

SMITHTON ZONING BOARD HEARING
NOVEMBER 8, 2018
7:30 PM
D & F CONTRACTING
REQUEST FOR SPECIAL USE

MINUTES

The hearing was called to order at 7:30pm by Chairman Lori Rodriguez.

Zoning board members present were: Jim Mourey, Tom Incrocci, Mark Parker, Tom Schanherr and Leo Simburger. Dale Becherer was absent. Also present were Chairman Lori Rodriguez, Zoning Board Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Beth Buehlhorn and Attorney Carmen Durso.

A motion was made by Tom Incrocci and seconded by Jim Mourey to accept the zoning board minutes for meeting held on October 18, 2018. The board was in favor. Motion was approved.

Deputy Zoning Administrator Buehlhorn read the Notice as published in the Freeburg Tribune.

Chairman Lori Rodriguez read the letter sent to surrounding residents and the list of those residents. There were numerous residents in attendance wishing to speak.

All who wished to be heard or give testimony were sworn in to speak by Deputy Administrator Buehlhorn.

Applicant Herbert (Junior) Frentzel, along with Raquel Vice, introduced himself and stated he owns D & F Contracting. Referring to the drawings of the proposed apartments, he explained he will build two buildings each with 16 units. The first building would be completed and rented prior to starting the second building. The units will include a lot of luxury features and rent for \$1,000 - \$1,200 per month. Each unit will be between 900-1000 square feet with two bedrooms each. The lower level apartments will also be ADA accessible. Attorney Durso asked how many parking spaces will be provided which Frentzel responded three per unit. Durso then asked about external lighting which Frentzel explained it will be parking lot lighting and with the position of the buildings, there should not be anything illuminating to the adjacent neighborhood. The only entrance/exit will be on Sand Rock Road. Durso explained that this property is zoned B-1 which is why Frentzel is asking for this special use.

Steve Kerley asked how these apartments will benefit the community. Frentzel explained these apartments will allow somebody who cannot afford a mortgage to live in Smithton and have a nice place to stay until they can afford one. Kerley then asked if MetroLink would be proposed next. Frentzel answered no and stated that could happen with or without the apartments.

Doug McPherson, a retired detective from St. Louis City shared he and his wife moved to Smithton a few months ago. Comparing to St. Louis, he has a lot of safety issues. He asked if these apartments will be available to Section-8 housing referring to the State of Illinois passing a law stating you cannot deny renting to Section-8. He feels apartment complexes come down to crime and safety. You have no idea who will be living or visiting these apartments. Frentzel stated Freeburg and Millstadt have apartments and do not have problem with crime. McPherson noted we have no grocery store and only one gas station. Frentzel stated businesses do not want to come to Smithton because there are not enough people.

Another resident stated she used to live in the apartments in Freeburg but did not stay long. She stated there was a lot of noise and feels as a renter you are not rooted or invested in the community.

Shanan Hesseldenz lives in Sand Rock subdivision and is speaking on behalf of the subdivision as a whole. She presented the Restrictions Indenture for Sand Rock Creek that was filed with St. Clair County on October 24, 2001. She referred to page 6, number 13 which states "Lots 33, 34 and 35 may not be used for any multifamily use". This is the property that D & F is proposing for his apartments. She stated that this Restrictions Indenture is a legal binding document on behalf of Sand Rock Creek subdivision that is valid for a minimum of 35 years. All residents who purchased property in Sand Rock Creek were provided a copy of this document. The residents have come together and have 100 percent as a subdivision being against breaking these restrictions which they also have a petition for. They have also provided a petition that shows all the residents of Sand Rock Creek signing against building these multi-family complexes along with multiple others in Smithton for a total of 373 signatures on the petition. She furnished the board with a copy of the petitions. Attorney Durso shared he had seen this document and explained that this is a binding document that is enforceable by the members of the subdivision only and not by the Village. Frentzel stated he has never seen this document. Hesseldenz went on to state that with the public school referendum being turned down, the school only has room for 196 more students currently having 30 in each classroom. With the addition of the (Hunters Point) subdivision and now these 32 proposed apartments, there is no room. In addition, traffic is a major concern pulling in and out of Sand Rock Road.

Dan O'Sullivan read a document addressed to the Village of Smithton Zoning Board of Appeals, "Objection of Surrounding Property Owners to Application for Zoning Variance to Construct Multi-Family Housing". Durso pointed out that the application is for a Special Use not a Variance. O'Sullivan submitted the document.

Joe Widel stated that the road is not wide enough and cannot be widened because of the creek on either side. He commented that the board gave a permit to build 69 houses that will use the same ditch for run-off. Once those new homes are built, that will create more water running through the ditch and cause back-up. He fears with the flooding that the sewers will back-up as well. This is dangerous when flooded over and the road is not wide enough. There was a school bus that ran into the guardrail a few years ago trying to pull in, and again this morning a concrete truck hit it.

Junior Frentzel interrupted and stated he agrees with the Restrictions and is now withdrawing his request.

A motion was made by Tom Incrocci and seconded by Jim Mourey to accept Frentzel's withdrawal of his application for a Special Use Request. Roll call was taken. Tom Incrocci, aye; Jim Mourey, aye; Mark Parker, aye; Tom Schanherr, aye; Leo Simburger, aye. Motion approved.

A motion was made by Tom Incrocci and seconded by Mark Parker to adjourn the meeting. All were in favor. Motion approved. Meeting adjourned at 8:11pm.