

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
July 10, 2017**

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

Members Absent: Patti Gregory

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

County Board

Members Present: Michael O'Donnell, District 22
June Chartrand, District 16
John West, District 15
Dave Tiedemann, District 19
Bryan Bingel, District 7

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 June 5, 2017 meeting. Second by Meister. Motion carried.

Public Comment

There were no comments from the public.

Announcements

Subject Case #2017-02-SP (Merritt) has been rescheduled to August 7, 2017.

Subject Case #2017-06-SP (Green Door Apartments LLC) has been continued to August 7, 2017.

New Business – Case #1

Subject Case #2017-10-SP – Curtis Mary K. Living TR, 17 Ross Lane, Belleville, Illinois, Owner and Lisa Curtis, 17 Ross Lane, Belleville, Illinois, Applicant. This is a request for a Special Use Permit to allow Use Car Sales in a “B-1” Retail & Service Business Zone District, on property known as 1913 S. Illinois Street, Belleville, Illinois, in St. Clair Township. (Parcel #08-33.0-402-058 & 059)

Lisa Curtis, Owner/Applicant

- Ms. Curtis introduced herself and brothers, Brad and Tom Curtis as owners of the property.
- Ms. Curtis stated she is the POA for the Curtis Mary K. Living Trust.
- Ms. Curtis explained the property in question was previously used to run an insurance company.
- Ms. Curtis stated she has a potential tenant that would like to run a used car lot out of this building.
- Ms. Curtis stated she has an agreement with the renter of number of vehicles and a restriction that the house will only be used for office space.
- Ms. Curtis explained the surrounding property owned by the Curtis Living TR is all commercial which includes a Cross-Fit and a dance studio. All businesses share the parking lot in the rear.
- Ms. Curtis explained the front area will be for car lot only.
- Ms. Curtis stated the lease with the renter will limit the business to 10-acre for sale on the lot.
- Ms. Curtis introduced Mr. Anderson her potential tenant of the building.

Discussion

- Mr. Rhoden asked what types of vehicles will be parked on the lot. (Mr. Anderson stated he is a broker and the oldest car he will have is a 2001 but most will be between 2007 to 2013.)
- Mr. Rhoden asked what types of vehicles the applicant will have for sale. (The applicant stated he will have all types of vehicles for sale.)
- Mr. Meister questioned the sign on the property. (Ms. Curtis stated there is a sign existing on the property.)
- Mr. Heberer asked if the building on the property looks like a house on the property. (The applicant explained this home was rented as a residential house for a handicapped individual and that is why it was handicapped accessible.)
- Mr. Rhoden asked how many employees the gentlemen will have. (Mr. Anderson stated he will have two employees.)
- Mr. Meister stated for clarification will the office/house be used for residential. (The applicant stated there will be no residential use.)
- Ms. Edwards asked hours of operation. (Mr. Anderson stated hours will be from 9:00 AM to 4:00 PM, Monday – Friday and possibly 8:00 AM to 12:00 PM on Saturday.)
- Ms. Edwards asked if the applicant currently has a car lot and for how long has he been a car salesman. (Mr. Anderson stated he has a car lot in Alorton, Illinois. He explained he has been a broker for 2 ½ years, where most of his deals are done on-line.)
- Ms. Edwards asked how the cars will be displayed. (Mr. Anderson stated they will be 5 or so cars at the front of the property and a couple on the side.)
- Ms. Edwards asked if there will additional lighting on the vehicles. (Mr. Anderson stated there will be no additional lighting.)
- Mr. Heberer asked if Mr. Anderson will close his existing car lot in Alorton. (The applicant stated he will close the Alorton location.)
- Ms. Edwards confirmed the hours of operation will be from 9:00 AM to 4:00 PM, Monday through Friday and 8 AM to 12PM on Saturday . She also confirmed there will be Title Work done at this location for his vehicle sales.
- Ms. Edwards stated she is opposed to the creative lighting at night with the residential homes across the street.
- Mr. Howell asked if there were any concerns from the neighboring businesses. (The applicant stated the existing business owners are fine with the car lot as long as they have their own parking area. They are not concerned with the used car sales.)

Public Testimony

There were no persons present for public comment.

Further Testimony

MOTION by Heberer to grant Case #2017-10-SP for the following reasons: The property currently has public water and public sewer; the Comprehensive Plan calls for Residential; the proposed design, location, development and operation adequately protects the public's health, safety and welfare and physical environment. The Special Use Permit is consistent with the County's Comprehensive Plan; the request will not have an adverse effect on the value of the neighboring property; the request will not have an effect on traffic circulation; and public utilities are available; the applicant agreed to no additional lighting except what is already on the property; the Special Use Permit is compatible to adjacent uses in the general vicinity; hours of operation will be from 9:00 AM to 4:00 PM – Monday through Friday and Saturday 8:00 AM to noon; there will be two employees; the applicant will do title work for cars owned by the applicant only; current signage is efficient for the property; and the applicant submitted an appropriate site plan.

Edwards seconds.

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

Motion carried. This case has been granted by this board and will now go to the County Board for final consideration.

New Business - Case #2

Subject Case #2017-11-SP – Phillip Tegtmeier, 3908 Old Collinsville Road, Belleville, Illinois, owner and applicant. This is a request for a Special Use Permit for a Planned Development pursuant to Section 40-9-3(H)(3) to allow the expansion of an existing farm equipment business to allow the sale and repair of new and used RV's and campers, inside boat and camper storage; the sale of RV's and camper enclosures and powersport sales and service in an "A" Agricultural Industry Zone District on property known as 3169 Mascoutah Avenue, Belleville, Illinois, in Shiloh Valley Township. (Parcel #09-29.0-300-013)

Phillip Tegtmeier, Owner/Applicant

- Mr. Tegtmeier stated he owns the building at 3169 Mascoutah Avenue, Belleville.
- Mr. Tegtmeier stated his in-laws owned H.Edwards Equipment since 1979 at this location.
- Mr. Tegtmeier stated his in-laws retired and sold the Case dealership and he purchased the building with the intentions of repairing farm equipment and added the sale of utility trailers.
- Mr. Tegtmeier stated he has since received requests for RV and Camper repair and the business has flourished and he would like to expand the business.
- Mr. Tegtmeier stated he has seven employees currently.
- Mr. Tegtmeier stated he received a violation letter from the County regarding outside storage of RV's/campers. Mr. Tegtmeier explained he does not store RV's campers. Mr. Tegtmeier stated the RV's on his property are either being worked on, waiting to be worked on or have not been picked up yet. He stated he also purchases and sells RV's/campers.
- Mr. Tegtmeier stated he is waiting 2 or 3 weeks for parts for the RV's. Logistically, they have to be sitting on the lot because you are tearing them apart because they not transportable.
- Mr. Tegtmeier stated he does not have any paying storage customers on the lot, it is all consignment work that has been done. He explained customers do take advantage of him and leave their units on the property even when the work is finished. He stated he is addressing the problem.

Discussion

- Mr. Heberer asked how many employees he will have in the future. (Mr. Tegtmeier stated in the near future he could have 10-12 employees.)
- Mr. Heberer asked what the operating hours will be for the business. (Mr. Tegtmeier stated his business hours are 8:00 AM to 5:00 PM, Monday – Friday, and 9:00 AM to 1:00 PM on Saturday.)
- Mr. Meister stated he visited the site Friday night at approximately 7:00 PM and witnessed a motor home on the East side of the building being filled with items from two SUV's. Mr. Meister questioned if he is not open at 7:00 PM. (The applicant stated that was an employee that was heading out to Kincaid for the weekend.)
- Ms. Edwards asked where the employee leaves his RV. (The applicant stated he allows him to leave his RV on the property.)
- Ms. Edwards stated she has not done an on-site inspection at this time and would like to do so.
- Ms. Edwards stated the Zoning Board has denied cases in the past for outside storage and wants the board to be fair and consistent with everyone.
- Ms. Edwards stated she has no problem with the sale of equipment and repair, good service for the community and good paying jobs.
- Ms. Edwards is opposed to the outside storage of RV's because the board has denied so many people the same right.
- Mr. Schneidewind asked the definition of powersport sales. (The applicant stated ATV's and Seadoo's and different types of motorsports.)
- Mr. Tegtmeier explained that when he purchased this property he hauled off 6 or 7 truckloads of tractor parts and equipment off of this property and cleaned it up.
- Mr. Schneidewind asked the applicant if he will sell new ATV's like a Honda dealer. (The applicant stated he has to wait until he can get a dealership, and in the meantime sells used and currently also sells farm equipment such as brush hogs and utility trailers.)
- Chairman Penny asked the applicant to expand on the indoor boat and camper storage. (The applicant stated he works on a lot of high dollar class A, coaches and they do not want to winterize their coaches every year and would like to have electrical hook-ups, so the batteries stay maintained and they can stay climate controlled. Plan would be to have RV's condominiums and they can plug them in and have water hook-up. (Mr. Schneidewind asked if that would be the 80 x 200 ft. shed in the future plans.)

- Mr. Howell asked if the storage facility would be open at all hours. (The applicant stated it would be open during normal business hours or by appointment only.)
- Mr. Meister asked if people will live in the RV's on the property. (The applicant stated they will not live in the RV's.)
- Mr. Schneidwind confirmed the RV's storage building would be built in the next two-years. (The applicant stated that is correct. He stated they have been in operation since the latter part of 2014 and the business is thriving. He stated last year they sold and did service work for approximately \$650,000 gross and project approximately 20% more this year.)
- Chairman Penny asked if the applicant would agree to no outside storage of boats, RV's, campers. (The applicant stated he would agree to no outdoor storage. He stated he has a storage facility in the County already and the outside storage is a larger pain because of vegetative growth.)
- Mr. Schneidewind asked when the future addition of the bays is anticipated. (The applicant stated he plans on putting two more service bays in the back of the building in the next 1 to 2 years.)
- Mr. Schneidewind asked on the site plan it shows vehicles for sale. He asked if that references the RV's and campers for sale. (The applicant stated that is correct and the utility trailers.)
- Mr. Schneidewind asked if the RV sewer tanks are dumped on the property. (The applicant stated he does not dump the tanks on the property. He stated he is not on public sewers. He stated he requires waste tanks to be emptied prior to maintenance.)
- Ms. Edwards asked if the lighting on the property will remain the same. (The applicant stated that is correct.)
- Ms. Edwards asked if the property has a chainlink fence around the back. (The applicant stated that is correct.)
- Ms. Edwards asked if the applicant would consider slatting the chainlink fence so you can't see in. (The applicant stated he would not have a problem with that.)
- Ms. Markezich asked the applicant if he has a night watchmen on site. (The applicant stated he did not and no one is living in any of the RV's on the property.)

Public Testimony

There were no persons present for public comment.

Further Discussion

Mr. Tiedemann stated he has not received feedback from neighbors regarding this case. He explained the property is out in the country and he believes this case originated from a previous Zoning case in Lebanon and Mr. Tegtmeier was caught in the cross-fire. Mr. Tiedemann stated the applicant is overflowing on the chain link fence lot and is not sure if the consignment isn't some kind of storage as well. Mr. Tiedemann stated he feels these things can be worked out with the construction of two buildings.

MOTION by Edwards to take this case under continuance to allow the Zoning Board time to make an on-site inspection of the property.

Second by Heberer.

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

New Business – Case #3

Subject Case #2017-12-SP – Theodore J. & Cindy L. Moore, 3 Executive Estates Drive, Millstadt, owners & applicants. This is a request for a Special Use Permit for a Planned Development pursuant to Section 40-9-3(H)(3) to allow the expansion of an existing Asphalt Plant in an "A" Agricultural Industry Zone District, on property known as 5940 Club Congress Road, Waterloo, Illinois in Prairie DuLong Township. (Parcel #17-29.0-400-003)

Theodore Moore, Owner/Applicant

- Mr. Moore stated he is the owner of the property located at 5940 Club Congress Road, Waterloo.
- Mr. Moore stated he would like to build an Asphalt Plant on the property that he would like to open by March of next year.
- Mr. Moore stated there is currently a concrete recycling plant on the property now.

Discussion

- Mr. Heberer stated the Zoning Board granted the existing concrete recycling plant. (Ms. Markezich stated they were granted by the Zoning Board in 2012.)
- Mr. Heberer asked if there were any problems reported with the 2012 Zoning Hearing. (Ms. Markezich stated they had a few problems, but they were resolved.)
- Mr. Schneidewind asked if the Asphalt Plant will be run in conjunction with the current business. (The applicant stated the businesses will run in conjunction.)

Public Testimony

- Don Sutton –Applicants Consultant from Springfield, Illinois. Mr. Sutton stated he worked for the IL EPA prior to his retirement. Mr. Sutton stated his position was regulating asphalt plants for the EPA. He explained the emissions coming from an asphalt plant are primarily from the propane used to dry the rock that is mixed with the asphalt and cement. He stated Mr. Moore is purchasing a unit that will produce 150 tons an hour of asphalt which in the asphalt business is as small as you can get. He explained the emissions from running that propane are very similar to what is run out of your house in your natural gas furnace and 50 million btu burner will be something similar to what you have in a school.

Further Discussion

- Ms. Edwards asked where the closest asphalt plant is located. (The applicant stated there is one down in Cahokia at the Casper Stolle Plant and one in Lebanon on Highway 50.)
- Mr. Howell asked if the applicant will sell to others. (The applicant stated if Zoning is approved, he will hire an estimator and a sales person and one or two other people to run the operation.)
- Mr. Howell asked with your experience in the Asphalt industry, what are the normal complaints from neighbor and so forth. (Mr. Sutton stated traffic up and down the roads and sometimes lighting issues.)
- Mr. Heberer stated there are several asphalt plants in St. Clair County.
- Mr. Meister asked about the storage tanks on the site plan. (The applicant explained he will only have one storage tank.)
- Mr. Meister asked if there is a vapor collection tank. (Mr. Sutton explained there is no vapor collection.)

- Mr. Meister questioned the packet submitted to the board. (Mr. Sutton explained the purpose of the document is to let you know how the Illinois EPA regulates all asphalt plants. He stated the applicant will have one plant and storage tank that has a heater in the drum and has bins for the storage of raw material.)
- Ms. Edwards asked what the weight limit on the road is and how many trucks would come in and out every day. (The applicant stated there would be 10 trucks per day up to 25 trucks per day.)
- Chairman Penny stated one of the conditions is that the area will be fenced in.
- Chairman Penny asked how far away the closest residential home to the property. (Mr. Moore stated approximately 1,200 feet away.)
- Ms. Edwards asked what the hours of operation will be. (The applicant stated the hours will be from 7:00 AM to 4:00 PM and they will go in a half hour earlier to get the asphalt heated up and ready to go. He stated there may be special days when they may have to start a little earlier.)
- Ms. Edwards asked if the applicant would be okay with the board putting a stipulation of no earlier than 6:00 AM and no later than 6:00 PM. (The applicant stated he agrees with these hours.)
- Ms. Edwards asked what this plant is called. (The applicant stated Barber Green DM 55.)
- Ms. Edwards asked how tall the plant is. (The applicant stated approximately 40 ft. in height.)
- Mr. Howell stated noise is a polluter. He asked the applicant what can he compare the noise level with. (The applicant stated the noise at the plant can be up to 90 decibals because you've got a large turning cylinder with rocks in it. He stated it drops down rapidly to 70 decibals while turning. The applicant stated there are several of these plants in Springfield in the middle of residential areas and the only complaints received were from a generator but the plants themselves have not received noise complaints.)
- Ms. Edwards asked how many employees. (The applicant stated he currently has 7 employees and next spring there will be one additional employee, a salesperson, someone to start bidding commercial work and a secretary.) (The applicant explained he hires out of the hall.)
- Ms. Edwards stated the board will not offer a blank check to the applicants, that if this case is approved all future expansion will come back before the board for further approval.
- Mr. Meister asked how many tons an hour the crusher can produce. (The applicant stated 150 tons.)
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- Chairman Penny stated there is a high production plant in his City and he has never smelled anything from that plant. He stated there is residential housing within 1½ city blocks and has never received a complaint.
- Mr. Schneidewind asked the applicant to describe the size of the plant compared to the pictures submitted of the larger ones. (The applicant stated they are similar in nature other than the volume produced. All plants require the storage tank and bins to put the mix into the conveyer that feeds into the drum and goes through the drum and comes out the far end as hot mix asphalt. The pictures submitted are the large operations.)

Public Testimony

- Bob Hemmer – 19 Estates View Drive stated he owns property adjacent. The applicant stated he is concerned with the smell of asphalt in the area.
- David Hemmer – 19 Estates View Drive stated he is part owner of the 40-acres just to the rear of where the new plant is proposed. Mr. Hemmer stated he feels he was not afforded enough time to do his homework or have the opportunity to combat this. Mr. Hemmer explained his property is used as recreational property and is afraid he will have a little Sauget, Illinois and possibly lots of noise, where it used to be a serene agricultural area. Mr. Hemmer stated this plant would also have a direct economic impact on the value of his property.

Further Testimony

Mr. Schneidewind asked if there will be additional lines run for electric or gas. (The applicant explained the plant will pull approximately 400kw and they have a letter of intent for gas service.)

Ms. Edwards stated she would like to go out and visit the site.

County Board Member, Brian Bingel stated he personally had the opportunity to see Mr. Moore's current business environment. He stated the business is immaculately clean and in great order. Mr. Bingel stated he personally canvassed the neighborhood and spoke to the neighbors that live along Club Congress Road and up Highway 159 and no one had any single issue with the current business.

Mr. Schneidewind asked the applicant to provide a scope of the proposed business instead of the larger operations.

MOTION by Edwards to continue this case until September 11, 2017 to allow for the board to make an on-site inspection of the property and surrounding area and to allow the applicant time to submit more definitive data of the specific plant proposed including volume produced, noise and size of the plant.

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

This case has been continued until September 11, 2017.

New Business – Case #4

Subject Case #2017-13-SP – Alex Nickens, 6970 State Rte 156, New Athens, Illinois, owner and applicant. This is a request for a Special Use Permit for a Planned Development pursuant to Section 40-9-3(H)(3) to allow a Lawn & Landscape Maintenance Business in conjunction with a single-family residence in an “A” Agricultural Industry Zone District on property known as 6970 State Rte 156, New Athens, Illinois in Prairie DuLong Township. (Parcel #17-25.0-400-005)

Alex Nickens, Owner/Applicant

- Mr. Nickens stated he runs a Lawn & Lawnscape Business.
- Mr. Nickens stated he recently purchased the property located at 6970 State Route 156, New Athens where he currently lives.
- Mr. Nickens stated he is currently using a storage facility for his business.
- Mr. Nickens stated he is requesting this Special Use Permit to allow him to store his equipment on his property.
- Mr. Nickens stated he would like to build a 60' x 40' pole building.

Discussion

- Mr. Heberer asked the applicant how many employees he has. (The applicant stated he has one employee and would like to expand to 2 or 3 employees next year.)
- Mr. Meister asked if the applicant will bring back tree limbs or any other items back to the property. (The applicant stated the only materials at the property will be loaded in the trucks.)
- Mr. Meister asked if the applicant will store mulch or decorative rock on the property. (The applicant stated there will be no storage of mulch or rock on the property.)
- Mr. Rhoden asked what types of vehicles will be stored on the property. (The applicant stated he has two trucks and one is a dump truck.)
- Ms. Markezich asked the applicant if he does snow removal. (The applicant stated his business does not include snow removal.)
- Mr. Meister asked the applicant if he will have outside storage. (The applicant stated he will not have outside storage.)
- Mr. Meister asked if the applicant will create another entrance for the pole building. (The applicant stated he will not create an entrance.)
- Mr. Schneidewind asked the applicant if the hearing is approved, will he move his equipment from the storage facility in Freeburg. (The applicant stated he will have to keep the storage facility until the pole building is built.)

Public Testimony

There were no persons present for public comment.

Further Discussion

MOTION by Meister to grant this request for the following reasons: The applicant has a 3.3-acre lot; the applicant will build a 40 x 60 ft. shed on the property; the applicant currently has 2 employees and could grow to 4 maximum; the hours of operation will be from 6:00 AM to 7:00 PM; the proposed application will adequately protect the health, safety and physical environment of the area; the request is consistent with the Comprehensive Plan; and the request will not have an adverse effect on the value of neighboring properties in the County.

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

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

MOTION by Rhoden to adjourn. Second by Edwards. Motion carried.