

**CITY OF MASCOUTAH
PLANNING COMMISSION
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

May 17, 2023

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

PUBLIC HEARING – 7:00 PM

PC 23-01, Plaza 23 LLC Rezoning of Northern 3.728 acres of Parcel # 10-06-0-301-009.

Planning and Zoning Administrator, Tiffany Barrows presented the proposal summary of the rezoning petition from Plaza 23 LLC. The subject properties are located at the northern 3.728 acres of Parcel #10-06-0-301-009. The property is currently zoned “GC” General Commercial. Plaza 23 LLC is seeking to rezone this property totaling 3.728 to “RM” Multiple-Family Residential District. The applicant desires to build 8 additional townhouses to the Falcon Place Development.

Tiffany Barrows also reported on the land use and zoning of surrounding properties, zoning considerations, standards of review for zoning maps, and findings.

Becky Rehberger, property owner north of Falcon Place townhome complex, brought her concerns before the commission approved the rezoning for additional land to be developed. She asked that the water concerns be taken care of. She stated that the first eight apartments that were built, east and west of the north-end of the subject parcel, are way too low in elevation. She stated that there is no way to get the water off fast enough from the current development. If the water comes off too fast, it damages her land. She stated that she is incurring damage to her property because the developer to the south of her does not have the correct infrastructure. She had plans to go into the lake that is west of the first set of apartments buildings but has been refused access to it. She wants the city to address and make sure the drainage is adequate. She states that the new apartments run downspouts towards her land. She continued that first set that were built with underground drainage going directly into the lake. She stated that that the development is now running water onto her land when it always went south. She continues that the dirt on the west side of the pond has been built higher than the natural three drainage areas from her property. There is almost 200 acres that drain that way, and her land will take the brunt of the erosion if the developer decides to continue to change the elevation it is at right now. When the development began, she went to the Natural Conservation Office they told her what was needed but it was not her property. She then stated that the developer never wanted to put in a drop structure in. She stated that she put in a dam on the north side as well as two 10inch drain lines with 10inch risers. She continued that those installments should have taken care of the water, provided the apartments would be at the same elevation as the old apartments, but they are not. She then stated the apartments are lower than her field. She stated that her son and her were digging a ditch on the left side of the pond during a major rain and reported that the apartment

streets were underwater because the drains on the street were not handling the water. She wants the commission to consider that when approving more development.

Planning Commission Chairman, Ken Zacharski, asked if this issue has been brought to the attention of the city's attention. Planning and Zoning Administrator, Tiffany Barrows stated that this issue has not been brought to the city's attention.

Rehberger stated that she has requested that the city not allow anything within 25 feet of her property line, so that they can around with laser-controlled equipment. She reported that the city has put electric boxes within 2.5-7feet from the property line. She stated that the city responded that they could install up to the property line. Rehberger continued that cable has also been installed on the north side of the electric boxes. She then stated that she does not have access to go in and open the ditch on both sides. She continues to say that a normal line ditch should take area surface water on both sides not just one side and it won't happen. A new drain line for her property to take this new surface water in go underground to drain into the lake may be an option but they are not given any access to the lake.

Barry Hayden, the property owner and developer, stated they have not had any issues with drain water. He stated he would like to see the video of his streets underwater. He reported that the storm sewers are completed, and they circle back to the pond. He explained that the field to the north is higher than his ground. He stated that the Rehberger field, that is north of development, water drainage only has one way to go which is silting his pond. He reports that the drainage is engineered, and it is working. He states, as far as downspouts, he hasn't caught a break in the weather, they have been trying to landscape the first eight buildings for three weeks that he gave the contract out. They haven't been able to move dirt around.

Hayden reported that there have been no complaints from current tenants regarding flooding or any drainage issues. He stated that the downspouts will be running towards the west. He showed the commission, on the St. Clair County Parcel map, how the drainage is directed. He responded that the pond was completed in 2008. It is 15 feet deep in the center and 6 ft shelf but has been silted in from the water from the farm fields. The pond was designed by Berutti to take the total acres that he owns. He stated that on both sides of the street are 6 ft culverts that direct to the pond. He explained the storm water direction for his development.

Tiffany Barrows, responded to the commission stating that the original plans submitted that included building, drainage, grading, and street plans were all reviewed and approved by the city's third party, B&F Construction Code Services, Inc. Tom Quirk, the previous city engineer, followed up on project progress. Barrows reported that since Quirk's resignation, the city now uses Oates Associates, as engineering consultants for street projects, etc.

Hayden stated that there will be 144 total units at completion and answered questions regarding the previously approved development. The additional 8 buildings were not included in the original plan due to turnaround. Currently the development only one entrance but with this addition, it will complete the project's road loop, resulting in two entrances and exits.

Barrows explained that once the rezoning is approved and the additional site plans are submitted, the submissions would be sent to B&F for review. Once the plans are approved, they will then go to the Planning Commission followed by the City Council. Rezoning must be approved before he starts the building plan process.

Rehberger stated that she does not see any water from the parking lot and buildings that will go to his drains and that his downspouts will not go underground.

Hayden answered additional questions regarding drainage and engineering plans. He also stated that he owns half the pond and explained the natural drainage of his land.

Barrows corrected herself, stating that Speir confirmed that since it is the same set of building plans that were already approved through the Planning Commission and City Council, due to redundancy, the building plans submitted for the next set of 8 building could go straight to the City Council for review and approval. Barrows continued that since there is a concern regarding drainage, she would send the submitted drainage plans to Oates Associates for an additional plan review, site inspection, and to report findings.

Barrows pulled up the St. Clair County Parcel Map and Hayden explained the approved drainage plan to commission. Barrows stated that she did not include any plans for this rezoning packet since the hearing was for only rezoning.

Rehberger came up to the podium to explain her drainage. She also stated that her son Preston dug a ditch to open the drain between the old apartments and the new so that the flooding would drain faster. Hayden responded that he did not have knowledge or memory that he allowed for them to dig onto his land. Becky Rehberger responded stating that she did notify him and his project manager. She stated that the development's project manager used a skid steer to dig a hole from the north side of the pond, to open the drainage.

Rehberger stated that when her farmland goes underwater, the townhomes do not have protection. She believes the engineered design is to blame.

She said that she and her son Preston check the risers on each side that they installed to make sure they are clear and open to ensure that they can drain. Hayden stated that the risers they installed are always full of corn.

Rehberger stated that they did good for him by making that ditch and installed tile on the west side of the pond to ensure dirt didn't wash into the pond. She reported that Hayden lied about why he didn't want them to farm his land. Hayden told her they were going to develop it into buildings but instead had someone else farm it. Hayden responded that he wanted to be done with them because they kept harassing contracted workers, city staff, and police. Rehberger started explaining an incident between her and an officer but dismissed by Chairman Zacharski.

Chairman Zacharski then stopped continued dispute between the two property owners. Commission members stated that they need to review the drainage plans before they can approve rezoning. Commission members asked for an engineer to be present at the next meeting to explain the drainage plans and answer any questions or concerns.

Hayden confirmed he has not had any issues with flooding at the first set of apartment buildings that were built. He sold that parcel with the first set of apartment buildings years ago to Raj Tut of Hawkins Point Townhomes LLC. Hayden stated that he had an employee open the pond because there was a berm built up around it. He confirmed that overflow goes in the direction of the highway, under I-64. Hayden stated that he could arrange for Oates to meet with his engineer and surveyor to discuss the drainage plans.

The Commission stated they do not want to approve the rezoning without reviewing engineered drainage plans and confirm that the current development is adequate for future development.

Barrows stated she will reach out and request that Oates review drainage plans, perform an on-site review, and report back with their findings.

Commission members stated they also have concerns about the process due to the 6th Street Subdivision project. They have not received any additional plans to review before it was taken to council. Barrows stated they have not been briefed on the progress of that development since the last meeting. *There has been no progress on this subdivision project as the developer is still waiting on IDOT.*

Chairman Zacharski stated that the commission is tabling this rezoning consideration until they can review the drainage plans and have an engineer present to answer questions.

Hayden requested clarification of what is being requested and repeated that he can have his surveyor and engineering firm meet with Oates.

Continued discussion of request for site plan and conditions of approval for original development.

Barrows pointed out that attachment F presents a site plan of the completed roadway that would present a loop and two entrances.

Commission members questioned why the original development did not have to meet that original condition. Barrows responded that she would reach out to management to get information on the conditions of approval.

Condition of Approval referenced from PC 21-06 – Falcon Place Townhomes – Site Plan and Architectural Review Condition Item 7 lists: “Emergency connection access road to be provided on western side of Falcon Place property to connect with northern side of Hawkins Point townhomes access road (Hayden Drive). Work with City staff on placement and width”. This condition is also listed on November 1, 2021, City Council meeting.

Council members stated that the proposed expansion would solve this issue, but it needs to be addressed to how the development still was allowed to not meet the condition.

PUBLIC HEARING ADJOURNED at 7:35 PM

CALL TO ORDER at 7:36 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

Commission members Jack Klopmeier, Bruce Jung, Jim Connor, Rich Thompson, Karen Wobbe, Bill Millikin and Chairman Ken Zacharski were present.

ABSENT – none.

ALSO PRESENT

Planning and Zoning Administrator Tiffany Barrows, City Clerk Melissa Schanz, applicant Barry Hayden, and Becky Rehberger (property owner to the north of the Falcon Place Development).

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT – NONE

AMEND AGENDA – NONE

MINUTES FROM November 16, 2022

Connor moved, seconded by Thompson to approve the minutes from the November 16, 2022 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, Karen Wobbe aye, Bill Millikin aye, and Chairman Ken Zacharski aye.

7-ayes, 0-nays

MOTION:

Thompson moved, seconded by Wobbe, that the Planning Commission tabled the request for Rezoning of Northern 3.728 acres of Parcel # 10-06-0-301-009 from GC, General Commercial, to RM, Multi-Family Residential, subject to the review of the drainage plans and have an engineer present to answer questions.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, Karen Wobbe aye, Bill Millikin aye and Chairman Ken Zacharski aye.

7-ayes, 0-nays

MISCELLANEOUS

Barrows shared that a couple of businesses have shown interest along Route 4. One of which is DG Market which is asking for assistance via TIF3 funds.

ADJOURNMENT

Jung moved, seconded by Wobbe, to adjourn at 7:51 p.m. All were in favor.

Tiffany M Barrows, Planning and Zoning Administrator