

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

September 27, 2023

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

PUBLIC HEARING – 7:00 PM

PC 23-03 – Chapter 34 Code Changes – Recreation Vehicles

Planning and Zoning Administrator, Tiffany Barrows presented the commission suggested text amendments to Chapter 34 – Unified Land Development code of the Mascoutah City Code of Ordinances, Section 34-9-21 – Recreational vehicles.

Rich Thompson stated the definition is too broad of a description. He reported that there is currently an RV parked in a driveway on jacks. He understands golf carts, ATVs, 4-wheeler type vehicles that are licensed and parked throughout the city. He then stated that if he had a neighbor that had multiple RVs, what is currently described as an RV in the current Mascoutah code, parked around their house that he would be upset. The city would not be able to do anything about it.

Chairman Ken Zacharski stated that the city does not enforce the current code violations that are happening throughout town unless a citizen reports it.

Thompson stated that the problem he has is that if they make the changes, it will be even harder to enforce. He worries that they are putting the HOAs in jeopardy because the city allows this.

Al Paulson stated that HOAs can have their own stricter set of rules. HOA rules are indeed valid and enforceable no matter if the city allows RVs to park in driveways.

Thompson is concerned that if we open this up the way they have presented it to be changed, it is less enforceable. He is not in favor of the changes and stated that he is embarrassed since he helped write it. He believes the definition is way too broad. He then stated that if you can afford to have an RV the resident should also be responsible for storing it.

Jim Connor stated that it becomes patently unfair that it would take an HOA to enforce such a standard but if you do not live in an area with an HOA, you have no recourse.

Zacharski stated that if they open this up, it will most likely bring in more campers, etc. to the city. There are several storage units surrounding the city.

Al Paulson stated that he does not like how this ordinance is written and the enforcement. It is difficult for law enforcement to enforce 72-hour tracking.

Thompson stated that his recommendation is to go back to the drawing board because the definition is too broad and is not specific enough of what is allowed and what recourse residents can take.

Resident David Weidler stated that this ordinance was passed in 2018. It was supposed to solve all the RV problems in town. He stated there is no enforcement. There is stuff that blatantly happens, and law enforcement drives by them without action. Residents can make complaints, but nothing happens. He does not like that he has to make a complaint through the police department because he believes there is no confidentiality. He knows this for a fact, and it gives repercussions to those that complain within their neighborhood. He stated that at the June 5th meeting one of the council members that voted on the original ordinance, Baker, made the comment that it should be suspended in the summertime since that is the typical RV season. Weidler believes that it would become free for all in the city. He then cited the minutes at the last meeting, chairman Zacharski brought up a council member that does not abide by the code. He stated that not even the people that create the ordinances can't even abide by them. He continued, stating that he is sure that the police aren't going to ticket these people. In his opinion, the whole town looks like an RV park. He believes that instead of making it easier the commission and council should firm it up. He suggested vehicles should be put in a code complaint garage or shed or park behind the house if you have the proper paved parking space. There are various places in town where property owners use rock instead of a paved area to store RV. He also stated that commercial businesses listed because they should not be allowed to park campers on their lots unless they are involved in sales or repair. There is no reason for an RV to be parked at a tavern or an insurance office. People visiting the town see this and wonder. It is stated here that more than one RV, he believes they are the minority and stated that if someone has the wherewithal to buy multiple types of RVs, it should not make a difference. They are putting the majority aside and making the town look like junk lots. As far as the 72-hour rule goes, he believes that an RV should be allowed to park in a driveway for 72 hours upon notification to city hall. Cargo trailer issue, he does not understand. He stated that there are many residents that drive large commercial trailers from work and park at their house overnight. He doesn't think that should be allowed. He reviewed and stated that it needs to be tightened up. Potential businesses drive through town and see all this.

Bruce Jung pointed out the discrepancy of the descriptions of RV.

Connor brought up an issue with buses parking on the street.

Zacharski stated that is concerned that it is only enforced if someone calls it in and that complaints are not confidential. The consensus is for the commission to meet again and review other city ordinances.

Al Paulson brought up other sections that pertain to this subject.

Connor asked the city attorney to draft something.

Paulson stated he was willing to but would need some parameters.

Tiffany Barrows stated that she would compile a report on what other municipalities are doing.

There was no further discussion.

PUBLIC HEARING – 7:24 PM

PC 23-08 – PC 23-08, Alley Vacation, 919 West Church St. (Parcel no. 10-31.0-123-014) and 922 West Green St. (Parcel no. 10-31.0-123-005).

Zacharski stated that he went to the site and gave a review that it is a grassy area that seems to have been maintained.

Planning and Zoning Administrator, Tiffany Barrows presented the background of this area. Barrows also stated that this application came in after a property dispute was reported to the city between the two neighbors. The city does not have any utilities located in this section of the alley and it does not serve any need of the city.

Al Paulson stated that the law requires that both adjacent property owners get half of the vacated alley. The commission is not here to mediate a dispute.

Barrows stated that when doing research for this alley vacation, it appears that the process was started years ago just never completed. The legal descriptions and boundary survey is identical to what was found the city files.

Applicant Robert (Kevin) Endrijaitis that he had the property survey in 2007 and had the property remarked by Ron Bright. He states that the survey supports the map overview. He stated that Mr. Bright replaced missing pins located northeast corner of the lot. He assumes that the neighbor would want the alley vacated because currently, he believes, the fence and shed placement would be on his property.

Paulson reminded the commission that they are not here to mediate a property dispute. That is for the courts to determine.

Barrows reported that when she notified Kirby Preston of the vacation application, she stated that she does not see a need for the vacation but would be willing to split it if approved.

Kirby Preston introduced herself and her husband and stated that they are attending in response to the alley vacation application. While she does not see that the alley vacation is necessary, she is not opposed to it. She states that has maintained and occupied the space for 8 years. The ongoing problems that they have experienced is here the 12ft alley is located. She stated that GIS maps are approximate and in their block's case the map is slightly shifted. She reviewed different supporting examples of how the GIS map is shifted. She stated that she has copies of the 2007 survey that was conducted on lot 233. All lots for block 19 are 50x100ft dimension with a 12 ft easement between, some lots being double. The survey provided shows that lot 233 is 50x100ft and approx. 106ft from south property pin to the center pin easement line marker. Her lot is also 50x100 from their northwest front property pin to the center pin easement line marker is approx. 105ft 9in.

She continued by describing the survey findings. She also presented pictures of property pin markers and well within her property with her shed placement and within the 6ft portion of the easement. He stated that regardless of the easement, both sides should respectively maintain their 6ft portion for block 19 and consideration should be vacating the entire easement instead of one small section. The outcome she sees of the vacation is a raise in the property tax. The block has already absorbed the easement.

Becky Elliot, property owner of 914 W. Green Street. When she purchased her home, it had an existing fence. 2016 survey showed the property markers 232 and 230 their corner is directly in line with her chain link fence corner post. At the time of this dispute, the owner of 233 stated where the property markers are his property. At this point, she doesn't believe that any part of the alley should be vacated until their land dispute is settled and she doesn't agree that a portion of the alley be vacated it should be the whole alley. She continued stating that her southeast corner where her fence runs parallel to the corner post, there is almost 6ft from her other corner post south to where the marker in her neighbor's land is so the alley would have run at an angle. She stated that the owner of lot 233 is disputing her lines as well.

Al Paulson stated that what seems to be happening here is that they are trying to get the commission to settle their land dispute. The commission is only to consider if this portion of the alley is vacated. We are not to be deciding where a fence post sits.

Zacharski reiterated what Paulson stated and the fact that if it is decided to vacate this portion of the alley, the dispute is not to be presented to the city. He also stated that the city is not charging for this portion of the land.

Paulson stated that typically, if there is no use of the land, the city will not charge except for the paperwork required to make such vacation. There is no dispute between the legal description, or the survey presented.

Endrijaitis requested a copy of the paperwork that was presented to the commission. Barrows agreed to make him copies and email them after the meeting.

Ms. Elliott spoke about their dispute and questions the lines.

Zacharski stated that would have to be straightened out with the surveyor not through this commission.

Mrs. Preston asked the surveyor if iron pins were still in the ground and if he is in agreeance with where the pins are. Endrijaitis stated she moved the pin set in May.

Sgt. Donovan asked the residents not to address each other but rather the commission.

Thompson concluded that bottom line is that the city has no use for this alley and that they would give 6ft to each property owner. The tax liability would be close to zero so that should not be an issue. This commission is not going to settle property disputes.

Paulson stated all the requirements to vacate the alley are presented. Whatever is listed as the legal description, it stands.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:48 PM

CALL TO ORDER at 7:49 PM PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT – Bill Millikin and Karen Wobbe.

ALSO PRESENT

City Manager Becky Ahlvin, Planning and Zoning Administrator Tiffany Barrows, City Attorney Al Paulson, Mascoutah Police Sergeant Kyle Donovan, applicant Robert (Kevin) Endrijaitis and Kirby and Matthew Preston, property owners of 922 West Green St.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

Barrows wanted it to be on the record that the Planning Commission was contacted on August 22nd that the regularly scheduled, 3rd Wednesday to the 4th Wednesday due to the City Administrative staff was scheduled to be at the IML Conference. It was accepted without any opposition, so the meeting was changed. Public notices went out on August 31 to the buffer zone, Mascoutah Herald, and was also posted on the City's website. A complaint was received today, September 27th, that the City Calendar was not updated on the change.

David Weidler stated that this comes up all the time. Perhaps the city should investigate all the alley ways that aren't used for utilities that they have a mass alley vacation. The citizens must maintain them the city has liability issues. If these things aren't being used just get rid of them. This block has a home located on the alley.

Zacharski stated that he should bring this up to the City Council.

Weidler stated that perhaps the commission suggest to the council.

AMEND AGENDA – NONE

MINUTES FROM August 16, 2023

Klopmeier moved, seconded by Connor to approve the minutes from the August 16, 2023, Planning Commission Meeting.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, and Chairman Ken Zacharski aye.

5-ayes, 0-nays, 2-absent

PC 23-03 – Chapter 34 Code Changes – Recreation Vehicles

Discussion was held during the Public Hearing process. Please see the Public Hearing section of these minutes for details.

MOTION:

Thompson moved, seconded by Jung, to table the decision until they could meet again in a workshop setting before presenting a recommendation to the City Council.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, and Chairman Ken Zacharski aye.

5-ayes, 0-nays, 2-absent

PC 23-08 – PC 23-08, Alley Vacation, 919 West Church St. (Parcel no. 10-31.0-123-014) and 922 West Green St. (Parcel no. 10-31.0-123-005).

Discussion was held during the Public Hearing process. Please see the Public Hearing section of these minutes for details.

MOTION:

Jung moved, seconded by Connor, that the Planning Commission recommend approval of the of this alley vacation for 919 West Church Street.

THE MOTION BY ROLL CALL

Jack Klopmeier aye, Bruce Jung aye, Jim Connor aye, Rich Thompson aye, and Chairman Ken Zacharski aye.

5-ayes, 0-nays, 2-absent

MISCELLANEOUS

Code Change to Chapter 34, Recreational Vehicles

The commission requests that the Planning and Zoning Administrator present code examples from neighboring municipalities such as

ADJOURNMENT

Thompson moved, seconded by Connor to adjourn at 7:56 p.m. All were in favor.

Tiffany M Barrows, Planning and Zoning Administrator