

**Planning and Development Committee
Meeting Minutes for December 7, 2017**

Members Present:

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

Members Absent:

Ray Wesley

Others Present:

Matt Brandmeyer	Charles & Ruby Berghoff	Bob Elgin
Andi Yancey	Scott Cousins	Dan Elgin
Breana Buncher	Christopher Maher	Amber Kerkemeyer
Chris Doucleff	Kathy Jackson	Lance Kerkemeyer
	Jacquelyn Schaefer	Thomas Maher

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. Madison made a motion to approve the minutes from November 2, 2017. Seconded by Mr. Chapman. Voice vote. All ayes. Motion approved.

Zoning Petitions and Subdivision Overview:

Mrs. Yancey introduced Z17-0059, petition of Glenwood Equities, LLC, applicant, on behalf of Stutz Farm Partnership, owner of record, requesting a zoning map amendment to rezone a tract of land being approximately 1.91 acres from "R-2" Single-Family Residential District to "B-4" Wholesale Business District to operate a retail Dollar General Store. Also, a variance to build the proposed structure 28 feet from the north property line instead of the required 50 feet. Mrs. Yancey said one member of the public spoke in opposition and one spoke in support and several asked general questions. The ZBA recommended denial unanimously. Mrs. Yancey read allowed the proposed conditions for approval. Mr. Chapman asked how late the store would be open and if there is any condition concerning the hours of operation. Mr. Yancey stated that the applicant was unclear with what the hours of operation would be but the Committee could add a condition for hours of operation and Mr. Brandmeyer stated that the applicant is here and can speak to the hours of operation.

Mrs. Yancey discussed Z17-0056, petition of Lloyd Garde, owner of record, requesting a special use permit to place a single-wide manufactured home on site for the occupancy of Lloyd Garde and family for a period not to exceed five years. Mrs. Yancey stated that it is a large property and the mobile home will be set several hundred feet off the roadway and no one attended the meeting on site. Mrs. Yancey stated that the ZBA recommended approval unanimously.

Mrs. Yancey discussed Z17-0057, petition of Don Jakel, owner of record, requesting a variance to construct an addition to an existing dwelling that will be 27 feet from the west property line instead of the required 50 feet. Mrs. Yancey stated that the applicant is utilizing a previous garage structure foundation and which will decrease his costs from constructing the addition. Mrs. Yancey stated that the ZBA recommended approval unanimously.

Mrs. Yancey introduced Z17-0058, petition of Andrew L. Mance, Sr., owner of record, requesting a variance to construct an accessory building in a front yard setback area that will be 4.5 feet from the east property line. Mrs. Yancey stated that

the applicant was issued a special use permit in 2004 in order to use the property as a private parking lot for his personal vehicles and at certain points in time the area has been under violation but given the variance request, staff is taking the opportunity to impose conditions of approval. Mrs. Yancey read through the proposed conditions for approval. Mr. Madison stated that he did not like that people could not have unlicensed vehicles on their property and Mr. Brandmeyer stated that they are allowed to if it is incidental to the use on the property and Mr. Madison stated that it should be a special use permit if anyone wanted to have unlicensed vehicles on their property.

Mrs. Yancey discussed Z17-0055, petition of Margaret K. Jackson, owner of record, requesting a variance in order to construct a single-family dwelling that will be 7.5 feet from the north and south property lines instead of the required side yard setback. Also, a variance in order to install a private sewage system on a lot that is 20,700 square feet instead of the required 40,000 square feet. Mrs. Yancey said people did attend the hearing and spoke in opposition of the request mostly stating concerns about density and the development of a vacant lot. Mrs. Yancey stated that the ZBA recommended approval unanimously. Mr. Madison asked how many were opposed and Mrs. Yancey stated three or four.

Chairman Maxwell stated that he has concerns about the private sewage system on the lot and asked if all the properties are on private sewage and Mrs. Yancey stated that was the case. Chairman Maxwell asked if all the other lots are in excess of 40,000 square feet and Mrs. Yancey stated that they are not. Chairman Maxwell asked if the county has any sewage issues on lots smaller than 40,000 square feet and Mrs. Yancey said not that she was aware of but that the applicant submitted a soil classification and the soils are favorable for a septic system and not an aeration system which are usually the systems that create violations due to lack of maintenance. Mr. Doucleff stated that the soils on the subject property are some of the best soils you will see that will allow a private sewage system.

Citizens Wishing to Address the Committee:

Chris Maher spoke in regard to Z17-0059. Mr. Maher stated that he is concerned about the spot zoning issue on Fosterberg Road, the Dollar General. Mr. Maher stated that it would be a detriment to the surrounding residents and the concerns are that there is a 28 feet variance to place the building closer to the property line and he stated he does not think that there is enough room on the property to properly place stormwater maintenance in order to prevent soil erosion. Mr. Maher said that safety is a big concern due to no entrance on Drexelius and only entrances off of Fosterberg Road and he has collected 87 signatures by people who would be the most affected by it. Mr. Maher stated that there is a brand new Dollar General that has been open less than year just four miles down the road and another one is not needed. Mr. Maher stated that the safety guard for a creek has been repaired several times since it has gone up and is a safety hazard and the store will add irresponsible danger to the residents of the area. Mr. Michael asked Mr. Maher to show where he lived and he stated he lives north of the subject property but he grew up in the area and the entrance and exit to his father's farm is off of Fosterberg Road. Mr. Maher said he knows a lot of people in the area and went to door to door and only one person said they were in favor of Dollar General.

Ruby Berghoff spoke in regard to Z17-0059. Mrs. Berghoff stated that her and her husband own the house across the street from the subject property and believe the development would be a detriment to the community. Mrs. Berghoff stated that safety is their biggest concern and stated that the variance of 28 feet from the property line is actually from the center of the road and not the property line and the proposed site will have a retaining wall that appears to be less than 2 feet from Drexelius road which would block a driver's view. Mrs. Berghoff stated that the creek on the subject property floods during the spring and summer rainy season. Mrs. Berghoff stated that there are lighting concerns that would be caused by the building. Mrs. Berghoff stated that the condition was added to this request due to lighting concerns and there will still be ambient lighting created from the store. Mrs. Berghoff stated that Drexelius is a chip and oil road and there is a new business that creates a lot of traffic on the road and currently there can only be two cars that go side by side on the road at one time. Mrs. Berghoff stated that there is going to be a monument sign which is egregious because it may lead people to think the entrance is on Drexelius and will make people turn around at their house. Mrs. Berghoff stated that people cannot be seen from that intersection due to the poor road condition causing safety concerns.

Bob Elgin spoke in regard to Z17-0059. Mr. Elgin stated that he was the developer with Glenwood Equities and is developing the Dollar General and many other Dollar General stores in the Metro-East. Mr. Elgin stated that the proposed structure would be 58 feet from the center line of Drexelius, not 28 feet that was previously mentioned. Mr. Elgin stated that the

property drains from north to south and does not drain into Drexelius and the grade on the engineered plans show that data. Mr. Elgin stated that the retaining wall seemed to be a positive at the zoning hearing because it would block the sight of the building from property owners. Mr. Elgin stated that there are three access points on Fosterberg Road and Dollar General will be using just one and they are in compliance with deed restricting access to Drexelius. Mr. Elgin stated that in regard to spot zoning, there is a major business just across the street and another one off of Drexelius and they are not the only people seeking a commercial use. Mr. Elgin stated that mileage and driving time are two different things and that driving four miles may end up taking 20 minutes. Mr. Elgin stated that from the map you can see the need for a Dollar General in the area.

Mr. Madison asked what the speed limit is in front of the proposed site and Mrs. Yancey stated that it is 45 miles per hour. Mr. Elgin stated he could not see anyone missing the front doors of Dollar General and going down Drexelius to try and get to Dollar General. Mr. Petrillo stated that the location of the sign and people not being familiar with the area could result in people driving down Drexelius. Mr. Petrillo asked what information is analyzed in order for Dollar General to determine where a good location is and Mr. Elgin described the process in which Dollar General selects a site. A discussion ensued about determining a Dollar General location.

Mr. Chapman asked if the development fits into the character of the surrounding area and Mr. Madison stated that he would address Mr. Chapman's questions. Mr. Chapman stated his concerns about stormwater, safety for people in regard to the installation of the retaining wall, and the safety issues of the entrance. Mr. Chapman stated that he would like to know the truth from what has been said by citizens.

Mr. Michael asked who owns the store and Mr. Elgin stated that Glenwood Equities builds and owns the store and it is leased to Dollar General for multiple years. Mr. Michael asked how many employees will be at the store and Mr. Elgin stated that it depends on the sales volume but that there will usually be five to seven full-time with benefits. Mr. Michael stated he was trying to determine what kind of jobs they would be providing to the county.

Mr. Elgin discussed the hours of operation of Dollar General stores in the area and stated that the average is around 10 pm close time. Mr. Trucano asked when they opened and Mr. Elgin stated around 8 am. Mr. Trucano asked if there would be two people working at a time and Mr. Elgin said at least. Mr. Trucano was asking about the volume of usage on the private sewage system and Mr. Elgin said that there would be at least two people working at all times and there are not any washer and dryers on the facility. Mr. Trucano asked which kind of system would be installed and Mr. Elgin stated a septic system would be installed.

Amber Kerkemeyer spoke in regard to Z17-0059. Ms. Kerkemeyer stated that she attended the onsite hearing and stated that many people were unable to attend because it was during work hours and that many of the signatures came from people who were home afterhours. Ms. Kerkemeyer stated that at the hearing there was one person for it and people who were just asking questions and not necessarily opposed to the request. Ms. Kerkemeyer stated that the location is not ideal because she takes her children on walks and people drive fast down Drexelius which is a safety concern. Ms. Kerkemeyer stated she wanted to make a point to inform the committee that many people could not make it to the meeting because they were working.

Charles Berghoff spoke in regard to Z17-0059. Mr. Berghoff stated that drainage does come down Drexelius road and goes down into the creek. Mr. Berghoff asked if all the stores get variances if they build a building and thinks that the property is not situated for the development. Mr. Berghoff does not think it is a good idea to sell beer and alcohol at this location.

Mr. Doucleff stated that the water table is high on the subject property and there will need to be an aeration system with subsurface discharge installed.

Lance Kerkemeyer spoke in regard to Z17-0059. Mr. Kerkemeyer stated Stutz Lane was redirected because of safety concerns with the dip in the road.

Thomas Maher spoke in regard to Z17-0059. Mr. Maher stated that he knows that Dollar General had been said to be needed out there and he stated that Mapquest showed that the closest Dollar General is 4 miles away which was approximately seven minutes away. Mr. Maher stated he does not live in the area but his father lives there and his name is on the living trust for the property. Mr. Madison stated that four people across the street from the subject property were for the development.

New Business:

Mr. Madison stated that he was originally against Z17-0059 because he knew that there was a low spot in the road there and it was small lot. Mr. Madison stated he spoke with Mrs. Berghoff and when he drove over to the location, he noticed that the dip in the road was not that bad. Mr. Madison stated that the neighbors are for the project which surprised him. Mr. Madison stated that after looking at the proposal and talking to folks about the water, that if it is already an issue and on any country road there is some sort of flooding in a heavy rain. Mr. Madison stated that variances are allowed because situations are different and he does not think that it will be breaking any policy to let them have their variance. Mr. Madison stated that it is possible that people may drive down Drexelius on accident but it shouldn't happen all the time. Mr. Madison stated that if the properties across the street are okay with the development he does not see why he should not be okay with it.

Mr. Brandmeyer stated that he could address Mr. Chapman's concerns with the development stating that this area is an emerging neighborhood and it will change over time and is not spot zoning. Mr. Brandmeyer stated that there is a retail store being proposed where there aren't any other retail stores but on the other side of the interchange there are stores which, to Mr. Brandmeyer, is an emerging commercial area. Mr. Brandmeyer said that the stormwater flow is south as it goes into the creek line and into the watershed. Mr. Chapman asked how the water would flow on the proposed site and Mr. Brandmeyer stated that it would go south and Mr. Chapman asked about what the residents had previously said about flood and Mr. Brandmeyer said that there may be competing stormwater but they are proposing an underground retention which would create a better stormwater situation. Mr. Chapman asked about the setback of the retaining wall and Mr. Brandmeyer stated that the wall will be set off the roadway but it has not been fully engineered yet.

Mr. Brandmeyer stated that the traffic volume for this type of retail is sporadic and does not have peak hours and will be for the local market and a lot of the traffic will not be added. Mr. Brandmeyer stated that it is an emerging area and access easement management is currently not warranted. Mr. Chapman stated that there would be the same issue with the B-4 immediately to the south and Mr. Brandmeyer stated that was the case and that any business that has a curb cut off of Fosterberg road will have the same issue. Mr. Brandmeyer stated that if the ZBA's recommendation is upheld, he suggested that the committee upholds the conditions that Andi previously read.

Mr. Petrillo asked if it could be under "B-1" instead of rezoned to "B-4" and Mr. Brandmeyer stated that it could be a "B-1" but the adjacent property was "B-4" and Mr. Petrillo asked when it was made "B-4" and Mr. Brandmeyer stated he was unsure. Mr. Brandmeyer stated that the cross access is the best practice but it could not be agreed upon with the developer therefore limiting access off of Drexelius and a future time, if there is neighboring development then, the cross access issue could be addressed then.

Mr. Madison made a motion to approve the ZBA's recommendation with conditions. Seconded by Mr. Petrillo.

Mr. Michael stated that looking at the development, it seems out of place because it is the first retail business north of the interchange and that the current "B-4" is not operating as a business. Mr. Michael asked if Farm Fresh does provide the same type of stuff as Dollar General and Mr. Madison stated that Dollar General sells more and there is not one store north of the interchange that would sell what Dollar General sells. Mr. Michael stated that this would be the first store therefore he does not think the area is emerging and that there would have to be more than one store there to be emerging.

Mr. Petrillo stated that he would vote no because he thinks that the zoning should be "B-1" instead of "B-4". Mr. Chapman asked if he is voting no on it even though he made the second for the motion and Mr. Petrillo stated there had to be a motion to have a discussion.

Roll call vote. Ayes to the motion: Mr. Madison, Mr. Chapman, Mr. Michael, Mr. Trucano. Nays to the motion: Mr. Pollard and Mr. Petrillo. Motion approved.

Mr. Chapman made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0056, petition of Lloyd Garde, owner of record, requesting a special use permit to place a single-wide manufactured home on site for the occupancy of Lloyd Garde and family for a period not to exceed five years. Seconded by Mr. Michael. 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 Z17-0057, petition of Don Jakel, owner of record, requesting a variance to construct an addition to an existing dwelling that will be 27 feet from the west property line instead of the required 50 feet. Seconded by Mr. Madison. Roll call vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0058, petition of Andrew L. Mance, Sr., owner of record, requesting a variance to construct an accessory building in a front yard setback area that will be 4.5 feet from the east property line. Seconded by Mr. Petrillo. Roll call vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the Resolution, Zoning Board of Appeals Findings of Fact, and Recommendation for Zoning File Z17-0055, petition of Margaret K. Jackson, owner of record, requesting a variance in order to construct a single-family dwelling that will be 7.5 feet from the north and south property lines instead of the required side yard setback. Also, a variance in order to install a private sewage systems on a lot that is 20,700 square feet instead of the required 40,000 square feet. Seconded by Mr. Trucano. Roll call vote. All ayes. Motion approved.

Mr. Chapman made a motion to approve the Resolution Authorizing a Grant for Yearly Funding to the Madison County Soil and Water Conservation District FY 2018. Seconded by Mr. Trucano. Roll call vote. All ayes. Motion approved.

Mr. Madison made a motion to approve the Purchase Request for Madison County Recycling Roll-off Container Maintenance. Seconded by Mr. Chapman. Roll call vote. All ayes. Motion approved.

Unfinished Business:

Mr. Brandmeyer stated that we are required every 6 months to determine if the executive session minutes are released. Mr. Brandmeyer stated that what was discussed in executive session was the Dillon Smith lawsuit and since it is still in litigation that they should remain closed.

Mr. Petrillo made a motion to postpone the release of the Executive Session minutes. Seconded by Mr. Pollard. Voice vote. All ayes. Motion approved.

Administrator's Report:

Mr. Brandmeyer stated he has spoken with Chairman Maxwell about doing pre-development meetings for larger commercial and residential developments and Mr. Brandmeyer stated that what he would like for developers to do is to come into the committee and present their proposal before it goes to the ZBA hearing. Mr. Brandmeyer stated it would give the committee the opportunity to provide input and get ahead of a lot of the issues and concerns before the meeting.

Mr. Brandmeyer stated that the budget was completed and the department has reduced the budget by 5 percent and the overall budget was about 10,000 less than what was budgeted last year. Mr. Brandmeyer stated that this includes funding for the household hazardous waste collection program, which means the program was added without increasing costs.

Mr. Brandmeyer stated that there will be a partnership with Home Builders to study building permits and tap on sewer fees to determine the effects they have on unincorporated development. Mr. Brandmeyer stated that the county has issued 150 new home permits while Edwardsville has only issued 25. Mr. Brandmeyer thinks that they are building in unincorporated areas to get away from the fees. Chairman Maxwell asked about the Comprehensive Plan draft and if this

is being steered towards the Comprehensive Plan. Mr. Brandmeyer stated that the Comprehensive Plan says that development should happen in the unincorporated boundaries adjacent to municipalities. Mr. Brandmeyer stated to expect to see the study come up and he will put out an RFQ.

Mr. Brandmeyer discussed changing the time of the zoning hearings by having a hearing office instead of having the ZBA because they are only available during the day. Chairman Maxwell stated he is in favor of changing the time so that many constituents could come out and voice their opinion and think it is a success that he has seen more people come to meetings due to the time change. A discussion ensued about changing the time of the meetings to later in the evenings. Mr. Brandmeyer stated that we would be losing out on the onsite aspect of the zoning hearings so there are pros and cons to each. Mr. Brandmeyer discussed the changes to the zoning ordinance that have been made.

Adjournment:

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