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VILLAGE TRUSTEES
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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

VILLAGE ADMINISTRATOR
Tony Funderburg

PUBLIC WORKS DIRECTOR
John Tolan

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Michael J. Schutzenhofer

ESDA COORDINATOR
Eugene Kramer

ZONING ADMINISTRATOR
Matt Trout

VILLAGE ATTORNEY
Pavel J. Oster Keck Brown, P.C.

**IN ACCORDANCE WITH EXECUTIVE ORDER 2020-07, THE PUBLIC
CAN PARTICIPATE THROUGH THE ZOOM CLOUD MEETING
APPLICATION AND CLICKING ON THE FOLLOWING LINK:**

Join URL: <https://us02web.zoom.us/j/4478727673>

Meeting ID: 447 872 7673

We ask the public to mute their phone or mic until Public Participation
If you have any questions, please contact Matt Trout at mtrout@freeburg.com
Village Hall will be open to the public for this meeting

October 1, 2021

COMBINED PLANNING/ZONING BOARD AGENDA Monday, October 4, 2021 5:30 p.m.

I. Items to be Reviewed

PLAN COMMISSION:

- A. Old Business
 - 1. Approval of July 6, 2021 Minutes
 - 2. Zoning Code Amendments Hearing
- B. New Business
 - 1. Jon Poetker Development
 - 2. Dan Dohrman Development

BOARD OF APPEALS

- A. Old Business
- B. New Business
- C. General Concerns
- D. Public Participation
- E. Adjourn

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Combined Planning and Zoning Board
Tuesday, July 6, 2021 6:00 p.m.

The meeting of the Combined Planning and Zoning Board was called to order at 5:30 p.m. on Tuesday, July 6, 2021 in the Municipal Center by Chairperson Steve Woodward. Members present were Chairperson Steve Woodward, Dirk Downen (via Zoom), Terry Gamblin, Rita Green, Gary Henning (via Zoom), Gary Mack (via Zoom), Lee Smith, Zoning Administrator Matt Trout and Office Manager Julie Polson. Guests present at Village Hall: Adam and Angela Kimmle, Mark White, Vic and Barbara Logan, Marsha Diecker (and guest), Trustee Mike Heap, Trustee Mike Blaies and Janet Baechle (5:48 p.m.). Guests present via Zoom: None.

PLAN COMMISSION:

A. Old Business:

1. Approval of June 8, 2021 Minutes: Terry Gamblin motioned to approve the June 8, 2021 minutes Rita Green seconded the motion. All voting yea, the motion carried. All voting yea, the motion carried.

Matt will email the B-1 zoning district revisions to everyone. He also commented for anyone that hasn't picked up the information Rita provided to do so. It is very informative, and the material provided is relevant to what we are working on now.

B. New Business: None.

BOARD OF APPEALS:

A. Old Business: None.

B. New Business:

1. Adam and Angela Kimble Annexation of 1215 S. State Street: Chairperson Woodward read the notice and swore in those individuals wishing to speak. Mr. and Mrs. Kimmle purchased the 3-acre parcel of land, and would like the parcel to be zoned agricultural since Mr. Kimmle is a farmer. He said that he might need to relocate two grain bins, or none. They also feel safer with the added police and fire protection. Zoning Administrator Matt Trout explained when someone annexes, the parcel comes in as single family residential. Since the Kimmle's are requesting agriculture, they need to have a hearing before this board. This parcel is currently zoned agriculture in unincorporated St. Clair County. Matt displayed the parcel map of that area which shows the surrounding homes being zoned agricultural in the county. Mr. Logan commented he didn't know how you could put grain bins on 3 acres. Adam advised they will be building a home and shed there. Matt advised if the parcel comes in with an agriculture designation, there will be restrictions on farm animals due to the close proximity of the other houses. Mrs. Logan asked what happens to them not being in the village limits, and Chairperson Woodward confirmed nothing will happen to them. The Village has never been aggressive with forcing people to annex into the village. The Comprehensive Plan shows that area as remaining in the agriculture district. Chairperson Woodward confirmed our Comprehensive Plan does not have new housing going south towards New Athens. Rather, it shows the growth north of town towards Belleville.

*Terry Gamblin motioned to grant Zoning Amendment #21-03 to rezone 1215 S. State Street to Agricultural and Rita Green seconded the motion. **ROLL CALL VOTE:** Dirk Downen – yes; Terry Gamblin – yes; Rita Green – yes; Gary Henning – yes; Gary Mack – yes; Lee Smith – no; Steve Woodward – yes. With 6 yes votes, 1 nay votes, the motion carries.*

This request will be heard before the July 19th board meeting at 7:15 p.m.

Rita Green motioned to close the hearing at 5:45 p.m. and Terry Gamblin seconded the motion. All voting yea, the motion carried.

Both Mr. and Mrs. Kimmle and Mr. and Mrs. Logan left the meeting after the hearing.

2. MCMH, LLC (Mark White) Area Bulk Variance Request #21-04: Chairperson Woodward read the notice and swore in those individuals wishing to speak. Mr. White is requesting a front setback variance on lots 10 – 13 due to the significant fall off of the lots and drainage layout. He commented it will line up better and will look nicer for the homeowner. Marsha Diecker was present to discuss her issues with the erosion of her back yard. Mr. White was unaware of the problem. After a brief discussion, Zoning Administrator Matt Trout said this can be addressed but is not relevant to this hearing. Mr. White will address her concerns.

Mr. White said the additional 10 feet is needed according to his builder. He commented the variance is only on these 4 lots and asked if we can make it work. Rita asked if he would consider a different floor plan, and Mr. White said he is trying to keep the floor plan and look the same. Steve asked if he would be coming back for the lots on the north side, and Mr. White said no, he checked those lots.

Rita commented the board has been excited and supportive about this project, and that's why we approved the variance for lot coverage at the beginning. Our zoning code has rules for parameters on setbacks, and said it is his responsibility to put something on there to fit our parameters. Her suggestion is to find a different floor plan that works. He said the people bought it to go with the original plans. Rita feels 10 and 11 can be taken care of with landscaping or a retaining wall and not move the house closer to the street. She can see a problem with 12 and 13 because of the topography, and Steve agreed.

*Lee Smith motioned to approve the front setback variance from 25 feet to 15 feet for lots 12 and 13 excluding 10 and 11, and Rita Green seconded the motion. **ROLL CALL VOTE:** Lee Smith – yes, because of the topography of lots 12 and 13, and feels Mr. White should go back to the drawing board on 10 and 11; Rita Green – no, while the topography is a problem, she feels the developer is causing own his problem and thinks other buildings would fit on that lot without a variance; Dirk Downen – yes, he did not feel it was a substantial change to the original design; Terry Gamblin – yes, 12 and 13 need help, the building and developer should figure out 10 and 11 ; Gary Henning – yes; Gary Mack – yes, for all 4 lots, he believes the variance is consistent with the zoning chapter, and thinks this would result in hardship, it is a minimum deviation from our requirements and does not endanger any other properties; Steve Woodward – yes, it is a minimal deviation from our zoning code on those 2 lots, Steve hopes the new owners take care of the drainage. He believes there is too much variance from our code on lots 10 and 11.*

Gary Henning motioned to grant the front setback variance from 25 feet to 15 feet for all four lots and Dirk Downen seconded the motion. Gary Henning – yes, citing Gary

Mack's comments in the previous motion; Dirk Downen – yes, alignment believe drainage issue not a village problem, work together to resolve it; Rita Green – no, she doesn't think a variance is needed on 10 and 11, and believes 12 and 13 topography problems could be resolved with a different floor plan; Terry Gamblin – no, he believes lots 10 and 11 are wide enough; Gary Mack – yes, if we deny this variance, it could present a hardship for the developer trying to sell his houses, it is throwing an unnecessary problem for the developer if we don't, and it is a worthwhile project for the village; Lee Smith – yes, he doesn't want to hold up the development; Steve Woodward – no, he doesn't see a need to vary that much from the code. With 4 yes, and 3 no votes, the motion carries. This will supersede the previous vote.

Mark will take care of the hill behind the Diecker's property. Once grass is established, it won't wash out.

Lee Smith motioned to close the hearing at 6:29 p.m. and Terry Gamblin seconded the motion. All voting yea, the motion carried.

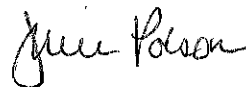
Rita asked the committee who visited the site. Most members had been there, and Rita commented it didn't seem everyone had a clear view of what was going on. The board discussed their concerns about the houses fitting on the lots with the new 15-foot setback.

Rita complimented Matt on the staff reports that accompany the hearing applications. They are well done and very helpful.

C. General Concerns: None.

D. Public Participation: None.

E. Adjourn: *Lee Smith motioned to adjourn the meeting at 6:42 p.m. and Gary Henning seconded the motion. All voting yea, the motion carried.*



Julie Polson
Office Manager

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NOTICE OF HEARING BEFORE THE
COMBINED PLANNING AND ZONING BOARD
AMEND ZONING CODE
21-05

TO WHOM IT MAY CONCERN:

Public Notice is hereby given to all persons in the Village of Freeburg, St. Clair County, Illinois, that a public hearing will be held on **Monday, October 4, 2021 at 5:30 p.m.**, in the Municipal Center, 14 Southgate Center, Freeburg, Illinois. This meeting is to review proposed amendments to the following sections of the Zoning Code to add Mixed Use Buildings/Storefront Buildings in the B-1 Community Business District: Section 40-17-15, Mixed-Use Buildings/Storefront Buildings; Section 40-4-0, Principle and Accessory Use Definitions; Section 40-4-00, Permitted and Accessory Use Table; and 40-15-13(E) Number of Parking and Loading Spaces Required.

Information is on file and available for examination in the office of the below named Board, Freeburg Municipal Center, 14 Southgate Center, Freeburg, Illinois.

All persons are invited to attend said hearing and be heard.

Dated at Freeburg, Illinois, this 16th day of September, 2021.

Steve Woodward, Chairman
Combined Planning and Zoning Board

ARTICLE XVII. ADDITIONAL SUPPLEMENTARY REGULATIONS

40-17-1 APPLICABILITY.

This subchapter establishes lot and structure requirements and design/operational standards for specific, potentially troublesome structures and uses. These regulations apply in every zoning district where the specific structure or use is permitted or allowed by special-use permit; but if more stringent regulations are applicable in any particular district, such regulations shall prevail.

(Ord. No. 1712, § 2, 2-16-21)

40-17-15 MIXED USE BUILDINGS/STOREFRONT BUILDINGS:

In the B-1 Community Business Zoning District in which the Storefront Buildings or Mixed-Use Buildings are approved by a special use permit to achieve a balanced pattern of development, providing for mixed-use development in accordance with the Village's Comprehensive Plan in the historic Community Business District, the following standards shall apply:

- (A) *Special Use Required:* See - 40-4-00.
- (B) *Self-Contained Units:* All Residential Units shall be fully Self-Contained. No Unit shall share bath or kitchen facilities.
- (C) *Commercial Space:*
 - (1) Commercial Space must make up at least a majority of the total floor area on the ground level in the front of the mixed-use building facing the road right of way.
 - (2) Commercial Space must have direct access to the main right of way frontage.
- (D) All applicable adopted building codes and village ordinances apply.

Cross reference(s)—Penalty, see 40-25-1.

State law reference(s)—(50 ILCS 820.)

40-4-0 PRINCIPLE AND ACCESSORY USE DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Mixed-Use Building/Storefront Building. A multi-story building that is designed to support a mix of commercial and/or office uses on the majority of the ground floor frontage with office, studio, and/or residential units above and behind the commercial space.

40-4-00 PERMITTED AND ACCESSORY USE TABLE.

Mixed Use Building/Storefront Building, B-1, S = Special Use

40-15-13 NUMBER OF PARKING AND LOADING SPACES REQUIRED.

Off-street parking and loading spaces shall be provided as indicated in tabular form below. For any use that is not listed in the table, the same amount of parking and loading space shall be provided as is required for the most similar listed use. The Zoning Administrator shall make the determination of similarity:

<i>Use</i>	<i>Parking Spaces Required</i>	<i>Loading Spaces Required (if any)</i>
(A) Dwellings, lodgings:		
Motels, boarding hotels, and Bed and Breakfast Establishments	1 space per lodging unit, plus employee parking	1 space if the use has 20,000 sq. ft. or more of floor area
Manufactured homes & Immobilized homes	2 spaces per unit	Not applicable
Multi-family dwellings	2 spaces per dwelling unit	Not applicable
Single-family & two-family dwellings	2 spaces per dwelling unit	Not applicable
Community Residence	2 spaces per dwelling unit	Not applicable
(Ord. No. 1187; 09-19-05)		
(B) Educational, institutional, recreational:		
Churches, assembly halls	1 space per 4 seats in the largest seating area	Not applicable
Libraries, museums	1 space per 500 sq. ft. of floor area	On review by the Zoning Administrator
Nursing homes	1 space per 5 beds plus 1.5 spaces per employee on the major shift	To 50,000 sq. ft. of floor area...1 space; 50,001-100,000 sq. ft...2 spaces
Schools		
Elementary and Junior High	1 space for every 20 students that the building is designed to accommodate, plus employee parking.	On review by the Zoning Administrator
Senior High	1 space for every 4 students that the building is designed to accommodate, plus employee parking.	On review by the Zoning Administrator
(C) Commercial, office service:		
Note: All commercial and service uses, unless	1 space per 300 sq. ft. of floor area.	To 10,000 sq. ft. of floor area...1 space; more than 10,000 sq. ft....1 space, plus 1

specifically indicated otherwise below.		additional space per 50,000 sq. ft. of floor area in excess of 10,000 sq. ft.
Financial institutions		
Walk-in	1 space per 300 sq. ft. of floor area, plus employee parking.	(Both walk-in and drive-in): To 30,000 sq. ft. of floor area... none required; 30,001 to 100,000 sq. ft....1 space
Drive in	5 spaces per teller window	
Beauty and barber shops	2 spaces per chair, plus employee parking	Not applicable
Bowling alleys	4 spaces per bowling lane plus additional spaces as required herein for affiliated uses such as restaurants and taverns.	Not applicable, except as required for affiliated uses.
Car wash	3 spaces per wash lane	Not applicable
Furniture and appliance Stores	1 space per 600 sq. ft. of floor area.	To 25,000 sq. ft. of floor area...2 spaces; more than 25,000 sq. ft. of floor area...2 spaces, plus 1 additional space per 25,000 sq. ft. of floor area in excess of 25,000 sq. ft.
Home occupations	1 space per 150 sq. ft. of	Not applicable floor area devoted to the home occupation in addition to the parking requirements for the dwelling.
Video Gaming Parlor	1 space per 2 seats or 1 space per 200 sq. ft. of floor area, whichever is greater	1 space per structure having 10,000 sq. ft. or more of floor area
Offices generally, but not medical/dental offices	1 space per 300 sq. ft. of floor area.	To 30,000 sq. ft. of floor area...none required; 30,001-100,000 sq. ft. ...1 space.
Offices, medical/dental	1 space per 200 sq. ft. of floor.	Not applicable area or 3 spaces per professional, whichever is greater.
Mortuaries	1 space per 5 seats plus 1 space per funeral vehicle, but	1 space per 10,000 sq. ft. or more of floor area.

	not less than 20 spaces per chapel or state room.	
Restaurants; refreshment stands		
Sit-down	1 space per 4 seats or 1 space per 50 sq. ft. of floor area, whichever is greater.	(Both sit-down and drive-in): 1 space per structure
Drive-in	1 space per 25 sq. ft. of floor area.	having 10,000 sq. ft. or more of floor area.
Service stations	2 spaces per service stall, plus employee parking.	Not applicable
Taverns	1 space per 2 seats or 1 space per 50 sq. ft. of floor area, whichever is greater.	1 space per structure having 10,000 sq. ft. or more of floor area.
Theaters		
Indoor	1 space per 4 seats	Not applicable
Drive-in	On review by the Zoning Administrator	
Vehicle sales	1 space per 600 sq. ft. of enclosed floor area plus: Up to 10,000 sq. ft. of open lot area devoted to sale/display of vehicles...1 space per 2,500 sq. ft. of open lot area; above 10,000 sq. ft...4 spaces plus 1 additional space per 5,000 sq. ft. of open lot area in excess of 10,000 sq. ft.	To 25,000 sq. ft. of area and open lot area...2 spaces More than 25,000 sq. of floor area and open lot area...2 spaces, plus 1 additional space per 25,000 sq. ft. in excess of 25,000 sq. ft.
(D) Industrial		
Any manufacturing, warehousing, or other industrial use	Employee parking (1 space per 1.5 employees) plus 1 space per company vehicle, plus 1 visitor space per 25 employees on the major shift.	To 20,000 sq. ft. of floor area... 1 space; 20,001-50,000 sq. ft.. 2 spaces; 50,001-90,000 sq. ft...3 spaces; above 90,000 sq. ft...3 spaces plus 1 additional space per 50,000 sq. ft. of floor area in excess of 90,000 sq. ft.
(E) Mixed Use Building/Storefront Building		
Mixed Use Building/ Storefront Building	Residential Parking Regulations referenced in (40-13-15(A)) Dwellings shall	

	apply. Employee Parking Regulations refenced in this chart (40-13-15) all apply. For commercial customers, on street parking shall be allowed in the B-1 Zoning District around the Village Square Park.	
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(Ord. No. 1712 , § 2, 2-16-21)