

ZONING BOARD MEETING  
SMITHTON SENIOR CENTER  
May 5, 2021  
7:30 PM  
HUNTERS POINT  
VARIANCE REQUEST  
MINUTES

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

Zoning Board members present were: Tom Incrocci, Mark Parker, Dale Becherer, Tom Schanherr, Leo Simburger, Julie York. Also present were Chairman Lori Rodriguez, Zoning Administrator and Engineer Scott Saeger, Deputy Zoning Administrator Courtney Munie and Attorney Carmen Durso.

Deputy Zoning Administrator Munie read the Public Notice that was published in the Freeburg Tribune on April 15, 2021.

Chairman Rodriguez read the letter sent to surrounding residents and the list of those residents.

Applicant, Mr. and Mrs. Yung, Mr. Kemper, and Mr. Rogers, was sworn in to speak.

Durso addressed Mr. and Mrs. Yung about the two 40-acre parcels, one to the north and the other to the south. The north parcel is in the Village of Smithton and the southern parcel is not in the Village of Smithton. Durso stated he could not find any evidence of an annexation done for the southern parcel.

Durso stated that Mr. and Mrs. Yung were here before and did not take any action, as a result the application lapsed. Durso explained due to the ordinance and state law this is the reason they must go back through the entire process again for Hunters Point.

Durso asked Mr. Yung if this would be a presentation of a preliminary plat and that it does not address any of the engineering plans, flow of water or anything of that nature. Mr. Yung will be showing us where the lots and streets are going to be and so forth.

Mr. Yung stated yes.

Durso informed Mr. Yung that he could go ahead and proceed with the presentation.

Mr. Yung explained that they were here tonight to discuss their new development Hunters Point. Mr. Yung explained that at the last hearing process the plat was approved and since then they have gotten all the engineering done, which took some time. By the time they felt comfortable to start Hunters Point the pandemic hit. Mr. Yung did explain that he was not aware that the permit had expired with the Village of Smithton. They did continue to keep their other permits up to date by extending them out. Mr. Yung is wanting to start the first phase in July. The first phase would start on Press Rd, this would be the main entrance. This would start on Press Rd and they would build that street all the way to the south to tie that into Jo Mar Ave, this would roughly be 22 lots. Mr. Yung explained that they really took their time so that his whole sight of 80 acres would balance out properly. Mr. Yung does not want to haul dirt in and out. They determined that they could borrow dirt from a high spot on the other 40 acres to do the cuts and fills. Mr. Yung said they plan to do the entire 40 acres site excavation. Build the detention ponds, all the storm work and all the sanitary and the water main will be built as they go. In the first phase they will only build that first street and do one hundred percent of the excavation, detention ponds and all the storm work and sanitary.

Durso asked Mr. Yung if this was all from the northern lot.

Mr. Yung said yes. They are just borrowing dirt from the southern lot to bring over, they have worked it out so they will have a balanced site with the two lots. So, there will be no hauling out or in with dirt.

Durso asked how much time is allotted to complete the development of the 40 acres.

Mr. Yung said they do not want to start any later than July on the first phase and the projected development of the 40 acres will just depend on when they sell. The first phase will be putting the main street in along with 20 lots. Completing all the excavation, building detention ponds, storm work and all the sanitary.

Durso asked if they were contemplating finishing construction on the first 40 acres before moving to the second 40 acres.

Mr. Yung said yes. They are wanting to start phase 1 in July and have lots ready for construction by September.

Lori asked the audience if anyone had any questions, Jim Rodgers raised his hand.

Mr. Rodgers asked if there will be a road going to 159 and where would it be located.

Mr. Yung said yes, but the location will depend on what property he can purchase. He is aware of the village owning a piece of property along the edge of it but that is not very desirable to him. There is a bigger piece of property he would like to develop and connect that to 159.

Mr. Rodgers asked when the 159 connection would be built.

Mr. Yung said the first phase will at least be a minimum of 3 to 5 years. It will depend on how fast they sell, then probably another 3 to 5 years for the next phase.

Mr. Rodgers asked what side the assisted living would be located on.

Mr. Yung indicated that it would be located on the northern part. They will start with the first phase and then move to the assisted living. He plans to start within the year.

Durso stated that the assisted living facility was the reason Mr. Yung was asking for the special use permit. Durso also stated that it was not a nursing home. That the people who will be occupying units will not need nursing care. That was a big thing that came up last time.

Mrs. Yung indicated when they use the word assistance, they really must be able to do their activities daily by themselves. In a living facility there is normally someone there to help them, not a hundred percent but helps them organize their medicines. There are dietary things on site, they can go to a dining room or have food brought to their room.

Rodriguez opened it up to the zoning board for questions.

Simburger asked if the houses were going to be roughly from 1700 sq ft to 2000 sq ft in size.

Mr. Yung said 1600 sq to 2800 sq ft would be the range.

Durso asked Mr. Yung if he would be building the homes.

Mr. Yung stated that he might have D&F build the homes.

Becherer stated that he did not see any revision dates on the preliminary plat, he wanted to know if the preliminary plat had any changes from the last time, they had seen it.

Mr. Yung said no changes have been done, it is the same. He explained that all the engineering work has been completed as well for all the detention ponds and storm drains

Becherer indicated that at the last meeting there was a lot of concern over the existing utilities and how they were going to be sized. He wanted to know if Vokert had the opportunity to look at that better.

Mr. Yung stated that he did not know of any issues when they did their engineering. They do have the new sanitary and water lines that will be tied into, and that the detention system was designed for the property.

Becherer indicated that the detention ponds do not look overly big, but they are very deep, and they will hold a lot of water.

Becherer asked if they had an idea on the size or number of residents for the assisted living facility.

Mr. Yung said the assisted living facility would be one story and built in two phases. 33,000 sq ft would be the first phase and 12,000 sq ft for the second phase, the plans were passed along the zoning board to view.

Incrocci asked where the road access would be along the assisted living

Mr. Yung said it will be from Press Road, it would be one entry. The parking lot is huge, that is what the state requires.

Incrocci asked Mr. Yung if he was planning on doing access to 159 in the first phase.

Mr. Yung said there is nothing he can do for 159 in the first phase. Phase one will be the road that will tie into Jo Mar Ave. Mr. Yung believes it makes more sense for him to develop property out to 159 instead of just building a million-dollar road.

Incrocci stated that in the previous meetings Mr. Yung's development plan was to build about 10 houses a year. Incrocci asked if it would be more than that.

Mr. Yung said due to the current market it would be more right now.

Incrocci mentioned that D&F built the Villas in about 90 days, and it seems their capabilities with pre-fabs might accelerate that depending on what the customer wants.

Mr. Yung talked about how fast Stonegate went up and how he modeled this development with that in mind. He thought that it was a very nice clean neighborhood, with nice size lots.

Incrocci asked if someone would describe the connectivity of the sanitary sewer system for the subdivision to the Smithton sewer system. He wanted to know where it would enter, where it would travel and how it would move to the treatment plant.

Saeger said he could talk about the existing system on the property that Smithton had installed a few years ago. Between the north half of the property and the south half that is not in the village there is a sewer line that runs east & west, located on the division line of the north & south section. That goes to the east edge of the Yung's property then heads due north all the way to the treatment plant.

Incrocci asked if it makes any turn on Press Road.

Saeger said it does not.

Incrocci stated that the diagram shows some form of connectivity on the corner of Press Road for sanitary sewer and wanted to know what that was.

Mr. Yung addressed the proposed connection; he provided his plans to the board to show the sanitary connection. There are about 5 lots that are tying into the existing sanitary and then Saeger helped explained that will go north kind of past the Village shed.

Incrocci verified that there are two sanitary sewer connections coming out of the subdivision going north.

Mr. Yung said yes.

Incrocci asked if there was only one main water connection coming into the subdivision.

Saeger confirmed that there are two water connections, a stub off Jo Mar Avenue.

Mr. Yung showed the two water lines on his diagram.

Incrocci asked if all the storm drains will run off on these properties and flow to the detention ponds.

Mr. Yung said yes

Incrocci asked if gas, electric, and water utilities will be under ground.

Mr. Yung said yes

Incrocci brought up the topic about street creep. He indicated that the Autumn Ridge subdivision has a little bit of a problem with street creep. The main cul-de-sac on the north end of the street that goes downhill has had problems due to this. One home had a cracked foundation because of the pressure of being the turnaround place for garbage trucks and all kinds of other vehicles. The Village came in to try and put a strip into the road to try and ease the pressure. After he reviewed the contour map it looks to him that most of the cul-de-sacs are in areas that are at the low points of the streets in terms of the contours of the property. He asked when they see the engineering plans if these cul-de-sacs will be a little more elevated or will they follow the contours of the land where they will have downward pressure against the cul-de-sacs and into the properties

Incrocci asked when we see the engineering plans if these cul-de-sacs will be a little more elevated or will they follow the contours of the land in such that we have downward pressure against the cul-de-sacs and into the properties around the cul-de-sacs and on areas that will have sharper curves.

Incrocci asked if they can look at this potential problem and do some mitigation to minimize the impact of street creep. His biggest concern is when the Village must take over the roads after a certain period. The Village will be responsible for the streets, not the developer anymore and he would like to see some sort of mitigation towards trying to minimize the potential of this problem to the property owners but also the Village's responsibility later. He wants to know if something can be done with the builder to minimize or alleviate this type of problem with street creep.

Mr. Yung explained that he has only one experience of street creep where he knew the person. In their situation it was on a sharp curb where the traffic would go fast. It was causing his driveway to push up into his foundation. They put an expansion joint in and that solved his problem. He said he probably needs to educate himself on street creep, but he was under the assumption that street creep was from heavy traffic pushing, he is not sure that they would get that type of traffic spinning around.

Incrocci mentioned that they will get garbage trucks, recycling trucks and delivery trucks. He thinks it is something that Mr. Yung should talk to D&F about to have a plan or option for their customers, so they are not having to deal with it down the road. He stated that he sees it as a significant problem and not a cheap solution.

Mr. Yung said initially if you put an expansion joint in it will be a very costly thing to do. He said they can discuss that and see what they can do.

Incrocci said he would leave that for Mr. Yung to investigate further.

Incrocci asked if the detention ponds for property lots 33, 34, 50 and 51 will be on the owner's property or will it be separate.

Mr. Yung explained it will be part of the lot. His understanding was that it would be the responsibility of the Homeowners Association to maintain them. Homeowners Association would not own it, they would be responsible for it, it would be part of the fees and upkeep.

Incrocci asked if there was only going to be one central entrance at the living facility and if there would be emergency side entrances, his concern would be if there was a fire.

Mr. Yung explained that in a typical assisted living facility you must go through the main entrance. However, there will be fire exits, the fire marshal would determine that. Mr. Yung mentioned on the drawing you will see double doors.

Parker asked if they were planning on building any houses to be sold first or build them once they are sold.

Mr. Yung stated that Raquel thinks a lot of the homes could be custom, so the lot would be sold then built.

Parker asked if they had any idea what style of custom homes they would build, one story, two story or a ranch style.

Mr. Yung stated that with custom builds the homeowner will pick out everything before its built.

Parker asked if they would have a set number of home designs to choose from.

Mr. Yung said there will be certain parameters on what they can do. He said they will have to see once the 22 lots are ready.

Parker asked what side of the road the sidewalk was going to be on and if they would be handicap accessible.

Mr. Yung said they had not determined what side yet and they would be handicap accessible.

Parker asked if all the houses would be the same distance off the road, if the bigger lots would be set back farther and how would it look when you are going down the street.

Mr. Yung said yes, all the houses will be the same distance off the road, the standard set back is 25. The minimum would be whatever was dictated by Smithton.

Parker asked if the roads were going to be curb or look like Stonegate subdivision.

Mr. Yung said they will be curb and gutter on each side of the street.

Parker asked about the placement of streetlights.

Saeger said that would be determined by Ameren, but he will still review it to make sure there is one at each intersection and on cul-de-sacs.

Parker asked about the placement of fire hydrants.

Saeger said there is standards in the ordinance for the fire hydrants.

Parker asked if the streets were going to be 50 foot wide per the diagram.

Mr. Yung said they will be 36 ft.

Schanherr asked if there would only be one entrance from press road for the assisted living.

Mr. Yung said only one entrance is drawn right now, he can add another entrance if that would be an issue. He believes the reason for one is due to the low volume of cars from the facility.

Schanherr said he was asking in case an emergency vehicle needed to get in. He believed it would be easier off Press Road then going through a residential area.

Mr. Yung said that the residential area will not be connected to the living facility.

Schanherr asked if someone purchasing a lot could bring their own contractor in.

Mr. Yung said he is not sure yet, he thinks it keeps quality up when you have the same contractor.

York asked how they initially plan to come in to start the first phase. She wanted to know if they would come in from Press Road or Jo Mar Ave with the heavy equipment.

Mr. Yung believes they would start off Press Road probably due to the utilities; they will be tying into sanitary on that end.



York stated that Jo Mar Ave is rocked and chip and is very low. She wanted to know how they would address the swale.

Mr. Yung said there is a peak at Jo Mar Ave, and they will go the other way from that peak.

York explained that behind Jo Mar Ave just to the north side, the first set of houses have a small creek that is from the original development that also flows. York asked when Mr. Yung grades will he grade out towards the east so the flow of the water from the new subdivision will not flow down to them.

Mr. Yung said this came up the last time in discussions. Jo Mar Ave may be low, but it does come up to their property and then they are going to come back down. So, everything on the four sides of the first 40 acres will shed to their property. He stated that they are low in the middle of the property and that is why they must build it back up.

York asked if Baxmeyer would be doing the work.

Mr. Yung indicated that Baxmeyer and Wrigley were looking at it, it will be one of them.

York asked if Mr. Yung will stay on them due to allot of those roads not being concrete.

Mr. Yung said yes.

Schanherr asked if they would set up a concrete plant.

Mr. Yung said no, they will truck the stuff in. Mr. Yung said that the first phase will be the street so there will be a lot of trucks coming in, then they will be digging the basement. Typically, two concrete trucks are needed for a house.

Schanherr mentioned that at the last meeting the issue of traffic by the school was brought up.

Mr. Yung explained that if he must tell them to go around the school then that is what they will request, they do that type of stuff with other jobs. If anything is spilled on the streets, they must have it cleaned up.

Incrocci wanted to confirm that they are taking dirt from the south 40 acres to the north 40 acres to level things off.

Mr. Yung said yes, they have a lot of cuts and fills that needs to be done.

Incrocci wanted to know what the impact would be on the water flow when they did that.

Mr. Yung explained they will be doing all the excavation on the first 40 acres at the same time. The dirt will be borrowed from the south 40 acres from the crown, so they will flatten that out. The water is still going to shed where it sheds. They will fill all the lower areas on the north 40 acres and have everything cut to grade. So, when they build the first street it should all grade to the storm sewers and work like it is supposed to. They are also going to cut the streets to grade because they need that dirt. All the storm structures will be in so everything will drain to those storm structures. Then they will place hay bales around them for sediment control and whatever needs to be done so mud will not get into the storm sewer where it will not be paved. Everything will be graded like it is supposed to, the only thing not there will be the concrete streets until they get to the next phase then we will build the street.

Incrocci asked if the Assisted Living Facility will be rentals.

Mrs. Yung explained that rentals is not the exact word they use. The family members would go through a screening process, and it would be more of a lease because it is such specific living.

Parker asked if there would be kitchen areas within each living space or just a common area.

Mrs. Yung said they would have small kitchens. It would be like staying at a kitchenette in a hotel room. They would not have full services to do everything, but they can do smaller stuff like make coffee.

Parker stated that they have some green space located on the drawing.

Mr. Yung said yes, it is in the middle. He explained that a lot of the facilities have that so the residents can garden.

Durso asked what the minimum age would be.

Mr. Yung said some are actually in their late 50's.

Incrocci said that in the original meeting Mr. Yung said that the detention ponds are designed for a 25-year storm with an idea of what happens during a 100-year storm. Incrocci asked if that is what he based on his engineering.

Mr. Yung said that would be a question for his engineer.

Saeger said that's usually how pipes are designed. The pipes that lead from the street to the detention basin are sized for a 25-year storm. Then there would be emergency swales or

overland flow paths for storms that are larger than that 25-year, then the detention basin would be sized to handle the 100-year storm.

Incrocci asked when Mr. Yung when he planned to annex the south half into the Village of Smithton.

Mr. Yung said he had no problems with doing it, he just needs to know what is involved and what he needs to do.

York asked if they were anticipating putting up fencing or anything to block the assisted living facility from the subdivision.

Mr. Yung was not sure what they would require yet, he believes he will probably have to. He thinks something attractive at least along those two sides. Mr. Yung said they are working on trying to get a company like Cedarhurst or somebody to partner and build the facility to suit.

York thought a fence should be installed with it being the first lots that they will develop. She believes the buyers might not want to see that from the back yard.

Mr. Yung said he is sure they will put something up.

Schanherr asked if all the kitchens in the living facility would be uniform.

Mr. Yung said yes, that its usually standard. The shapes of the room can vary depending on if it is a one or two bedroom, for the most part the kitchen is the same design.

Mrs. Yung said its very common with elderly couples to have separate bedrooms because of health reasons, so they will have to consider some options. That is why partnering with a company that does this everyday will know exactly what is best needed, or best utilized for the common person.

Durso took the floor to address Mr. & Mrs. Yung and the Zoning Board on what he believes should be done.

Durso confirmed with Saeger that there were only two requests for relief, approval of the preliminary plat and the special use permit for the assisted living.

Saeger said yes.

Durso pointed out on the map illustration that they have two sections on the map. One located in the village and the other located out of the village. Normally you cannot grant relief for property that does not belong in the Village. Durso stated he was not sure why it was not

annexed into the Village last time. He explained that the zoning board could deny the Young's the relief they request. However, it will go to the full trustee board for the final decision. The current issue is that the south 40 acres is not in the Village currently. Durso said he would be willing to accept if it is granted and expected to give Mr. and Mr. Yung the relief they have requested only if and contingent on that you take immediate action to annex this property into the Village if that is your predisposition.

Mr. Yung said yes, he agrees with that.

Durso asked if Mr. and Mrs. Yung had any more questions and then addressed the zoning board if they had any more questions.

No questions from either party.

Rodriguez asked for a motion from the zoning board.

Motion was made by Tom Incrocci and seconded by Mark Parker. To advise the board of trustees that they should approve the special use permit for the assisted living facility and add the condition that the special use permit is limited to lot 1 only, to approve the complete preliminary plat for Hunters Point and add that it is only contingent on beginning the annexation process of the south 40 acres into the Village of Smithton immediately, to add the conditions that if this is approved by the Village Board the Zoning Board wants to have a response to the request of street creep mitigation in conjunction with the engineering plans, building of the roads and homes in the subdivision and that in the second phase there would be access to 159. Roll call was taken. Tom Incrocci, aye; Mark Parker, aye; Dale Becherer, aye; Tom Schanherr, aye; Leo Simburger, aye; Julie York, aye. Motion approved.

Meeting adjourned at 9:07 pm.