

**Planning and Development Committee
Meeting Minutes for November 2, 2017**

Members Present:

Brad Maxwell, Chairman
Nick Petrillo
Larry Trucano
David Michael
Phillip Chapman
Ray Wesley
Mick Madison
Robert Pollard

Members Absent:

None.

Others Present:

Andi Yancey	Ryan Salmon	Nancy Margherio	Jean Wilkens
Breana Buncher	Kay Weis	Gerald & Sandy Kirbach	Tom Lauelle
Chris Doucleff	Dave & Deane Thomas	Ryan & Whitney Voegtle	Tara Riggs
Josh & Dana Kirbach	Thomas Wille	Lois Wood	Linda Knogl
Mark & Lori Kruckeberg	Ronald & Joyce Redd	James Hunsley	Debra Burdge
Laughton Armes	Richard Donner	Rick & Katlyn Schneider	Jerry Handshy
Jeremy Kruckeberg	William McNeill	Gail Fite	Ralph Handshy
Andrew & Jamie	Leroy Horvath II	Angela Berczek	Deborah Spurgeon
Grapperhaus	Christina Gan	Kristen Manny	Mike Rathgeb
Jared & Lindsey Kraus	Cindy Schneider	Helen Hawkins	

Call of Meeting to Order and Roll Call:

Chairman Brad Maxwell called the regular meeting of the Planning and Development Committee to order at 5:00 p.m. and conducted roll call.

Approval of Minutes:

Mr. Wesley made a motion to approve the minutes from October 5, 2017. Seconded by Mr. Chapman. Voice vote. All ayes. Motion approved.

Chairman Maxwell moved the Semi-Annual Review of Executive Session minutes for May 4 & 18, 2017 to the end of the agenda.

Zoning Petitions and Subdivision Overview:

Mrs. Yancey introduced Z17-0050, petition of Spencer Homes LLC, applicant, requesting a zoning map amendment to rezone 52.62 acres from "A" Agriculture District to "R-1" Single-Family Residential District in order to develop a 32-lot subdivision. The ZBA recommended denial.

Mrs. Yancey discussed Z17-0052, petition of John Gibson, owner of record, requesting a variance in order to construct an attached garage addition to an existing home that will be 13 feet from the east property line instead of the required 30 feet. Mrs. Yancey said there was one neighbor in attendance and she did not have any opposition to the request. The ZBA recommended approval.

Mrs. Yancey discussed Z17-0051, petition of Daniel Jensen, owner of record, requesting a variance in order to construct an accessory structure that will be 5 feet from the north property line instead of the required 25 feet. Mrs. Yancey stated that no members of the public attended the meeting and there was not any opposition to the request. The ZBA recommended approval.

Chairman Maxwell asked where the accessory structure would be on the property and Mrs. Yancey indicated that it would be along the fence line and existing driveway. Mrs. Yancey stated that the property across the street requested a similar variance.

Mrs. Yancey introduced Z17-0053, petition of Brian & Erin Werner, applicants, on behalf of AMC Helldoerfer, owner of record, requesting a variance in order to construct a single-family dwelling that will be 25 feet from the west property line instead of the required 50 feet. Mrs. Yancey stated there were a few neighbors in attendance and no opposition was expressed. Mrs. Yancey stated that the property presented several physical and topographical challenges and the ZBA recommended approval.

Mrs. Yancey discussed Z17-0054, petition of Camilo Romero, owner of record, and occupant of manufactured home, requesting a special use permit in order to continue placement of a single-wide manufactured home on site for the occupancy of Camilo Romero for a period not to exceed five years. Mrs. Yancey said Randy Presswood came to the hearing and spoke in support of the petition and praised Mr. Romero for keeping a nice property. ZBA recommended approval.

Chairman Maxwell asked if Mr. Romero was the previous occupant. Mrs. Yancey stated that he was not but that when we sent out our renewal information to the property, Mr. Romero applied for a hearing. Chairman Maxwell asked if the owner was the occupant and Mrs. Yancey stated that he was.

Mrs. Yancey introduced the subdivision report for Kirsch Korner Subdivision. Mrs. Yancey stated that it's a standard lot split. Mrs. Yancey stated that the applicant is splitting two acres off the parent parcel and all zoning standards are satisfied. Mrs. Yancey stated that they are proposing a single-family dwelling on the newly created lot. Mr. Madison asked if there was any opposition and Mrs. Yancey stated that there was not.

Lastly, Mrs. Yancey introduced the subdivision report for Labrador Run Subdivision. Mrs. Yancey stated that the subdivision was approved in June 2016 and that the northern lot will be absorbed by the adjoining property owner. Mrs. Yancey stated that the subdivision did have variances with it and were approved in 2016 for property width on lot one and road frontage. Mrs. Yancey stated that there is a requirement within the subdivision code that the plats must be recorded within 60 days of approval and the applicants did not manage to complete it but now they are back to have it reconsidered.

Citizens Wishing to Address the Committee:

Josh Kirbach spoke in regard to Z17-0050. Mr. Kirbach stated he has concerns about the development being located on top of a pipeline. Mr. Kirbach stated that the original concept of the plan that was provided by Mr. Rathgeb encompassed a section of another property owner's property and said he is not willing to sell the property. Mr. Kirbach stated that the different lot sizes would change because lots 30-32 are on a parcel that is not for sale and is not part of the development. Mr. Kirbach continued to show the section of property that was not owned by the Handshy Estate and is owned by Ronald Redd. Mr. Kirbach started to read a letter to the committee. Mr. Kirbach stated many people showed up to the ZBA and Planning & Development Committee meetings to express opposition and that they were told that there was new information in regard to the request, yet had not been presented with any new information. Mr. Kirbach mentioned that the petitions that are in support are because they were told it would provide high-speed internet. Mr. Kirbach said that a common theme with this development is being misled by the developer. Mr. Kirbach stated that the concept plan is just a proposal and that once the property is rezoned, Mr. Rathgeb could make the lots even smaller. Mr. Kirbach continued to discuss issues regarding internet, gas, and soil quality with regard to septic systems. Mr. Kirbach stated that the people who bought out there for a reason should not have their way of life changed because of one seller, two real estate agents, a promise of natural gas that already exists, and the promise of high-speed internet. Mr. Kirbach stated that he is not opposed to the development, he is just opposed to it not abiding to the way of life they bought into so many years ago. Mr. Kirbach asked for the committee to respect the quiet country living lifestyle as they did for the development by the Edwardsville Gun Club. Mr. Kirbach stated that this proposal was designed to benefit the few people that are involved with it and not the surrounding property owners.

Dave Thomas spoke in regard to Z17-0050. Mr. Thomas stated that he agrees with everything that was said by Mr. Kirbach. Mr. Thomas stated that he and his wife built a home 31 years ago with the understanding that they were building in an agricultural zoned area and, since they built, there have been 100 homes built in the area, which has caused erosion. Mr. Thomas stated he is concerned with more erosion if it is rezoned as residential. Mr. Thomas stated he is concerned about

the septic systems, explaining that Mr. Rathgeb claimed that the private sewage systems could be regulated and he would like to see that happen. Mr. Thomas stated that there isn't any objection to two acre lots but if the developer cannot make money on that then something is wrong. Mr. Thomas stated that those in the surrounding area who had signed the petition of support would not be affected by the increased erosion that the development would cause.

Ronald Redd spoke in regard to Z17-0050. Mr. Redd said that he bought into the country living too and that the location has history. Mr. Redd stated he does not want that culture damaged by having that many houses next to them. Mr. Redd said he does not want to stop development, he just wants to limit the amount. Mr. Redd said that the lines that are drawn on his property that are part of the proposal would never be sold. Mr. Redd said that if the developer did not do enough research to know where the property line was, how much research are they doing to make the development go as an R-1.

Mr. Chapman asked where the property is that Mr. Redd owns and asked where the ditch is and Mr. Redd indicated the requested locations on the map. Mr. Chapman asked if his property was on the original concept plan provided by Mr. Rathgeb and Mr. Wesley stated that the original drawing has Mr. Redd's property within it. Mr. Chapman asked if the proposal had sections of his property that he is not willing to sell and Mr. Redd stated that was the case. Mr. Chapman asked where the water source was coming from and Mr. Redd that the water would have to run through people's property and under the bike trail and Mr. Chapman stated that one of his colleges stated that it was hearsay and not factual. Mrs. Yancey stated that the water would be coming from Quercus Grove running along the right-of-way to the bike trail and down to the proposed development. Mr. Chapman asked who would pay to have the water line connected down to the development and Chairman Maxwell stated that it would be the developer. Mr. Wesley asked for the location of the water line that currently serves the people in the area and Mr. Redd described where the existing water line is. Mr. Wesley asked if it wouldn't be reasonable to think that they would tap off the existing water line and Mr. Redd stated he was not sure. Mr. Kirbach stated that it is only a 4 inch main and it would need to be an 8 inch main to meet the needs of the development.

Mark Kruckeberg spoke in opposition to Z17-0050. Mr. Kruckeberg stated that the concept plan was misrepresented and has the wrong layout and incorporated Mr. Redd's property. Mr. Kruckeberg stated that the signatures that were on the opposition petition that had Highland addresses were family that asked to sign the denial because they have history and ties to the farm and the area. Mr. Kruckeberg continued to discuss the petitions of opposition that were submitted to Madison County. Mr. Kruckeberg stated that the vast majority of the property owners are opposed to the petition. Mrs. Yancey explained the petition map contained errors and asked that it be disregarded.

Lois Wood spoke in regard to Z17-0050. Mrs. Wood stated she and her husband have lived in the area for 9 years and they built on a property that had never been farmed and the property is fully in compliance with agricultural zoning. Mrs. Wood stated she agrees with the other statements expressing opposition to the request. Mrs. Wood stated that the purpose of agricultural zoning should be looked into and said the zoning is in order to protect agricultural land and it is an important purpose. Mrs. Wood stated it protects the ability to farm, it is important to the economy of the county, it supports food production for the county, and the entire country stating that the regulations are there to protect agriculture. Mrs. Wood stated that it protects agriculture by requiring lots to be at least 2 acres in size and without the zoning, there would be developers coming in willy nilly developing houses on tiny lots and making maximum profit. Mrs. Wood stated that the agricultural zoning requires a nice balance as it does not state that no houses could be built but they limit the size of the lots. Mrs. Wood stated that agricultural taxation is also in effect to protect agricultural land Mrs. Wood stated that if there are two kids in each of the houses that means more classes and teachers and hopefully the increased revenue would be able to cover the cost of it and Mrs. Wood thinks that it would not.

Laughton Armes spoke in regard to Z17-0050. Mr. Armes stated that he is opposed to the development because of the proposed amount of houses on septic systems. Mr. Amers stated that he uses a well and does not want the well to be contaminated for all of the septic systems.

Tara Riggs spoke in regard to Z17-0050. Ms. Riggs stated that she is in support of the petition and said that she could call all of her family and friends too to sign the petition to get more signatures. Ms. Riggs stated that the developer has provided ways to overcome almost every issue the neighbors have about the septic and the drainage. Ms. Riggs said that when you

are buying property next to adjacent unoccupied land, there is the chance that it will be developed. Ms. Riggs stated that Spencer Homes does quality work and would make a successful subdivision because it is not his first subdivision. Ms. Riggs said that it has taken over 12 years to develop her subdivision because of the 2 acre lot size and if there is a variety of smaller and larger lots, the subdivision would be more successful.

Mike Rathgeb spoke in regard to Z17-0050. Mr. Rathgeb stated that he is the owner of Spencer Homes, LLC and is the applicant for this petition as well as the neighbor to the people who have spoken in opposition of the request. Mr. Rathgeb said respectfully that the people in opposition have not completed a subdivision as he has. Mr. Rathgeb stated that he has been in two municipalities and when the developments needed to be reviewed, there were people who spoke out with concerns like this one and he had addressed all of their concerns as well. Mr. Rathgeb stated that if people are opposed to aeration systems, then they should be banned from the county but it is not the case of the evil thing in the backyards if it is handled properly. Mr. Rathgeb stated that he has submitted a preliminary plat and continued to discuss the easements on the property. Mr. Rathgeb stated that a final plat would be completed with a survey and would address any issues that may have happened in the preliminary plat, explaining that the layout will not change because of the easement issues. Mr. Rathgeb stated that if the density is reduced it would cause major issues too and does not create a development that makes sense. Mr. Rathgeb said that if the development was a money play, he would not spend his time in Madison County and would go to O'Fallon because they are doing 10 times the amount of Madison County. Mr. Rathgeb stated that the whole idea of the development is to make a sellable property. Mr. Rathgeb said if people do not think that the tax revenue would help the school system, then call Dr. Andre and both mayors of Hamel and Edwardsville because it is off a major corridor between the two municipalities and he believes they would support it.

Helen Hawkins spoke in regard flooding in the American Bottoms. Mrs. Hawkins stated that 73 percent of the county ditch is located in this area and is older than dirt, not older than her. Mrs. Hawkins stated that it went from 5,219 acres to 4,863 acres which is 356 acres less and is based on a 1990 map. Mrs. Hawkins stated that it is located in Chouteau, Edwardsville, and Collinsville Townships. Mrs. Hawkins stated that it was built in 1912, back in the horse and buggy days with very few homes in the area and it is not fit for today's need. Mrs. Hawkins stated that she is here for progress. Mrs. Hawkins is asking to be able to work with the Planning and Development Department and she is sure that they can plan to make the ditch three times bigger than it is now. Mrs. Hawkins stated that now that there are massive warehouses, it needs improvements. Mrs. Hawkins stated that as their county board member, she wants to try and do more instead of just catch the tears and she hopes the county will work with them to make the ditch wider and take it to the Cahokia canal. Mrs. Hawkins stated that she has done her research and she understands they will have to work with the Corps of Engineers and it will take a long time but if it doesn't start now, then her people will flood.

Jim Hunsley spoke in regard to Z17-0050. Mr. Hunsley stated that the development is about the money and wherever he builds houses, the school district is going to get money. Mr. Hunsley stated that he wants to take farm land and build a bunch of houses on the land instead of doing community planning.

Unfinished Business:

Mr. Madison made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Z17-0050, the petition of Spencer Homes LLC, applicant, on behalf of Ralph and Christin Handshy, owners of record, requesting a zoning map amendment to rezone a 52.62 acres from "A" Agriculture District to "R-1" Single-Family Residential District in order to develop a 32-lot subdivision. Mr. Wesley asked what a yes or no vote would be on the agenda item. Chairman Maxwell stated that Mr. Madison made a motion to approve the resolution which was to deny the applicant's petition. Chairman Maxwell asked Mr. Madison if he was aware that he made a motion to go with the recommendation of the Zoning Board of Appeals (ZBA). Mr. Madison stated that he would like to withdraw the motion and make a motion to deny the resolution.

Mr. Madison made a motion to deny the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Z17-0050, the petition of Spencer Homes LLC, applicant, on behalf of Ralph and Christin Handshy, owners of record, requesting a zoning map amendment to rezone a 52.62 acres from "A" Agriculture District to "R-1" Single-Family Residential District in order to develop a 32-lot subdivision. Seconded by Mr. Wesley.

Mr. Madison stated that he understands the concerns of surrounding property owners but he sees it as he did not buy any of the surrounding land on his property to ensure there would not be a development. Mr. Madison stated that revenue is when a development like this comes through because of all the houses and all the money that runs through the subdivision. Mr. Madison stated he is aware that Madison County does not have the best population increase as the competing O'Fallon does and that if a subdivision is not suited to be built in the proposed location, he does not know where one should be located. Mr. Madison stated he is concerned that if the surrounding property owners have more say in what happens on someone else's property, it scares him for the liberty of Madison County.

Mr. Chapman stated that the petition is in his district and he is concerned about the amount of people that are speaking out in opposition. Mr. Chapman stated he was uncomfortable with the statement of the Edwardsville and Hamel Mayor's approval of the development because they were not there to speak. Mr. Chapman stated he is not inclined to vote for it because he does not know how many people are for or against it.

Mr. Petrillo stated that the committee needs to look at consistency on how they are approved and there had been comparison to a development by the Edwardsville Gun Club. Mr. Petrillo stated he understands they cannot be compared exactly but you must consider why it was denied and it was based on the integrity of the zoning in that location. Mr. Petrillo stated that there are a lot of unknowns about the development and that those who currently live there bought a home there in an agriculturally zoned area and moved there for that purpose.

Mr. Chapman discussed his concerns about septic systems on larger developments and his experiences with malfunctioning sewage systems.

Roll-call vote. Ayes to the motion: Mr. Madison, Mr. Wesley, and Mr. Trucano. Nays to the motion: Mr. Petrillo, Mr. Chapman, Mr. Michael, Mr. Pollard, and Chairman Maxwell. Motion to deny the ZBA resolution failed. The ZBA resolution to deny the petition is thus upheld.

New Business:

Mr. Madison made a motion to approve Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0052, petition of John Gibson, owner of record, requesting a variance in order to construct an attached garage addition to an existing home that will be 13 feet from the east property line instead of the required 30 feet. Seconded by Mr. Michael. Roll-call vote. All ayes. Motion approved.

Mr. Pollard made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0051, petition of Daniel Jensen, owner of record, requesting a variance in order to construct an accessory structure that will be 5 feet from the north property line instead of the required 25 feet. Seconded by Mr. Madison. Roll-call vote. All ayes. Motion approved.

Mr. Chapman made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0053, petition of Brian & Erin Werner, applicants, on behalf of AMC Helldoerfer, owner of record, requesting a variance in order to construct a single-family dwelling that will be 25 feet from the west property line instead of the required 50 feet. Seconded by Mr. Trucano. Voice vote. All ayes. Motion approved.

Mr. Chapman made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0054, petition of Camilo Romero, owner of record, and occupant of manufactured home, requesting a special use permit in order to continue placement of a single-wide manufactured home on site for the occupancy of Camilo Romero for a period not to exceed five years. Seconded by Mr. Wesley.

Mr. Petrillo asked how many trailers are in the area. Mrs. Yancey stated that there are two directly on the street and several throughout the neighborhood. Mr. Petrillo asked if he was a new owner and Mrs. Yancey explained that the department discovered there had been a change of ownership during the county's annual review of mobile homes. Mr. Petrillo asked if anyone was opposed and Mrs. Yancey stated that there was no opposition to the request, only support.

Roll-call vote. All ayes. Motion approved.

Mr. Madison made a motion to approve Kirsch Korner Subdivision. Seconded by Mr. Pollard. Roll-call vote. All ayes. Motion approved.

Mr. Wesley made a motion to approve the Labrador Run Subdivision. Seconded by Mr. Madison. Roll-call vote. All ayes. Motion approved.

Mr. Chapman made a motion to approve the Resolution Authorizing the Demolition of Unsafe Buildings and Structures. Seconded by Mr. Petrillo.

Chairman Maxwell asked Mr. Doucleff to provide information on what they are voting on. Mr. Doucleff stated that there are six (6) properties that are unfit for habitation and all necessary steps have been taken to contact the property owners. Mr. Doucleff read off all the addresses that will be demolished. Mr. Chapman stated that it is better that the lots be empty instead of being eye sores to the community. Mr. Madison asked how much the lien on the property is and Mr. Doucleff stated the cost of demolition.

Roll-call vote. All ayes. Motion approved.

Mr. Chapman made a motion to approve the Purchase Order Report. Seconded by Mr. Petrillo. Roll-call vote. All ayes. Motion approved.

Mr. Madison made a motion to postpone the semi-annual review of the Executive Session minutes until next month's meeting. Seconded by Mr. Petrillo. Voice vote. All ayes. Motion approved.

Administrator's Report:

None.

Adjournment:

Mr. Wesley made a motion to adjourn the meeting. Seconded by Mr. Madison. Voice vote. All ayes. Motion approved. Meeting adjourned.