

**St. Clair County Zoning Board of Appeals
Minutes for Meeting
At the Courthouse – 7:00 P.M.
April 8, 2019**

Members Present: Chairman Scott Penny, George Meister, Alexa Edwards,
Kent Heberer, Steven Howell & Marcy Deitz

Members Absent: Patty Gregory

Staff Present: Anne Markezich, Zoning Department
Robert Jellen, Assistant to the Zoning Attorney

**County Board
Members Present:** Michael O'Donnell, County Board District #22

Pledge of Allegiance

Call to Order

The meeting was called to order by Chairman, Scott Penny.

Roll Call and Declaration of Quorum

The roll was called and a quorum declared present.

Approval of Minutes

MOTION by Deitz to approve Minutes of March 11, 2019. Second by Heberer.
Motion carried.

Public Comment

There were no comments from the public.

Announcement

Chairman Penny announced Subject Case 2018-19-ABV has been postponed until May 6, 2019.

New Business – Case #1

Subject Case #2018-38-SP – FT Properties, 11460 Nora Ct., Bridgeton, Missouri, owners and applicants. This is a request for a Special Use Permit for a modification/expansion of a Planned Building Development in Case 2003-75-SP & 2005-64-SP pursuant to Section 40-9-3(H)(3) to allow the expansion of an existing Mini-Warehouse Business to include a 3-sided storage building in an “A” Agricultural Industry Zone District on property known as 4380 & 4390 E. Hwy 161, Belleville, Illinois in Shiloh Valley Township. (Parcel #09-23.0-103-002 & 003)

John Macke, Owner/Applicant

- Mr. Macke introduced himself and stated he is one of the owners of the business.
- Mr. Macke explained the business currently has outdoor storage and in order to conform to the county ordinance he would like to construct a 3-sided building on the property.

Discussion

- Chairman Penny asked the applicant if the trailers and RV's that are currently parked on the property will be stored inside the new building. (The applicant stated that is correct.)
- Chairman Penny asked the applicant if all outside storage will be gone after construction of the new building. (The applicant stated that is correct.)
- Chairman Penny stated the goal in these Zoning cases is to get rid of outside storage of vehicles due to the visual blight it causes and asked if all vehicles will be stored inside. (The applicant stated that is correct.)
- Chairman Penny asked if the new building will meet the Zoning setbacks. (Ms. Markezich answered the building will meet the Zoning setbacks.)
- Ms. Edwards asked if the detention pond will be affected on the property. (Ms. Markezich stated she was contacted by the adjacent farmer who stated he dug a trench because water from this property is running onto his field.) (The applicant stated they currently have a detention pond with sewer drains on that side of the property, and there

will be no additional asphalt put in, and all of the water will go into the detention pond.)

- Chairman Penny confirmed the new buildings will have gravel floors and not concrete. (The applicant stated that is correct.)
- Ms. Deitz asked if there is an office at this location. (The applicant stated there is a mini office at this location with a desk.)
- Ms. Deitz asked if there are employees that work at this location. (The applicant stated there is no employee on-site, the service is by appointment only.)
- Ms. Markezich explained there is a gate system at this location with a keypad for customers to gain entry.
- Chairman Penny asked if the County Board Member had any input on this case. (Ms. Markezich stated County Board Member, Jana Moll has no objections to this case and will support the decision by the Zoning Board of Appeals.)
- Ms. Edwards asked the applicant to write a statement that he is aware of the water issue and will correct that situation. (The applicant stated he is willing to write a written statement and submit it to Ms. Markezich prior to the County Board Meeting.)

Public Testimony

There were no persons present for public testimony in this matter.

Further Testimony

MOTION by Edwards: The applicant currently has outside storage which is not in compliance with the Zoning Code; the applicant would like to expand his business to include 3-sided covered indoor storage; the applicant submitted a site plan which meets the setback requirements; and the applicant will address the water runoff prior to the County Board vote on this case. The Special Use will not have an adverse effect on the value of neighboring properties or on the County's overall tax base; the request will not have a negative effect on traffic circulation on nearby streets; there are similar facilities in the area and will not result in spot-zoning; the request is compatible to the existing area; and the applicant has submitted his site plan.

Second by Heberer.

A roll call vote:

Meister -	Aye
Deitz -	Aye

Howell - Aye
Heberer - Aye
Edwards - Aye
Chairman Penny- Aye

Chairman Penny stated this case has been approved by this board and will now go to the County Board for final approval.

New Business - Case #2

Subject Case #2019-01-ZA – Paul J. & Mary E. Hermann, 6821 State Route 163, Millstadt, Illinois, Judy L. Karcher, 604 W. VanBuren Street, Millstadt, Illinois, Jean M. & Kevin L. Colbert, 6200 Werner Road, Millstadt, Illinois and Joan B. Conrad, 4811 Bohleysville Road, Waterloo, Illinois, owners and applicants. This is a request for a Zoning Amendment to change the zone district classification of certain tracts of land from “A” Agricultural Industry Zone District to “RR-3” Rural Residential Zone District, on property known as 6160 Werner Road, & XXXX Saxtown Road, Millstadt, Illinois, in Millstadt Township. (Parcel #12-16.0-400-023, 024, 025, & 026)

Joan Conrad, Owner/Applicant

- Ms. Conrad explained the property in question was 46-acres and is currently zoned “A” Agricultural.
- Ms. Conrad explained this parcel was the Hermann Farm and has been in the family for three generations. She explained her parents gifted the farm to their four children, Judy Karcher, Jean Colbert, Joan Conrad and Paul Hermann.
- Ms. Conrad stated the parcel was split into four parcels of approximately 13-acres each which are below the minimum Agricultural acreage of 40-acres.
- Ms. Conrad explained the applicants would like to rezone the property to “RR-3” Rural Residential to make the properties conforming to County Ordinance.
- Ms. Conrad stated the parcels were recorded on December 31, 2018 and were told by the Mapping & Platting Department that because they were below the 40-acres, the new lots were non-conforming lots, and therefore no building permits would be issued.
- Ms. Conrad stated she spoke to the neighbors and asked them to sign a petition stating they are not opposed to rezoning to “RR-3”.
- Ms. Conrad stated she has the LESA report which has a score of 148 which is in the low prime farmland.

- Ms. Conrad pointed out there are “RR-1” and “RR-3” zone districts in the immediate neighborhood.
- Ms. Conrad stated this property is adjacent to the Village of Millstadt city limits.

Discussion

- Chairman Penny asked if she received signatures on the petition from everyone who touches the property. (The applicant stated that is correct.)
- Mr. Howell asked if the neighbors understood that homes can be built on this property. (The applicant stated that is correct.)
- Chairman Penny read the petition to the Zoning Board of Appeals.
- Mr. Meister asked about the 9.46-acre property that was already divided off this property. (The applicant explained that property was also part of the Hermann Farm. She explained her sister was given that land prior to everyone else getting their property.)
- Mr. Meister asked how much frontage is required in the “RR-3” zone district. (Ms. Markezich stated “RR-3” requires 100 ft. of frontage on the road.)
- Mr. Meister asked if the property can be split into 3-acre tracts. (Ms. Markezich stated that is correct.)
- Mr. Meister asked the applicants if they told their neighbors that there is a possibility that these tracts can be divided into three acre tracts in the future. (The applicant stated that was explained to the neighbors.)
- Mr. Meister asked if there is a plan to divide these parcels in the future. (The applicant stated there are no plans at this time. She explained her brother currently farms the property and will continue to farm the property.)
- Chairman Penny asked if there is a Zoning designation that will eliminate the possibility of subdividing in the future. (Ms. Markezich stated there is not.)
- Ms. Edwards asked if there is a reason they wanted to divide the property rather than own the property collectively. (The applicant stated she is not sure how that would work, that it is their heritage, and that she would want to know what property was hers.)
- Chairman Penny stated this property adjoins the Village of Millstadt and could be annexed. (Ms. Edwards stated if the applicants annex they will have access to Public Water.) (The applicant stated they already have access to public water.)
- Chairman Penny stated it looks like there is a trend of smaller lots in the area.

- Mr. Heberer stated the parcels across the street are larger than 3-acres, they are 5 to 10-acre tracts.
- Ms. Markezich asked counsel if the applicants could change their request to ask for the plat that is presented to the board. (Mr. Jellen stated the applicants could ask for an Area/Bulk Variance as opposed to rezoning the entire parcel. Mr. Jellen explained to the applicants that they are asking to change the zone district classification from Agricultural to Rural Residential which will allow them to be in conformance with having less than 3-acres, and however, the Zoning Ordinance allows you to apply for an Area/Bulk Variance which allows you to remain in the "A" Agricultural Zone with less than 40-acres and still be in conformance with the Zoning Code.)
- Chairman Penny confirmed that each parcel would be allowed one home if the variance is granted. (Mr. Jellen stated that is correct.)
- Chairman Penny stated if the board grants a variance then each parcel would be allowed one residence and each property owner would be given the option of coming back before the board to ask to divide their parcels further.
- Mr. Jellen asked the applicants if they contacted the Village of Millstadt regarding annexing the property. (The applicant stated they would prefer to stay in the County since the property is in the farming community.)
- Chairman Penny asked the applicants if they would like the board to vote on the Area/Bulk Variance. (Ms. Conrad discussed the decision with all of the property owners and decided to accept the Area/Bulk Variance rather than the Zoning Amendment.)

Public Testimony

There was one surrounding property owner present at the meeting with no comment.

Further Testimony

County Board Member, Michael O'Donnell stated he is in favor of granting a variance in place of a Zoning Amendment to protect the county, and is not in favor of saturating this area with 3-acre tracts with no sewers.

MOTION by Deitz to approve the request as follows: The request was for a Zoning Amendment to change the zone district classification of a certain tracts of land from "A" Agricultural Industry Zone District to "RR-3" Rural Residential Zone District. The request is now being changed to approve an Area/Bulk Variance for 4-lots that have already been divided and platted.

Second by Howell.

A roll call vote:

Meister	-Aye
Deitz	-Aye
Howell	-Aye
Heberer	-Aye
Edwards	-Aye
Chairman Penny	-Aye

This case has been approved by this board.

Old Business Case #3

Subject Case #2018-31-SP – Rehkemper Partnership TR – Thomas J. Rehkemper, 9927 Canterleigh Drive, St. Louis, Missouri, owners and DG Illinois Solar, LLC, 700 Universe Blvd, Juno Beach, FL, applicants. This is a request for a Special Use Permit to allow a 4 (MW)(AC) Solar Farm Energy System consisting of two collocated 2-MW ground mounted PV arrays on 40-acres in an “A” Agricultural Industry Zone District on property known as XXXX Concordia Church Road, Belleville in St. Clair Township. (Parcel #08-31.0-200-009)

This hearing was initially heard on January 7, 2019.

Adam Siegelstein, Applicant

- The applicant stated he is representing DG Illinois Solar LLC.
- The applicant also introduced Bill Enyart, Consultant; Kelton Kelley, Civil Engineer and Mr. Rehkemper and family, property owners.
- The applicant gave a power point presentation to refresh the board members of the presentation given at the initial hearing.
- The applicant stated they submitted a Special Use Permit to construct two collocated - 2MW projects for 4 MW's in total capacity. He explained this application was heard on January 7, 2019.
- The applicant stated this project missed the Illinois Power Agency Adjustable Block program, however they would like to continue this request for future programs.
- The applicant skimmed through the the Powerpoint presentation that was presented at the previous meeting.

Discussion

- Ms. Markezich confirmed this project will not be in the block program. (The applicant stated developers have to apply projects by the end of January, so this project will be for a future block program.)
- Ms. Edwards asked the LESA rating on the property. (Ms. Markezich stated the LESA rating is 231 which is high.)
- Ms. Edwards stated she visited the property. She explained the property is perfectly flat and had no standing water on it, she stated it looked like it was one of the most pristine, beautiful plots of ground in St. Clair County. She stated the property does abut the landfill, however the landfill has a buffer. Ms. Edwards stated she is not sure how much vegetation will be necessary to buffer this property because of the topography and how it sits on Concordia Road. (Mr. Enyart stated typically the property is buffered with 6 ft. black spruce at time of planting and they grow from ½ ft. to a 1 ft. per year, a mature height will be 25 to 30 ft., and the trees will fill out to 15 to 25 ft. around. He further stated the trees are planted on 8 ft. centers so they interweave a little bit to create more of a buffer.)
- Chairman Penny asked how many years the trees will need to get to the 25 ft. height. (The applicant stated it will be four years before the trees will be over the panels.)
- Ms. Edwards stated she feels putting the solar farm someplace else would be the highest and best use for the land and stated she feels by allowing this beautiful piece of farmland to become a solar farm it would be a downgrade to the property. (Mr. Siegelstein responded that his client is following the Ordinance created by St. Clair County. Mr. Enyart gave testimony that this property is located near the substation and this requirement for electrical infrastructure rules out much of the rural ground in St. Clair County and therefore makes this ground more desirable.)
- Ms. Deitz asked how close a solar project has to be to a sub-station. (Mr. Siegelstein stated the project has to be close to the distribution infrastructure, and there are distribution lines that run right next to this property which make it ideal.)
- Ms. Deitz rephrased her question and asked is it true you have to be “x” amount of miles away from a substation or is it about the revenue it will take to get to the substation. (Mr. Siegelstein stated the further you are away from the substation the more electrons will be lost. He stated the more cost-effective the project is the more value can accrue to the end customer.)

Public Testimony

- Don Wiggins, 6000 Concordia Church Road, Belleville questioned why the applicant is applying for this Special Use Permit if he missed the deadline. (Ms. Markezich stated the applicant will have two years to build the solar farm if this request is granted.)
- Elizabeth Pool, 5325 Concordia Church Road, Belleville stated she was gifted 4-acres from her father so she could be next to the grandmother and live in the country, and the last thing she wants is to look out of her front door and see a solar farm.
- Don Wiggins, 6000 Concordia Church Road, Belleville stated the County Board has made many decisions in regards to the area, they allowed the landfill that is now a composting facility. He feels these things should be regulated. He explained this board granted a tree trimming business that has not been regulated. (Chairman Penny stated Mr. Wiggins can turn in complaints to the Director, Anne Markezich.)
- Doug Lobstein, 5501 Concordia Road, Belleville stated the solar farm would be directly outside his front door and 150 ft. from this property. Mr. Lobstein stated he is not in objection to the solar farm, however he objects to turning the neighborhood into an Industrial Park and he feels this would be the beginning of an Industrial park. Mr. Lobstein stated Ameren put in a new distributor line and tore up the yards, but now they will come in with more line and an above ground regulator is now going in just West of his property.
- Cathy Glauber, 6001 Concordia Church Road, Belleville stated she feels this project would not be compatible with this residential/agricultural area. Ms. Glauber stated this project would connect to the substation is actually on Mine Haul Road and there is less residential on that road.
- Mr. Rehkemper, property owner stated if this property is so wonderful, it is up for sale to anyone present that wants to buy it from him. Mr. Rehkemper stated the gas line being installed will be an improvement by Ameren to improve the gas line that is over 50-years old and they are putting in a larger one. He stated there will be trees around that substation and that he demanded those trees from Ameren. Mr. Rehkemper explained he is just trying to provide some income for his family after he is gone. Mr. Rehkemper stated he also owns rental property adjacent to this property.
- Denise Rehkemper Williams stated she works in the energy business and she is excited about the project. She also stated being a part of this process has been enlightening. Ms. Williams stated the neighbors claim they want to live in the Agricultural area, however this area is not necessarily in the country, but rather in the Agricultural/Industrial areas. She stated she feels this project is compatible and that this is not only great farmland but also

great solar land. Ms. Williams stated she is very excited for this land to potentially become solar.

- Mr. Enyart reviewed the eight considerations the board has to consider when making their decisions.

Further Discussion

MOTION by Deitz to deny the request:

The Special Use is not consistent with the Comprehensive Plan; the proposed project is not compatible to adjacent uses in the general vicinity and the LESA score submitted is 231 which is a high value for agricultural retention. Because of the way the property sits, we are concerned with buffering. Ms. Deitz stated she does not know if this is the highest and best use of the property.

Second by Edwards.

A roll call vote:

Meister - No
Deitz - Aye
Howell - No
Heberer - No
Edwards - Aye
Penny - No

The motion failed with four votes no.

MOTION by Howell:

Based upon the application, testimony and evidence received by the St. Clair County Zoning Board of Appeals, I hereby move and recommend that the applicants request for a Special use Permit be approved for the following reasons and following condition and restrictions:

The Motion is based on the following facts and findings:

1. The land in question is located in an "A" Agricultural Industry Zone District, is rural in nature, is adjacent to other farm fields to the east, west, and north, is adjacent to a compost facility to the south, and there are few residential structures in close proximity to the proposed Special Use. Further the parcel in questions South West corner is adjacent to a retired landfill that is being currently utilized as a compost facility.

2. DG Illinois Solar, LLC, as owner and operator of the facility, is requesting a special use permit to construct two, 2-megawatt Solar Farm Energy Systems on a footprint of approximately 28.6 acres of the 40-acre parcel in question. Construction will likely begin in the Fall of 2019 with a 14-week construction timeline.
3. DG Illinois Solar, LLC is seeking to win approval for this site to participate as a host of a community solar project under the Illinois Adjustable Block Program. It is anticipated that the proposed facility will supply enough energy to meet the demands of approximately 500 homes annually.
4. The project will include typical photovoltaic panels on a single-axis tracking system, racking, one or more inverters, medium voltage transformers, and control cabinets. The maximum height of the panels will be 8 ft. from the ground.
5. All disturbed upland portions of the Project parcel will be permanently seeded with a native grass mix.
6. Once the project has been constructed there will be no added traffic on a daily basis. The only additional traffic will be for periodic inspection and maintenance.
7. Any sound created by the completed solar farm will be minimal and within the limits as provided by the St. Clair County Zoning Code.
8. The perimeter of the project site will be fenced with a 7-foot tall security fence to surround the perimeter of the property with a partial vegetation buffer to be included at the Northeast and Northwest corners of the project along Concordia Church Road.
9. There will be one access point off Concordia Church Road to access the solar array, which shall be gated with appropriate signage and emergency access box.
10. The proposed setbacks of the project area shall meet or exceed the County's requirements, and the facility shall be installed per the plans submitted.
11. The LESA score for the site is 231 which is a high value for agricultural retention. No portion of the subject parcel is located in a Special Flood Hazard Area or the Airport Overlay Zones.

12. The Applicant further agrees to provide a decommissioning plan as determined and approved by the County before a building permit will be issued.

I therefore conclude,

The proposed design, location, development, and the operation of the proposed Solar Farm Energy System, as limited by this motion, adequately protects the public's health, safety and welfare, and physical environment; there will be a thorough decommissioning plan with financing in place for the decommissioning; little to no glare is expected onto adjacent roadways and properties; the site will be fenced with certain shrub plantings on the Northwest and Northeast boundaries of black spruce, 6 to 8 ft. or equivalent of same size; there will be coordination with emergency personnel; there will be storm and wastewater management procedures in place; the site will be seeded and maintained with appropriate grass seed mixtures; and the site will be appropriately maintained.

The proposed Special Use as limited by this motion, will not have an adverse impact on the County's Comprehensive Plan, as the proposed special use is one considered in an Agricultural Industry Zoning District.

The proposed Special Use will have a similar impact as the current use of the property in that it will make no more appreciable noise and will be appropriately screened from the adjacent roads and residences.

The proposed Special Use will have a positive impact on the County's overall tax base.

The proposed Special Use will enhance the provision of electric utilities to the area. The proposed Special Use will create no burden on existing utilities and provides a needed clean and renewable energy alternative. The proposed Special Use will not lead to an increase in traffic after it is constructed as the only additional traffic will be vehicles visiting the site for periodic maintenance and inspection.

There are no hospitals near the proposed Special Use that require special consideration; there are no schools near the proposed Special Use that require special consideration.

The proposed Special Use Permit as limited by this motion and with certain construction conditions and use limitations is compatible with adjacent uses and uses in the general vicinity.

The additional screening along the Northeast and Northwest corners adjacent to Concordia Church Road as per the applicants plan shall utilize spruce trees in a double-row. Maintainings of these plantings include but are not limited to trimming, watering and prompt replacement if any planting dies or is destroyed and should be planted in the beginning in double-rows off-set.

No overweight or oversized loads shall be delivered to the site and the applicant shall apply to the appropriate Highway, road district or other authority regarding any necessary road permits and entrance permits.

Further, the applicant shall apply for and obtain any and all stormwater permits from the appropriate agencies.

The applicant shall provide to the Zoning Administrator monthly updates on its progress toward receiving approval under the Illinois Adjustable Block Program and if approved on the anticipated start date of construction.

Construction hours shall be limited to Monday through Friday, 7AM to 6PM. No construction work will be done on Saturdays, Sundays, evenings or Holidays unless written approval is obtained from the St. Clair County Building & Zoning Department Administrator during excavation, site prep or disturbance of soil on site any top soil shall be reserved and returned to it's prior condition.

All vegetation, shrubbery or other planting shall be well-maintained and kept free of noxious weeds and invasive plants.

The Applicant and all other subsequent lessees, agents, assigns, persons or entities that have any interest in, control over, or rights to the proposed Solar Farm Energy System shall adhere to all applicable requirements of the St. Clair County Zoning Code, including but not limited to Section 40-5-30, and all conditions and restrictions placed on this Special Use.

This Special Use is limited to 30 years from the first day of construction; however, within the year that this Special Use is proposed to expire and prior to the expiration date, the owner, lessee, or operator may petition the St. Clair County Zoning Board of Appeals for a modification of this Special Use to extend the expiration date. (However, the Special Use Permit is only valid for two (2) years from the date of approval, unless within such period a building permit is obtained, and construction is commenced. *See 40-11-41.*)

The Applicant and Owner prior to either party selling, transferring, sub-leasing, assigning, or transferring any interest or control in this Solar Farm Energy System or the real property it is constructed upon, shall notify, in writing, the St. Clair

County Zoning Administrator of any impending transfer at least 30 days prior thereto, supplying the Administrator with the name, address, contact number, and e-mail address of the new owner, purchaser, lessee, assignee, or other new party in interest, and the Applicant and Owner shall provide the Administrator any such additional documents and information requested by the Administrator regarding the transfer, lease, or assignment.

Mr. Heberer asked to amend the motion by revising the vegetation buffer along the East and West boundaries along Concordia Church Road of the site, he would like to make sure it is stated that the vegetation buffer must not be less than 250 ft. or 2/3rds of the way down the Eastern and Western border with a double-row of vegetative growth, so there is plenty of buffer, and cannot be seen by people traveling along the road.

Chairman Penny questioned the motion by Mr. Heberer. He noted Mr. Heberer stated not less than 250 ft. or 2/3rds the way down. Chairman Penny asked which requirement is it.

Mr. Heberer stated no more 2/3rds but no less than 250 ft. from the Northern line going South on both the East and the West.

Second on the Amendment by Howell.

A roll call vote:

Meister -	Yes
Deitz -	No
Howell -	Yes
Heberer -	Yes
Edwards -	No
Penny -	Yes

The Amendment was passed.

Second by Meister to approve Motion by Howell.

Meister -	Yes
Deitz -	No
Howell -	Yes
Heberer -	Yes
Edwards -	No
Penny -	Yes

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

MOTION to adjourn by Heberer, second by Meister. Motion carried.