

**VILLAGE OF MILLSTADT
ZONING BOARD MEETING
MARCH 26, 2019
7:30 P.M.**

The meeting was called to order by Chairman Pro-Tem Ron Krick, with the following board members answering to roll call: Ron Krick, Wayne Muskopf, Mark Germann, Dave Graf, Charlie Butzinger and Mike Capell. Chairman Mike Wegescheide was absent. Steve Muskopf, the Zoning Administrator, was present.

A motion was made by Dave Graf and seconded by Charlie Butzinger to approve the February 26th minutes. The motion carried unanimously.

Ron Krick announced that there were two hearings on the agenda.

Crissy Pipik swore in all citizens wishing to speak.

Hearing A-46 for a Zoning Amendment change to the 2nd addition to Alpine Trails on Old Urbana Road

Hearing V-167 for a rear setback variance and parking requirement variance at 308 East Washington Street

SCHAEFER HEARING: Jim Schaefer stated he brought pictures of the homes he would like to build. He has lived in Millstadt all his life and has been building in Millstadt since he was 18 years old. He believes these types of houses are something the Village needs. Resident Gary Gansmann thanked the Zoning Board for giving them the last 30 days to talk with their neighbors about the zoning change. He is speaking on behalf of the residents of Alpine Trails. They wondered if the houses Mr. Schaefer was planning on building would be like the ones he built at South Tyler Street and West Laurel Street but thanks to the pictures he's provided it's obvious that the proposed houses won't look like those. Mr. Gansmann stated that when the current residents of Alpine Trails bought their lots and built their houses, they knew more houses would be built. They were mandated to build at least 1,700 square feet and a percentage of it had to be brick. For most residents, their homes are their largest assets. They have talked with a realtor who told them the smaller homes and smaller lot sizes would likely adversely affect their property values. They have no guarantee and nothing more than his word that Mr. Schaefer will follow through on what he is proposing. They are not against Mr. Schaefer personally but if these properties are rezoned the residents will lose any control if anyone else were to build there instead of Mr. Schaefer. Mr. Gansmann stated he could submit a petition with 112 signatures from the homeowners voicing their opposition. That is 80% of the

residents that do not want the zoning change. In a good business deal, the result is win-win. If their property value decrease, the residents will lose but Mr. Schaefer will win. That is not a good situation. Resident Robert Vogt asked if the homes would be built by union laborers. Mr. Schaefer answered he is not currently in the union but the people that work for him are; he was in the union for over 30 years. Mr. Vogt stated that while he hasn't seen an issue with Mr. Schaefer's homes, he has seen issues before with homes that weren't built by union contractors. Dave Graf stated that after thinking about it for a long time he understands both sides. His basic concern is that the Board usually deals with variances where the property developer can't do what they want because of existing conditions. In this situation, the builder can do exactly what he wants just not do as many. He is struggling to recommend approving the change when the driving factor is increasing density; if you can use the property as is, it is not a compelling reason to rezone a plot of land. Dave stated the Board needs to be careful about taking a piece of property and rezoning with no compelling reason to do so. Mike Capell asked if they could talk about the process and what would happen next. Mr. Schaefer answered that if the Zoning Board recommended approval then it would go to the Village Board. If the Village Board approves it then he would go to the Planning Commission. The Planning Commission would have him show them what he wants to do, they would put restrictions in place then vote to approve it. It would then go back to the Village Board who would vote on the plans with the restrictions. Once that's approved then he could finally start building. He won't be able to do anything without the restrictions in place; he can't just change what is agreed upon tonight. Resident Bob Rule asked that since this case involves one parcel number, what happens to the rest of the land Mr. Schaefer doesn't purchase. Mr. Schaefer answered it would stay R2 because there would be a new parcel number for the land he doesn't purchase. Just the part that he wants would be rezoned. Some of those lots would be bigger than the minimum requirements required in an R1 zone. He plans on keeping the R2 setbacks. Resident Jim Barganier stated one of the problems is if it is rezoned and Mr. Schaefer doesn't buy it someone else could do something different that isn't as good as what Mr. Schaefer plans on doing. The current Alpine Trails residents don't want smaller lots. Mr. Schaefer stated there is a market for these kinds of properties. He used a subdivision in Waterloo as an example. Mr. Schaefer stated he believes this is something Millstadt needs. Resident Brett Anderson replied that it doesn't matter that he believes that. If the zoning is changed everyone would be mad. Mr. Anderson stated they've been to two Zoning Board meetings and know the names of everyone on the Board. The residents will leave. He doesn't understand why he can't build on what's there already. Joe Schaefer stated that while the current residents' homes were built 10-12 years ago, the price of these proposed houses would be at a greater value than what theirs were. Jim Schaefer stated he could build a 1,400 square foot home and sell it for \$200,000 to \$210,000. Resident Jennifer Boyer asked if a single person or retired person can afford these houses, why couldn't Jim Schaefer build the house on an R2 lot and they could hire someone to take care of their land. Mr. Gansmann asked why does an R1 zone have to be dropped in the middle of an already existing subdivision. 80% of the residents agree. Jim Schaefer asked that since they don't want the smaller lots, they would be ok with him building a 1,400 square foot house on the bigger lot. Mr. Gansmann stated they had to maintain 1,700 square feet. Jim Schaefer replied he wouldn't have to do that with this addition because there would be new restrictions and it

wouldn't be Alpine Trails. Mr. Vogt asked if their property taxes would go down. Mr. Gansmann asked if this addition would be Alpine Trails. Jim Schaefer answered yes, it would be and that he misspoke. It would just have different restrictions. Mr. Barganier stated that even if the Zoning Board recommends approval, the residents will keep fighting to keep it from happening. Mike Capell asked if he needed to add the restrictions to the motion. Steve Muskopf answered no because they would come into play afterwards. Mike Capell made a motion to recommend approval of the zoning amendment to change the zone from an R2 to an R1. Mark Germann seconded the motion. The motion passed with Muskopf, Germann, Butzinger, and Capell voting yes and Krick and Graf voting nay. Ron stated the Village Board would make the final decision at their meeting on Monday, April 8th at 7pm at Village Hall. Mr. Gansmann asked if they would be notified of the meeting. Steve answered no. He also informed them that this meeting was the public hearing and the chance for them to voice their opinion because the Village Board doesn't have to hear comments before they vote. Steve told them they can call Village Hall and ask to be put on the agenda or else can talk during Citizen Comments.

MILLPOND BREWERY HEARING: Bryan Schubert thanked the Board for hearing his variance request and he hopes to ease any concerns of the opposition. His goal for the brewery is to produce 300 to 350 barrels per year. It would be comparable to Hopskeller Brewery or White Rooster Brewery. The brewhouse side of his brewery would be a five-barrel production. The storage of the grain can't be too close to where the beer is made because there could be cross contamination. The auger determines where the brewhouse must be because of how it is placed. Everything must be in a relative distance to reduce the travel space because of how it is placed. The best place for the cooler would be in the southwest corner. Mr. Schubert had pictures showing where everything would be placed. He would like to move the existing fence and have the fence be in line with the northeast corner of the structure. He would like to have an outside beer garden on that side. He would also like a smaller outdoor area on the northwest side to possibly be used for private events. Mr. Schubert stated he is passionate about bringing a business to his hometown and using a building that has been empty for almost 40 years. It would bring beautification to Washington Street and people would rather see a seating area than parking spaces. He would like to maximize the parking spaces they have while still having the outdoor seating area. He would like to allot some space for golf cart parking, too. There are possible concerns of people parking in the alley, but he would have signs posted and his employees would be trained to police that area. The property is currently zoned as a tavern which requires one parking spot for every two seats which would require him to have 50 spots. If the property was zoned as a restaurant or refreshment stand, he would only need one parking spot for every four seats and is closer to that ratio. Mr. Schubert stated the first variance he is asking for is a setback variance. The zoning requirement is that the building be 25 feet from the property line. It currently is 21 feet off. Because he will be bringing the building up to code and adding the cooler to the southwest corner, he is asking to be 4 feet from the property line. Mr. Schubert stated the second request is to approve the parking as presented. Other breweries in the area do not

have a lot of parking either. Some don't even have any off-street parking. By allowing him these variations he will be bringing in tax revenue as well as revitalizing a building that has been vacant for almost 40 years. Lack of approval means the brewery doesn't happen and another business wouldn't be able to meet the code requirements either. If the issue is tabled, he would have to push his timeline back three to six months as well as pay penalties for pushing his supplies back. Wayne Muskopf asked if Mr. Schubert did any research on off-site parking. Mr. Schubert answered that Ed Heet has told him he could use his lot on South Kossuth Street and East White Street. The lot could hold roughly 60 to 64 spots. However, his goal is to receive approval without the additional lot. Resident Rick Kochmann stated he owns the property directly south of the proposed brewery. He asked if there was a survey done to find the property lines. Mr. Schubert answered the property lines he is using is based on the information he was given. Mr. Kochmann stated he is also worried about the traffic on South Kossuth Street. He counted 209 vehicles in one hour. That would worry him if there were people walking on the street because there aren't any sidewalks. He is also worried about the noise, especially if the rear doors are open, because his window is 30 feet away. Dan Duncan, speaking on behalf of the Planning Commission, stated the things everyone wanted when the Planning Commission was created was to preserve historical structures and have more restaurants. From the Planning Commission point of view that these are the kinds of things that Mr. Schubert is wanting, too. The Planning Commission would like to work with Mr. Schubert to make this project work. These types of developments meet the comprehensive plan and is good for the community. Resident John Rehling stated he told his wife that that building is probably the most significant architectural thing in the Village. The art deco style was big in the 1920s when the building was built, and he finds it amazing that someone wants to do something cool with it instead of it being leveled and gone forever. Resident Ryan Kochmann stated he understands the parking issue, but the other breweries Mr. Schubert mentioned are in commercial areas. Here the parking would end up being all down South Kossuth Street and would put people at risk. He believes support for this business in Millstadt would be astronomical, but some things need to be tweaked to aid the residents. Discussion followed. Ryan Kochmann stated if there are cars on both sides of South Kossuth Street it will make an issue for emergency vehicles. Mr. Schubert stated that it is not illegal to park on South Kossuth Street and there probably will be some nights that people would park there but he won't presume that it will be that way every night. He will do his best to have people park in the space provided. Mr. Schubert stated his property is in an area zoned Highway Commercial, so it is like the other breweries he mentioned. Ron Krick stated he lives on West Adams Street and the parking can get tight there during the summer, but the emergency vehicles still get through, just to compare. Resident Ted Moore stated he has lived here 23 years and thinks it is a great thing that this is being proposed. He always sees curb and gutters being put in and maybe after the brewery is established a sidewalk can be put in. Ron asked if he was planning on serving food. Mr. Schubert answered that his long-term goal is to have a popup restaurant but until business flow is established, he will be promoting other businesses and allowing them to bring in food or possibly having a delivery or retrieval plan or even a food truck. Mike Capell asked if Mr. Schubert had something in writing from Mr. Heet for the other lot or was it just an understanding. Mr. Schubert stated he does have a letter but would rather not have to use it as a lot. Dave Graf stated there is clearly nothing Mr. Schubert

can do to get enough parking but if the six spots off South Kossuth Street were eliminated would that make anyone feel better? Rick Kochmann stated if there wasn't any parking on South Kossuth Street that would fix his issue. Discussion followed. Larry Schubert thanked everyone that came out to support his son. Bryan Schubert asked the Board to make sure they separate the issue of parking on South Kossuth Street because there isn't anything he can do about that even though it is a related, but separate, issue. Resident Joe Orsa stated he doesn't want Millstadt to miss out on this opportunity especially because it will bring additional business to the other businesses. Mike thanked Bryan Schubert for his well thought out and put together presentation. Dave Graf made a motion to recommend granting the rear setback variance from 25 feet to 4 feet. Wayne Muskopf seconded the motion. The motion carried unanimously. Mike Capell made a motion to approve the parking variation to 22 parking spots as presented. Charlie Butzinger seconded the motion. The motion carried with Muskopf, Germann, Graf, Butzinger, and Capell voting yes and Krick voting nay. Ron Krick stated the Village Board would make the final decision at their meeting on Monday, April 8th at 7pm at the Village Hall.

OLD BUSINESS: none

NEW BUSINESS: none

A motion was made by Wayne Muskopf and seconded by Mike Capell to adjourn the meeting. The motion carried unanimously.

Crissy Pipik, Clerk

Ron Krick, President Pro-Tem