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# VILLAGE OF FREEBURG

FREEBURG MUNICIPAL CENTER  
14 SOUTHGATE CENTER, FREEBURG, IL 62243  
PHONE: (618) 539-5545 • FAX: (618) 539-5590  
Web Site: www.freeburg.com

INTERIM  
VILLAGE ADMINISTRATOR  
Matt Trout

PUBLIC WORKS DIRECTOR  
John Tolan

POLICE CHIEF  
Michael J. Schutzenhofer

ESDA COORDINATOR  
Eugene Kramer

VILLAGE ATTORNEY  
Weilmuenster Keck Brown, P.C.

Combined Planning and Zoning Board  
Tuesday, September 12, 2023 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 6:00 p.m. on Tuesday, September 12, 2023 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen, Terry Gamblin, Rita Green, Gary Henning, Gary Mack, Lee Smith, Village Administrator Matt Trout and Office Manager Julie Polson. Guests present: Trustees Mike Heap, Mike Blaies and see attached lists. Guests present via Zoom: None.

## PLAN COMMISSION:

### A. Old Business:

1. Approval of August 8, 2023 Minutes: Gary Mack motioned to approve the August 8, 2023 minutes, and Gary Henning seconded the motion. All voting yea, the motion carried. All voting yea, the motion carried.

### B. New Business:

1. Mary Pasbrig Rezoning Request #23-06, 820 Southgate Drive: Chairperson Woodward read the notice, and Gary Mack swore in those individuals wishing to speak. Ms. Pasbrig provided a history of the property stating she came before the board 30 years ago asking for a variance to live at 820 Southgate Drive. The home is for sale and she is requesting a variance to rezone her property from B-1 to SR-1. Village Administrator Matt Trout confirmed Mary received a special use permit solely for them. Chairperson Woodward asked if there are any surrounding properties zoned SR-1, and Matt advised there are not. Rita Green feels the property would be better served as MR-2 rather than SR-1 which would allow single-family use. Rita commented it would be a better fit for the neighborhood. Chairperson Woodward advised the problem with zoning it SR-1, it would be considered spot zoning because it is not a large enough area to be a zoned district. Mr. Pasbrig asked about having a business there, and Matt said it would have to be more of a home occupation. If it is just them working in the office, they wouldn't need anything. If it is more involved and traffic to and from the home would be involved, they would need to get a special use permit. Chairperson Woodward reaffirmed the SR-1 request would be considered spot zoning, and there is not enough acreage there to create a zone district. Matt commented we need to table the hearing and repost it with a request to rezone it MR-2. There is will be no cost for the additional hearing.

Terry Gamblin motioned to table the hearing until October 10, 2023, and Dirk Downen seconded the motion. **ROLL CALL VOTE:** Rita Green – yes; Lee Smith – Gary Mack – yes; Gary Henning – yes; Dirk Downen – yes; Terry Gamblin – yes; Steve Woodward – yes. With 7 yes votes, the motion carried.

Gary Mack motioned to close the hearing at 6:23 p.m., and Rita Green seconded the motion. All voting yea, the motion carried.

2. Barbara Logan (Barttelbort) Rezoning Request #23-07, 1375 S. State St.: Chairperson Woodward read the notice, and Gary Mack swore in those individuals wishing to speak. Ms. Logan advised this land has always been farmland. They are going to be taking 5 of the acres for a new home and the remaining acres will be used to farm corn and beans. Chairperson Woodward confirmed any property annexed into the village automatically comes in as SR-1. Matt advised the property is across from the Industrial Park. The Logans confirmed the property will stay one parcel. Emil Kromat asked how this is going to affect his property with respect to discharging a firearm. Matt said this parcel is currently in the county so they can do that right now. Matt said regardless of how the property is zoned, they have to follow the state or federal laws regarding discharge of firearms. Emil Kromat asked if he had to annex, and Matt advised only if you signed a pre-annexation agreement. Matt confirmed this is a pretty standard request.

*Gary Henning motioned to recommend to the Village Board approval of the Barttelbort (Logan) Rezoning from SR-1 to A, Lee Smith seconded the motion. **ROLL CALL VOTE:** Rita Green – yes; Lee Smith – yes; Gary Mack – yes; Gary Henning – yes; Dirk Downen – yes; Terry Gamblin – yes; Steve Woodward – yes. With 7 yes votes, the motion carried.*

*Terry Gamblin motioned to close the hearing, and Rita Green seconded the motion. All voting yea, the motion carried.*

3. Sugar Creek Farms Rezoning Request #23-08, Niebruegge Lane, Eren School Lane, Old Freeburg Road, State Route 13, Sugar Lake Drive, Sugar Lake Road: Chairperson Woodward read the notice, and Gary Mack swore in those individuals wishing to speak. David Threlkeld, a partner of Sugar Creek Farm, advised they purchased the property from Richard Bauer who owned it for about 50 years. In July, they found out the property was zoned single family residential and not agriculture. It was a surprise to them since the property has always been a farm. There is water and electric in the area but no road access. It is their intent to clean the property up and continue the land use as a farm. They also want to participate in some of the state conservation programs. Rita asked how they access the property now, and Mr. Threlkeld stated they have an access point in both northwest and northeast corners of the property. Chairperson Woodward this piece of property was supposed to be part of the Sugar Creek Development years ago. It was supposed to be over 400 lots, and that is why it is currently zoned SR-1. The village expended a lot of money to run a water line to that area. The plan was to extend sewer as the area developed incrementally and it never happened. Lee Smith said our Comprehensive Plan calls for this to be zoned SR-1. Chairperson Woodward said the village allowed the Sugar Creek developers to change some of their plans along Wolf Road with the idea they would use the money from that property to start on their next phase which was on the other side of the lake. It was supposed to continue all the way to the Old Belleville/Freeburg Road. The last the interaction with the village was their request to develop 3-acre lots along the Old Belleville/Freeburg Road, and would use that money to finish out, and the village said no. Mr. Threlkeld again stated they want to enjoy the land, take care of it, fish and hunt it and will obey IDNR rules. Chairperson Woodward asked if they have any plans to develop it commercially as a hunting and fishing area or residential lots, and Mr. Threlkeld said no. Lee said from a planning perspective, the Village of Freeburg is running out of SR-1 areas for development and said it is an issue for the village. Lee again stated our Comprehensive Plan calls for this area to be single-family residential. Mr. Threlkeld said it would be an extremely expensive parcel to develop. Gary Mack asked why can't you do what you want now under the SR-1 designation? Mr. Threlkeld advised there are some cost-sharing programs he would like to take advantage of, but they want assurances the property won't be enhanced so that you can develop it. Matt advised you cannot discharge a firearm in an SR-1


district. Terry Borrenpohl lives on the far north end of Sugar Creek and said most of the concern is over the issue of hunting so close to their property. He is also concerned if the property should change hands in the future. Matt stated the costs to build infrastructure in that area would be quite expensive and understands both sides of this request. Chairperson Woodward asked if you get involved with the Department of Natural Resources on this, what will that do as far as restricting the property to be used as single-family residents in the future? If they put in money to help with a project, what happens in the future if someone buys it and develops it? Mr. Threlkeld said he can't answer that today either. From his perspective, he would look at these things while they own the property. Steve said part of their job is to look at the future and not hamstringing the village in the future. Terry said there are usually term limits with those kinds of programs. Charle Threlkeld said most of the programs IDNR has talked to us about are 3, 5, and 10-year programs. They are talking to IDNR about cleaning out the invasive species. Bill (illegible) has a lot of experience in dealing with IDNR and agreed 10 years is the max that they will agree to a program. They will review it after 10 years to see if is feasible to continue. Dirk asked if the agreement stays with the owner and the Threlkelds said they are not interested in getting rid of any property. Dirk then asked if you can choose the parcels and they said yes. Mr. Threlkeld said Mr. Bauer did have an agreement with IDNR and asked if they wanted to continue it. Tom Gaffney said regarding IDNR's 300-yard rule, could an additional buffer be added for better protection. Mr. Borrenpohl asked for respect for the neighbors and not hunting at an early time. Mr. Threlkeld asked can the property stay SR-1 with the condition that their family can hunt the property. Chairperson Woodward said no, in order to hunt it would have to be changed to the agriculture zoning designation. Mr. Mike Threlkeld reminded everyone that this property has been hunted for years, and we are here tonight to do this right.

*Gary Mack motioned to recommend to the Village Board approval of the Sugar Creek Farms Rezoning from SR-1 to A, and Dirk Downen seconded the motion. **ROLL CALL VOTE:** Rita Green – yes; Lee Smith – no; Gary Mack – yes; Gary Henning - yes; Dirk Downen – yes; Terry Gamblin – yes; Steve Woodward – yes. With 6 yes votes, and 1 no votes, the motion carried.*

Steve commented he shared Lee's concerns. Lee stated he wants the estate lot zoning designation, and all of our ground is getting bought up and turned into extremely private nature preserves. Steve's hope is that they get it cleaned up and somewhere down the line it may be more apt to be developed. Matt advised there will be the Pasbrig hearing as well as an area bulk variance hearing.

#### **BOARD OF APPEALS:**

- A. Old Business:** None.
- B. New Business:** None.
- C. General Concerns:** None.
- D. Public Participation** – See above.
- E. Adjourn:** *Garu Mack motioned to adjourn the meeting at 7:26 p.m., and Terry Gamblin seconded the motion. All voting yea, the motion carried.*

  
Julie Polson  
Office Manager