

EDWARDSVILLE ZONING BOARD OF APPEALS

Meeting Minutes

04/24/2023

7:00 PM

Approved: 

I. ROLL CALL:

Present

- B. Hotz, Chairman
- A. Robertson
- T. Butts
- D. Gerber
- E. Williams, Staff
- S. Stricklan, Staff
- E. Sutter, Staff
- J. Venvertloh, TWMM
- K. Mershimer, DuraEdge
- R. Darr, Old Capital Properties
- T. Wagener, Citizen
- K. Wagener, Citizen
- J. Pfeiffer, Citizen

Absent

- J. Krebs
- D. Seay

II. PUBLIC COMMENT:

III. APPROVAL OF MINUTES

Minutes of the regular meeting for March 27, 2023 are hereby approved and passed.

IV. ZONING CASES

A. Case 2023-14 – Special Use Permit

M. Ryan Darr has petitioned the City of Edwardsville for a Special Use Permit to allow for a drive-thru facility at 300 S Buchanan Street. This property is more specifically identified as PID 14-2-15-11-16-401-008 and is zoned “B-1C” Downtown Transition District.

APPLICANT: M. Ryan Darr

LOCATION: The subject property is located at 300 S Buchanan Street, and is more specifically identified as PID 14-2-15-11-16-401-008.

AREA LAND USE & ZONING: The subject property is zoned “B-1C” Downtown Transition District. The adjoining properties are zoned and used as follows:

Direction	Zoning Designation	Use
North	“B-1C” Downtown Transition	Commercial
South	“B-1C” Downtown Transition	Commercial
East	“R-2” Multi-Family Residential	Single Family Residential
West	“B-1C” Downtown Transition	Commercial

PLANNING CONSIDERATIONS: The Comprehensive Plan identifies the future land use for this property as Downtown B-1. The existing zoning is in agreement with the Comprehensive Plan.

REQUEST: The applicant is requesting a Special Use Permit in order to allow for a drive-thru facility of a bank at 300 S Buchanan Street. Drive-thru facilities are listed as special use in the “B-1C” Downtown Transition.

APPLICABLE SECTION OF ORDINANCE:

SECTION 1242.03.1 – Central Business District (B-1)

- (a) *Purpose:* Land uses and development in the core of Edwardsville’s business and cultural center are managed through the B-1 Central Business District. The district facilitates a mix of retail, service, office, residential and community uses, within a primarily pedestrian oriented character. District regulations support a scale and form of development reflecting its pedestrian and historic characters, while responding to opportunities for modern development stemming from the city’s position as a regional hub and role as a vibrant community.
- (e) *Special use:* Provided all the use restrictions of this district are observed, the following uses may be allowed by special use permit:
- (1) Automobile service stations.
 - (2) Day care center – Children.
 - (3) Office, when located on the first floor and part of a site designated as in the B-1-A District, Central Main Blockface.
 - (4) Drive through facility (as a principle use).
 - (5) Group assembly uses such as religious uses or auditoriums.
 - (6) Hotels.
 - (7) Parking lot or garage.
 - (8) Permitted uses that include an accessory drive through facility.
 - (9) Public utility.

ZONING BOARD OF APPEALS STANDARDS FOR SPECIAL USE PERMIT:

d) Requirements for Authorization:

- 1) Existing uses and zoning of nearby property and relationship to Edwardsville’s adopted Comprehensive Plan.

See AREA LAND USE AND ZONING and PLANNING CONSIDERATIONS above.

- 2) Extent to which property value diminishes adjacent to the zoned parcels. Value decrease to be supplied by the petitioner and made by professional appraiser.

No property value information provided by petitioner.

- 3) Extent to which the proposed change alters or promotes the public health, safety, morals or general welfare.

The proposed use will neither alter nor promote the public health, safety, morals or general welfare of the community.

- 4) The relative gain to the public as compared to the hardship imposed upon the property owners, and there is a need for the proposed special use.

It will not negatively impact the public and will not impose a hardship on the owners.

- 5) The suitability of the subject property for the zoned purposes indicated by ordinance.

Through the review of the Special Use Permit, the proposed drive-thru facility would be in compliance with the Permitted Uses outlined under “B-1” Central Business District. The purpose of the B-1 zoning district is described as a mixture of uses with a primarily pedestrian oriented

character. The Special Use Permit allows for the review of a proposed drive-thru facility. This facility is proposed in the location of a previous drive-thru restaurant.

- e) Conditions: The Board may provide such conditions or restrictions upon the construction, location and operations for a special use, including, but not limited to: provisions for the protection of adjacent property, the expiration of such special use after a specified period of time, off-street parking and loading, as may be deemed necessary to secure the general objectives of this Zoning Code, and to reduce injury to the value of the property in the neighborhood.

Please see the "Staff Recommendation" section.

- f) Expiration: In the event the Board establishes no time limitation within which the proposed use is to be exercised, then the permit shall expire in one year. Nothing shall preclude an applicant from reapplying for the same Special Use Permit upon expiration.
- i) Transfer of Special Use Permit: A special use permit is issued for a specified zoning lot or lots and shall only be allowed to transfer from that location, or to another occupant or owner, as follows:
- (1) All requests for transfers must be filed on an application form available through the Public Works Department.
 - (2) Substantial transfers – All substantial transfers shall be subject to review and approval by the Zoning Board of Appeals under the terms of section 1244.02. Substantial transfers include, but are not limited to:
 - a. A transfer involving a more intensive use on the subject property;
 - b. Other changes deemed to represent a substantial change by the Zoning Administrator and Public Works Director.
 - c. The trend of development in the area surrounding the subject property necessitates further review of the proposed special use.
 - (3) Unsubstantial transfers – Unsubstantial transfers will be subject to review and approval by the City Planner and Public Works Director. Unsubstantial transfers represent minor changes from the provisions of the originally approved special use permit and may include:
 - a. Transfer of ownership not effecting the intensity of the use;
 - b. Other changes deemed to represent an unsubstantial change by the Zoning Administrator and Public Works Director.

STAFF DISCUSSION & RECCOMENDATION:

- Staff recommends approval of the Special Use Permit (SUP).

Ryan Darr was present and stated that the plan was to remodel the existing building and partially demo the drive-thru. Tom Butts asked whom he is representing. Darr stated that Old Capital Properties is the property owner. Ann Robertson asked if Old Capital Properties would remain the owner. Ryan Darr said they would.

Tom Butts stated that he would like to see the request in the name of the property owner. Eric Williams stated that the next case is the same way, and that staff will have to look back on other similar applications.

David Gerber asked about removing the drive-thru lane. Ryan Darr stated that it would be the southeast side. Eric Williams stated that the City looked in to acquiring additional right-of-way for a shared use path extension. Steven Stricklan stated that they talked about the canopy on the east side as well.

David Gerber made a motion to approve, but amended his motion to include the property owner. Ann Robertson seconded.

Motion to approve as presented (Gerber), seconded (Robertson)

VOICE ROLL CALL: 4 Ayes, 0 Nay, 0 Abstain

NEXT STEPS:

- Administrative & Community Services Committee Meeting – Thursday, April 25th at 5:00 PM
- City Council Meeting – Monday, May 1st at 7:00 PM

B. Case 2023-15 – Special Use Permit

DuraEdge Products, Inc. & Kurt Mershimer have petitioned the City of Edwardsville for a Special Use Permit to allow for the production, processing, or manufacturing of a commodity involving raw materials at 3918 Poag Road. The property is more specifically identified as PID 18-1-14-23-00-000-012.004 and is zoned “M-1” Light Manufacturing District.

APPLICANT: DuraEdge Products, Inc.

LOCATION: The subject property is located at 3918 Poag Road, and is more specifically identified as PID 18-1-14-23-00-000-012.004.

AREA LAND USE & ZONING: The subject property is zoned “M-1” Light Manufacturing District. The adjoining properties are zoned and used as follows:

Direction	Zoning Designation	Use
North	“M-1” Light Manufacturing District	Undeveloped
South	“M-1” Light Manufacturing District	Undeveloped
East	“M-1” Light Manufacturing District	Warehouse Building
West	“M-1” Light Manufacturing District	Undeveloped

PLANNING CONSIDERATIONS: The Comprehensive Plan shows this property as Employment. The existing zoning is in agreement with the Comprehensive Plan.

REQUEST: The applicant is requesting a Special Use Permit in order to allow a business involving the assembly, production, processing, wholesaling or warehousing, or manufacturing of any commodity involving raw materials at the subject property. The applicant would be working with dirt and clay materials used for sports-related uses (i.e. infield dirt, etc.). The site is currently undeveloped. As part of the proposed land use, the applicant has provided a site plan showing the proposed configuration of the site. This includes a dirt stockpile, drying barn and bagging facility.

APPLICABLE SECTION OF ORDINANCE:

Special uses (within the “M-1” Light Manufacturing District:

- (1) Assembly, production, processing, wholesaling or warehousing, or manufacturing of any commodity involving raw materials.
- (2) Research and development facilities or parks involving explosives, flammable materials, nuclear or hazardous materials, or livestock.
- (3) Fuel sales and storage.
- (4) Junkyards.
- (5) Wastewater/sewage treatment facilities.
- (6) Adult businesses.
- (7) Public utility.
- (8) Wind energy systems.
- (9) Any other use not specifically permitted.

ZONING BOARD OF APPEALS STANDARDS FOR SPECIAL USE PERMIT:

d) Requirements for Authorization:

- 1) Existing uses and zoning of nearby property and relationship to Edwardsville's adopted Comprehensive Plan.

See AREA LAND USE AND ZONING and PLANNING CONSIDERATIONS above.

- 2) Extent to which property value diminishes adjacent to the zoned parcels. Value decrease to be supplied by the petitioner and made by professional appraiser.

No property value information provided by petitioner.

- 3) Extent to which the proposed change alters or promotes the public health, safety, morals or general welfare.

The proposed use will neither alter nor promote the public health, safety, morals or general welfare of the community by developing the property in compliance with the City Zoning Map.

- 4) The relative gain to the public as compared to the hardship imposed upon the property owners, and there is a need for the proposed special use.

The proposed facility would provide for a new business on an undeveloped property.

- 5) The suitability of the subject property for the zoned purposes indicated by ordinance.

The property is suitable for the Permitted Uses listed in the M-1 Light Manufacturing District and could easily be occupied by a permitted use. The requested land use requires the approval of a Special Use Permit and is subject to Zoning Board of Appeals and City Council review.

- e) Conditions: The Board may provide such conditions or restrictions upon the construction, location and operations for a special use, including, but not limited to: provisions for the protection of adjacent property, the expiration of such special use after a specified period of time, off-street parking and loading, as may be deemed necessary to secure the general objectives of this Zoning Code, and to reduce injury to the value of the property in the neighborhood.
- f) Expiration: In the event the Board establishes no time limitation within which the proposed use is to be exercised, then the permit shall expire in one year. Nothing shall preclude an applicant from reapplying for the same Special Use Permit upon expiration.
- i) Transfer of Special Use Permit: A special use permit is issued for a specified zoning lot or lots and shall only be allowed to transfer from that location, or to another occupant or owner, as follows:
- (1) All requests for transfers must be filed on an application form available through the Public Works Department.
 - (2) Substantial transfers – All substantial transfers shall be subject to review and approval by the Zoning Board of Appeals under the terms of section 1244.02. Substantial transfers include, but are not limited to:
 - a. A transfer involving a more intensive use on the subject property;
 - b. Other changes deemed to represent a substantial change by the Zoning Administrator and Public Works Director.
 - c. The trend of development in the area surrounding the subject property necessitates further review of the proposed special use.

- (3) Unsubstantial transfers – Unsubstantial transfers will be subject to review and approval by the City Planner and Public Works Director. Unsubstantial transfers represent minor changes from the provisions of the originally approved special use permit and may include:
- a. Transfer of ownership not effecting the intensity of the use:
 - b. Other changes deemed to represent an unsubstantial change by the Zoning Administrator and Public Works Director.

STAFF DISCUSSION & RECCOMENDATION:

- Based upon the nature of the proposed, staff recommends approval of the request for a Special Use Permit for a business involving the assembly, production, processing, wholesaling or warehousing, or manufacturing of any commodity involving raw materials.

Justin Venvertloh was present and stated that this site will be located on a parcel that was roughly 30 acres, and 5 acres was split off of this proposed facility. He stated that DuraEdge approached the owner because the dirt is good for the products they sell. Kurt Mershimer was present and stated that DuraEdge creates products for baseball and softball fields around the country. They wanted to build a facility here, buy the clay from Kamadulski and process and bag it on site. Tom Butts asked if this would replace the Granite City facility. Mershimer stated that it would, and this would allow them have a facility that they own.

Motion to approve as presented (Butts), seconded (Gerber)

VOICE ROLL CALL: 4 Ayes, 0 Nay, 0 Abstain

NEXT STEPS:

- Administrative & Community Services Committee Meeting – Thursday, April 25th at 5:00 PM
- City Council Meeting – Monday, May 1st at 7:00 PM

V. OLD BUSINESS:

VI. NEW BUSINESS:

VII. ADJOURNMENT: Motion to adjourn (Butts), seconded (Gerber).