

**Building & Zoning Committee
Meeting Minutes for February 7, 2023**

Members Present:

Mick Madison, Chairman
Terry Eaker
Matt King
Ryan Kneeder
Bobby Ross

Members Absent:

John Janek
Nick Petrillo

Others Present:

Jen Hurley, Zoning Assistant	Michael Hertz	Jennifer Huber	Wayne Maedge
Chris Doucleff, Administrator	Marci Bennett	Diane Branz	Greg
Connie Steiner-Allen	Steve Carruthers	Wayne Brendel	Alen Merdzic
John McCracken	Mike Gordon	Rashad	

Call of Meeting to Order and Roll Call:

Chairman Madison called the regular meeting of the Building & Zoning Committee to order at 5:30 p.m. and conducted roll call.

Approval of Minutes:

Chairman Madison asked the Committee if all members had reviewed the minutes from the January 3, 2023 meeting and if they had any changes to be made. Chairman Madison approved the minutes.

Zoning Petitions and Subdivision Overview:

Jen Hurley, Zoning Assistant, gave the overview of the two zoning petitions on the agenda.

Ms. Hurley introduced Resolution Z22-0084, petition of Fata Celebic. Ms. Hurley stated this request was postponed from the December 2022 meeting. She said the applicant is requesting a zoning map amendment to rezone the approximately 8.27 acre tract from "A" Agricultural to "PD" Planned Development District in order to continue operating the existing nonconforming slaughterhouse on site and bring the property into compliance. Ms. Hurley stated the property is currently under violation for operating a slaughterhouse in an "A" Agricultural District, which is only a permitted use in "M-3" Heavy Manufacturing Districts, for constructing a pole barn without a building permit, and for not having an up-to-date Special Use Permit for the existing mobile home on site. She stated staff received over 120 letters of opposition and an opposition petition, and several people spoke in support at the last meeting. She said staff also received a letter of support from the Madison County Farm Bureau and an email with a letter of opposition including a Facebook post for USA Halal Meats showing that, on occasion, the Pocahontas facility allows customers to come on site to hand-pick their animal, slaughter, and take home the meat. She said the ZBA recommended approval with Attachment "A" 4-3.

Ms. Hurley introduced Resolution Z23-0007, petition of Daniel Eckhardt. She stated the property is dual-zoned "R-1" Single-Family Residential District and "B-3" Highway Business District, and the applicant is requesting a variance to construct a pond that will be 140 feet from a dwelling on an adjacent lot instead of the required 250 feet. Ms. Hurley stated they are currently under violation for beginning construction on a pond less than 250 feet from a dwelling on an adjacent lot, and approval of this request would resolve the zoning violation. She said the adjacent property owner whose house is less than 250 feet from the pond provided staff with a letter of support for the variance request, and the ZBA recommended approval. Chairman Madison asked if there were any objections by neighbors, and Mr. Doucleff replied that no, the neighbor who is the closest was in support of it.

Pre-Application Presentation:

None

Citizens Wishing to Address the Committee:

Chairman Madison asked if there are any members of the public wishing to address the Committee.

Connie Steiner-Allen, daughter of adjacent property owners, spoke in opposition to Z22-0084. Mrs. Steiner-Allen stated her parents own 43 acres adjacent to the south of this property and the farmstead directly across Fairview Road. She said as she sees it, they are not compliant and did not take out permits, and the neighbors had no idea that a slaughterhouse had started on the property. She said she respects them because they're trying to do the right thing, but we shouldn't have to change zoning laws to accommodate a facility that went up illegally. Mrs. Steiner-Allen said a state representative had tried to help them relocate the business after the December meeting and had found out they could get grants to relocate, but he didn't get a call back from them. She said she hopes the Committee will dismiss this request.

John McCracken, legal representative of Debra and Alan Valenti, adjacent property owners, spoke in regards to Z22-0084. Mr. McCracken said the property line is less than 300 feet from the slaughterhouse, and the home is less than 600 feet from the slaughterhouse. He said the slaughterhouse owners want to give the impression that it is a self-contained slaughterhouse, and the meat is shipped directly to their halal store, but according to a Facebook post from June 2022 from the business's page, they advertised that you can come to the property to pick out, slaughter, and take home the meat. Mr. McCracken stated they started the business without the correct zoning, didn't apply for building permits, and had multiple years to find a solution. He said the multiple violations with the excuse that they didn't know or didn't understand is not acceptable, and now they're asking for leniency. He said the zoning codes are put in place for a reason, and any decision that would allow this business to continue would have a direct negative impact on the surrounding properties.

Michael Hertz, legal representative of the slaughterhouse owners, stated he thinks some people hear "planned development" and think it's going to be some shopping center or commercial development, but they are not asking to do anything more than what they're already doing on the property and are not going to build any more structures. He said they will be held in the planned development to what they submitted and worked with the zoning department to put together to limit what they can do on the property. Mr. Hertz stated the property is inspected weekly by the USDA, and they have a permit through the USDA. He said the zoning office asked them to have a private sewage inspection out there to see if there were any issues, and they had it done and provided copies to the zoning office. He said the property is well-kept and the slaughtering is done indoors by hand under USDA supervision. Mr. Hertz said this is an agricultural district, and they're not asking to do it downtown somewhere. He said these are good people, they're not from here, and they work hard. He said they tried to talk to the neighbors, and it didn't go well.

Marci Bennett, adjacent property owner, spoke in opposition to Z22-0084. Mrs. Bennett said they fully understand that a strip mall or commercial development is not going to be put in, but they don't want what's going on there currently to be there. She said they are trying to preserve their properties and the value of their homes. She said this business didn't do what they were supposed to from the beginning, but it's their properties and home values that will suffer in the long run. Mrs. Bennett stated they bought and invest in their home, and they want that investment to come through for them when they're ready to retire or their kids go to college. She said it's the largest investment they have and where most of their money goes, and if this slaughterhouse is approved to stay adjacent to their house, their property value will not be what it should be, and they won't get the return on their investment.

Steve Carruthers, representative of Greenville Livestock Auction, spoke in favor of Z22-0084. Mr. Carruthers stated the slaughterhouse owners buy a lot of livestock from them, and it helps the community. He said he doesn't see how property values would decrease, and they may increase if they're allowed to stay here if someone else comes in and wants to help with their business. Mr. Carruthers stated the slaughterhouse is vital for their livestock business and for the people around there looking for a place to go buy meat so it helps the market and profits a lot of people. Mr. Eaker asked Mr. Carruthers if this was right next door to his house, does he think it would hurt his property values. Mr. Carruthers stated it's rural around him and around this property, and he doesn't think it would hurt a thing.

Mike Gordon, nearby property owner to the east, spoke in opposition to Z22-0084. Mr. Gordon said his problem is that they're trying to change the zoning out there. He said he and his wife bought their property 25 years ago because it was out in the middle of nowhere and now there is traffic going by his house every day. Mr. Gordon said it seems like they can do whatever they want on their property with planned development.

Jennifer Huber spoke in favor of Z22-0084. Ms. Huber stated she doesn't see how this could hurt anything, and the slaughtering all takes place inside. She said she doesn't know what the big deal is except that they just don't like it. She said you should just get along with your neighbors and try to figure something out.

Diane Branz, daughter of adjacent property owners, spoke in opposition to Z22-0084. Mrs. Branz said these properties have been in their family for four generations. She said the only places slaughterhouses are allowed according to Madison County zoning law are in "M-3" Heavy Manufacturing Districts, and for good reason. She said the many large trucks carrying animals or waste often block passage on the road, they're damaging the road and the entry to this property which doesn't even have a culvert, and they're smashing the drainage ditches that worsens the flow of water onto the adjacent farmland and floods out crops. She said this is within the Silver Lake watershed that drains from creeks into Silver Lake, which is the water source for Highland and much of the surrounding area. She said the slaughterhouse is already hurting their property values due to this damage to the roads and farmland. Mrs. Branz said they say they only keep 20-100 sheep and 5-10 cattle on the property at any given time, but that is not true. She said they claim to only slaughter on this property, but if you go to their Facebook page, you can see that they process and smoke meat on the property.

Wayne Brendel, retired zoning inspector, said he was the first zoning inspector to visit this property. Mr. Brendel said it's a clean operation, and he's not saying it's right or wrong, but the original complaint to come into the office was for noise of loud music being played on the property.

Rashad, a friend of the slaughterhouse owners, spoke in favor of Z22-0084. He said he doesn't see the reason why there is so much hate for this, and there is a large Bosnian population in St. Louis, and they need this place. He said he has been on the property and has not seen any problems.

Wayne Maedge, nearby property owner, spoke in opposition to Z22-0084. Mr. Maedge said rules should have been followed from the beginning, and all the people who signed the petition follow county zoning laws. He said this isn't a matter of hate; the slaughterhouse doesn't belong out in the middle of the country and should be in manufacturing where the infrastructure and roads can support it. He said they say they're not going to grow the business on the property, but they already put up a pole barn without permits, and he doesn't know any business that doesn't want to grow and expand.

Greg, nearby property owner, spoke in opposition to Z22-0084. He said this has been in noncompliance since it opened in 2017, and now we're changing the zoning rules to make it fit so they can stay open. He said he doesn't understand that logic.

Alen Merdzic, slaughterhouse owner, said he has nothing against these neighbors. He said he bought the property in 2016, and it took almost 8 months to finish the paperwork for USDA approval of the slaughterhouse, and once he had the USDA permit, he thought he was ok to open the slaughterhouse. He said if he knew it would be such a headache he wouldn't have opened, but now he has it and has to fight to keep it. Mr. Merdzic said they don't have a bunch of large trucks, he takes his trailer to go pick up livestock, and the only semi comes to pick up the guts. He said the neighbors should call him if they have problems. He said this is his business, he has to make a living, and he supports local farmers by buying the livestock. He said there are over 100,000 Bosnians in St. Louis. Mr. Merdzic said they don't slaughter out on the property, and they always have an inspector while slaughtering to make sure the animals are healthy and clean. He said they've been operating since 2017, and nobody complained until now. He said they slaughter by the book, and he has a family just like they do. He said he's not trying to hurt anybody or put anyone's property values down. He said he doesn't want to change the property to commercial, he would leave it agricultural if he could, but he needs to continue running the business.

Unfinished Business:

Chairman Madison brought in Resolution Z22-0084, petition of Fata Celebic. Chairman Madison said zoning has to be flexible to be constitutional, and there are a lot of people for this and a lot of people against this. Chairman Madison said it depends on the situation and what's around there, and a lot of people wouldn't want this, or a gas station, or a scrap yard, or a dollar store next to their houses. Mr. Eaker asked if any progress was made when they gave them a couple months to try to work with the neighbors, and Mr. Doucleff replied that there wasn't. Mr. King made a motion to overturn the ZBA's recommendation of approval and instead recommend denial of the request. Seconded by Mr. Kneedler. Roll-call vote. All ayes. Motion passes. Request is recommended for denial.

New Business:

Chairman Madison brought in Resolution Z23-0007, petition of Daniel Eckhardt. Mr. Eaker made a motion to approve. Seconded by Mr. King. Roll-call vote. All ayes. Motion passes.

Chairman Madison brought in the Purchase Request (not to exceed \$28,000) – FY 2023 Services for Weekly Recycle and Shred Services Pickup for the Various Madison County Facilities; the Purchase Request (not to exceed \$29,000) – Professional Services: Engineering Services Agreement for Various Projects January 1, 2023-December 31, 2023; and the Purchase Order Report to be voted on together. Chairman Madison asked Mr. Doucleff to describe the two purchase requests. Mr. King made a motion to approve the above listed items. Seconded by Mr. Ross. Roll-call vote. All ayes. Motion passes.

Administrator's Report:

Mr. Doucleff stated that there was talk at the last meeting of changing the meeting time to 5:00pm. A discussion ensued regarding changing meeting times moving forward from 5:30pm to 5:00pm.

Mr. Doucleff discussed permit numbers this year compared to last year.

Adjournment:

Mr. King made a motion to adjourn the meeting. Seconded by Mr. Ross. Voice-vote. All ayes. Motion passes.

Meeting adjourned.