

COUNTY OF MENARD)
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STATE OF ILLINOIS)

The Menard County Planning Commission met on Thursday, February 23, 2023 at 6:00 p.m., at the Menard County Courthouse, Petersburg, Illinois. Chairperson Rod Riech called the meeting to order at 6:00 p.m. Planning Commission members Dennis Kunken, Julie Wankel, Ed Blair, John Dixon, Jack Knuppel, Mark Churchill, and Donnie Fritz were present. Landon Lounsberry was absent. A quorum was present. Assistant States Attorney and Zoning Administrator Gwen Thomas and Zoning Officer Joseph Crowe were also present.

Minutes from the September 29, 2022 meeting were presented for approval. Planning Commission member Dixon moved to approve the minutes. Planning Commission member Churchill seconded the motion. The motion carried unanimously.

NEW BUSINESS

JOSEPH AND KIMMIE BARTENSLAGER, PROPERTY IDENTIFICATION NUMBERS ARE 17-20-200-001, 17-20-200-010, & 17-20-200-011, PROPOSAL IS TO AMEND THE CURRENT ZONING OF THE RURAL RESIDENTIAL DISTRICT REGULATION AS FOUND IN ARTICLE VI, SECTION 6.04 OF THE MENARD COUNTY ZONING ORDINANCE SEEKING TO ADD ANIMAL EDUCATION CENTER AS AN AUTHORIZED USE BY SPECIAL USE PERMIT.

Chairperson Riech opened the public hearing to give consideration to the zoning text amendment, initiated by Joseph and Kimmie Bartenslager, to amend the rural residential district regulation as found in article vi, section 6.04 of the Menard County Zoning Ordinance seeking to add Animal Education Center as an authorized use by special use permit.

Chairperson Riech directed the opening statements to Joseph Bartenslager (son) who described his role as owner in the Animal education center and how the overall operation will function, including Agriculture education, small animal tours/experiences. He went on to explain how the outreach to schools will function.

A larger discussion ensued regarding USDA certification, which Mr. Bartenslager explained that the animals are regulated and certified by a USDA, he further explained the inspection process to the members and how the facility is inspected yearly. He finished his statement by describing the animals they have currently, while giving assurances of future development.

Chairperson Riech directed the next statements to Joseph Bartenslager (father) who owns the parcels where this facility is located, Mr. Bartenslager described their current barn configurations to house the animals currently and described possible future plans regarding housing of animals.

A discussion was held regarding why contact with Menard County was not initiated prior to opening to the public for events, Mr. Bartenslager went on to describe his understanding of how the process of opening their business was to have gone. He further explained his interaction with Sangamon County as he had previously attempted to open the Animal Education Center there and was denied.

Chairperson Riech next opened the public comment portion of the meeting and called Ms. Alicia Davis Wade for comment. Ms. Davis Wade expressed her concern regarding traffic flow in and out of the Bartenslager drive and how she felt it was dangerous as it is a blind drive at the bottom of the hill. She also expressed concern for the health and welfare of the animals and how proper notification and permitting were not undertaken to open this facility. Ms. Davis Wade closed her remarks by noting that there was not a noticeable change in the property since the Bartenslagers have been there.

Chairperson Riech next called Ms. Theresa Gutzman to give her statement. Ms. Gutzman began her statement by explaining her concerns of upsetting the residential environment in which she and the neighbors reside. Ms. Gutzman went on to touch on USDA regulation regarding fencing of a facility such as the Bartenslagers and how unsightly it would be. She went on to explain that if this proposal such as this is allowed the it could adversely affect property values in the area as well as effect the safety in the area. Ms. Gutzman further expressed her concern for the deterioration of the roadway surface. In addition, she added, that the water in the area could not support a facility such as this. She closed her statement by expressing that by allowing this facility the County could lose the scope of the business and as such her concern becomes an issue of compliance with the County.

Chairperson Riech next called Ms. Pamela Bultman to give her statement. Ms. Bultman began her statement by explaining she is a resident of Rorher Valley Estates, a subdivision along with Bartenslagers. She expressed her concern for the roadway, and did not want to see it deteriorate with increased traffic, as it was just repaired. Ms. Bultman went on to explain her concern regarding the Bartenslagers lack of communication with County officials regarding the opening of their facility and how that could lead to future compliance with the County. Ms. Bultman then moved to close her statement and expressed her concern for the sustainability of the property and to the larger point the property values in the area that if this is allowed it would adversely affect others in the area.

Chairperson Riech next called Ms. Jewel McDonald to give her statement. Ms. McDonald expressed her agreement with the previous speakers and wanted to add her concern that a facility such as this should not be allowed in a Rural Residential area.

Chairperson Riech next called Ms. Tana Elder to give her statement. Ms. Elder began by expressing her concern about safety of children at the facility as well as agreeing with previous speakers regarding the blind entrance to the drive. She added that possibly placing the drive on the south side of the property might be a better place for the drive. Ms. Elder went on to explain her concern for a possible reduction in property values as this facility may seem undesirable causing the value of her and surrounding property to lose value. Ms. Elder closed her statement by thanking the committee.

As there were no other public comments, Chairperson Riech moved to adjourn the public hearing at 6:31 p.m.

The Planning Commission went into deliberations.

Deliberations began by committee members offering general impressions of the arguments for and against the proposed application. Members questioned the Zoning office staff regarding the Rorher Valley covenants currently in place? It was related to the members; the covenants were general covenants currently and were much more restrictive in the past.

Staff was questioned regarding majority parcel ownership in the subdivision and what private options were available to the parcel owners. Zoning staff spoke to these issues and offered knowledge on each of these questions.

Board members asked for clarification on the "text amendment" process, and asked Zoning staff procedures followed prior to the application being submitted. It was explained that the petitioner had some previous experience and knowledge of the process, prior to filing and it was felt they incorrectly began the process from the start.

Committee member shifted the deliberations to the petitioners "Not for Profit" status, Zoning staff addressed the questioning as they are in an active not for profit status and can take donations.

Committee members asked how subdivision rules apply in the Rural Residential area, Zoning staff pointed to Ordinance language as guidance on this point.

Committee members then directed questions to the issue of the entrance to the property, and the placement of the new drive. Zoning staff and members discussed at length the recommendations of the Road Commissioner and County Engineer regarding the site lines on Ogden road not being able to support the increase in traffic, agreeing that the drive would need to be moved to accommodate the increase in business.

Committee members then discussed past case use and if there were any comparable uses to this particular use. Questions were raised regarding the “Not for Profit” status being much like a church and the “Event Venue” eligibility, both were addressed by Zoning staff as having direct relevance to the petitioners case. Committee members raised the question of would this be allowed in Agriculture areas, zoning staff explained that this same process would need to be followed.

Committee members then questioned the definition of livestock as it relates to the Zoning Ordinance.

Zoning staff reminded the Committee members of the greater Comprehensive plan, and as a planning function, that is their primary responsibility to follow the plan as laid out and its application in this case.

Discussion was had on what defined a zoo vs. an education center and how that relates to the petitioner.

Committee members then deliberated on what the vote will mean and how to explain what the Committee was voting on. Zoning staff elected to address the public discussion regarding this point. Discussion was then had concerning the Accessory Use vs. the Principal Use of the property in question and how that relates to the “Text amendment”.

Zoning staff was asked to clarify that this was just the “Text amendment” only and not the special use. Zoning staff responded that yes, petitioners were instructed language has to be in place first, before application can be made to use the language. Deliberations concluded.

Chairperson Riech reconvened the Planning Commission meeting at 7:16 and asked for a motion to approve the text amendment for an Animal Education Center in Rural Residential zoning. The motion was so moved and the Chairperson then asked for a rollcall vote. Chairperson Riech was asked for clarification as to the motion and he then directed Zoning officer Joseph Crowe to read and explain the request.

Zoning officer Joseph Crowe stated Article 6 section 6.04 of the Rural Residential District Regulations Section C. Be amended to include the words Animal Education Center as an authorized use by special permit. He went on to explain what that means is that The Planning Committee is going to take a vote and allow those words to be placed into the ordinance, to which somebody can now approach the Zoning Board and ask for a special use to be able to do this. This means it hasn't been approved by the county yet. The words don't exist until this vote is taken. Discussion was then had concerning the procedure after the vote is taken as to application of the text amendment as it related to the Zoning Board of Appeals and the Zoning Ordinance.

Chairperson Riech called for a roll call vote on the motion which went as follows: John Dixon – Yes; Julie Wankel – Yes; Rod Riech – Yes; Jack Knuppel – Yes; Dennis Kunken – Yes; Ed Blair – Yes; Donnie Fritz – Yes; Mark Churchill – No. Landon Lounsberry – absent. Seven ayes. One nay, one absent.

The motion carried unanimously.

Unscheduled Public Comments/Requests

There were no unscheduled public comments.

Zoning Administrator's Report

There were no comments from the Zoning Officer.

Individual Planning Commission Member Comments

There were no Planning Commission member comments.

Adjournment

As no other business was brought before the Planning Commission, Planning Commission member Wankel moved to adjourn the meeting at 7:24 p.m. Planning Commission member Fritz seconded the motion. The motion carried unanimously.