

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
September 12, 2016**

Members Present: Chairman Scott Penny, Rev. Gene Rhoden, Alexa Edwards, George Meister & Kent Heberer

Members Absent: Charles Frederick & Patti Gregory

Staff Present: Anne Markezich, Zoning Department
Dave Schneidewind, Zoning Attorney

Pledge of Allegiance

Call to Order

The meeting was called to order at 7:00 p.m. by Chairman, Scott Penny.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Approval of Minutes

MOTION by Rhoden to approve minutes of the August 8, 2016 meeting. Second by Edwards. Motion carried.

Public Comment

There were no comments from the public.

New Business – Case #1

Subject Case #2016-11-SP – Ryan Pfingsten, 215 Eugenia, Smithton, Illinois, Owner & Applicant. This is a request for a Special Use Permit to allow a Commercial Dog Kennel in a “RR-1” Rural Residential Zone District on property known as XXXX State Route 163, Belleville, Illinois in Stookey Township.

Ryan Pfingsten, Owner/Applicant

- Mr. Pfingsten stated he would like to open a Commercial Dog Kennel on this property.
- Mr. Pfingsten stated the kennel built to house up to 12 dogs.
- Mr. Pfingsten stated the service will be for customers that are going on vacation.
- Mr. Pfingsten stated the building will be soundproofed.
- Mr. Pfingsten stated he feels there will be no disruptions to neighbors.
- Mr. Pfingsten stated the back yard will be fenced and double fenced with a privacy fence.
- Mr. Pfingsten stated he will run and respectable and clean business.
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Discussion

- Chairman Penny asked the applicant if he has experience with this type of business. (The applicant stated he has worked with animals his entire life.)
- Chairman Penny asked the applicant to explain how big the kennel will be. (The applicant stated the building will be 35’ wide by 55’ long with 10 ft. high ceilings. The applicant stated the building will be fully insulated, air-conditioned and heated.)
- Chairman Penny asked the applicant if his home was in proximity to this location. (The applicant stated his home is 15 minutes away in Smithton. Home will eventually be out there.)
- Mr. Rhoden asked if he will come every day and check on the dogs. (Absolutely, sir.)
- Mr. Rhoden asked how close the nearest neighbor to the property. (The applicant stated there is approximately 2-acres between him and his neighbor.)
- Ms. Edwards confirmed the hours will be 8:00 AM to 6:00 PM. (The applicant stated that is correct and all dogs will be inside at 4:00 PM.)

- Ms. Edwards asked how many days per week the kennel would be open. (The applicant stated Monday through Saturday and no Sundays.)
- Chairman Penny asked typically how long the dogs will be outside in the run area. (The applicant stated the dogs will be outside 4 to 5 times per days, 10-15 minutes at a time.)
- Chairman Penny asked what the applicant will do for noise abatement when the dogs are outside. (The applicant explained that every kennel will be petitioned off so the dogs cannot interact with each other.)
- Chairman Penny asked about sewage. (The applicant stated he will install whatever system the Health Department requires.)
- Chairman Penny asked if there is public water to the property. (The applicant stated that is correct.)
- Ms. Edwards asked if the dog kennel will be regulated by the Health Department. (The applicant stated he will be regulated by the Department of Agriculture and will be required to obtain a license from them.)
- Ms. Edwards asked if the facility will be inspected. (The applicant stated the facility will have an initial inspection from the Department of Agriculture. And then an inspection one year later. The applicant explained he is not sure the nature of future inspections.)
- Ms. Edwards asked if the applicant is affiliated with a veterinarian. (The applicant stated he is not affiliated with a veterinarian at this time, but will in the future.)
- Chairman Penny asked if he will personally be the employee. (The applicant stated he will hire one additional employee.)
- Mr. Rhoden asked if the animals will be separated. (The applicant explained the petitions will be high enough to where the dogs cannot interact with each other. The petitions will made of concrete with concrete floors.)
- Chairman Penny asked the applicant if he will expand if the operation is successful. (The applicant stated he has no plans to expand the operation.)
- Chairman Penny asked if he would have a problem with the Zoning Board limiting the operation to 12 animals. (The applicant stated he would not like to be limited to 12 for the future.)
- Ms. Edwards asked if the applicant has done a cost study to see how many animals are required to break even. (The applicant stated he needs four dogs a day for an entire year to break even.)
- Mr. Heberer stated the applicant will have to follow the St. Clair County regulations for stormwater runoff.

Public Testimony

- Steve Gomric - 527 Oak Hill Drive, Belleville stated he is representing Stookey Township. Mr. Gomric stated Stookey Township does not have record of this request.
- George Gocheff - 9 Betty Street, Belleville stated this area is zoned for residential. He explained they were zoned Agricultural but the County rezoned them without notice. Mr. Gocheff stated he is opposed to the request because this business will create excessive water flow to his and other properties that are downhill from it. Mr. Gocheff stated the homes on the highway would be affected by the traffic created by this business. He stated there is a blind curve just up the road from this at the Eiler Road intersection. Mr. Gocheff also stated he is opposed to the noise at all times of night. Mr. Gocheff feels the applicant needs to find another location that is zoned for a business and not in a residential area.
- Michelle Bammer, 8616 State Route 163, Millstadt stated she owns the property directly adjacent to this property. Ms. Bammer stated she is concerned with how the kennel would affect her property value in the area as well as concerned with the noise. Ms. Bammer stated noise carries in this area.
- Rebecca Stevens - 11 Sunset Drive, Belleville stated her biggest concern is the water runoff, she stated this area already has drainage issues and they are downhill from where this property is. She stated the water level is very high in that area.
- Earl Anderson - 8609 State Route 163, Millstadt stated this operation would be 100-yards from his house. He stated he is opposed to this request and feels there should be no commercial business in this area.
- Carol Arehart - 24 Sunset Drive, Belleville stated she lives two blocks from this property. She is concerned with traffic coming in and out of the property. She stated with the corn is fully grown, it will block the entrance and exit to the property and feels this would be very dangerous. Ms. Arehart stated she is also concerned with the water runoff of the business going down into the creek and into the well water. Ms. Arehart stated she is also concerned with the applicant's lack of dog handling experience and is concerned with dogs getting loose in the area. Ms. Arehart is also concerned coyotes will be drawn to the area with the addition of the 12 dogs.

- Mr. Pfingsten stated the grange is right across the street from this property which is a commercial business and on the corner of Eiler Road and State Route 163 there is an Auto Body Shop. Mr. Pfingsten stated the water runoff goes East, if there is water problems it is because they are downhill of a 40-acre field. It's not because I will be putting up a building that will not impact this water problem. The field completely drains east which is away from the homes in question.
- Pat Scharf – 8628 State Route 163, Belleville stated her home is three doors down from this property. Ms. Scharf stated she would be concerned with the additional traffic on this road and she is opposed to the request.
- Michael Heffernan -30 Sunset Drive, Millstadt stated he has the same concerns as his neighbors regarding noise and the traffic.
- Kristi Matecki- 9 Sunset Drive, Millstadt stated her concerns have already been voiced. She stated she is also concerned for the safety of the dogs with the extreme amount of traffic on this road.
- Unknown Man – asked if someone will monitor these dogs at night. He stated if there is no one there to monitor the dogs they will not know if there is a problem with barking. (Mr. Pfingsten stated a night staff is not required for kennels. He also stated there will be cameras installed so he and the dog owners can check on their dogs at any time.)
- Carol Arehart asked if there will be signage or a lighted sign on the property. (The applicant stated he will construct a 4 x 8 business sign on the property.)

Further Discussion

Jennifer Meyer – Health Department explained if the hearing is approved, the applicant will have to adhere to all codes and standards for a septic system. She explained the system will be based on number of kennels, number of bathrooms, soil type and etc.

MOTION by Edwards to deny the request for the following reasons: The utilities are public water and septic tank and the Comprehensive Plan calls for Rural Residential. The proposed design, location, development, and operation of the proposed Special Use does not adequately protect the public's health, safety and welfare and the physical environment. The Special Use Permit is not consistent with the Comprehensive Plan; the Special Use Permit would have an adverse affect on the value of neighboring property and on the County's overall tax base; the

proposed Special Use Permit would have a negative affect on traffic circulation as testified by the surrounding neighbors; there are not adequate public utilities available to the property; the proposed Special Use Permit is not compatible with the adjacent uses in the general vicinity and therefore, it is the recommendation of this board that this case be denied.

Second by Rhoden.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Edwards -	Aye
	Heberer-	Aye
	Chairman Penny-	Aye

This case has been denied by this board and will go before the County Board for final approval.

New Business – Case #2

Subject Case #2016-12-SP – Patricia Schmierbach, 4447 Knab Road, Smithton, Illinois, owner and Michael Schmierbach, 13 Graner Street, Smithton, Illinois, applicant. This is a request for a Special Use Permit for a Planned Building Development pursuant to Section 49-9-3(H)(3) to allow an Auto Body Shop in an “A” Agricultural Industry Zone District, on property known as 4447 Knab Road, Smithton, Illinois in Prairie DuLong Township. (Parcel #17-05.0-400-011)

Michael Schmierbach, Applicant

- Mr. Schmierbach stated his mother is the owner of the property.
- Mr. Schmierbach stated he would like to run an Auto Body Shop on this property.
- Mr. Schmierbach stated the name of the business will be Schmierbach Auto Body.
- Mr. Schmierbach stated this would be the only body shop in this area.
- Mr. Schmierbach stated hours of operation will be Monday-Friday, 8:00 AM to 5:00 PM and Saturday by appointment only.
- Mr. Schmierbach stated the property is 5-acres with the business being on only one-acre.
- Mr. Schmierbach stated all dismantling of vehicles will be done inside the shop.

- Mr. Schmierbach presented nine petitions from neighbors in favor of the request. He stated four of the petitions are within 200ft. of the property.

Discussion

- Chairman Penny asked Ms. Markezich if she received any correspondence. (Ms. Markezich stated she received a call from County Board Member, Frank Heiligenstein who stated he is not in favor of this request.)
- Mr. Meister asked if there would be a sign on the property. (The applicant stated he would like a 4' x 8' sign.)
- Ms. Edwards stated the summary says this building is an established fully functioning auto repair shop. (Mr. Schmierbach stated it could be fully functioning repair shop.)
- Ms. Edwards asked how the applicant will dispose of the oil and fluids from the autos. (The applicant stated there is redemption and everything will be contained and removed from the property.)
- Ms. Edwards asked who lives on the property. (The applicant stated his mother lives on the property.)
- Ms. Edwards confirmed there will be no outside storage. (The applicant stated that all vehicles will be stored inside the garage.)
- Ms. Edwards stated she feels this type of business should typically be located in a commercial or industrial zone district.
- Mr. Schneidewind stated the summary indicates auto sales. (The applicant stated in order to keep himself busy he would like to get his dealers license to buy and sell cars when there is no customer base work.)
- Ms. Markezich asked if the applicant would want to sell vehicles at this location. (The applicant stated that is correct, he would like to sell a few.)
- Mr. Schneidewind asked if the vehicles will be stored outside. (The applicant stated that is correct.)
- Mr. Meister asked if he would be willing to drop the auto sales off the application. (The applicant stated he would be willing to sell the cars elsewhere but there would only be one car for sale at a time on the property.)
- Mr. Meister stated the board is going to drop the auto sales from the application and if he wants to sell cars in the future the applicant can come back before the board and request that separately.
- Ms. Markezich stated the dealer's license goes with the property.

Public Testimony

There were no persons present for public comments.

Further Discussion

MOTION by Meister to approve the request for the following reasons: The applicant presented a site plan; business hours will be from 8:00 AM to 5:00 PM, Monday through Friday and Saturday by appointment only; there will be no additional buildings constructed on the property; all work will be done inside; all equipment will be stored inside; there will be a sign of no larger than 4' x 4'; and there will be no outside storage. The board feels the proposed design, location, development and operation of this Special Use Permit will protect the public's, health, safety and welfare; the Special Use Permit is consistent with the Comprehensive Plan; there will be no adverse effect on the neighboring properties or the County's overall tax base; the Special Use Permit will have no adverse effect on traffic circulation on nearby streets; and public utilities necessary for this business are available.

Second by Rhoden.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Heberer -	Aye
	Edwards -	No
	Chairman Penny-	Aye

This case has been approved by this board.

New Business - Case #3

Subject Case #2016-13-SP - 3W Partnership LLP, 3484 Old Sand Road, New Athens, Illinois, owners and 381 Motors, LLC, 321 West Back, Waterloo, Illinois, applicants. This is a request for a Special Use Permit to allow a Used Car Dealership in a "B-1" Retail & Service Business Zone District on property known as 602 N. First Street, Lenzburg, Illinois in Lenzburg Township.

Tyler Pikel, Applicant

- Mr. Pikel stated he would like to open a used car lot at this address with his mother, Tina Lippert.

- Mr. Pikel stated this property was previously used as a body shop.
- Mr. Pikel stated they would like to gravel the parking lot and have approximately 20-30 vehicles on the property.
- Mr. Pikel stated there will be a 6 ft. privacy fence on the property for vehicles that are not ready for sale.
- Mr. Pikel stated his hours of operation will be 9:00 AM to 5:00 PM, Monday – Saturday.
- Mr. Pikel stated he and his mother will be the only employees. He explained in the future they may expand to 2 to 4 employees.

Discussion

- Mr. Meister asked what the applicant meant by cars not ready for sale. (The applicant stated when you buy cars from auction they are typically dirty and require a clean up. He also stated auctions have 30-days to get you a title, so the vehicles will not be touched for 30-days and he will place them in the fenced-in area to store them.)
- Mr. Meister asked if the retail shop will still be in the building. (Jerry Williams, owner of the property stated the sale of this property is contingent upon this Zoning Hearing.)
- Mr. Meister asked if the applicant will run the resale shop. (Mr. Pikel stated the resale shop will be moved out prior to the sale of the property.)
- Mr. Rhoden asked if the applicant has an age limit on vehicles. (Mr. Pikel stated he does not plan on buying any older vehicles but is not certain at this time.)
- Mr. Meister stated this property used to be a part of HR Chevrolet. He explained this was their shop for that business and was used as an overflow lot.
- Mr. Schneidewind asked on behalf of the board what the fence is going to be made of. (The applicant stated either wood or a vinyl plastic fence.)
- Mr. Meister asked what type of lighting the applicant is proposing. (The applicant stated he is not planning on lighting at this time, but when he does it will be pole lighting and will illuminate downwards towards the vehicles. The applicant explained there will be no night time sales.)
- Mr. Meister asked the applicant if he would be willing to work with the Mayor regarding lighting. (The applicant agreed to work with the Mayor regarding lighting controls.)

Public Testimony

- Jill Darren – 21 East Pinkneyville Street stated she lives right next door to the property and is opposed to the request. Ms. Darren stated she does not want the traffic or the lighting from the car dealership.
- LuAnn Lance – 708 N. 1st Street stated she owns several lots adjacent to this address. Ms. Lance stated she is concerned with the lighting on the property; the noise; and vandalism in the area.
- Scott Schneider – 412 S. 10th Street, Belleville stated he would like to be a good character witness for the applicant. He stated he has known the applicant for over a year and is a very aggressive businessman. He stated Tyler is very aggressive at buying cars that are quickly sold. Mr. Schneider stated he feels the applicant will be an asset to the town of Lenzburg.
- Jim Widel, 22 Nashville Road stated he lives right across the street from this property. Mr. Widel stated he is concerned with the value of the vehicles and what kind of people will they be bringing to the area. (The applicant stated the value of the vehicles will be between \$2,500-\$3,500 for the college kids, something good on gas mileage and then also some high end vehicles and trucks.)
- Tim Dougherty -101 S. Main Street, Hecker stated he has known Mr. Tyler for about 10-years plus and he is a very hard working young man and is very committed and dedicated to what he does and if there is a problem that would occur he would be dedicated to fix any issues that would arise.
- Jim Stolte – Mayor of Lenzburg stated the Village is in favor of granting this request. He feels the business will bring much needed revenue to the Village. The Village would receive tax dollars for the sale of these vehicles.
- Jerry Williams, 244 Old Sand Road, owner of the property. Mr. Williams testified that the property has always had some type of automotive on it. Mr. Williams stated the Village of Lenzburg could use the sales tax revenue. Mr. Williams stated this is a young kid who wants to hustle and bring new business to the Town.

Further Discussion

County Board Member, Ed Cockrell stated he received no correspondence from either side of this issue. Mr. Cockrell asked if this property was rezoned from when it was an automotive dealership. (Mr. Schneidewind explained that in a "B-1" Zone District an automotive dealership is a Special Use Permit.)

Mr. Cockrell stated he admires the young man for wanting to have a business here. Mr. Cockrell asked if the State of Illinois regulates how much asphalt is on the lot or do they regulate the lighting. (The applicant explained he contacted Secretary of State regarding regulations and the lot is allowed to be gravel. The only regulation is business hours have to be posted on the door and the business is required to be open at least 4-days per week and 5-hours a day.)

MOTION by Meister to approve this case for the following reasons: The applicant presented his case to the board; the applicant will erect a privacy fence as shown on the site plan; the hours of operation will Monday through Saturday, 9:00 AM to 5:00 PM; the applicant will build a solid fence behind the body shop; lighting will be pointed downward and will be contingent upon approval from the Mayor of Lenzburg; the lighting will be pointed away from the houses; the proposed Special Use Permit would adequately protect the health and public safety and physical environment; the Special Use Permit is in compliance with the Comprehensive Plan; there will be no adverse effect on the neighboring property or on the County's overall tax base; the Special Use Permit will not have an adverse effect on traffic circulation on nearby streets; and public utilities are available to the property.

Heberer: Second.

Roll call vote:	Rhoden -	Aye
	Meister -	Aye
	Heberer -	Aye
	Edwards -	Aye
	Chairman Penny-	Aye

New Business – Case #4 & 5

Subject Cases #2016-10-SP & 2016-14-SP– H & S Properties 001, LLC, P.O. Box 1085, O'Fallon, Illinois, owners and Abundant Life Ministries (ALMS), Inc., 1770 Dalton Drive, Belleville, Illinois, Applicants. This is a request for a Special Use Permit to allow a Church in a "SR-2" Single-Family Residence District and a companion request to allow a Special Use Permit to allow a Day Care Center in an "SR-2" Single-Family Residence Zone District.

Rev. Rhoden announced he feels he has a conflict of interest with this case being a Reverend. Mr. Rhoden feels he cannot vote against a church. Mr. Schneidewind stated Rev. Rhoden should abstain from voting if he cannot be fair and impartial to the case.

Mr. Schneidewind explained these are two separate cases, however since the facts are very similar and regard the same building within the same operative core set of facts, both cases will be heard at the same time. Mr. Schneidewind explained the board will have two separate decisions.

Pastor Johnson, Abundant Life Ministries (ALMS), Inc., Applicant

- Pastor Johnson stated they would like a small church on the property with approximately 35-families.
- Pastor Johnson stated they currently have 43-children at the church.
- Pastor Johnson stated they feel this building would be a perfect location for their small congregation.
- Pastor Johnson stated they are currently renting space at the Shrine of our Lady of the Snows.
- Pastor Johnson stated the Church was incorporated in 2009 and they have been searching for a building for their worship needs.
- Pastor Johnson stated they feel the addition of the daycare would be an ideal location for the church family.

Terry Heimann, Property Owner

- Mr. Heimann stated the building is approximately 4,200 square feet and is located on approximately 10-acres.
- Mr. Heimann stated he has owned the property since July, 2013.
- Mr. Heimann stated he has maintained the property, since the purchase.
- Mr. Heimann stated they have been looking for a tenant for the property and/or a purchaser to buy the property.

- Mr. Heimann stated the Pastor would like to purchase the property in the future.
- Mr. Heimann explained the building is set up for a day care with the classrooms and playground equipment.
- Mr. Heimann stated has a petition from 16 neighbors in support of the application. Mr. Heimann stated only one adjacent neighbor would not sign the petition because of concerns.
- Mr. Heimann stated the neighbors have concerns regarding access to the property. Mr. Heimann stated there are currently three points of access. One off of Cresthaven, one off of Andora and one off of Cardinal Drive.
- Mr. Heimann stated the property was previously used as a grade school with approximately 600 students with another 40 or so of teachers and staff. The school closed in January 1, 2012.
- Mr. Heimann stated the owners expanded the building to the South and began noticing cracks in the building. Engineers came in and said the portion of the building was pulling off the building and the expansion piece had to be removed. Mr. Heimann explained the addition was removed in 2009 and the concrete pad still sits there. Engineers continue to monitor and have found no additional movement. Mr. Heimann stated they received a letter from the State last year that cleared the property from any Mine Subsidence Activity and the property is once again insurable. (Ms. Edwards asked for a copy of the letter.)
- Mr. Heimann stated the building is in very good shape. The inspectors had no problem with the structure. The building is cinder block with brick on the exterior and is very well constructed and a safe building.

Discussion

- Chairman Penny asked how many members the church currently has. (The applicant stated they currently have 93-members.)
- Ms. Edwards asked if the County inspected the building. (Ms. Markezich stated the Zoning Department does not inspect commercial buildings for Occupancy.)
- Mr. Schneidewind stated the building will be inspected by the State of Illinois.

- Mr. Meister asked the maximum number of children and the age range. (Mr. Payne was introduced and stated he will run the day care center. Mr. Payne explained the daycare operation will focus on an early childhood center. This center would focus on ages 0 to 5 years old with a maximum 60 students. The daycare will be open Monday through Friday - 6am to 6pm.)
- Mr. Rhoden asked how many teachers they will have for the Early Childhood Center. (Mr. Payne stated they will hire 6 teachers.)
- Ms. Edwards asked the applicant to compare the traffic to school traffic. (The applicant stated the daycare will have considerably less traffic than the school and they are considering vans and not busses.)
- Ms. Edwards asked if the church will have pageants and extracurricular activities. (The applicant stated they will have service on Tuesday nights at 7:00 PM and Sunday mornings 10:30 AM.)
- Ms. Edwards asked if there will be Special Events. (The applicant stated there will be special events on rare occasions, but the main hours are Tuesdays and Sundays.)
- Mr. Heberer asked if this daycare would be for pre-school only. (The applicant stated that is correct.)
- Mr. Meister asked if the daycare center would open to the public and not necessarily for church members. (The applicants stated the day care is open to the public.)
- Ms. Edwards asked the applicant to walk the board through a weeks schedule at the church. (The applicants stated on Mondays the parents would drop their kids off as early as 6:00 AM and faculty will be there to receive the students. The students will be served breakfast and then a morning activity, circle time and exploratory centers; lunch and then nap time; afternoon groups; snack time and depending on the weather outside break and then centers and should be time to go home at 6:00 PM for students 0 to 5.)
- Ms. Edwards stated then Tuesday would be a repeat. (The applicant stated that is correct but then church at will begin at 7:00 PM and over at conclude at 8:30 P.M.)
- Ms. Edwards asked the applicant to explain Mommies Day Off mentioned by the applicant as a possible event at the Daycare. (The applicant stated children will be from 0 to 12 and possibly Mondays and Saturdays. 8:00 AM to 11:00 AM and 12pm to 3pm)

- Ms. Edwards asked the applicant to explain a typical Sunday at the church. (The applicant stated Sunday school will begin at 9:30 AM and morning worship will be at 10:30 AM and conclude around 12:30 – 1:00 PM.)
- Mr. Meister asked if the church facility/sanctuary would be separate from the daycare operation. (The applicant stated the building allows for gates that will separate the daycare area and then you will buzz into the daycare center.)
- Chairman Penny asked if the daycare is a private entity or is it part of the church. (The applicant stated the daycare will be separate business.)
- Mr. Heberer asked if the applicants will be putting up new signs on the property. (The applicant stated there is currently a sign on the property that will be replaced.)
- Mr. Meister asked if this is a purchase or a lease. (The owner stated the applicant is working on his financing for purchase but it will begin as a lease.)
- Mr. Meister asked where the sanctuary will be in the building. (The applicant stated in the gymnasium. The stage in the gymnasium will be the podium pulpit area and there will be actual chairs in the gymnasium.)

Public Testimony

- Karen Eilers, 138 Cresthaven Drive stated her home is directly across from the school. Ms. Eilers stated they are used to the school activity of the cars and busses and everything. Ms. Eilers stated she finds it more disturbing for the empty building sitting there. The police have been called on several occasions and she is in support of the application.
- Pat Mueller, 131 Cresthaven Drive stated she is the gate keeper for the gate. She stated there was a problem with high school kids driving back there and hanging out. She is in favor of the church and daycare.
- Kevin Luechtefeld – 128 Cardinal Drive, Belleville stated he is an adjacent neighbor. Mr. Luechtefeld is also excited about a business going in this building but his concern is regarding access off of Cardinal Drive. He stated a resident purchased a strip of land which includes this road. He stated he is concerned that the applicant does not have access to this property. (The applicant spoke to Skip Kernan, Township Official and he stated Cardinal Drive is a Township Road and they maintain up to the gate. He also stated he feels she cannot block the road because it is a Township Road and has to serve the public.

- Ms. Edwards asked if the applicant could get a letter from Mr. Kernan regarding access to the Cardinal Drive entrance. (The applicant stated he would contact Mr. Kernan and ask him.)
- Mr. Schneidewind stated the Zoning Board does not have the authority to gate a public road or give authority to gate a public road. Mr. Schneidewind stated the board could request an access letter from the Township.
- Tom Scheeler, 37 Cresthaven Drive, Belleville stated he feels the safest place to come in and out of the daycare/church would be Cardinal Drive. Mr. Scheeler stated he has no objection to the school and church but is interested in the access. He also feels the gates should be closed when the business is closed.
Kevin Wiggs, 37 Zinnia Drive, Belleville stated he can see the potential here for good, it is also worth being cautious and if the business would expand and take on the entire 42,000 square foot building, where there were previously school busses bringing in 650 children to school every day, there would be individual vehicles bringing their children to school each day, which would increase traffic. Mr. Wiggs stated this is a quiet neighborhood and is concerned with a massive amount of traffic in the neighborhood.
- Pam Kniepkamp, 24 Andora Drive stated they didn't know very much about this procedure going on tonight. Ms. Kniepkamp stated the sign was very inconspicuous and didn't tell you where the meeting was located. Ms. Kniepkamp stated the adjacent lots to the school were given letters and nobody else in the neighborhood was given letters. Our house is at an access point to the school. Ms. Kniepkamp said she is concerned about traffic in the neighborhood.
- Keith Eilers, 138 Cresthaven Drive, Belleville stated since the church has taken interest in this property the grass has been very kept, stated he is excited to see God fearing, god honoring assembly of people in his back yard.
- Chairman Penny stated the hand vote of members of the public present for this matter was 11 votes for and 8 against.
- Steven Michalke, 111 Cardinal Drive, Belleville stated he is in favor of the church because there will be a safe community of people. Only request is that if he gets permission from Mrs. McCabe to open that gate off Cardinal Drive that it be closed at the end of the day.

- Walter O'Brien, 15 Zinnia, Belleville stated his property backs up against the Andora gate. Mr. O'Brien stated once people decide there is a thoroughfare and the gate gets closed people run over his lawn. The Cardinal Drive access was always the main drive but of course now someone has purchased it. Mr. O'Brien asked the applicant who will respond to alarms at the property. (The applicant stated there will be a team of people that will respond to alarms. The applicant stated he is less than 10-minutes away from the property.)
- David Kniepkamp - 24 Andora Drive, Belleville stated this is a quiet area and if Mrs. McCabe has blocked that Cardinal Drive off, this business will impact a lot more people than this board understands. The traffic will impact the people on Cresthaven, Shady Lane, Magnolia and Fawnlily. Mr. Kniepkamp stated there will be a huge impact travel wise.
- Woman - asked the Zoning Board whether this Zoning will transfer to another applicant. (Mr. Schneidewind stated the owner is not asking for a rezoning and this application will not transfer to another applicant.)

Further Discussion

Angela Grossmann-Roewe stated she is the County Board Member for that district and she is also the Association President for her subdivision. She stated it has been her understanding for several years that Ms. McCabe does own that entrance off of Cardinal Drive and the Township cannot do anything with it.

Ms. Grossmann-Roewe asked about the fencing. (The applicant stated there will be a fence around the outside play area which is a DCFS requirement.)

Ms. Grossmann-Roewe asked if there will be a summer day care center. (The applicant stated there will be a summer day care center that will have children up to 12-years old.)

Chairman Penny stated he feels possibly the board should forward this to the States Attorney for a legal review to see if it is lawful and appropriate to block the road because it is perceived as a public right-a-way that is not longer a public right-a-way.

Jennifer Meyer, St. Clair County Health Department stated her office will inspect the building for the daycare and will inspect the kitchen facilities as well.

MOTION by Edwards to take cases 2016-10-SP & 2016-14-SP under advisement until the following information is received and given to the Zoning Director: Information regarding the access road, as to whether that road is accessible to the church and daycare center; we would like a letter from the IL Dept of Mine Subsidence as to the condition of the building; the applicant should submit a site plan concerning the activities, Monday through Friday for the next 12 months; and long-term goals, should they decide to purchase the building at maximum capacity.

This case will be continued until October 3, 2016.

Second by Rhoden.

A roll call vote:

Roll call vote:	Rhoden -	Aye
	Edwards -	Aye
	Meister -	Aye
	Heberer -	Aye
	Chairman Penny-	Aye

This case has been continued until October 3, 2016.