a

unanimous yes vote, the meeting adjourned at 5:20 p.m.

Minutes written and submitted by,

Brittney Miller  
Building and Zoning Office