

Committee Members:

Justin Gough
Bill Poletti
Frank Menn
Pat Baeske
Harry Zimmerman

A G E N D A
COMMUNITY COMMITTEE

Wednesday, January 20, 2016 – 7:00 p.m.
Council Chambers
Fairview Heights City Hall
10025 Bunkum Road

Public Participation

Approval of Minutes – [December 16, 2015](#)

Development

Alderman Bill Poletti, Chairman

1. [Economic Development Director's Report](#)

Parks & Recreation

Alderman Justin Gough, Chairman

1. [Parks and Recreation Director's Report](#)
2. [Special Event Approvals](#)
3. [Bike/Multipurpose Trail Update](#)
4. [Pavilion #5 Renovation Discussion](#)
5. [Daycamp](#)

Planning

Alderman Pat Baeske, Chairman

1. [Land Use Director's Report](#)
2. [Section 27-1-45 OPEN BURNING regulations](#)
3. [Development Code Revision MXD Mixed Use District & Planned Development](#)

THE CITY OF FAIRVIEW HEIGHTS
COMMUNITY COMMITTEE MINUTES
Wednesday, December 16, 2015 - 7:00 p.m.
City Council Chambers
10025 Bunkum Road, Fairview Heights, IL

Committee Members in attendance – Justin Gough, Bill Poletti, Pat Baeske, Frank Menn, Harry Zimmerman, Mayor Mark Kupsky, Ex-officio

Committee Members absent – None.

Other Aldermen and Elected Official in attendance – Brenda Wagner, Denise Williams, Pat Peck, City Clerk Karen Kaufhold

Staff in attendance - Parks & Recreation Director Angie Beaston, Land Use Director Tim Tolliver, Economic Development Director Mike Malloy, City Attorney Jim Gehrs

Recorder – Cheryl Kleb

Public Participation

None.

Approval of November 18, 2015 Minutes

Motion and second to approve said minutes as written were made by Aldermen Bill Poletti/Pat Baeske. The motion carried by voice vote and was unanimous.

Planning Committee

Alderman Pat Baeske, Acting Chairman

Land Use Director's Report

Director Tolliver presented his written report to Committee for review. There were no questions.

PC 14-15 Development Plan Bar/Tavern 823 Lincoln Highway

Director Tolliver briefed Committee on Planning Commission case PC14-15. Planning Commission recommended approval of the Development Plan in Planned Business. Alexander Plocher was present and prepared to answer questions.

Motion and second to forward PC14-15 to City Council with the recommendation to approve were made by Aldermen Bill Poletti/Frank Menn. The motion carried by voice vote and was unanimous.

Parks & Recreation Committee

Alderman Justin Gough, Chairman

Parks Director's Report

Director Beaston presented her written report for review by the Committee. There we no questions.

Capital Improvements and Capital Spending Discussion

Director Beaston briefed with Committee on the 5 year Capital Improvements Project List for Parks and Recreation.

Fees for Facilities

Director Beaston reviewed with Committee the fees or facility usage and recommended restructuring fees for several of the Park and Recreation facilities.

Motion and seconded to recommend to City Council to approve said request were made by Aldermen Frank Menn/Bill Poletti. The motion carried by voice vote and was unanimous.

Signage for Municipal Complex

Director Beaston briefed Committee on the Municipal Complex signage

Development Committee

Alderman Bill Poletti, Chairman

Economic Development Director's Report

Director Malloy presented his written report to Committee for review. There were no questions.

Presentation of proposed North TIF #5 Redevelopment Plan

Director Malloy presented the North TIF #5 Redevelopment Plan. Julian Jacquin with Economic Development Resources, gave a brief overview of the proposed North TIF #5 Redevelopment Plan.

Consider approval of a Resolution accepting and approving the proposed TIF #5 Redevelopment Plan and agrees to sending to all Taxing Districts and DCEO

Director Malloy requested acceptance and approval of the proposed TIF #5 Redevelopment Plan and further agree to send the said plan to all affected Taxing Districts and DCEO.

Consider approval of an Ordinance creating a Joint Review Board (JRB) for proposed TIF #5 and setting a meeting date of Friday, February 5, 2016 at 1:00 p.m.

Director Malloy requested that Committee consider approval of an Ordinance creating a Joint Review Board (JRB) for proposed TIF #5 and setting a meeting date of Friday, February 5, 2016 at 1:00 p.m.

Consider approval of an Ordinance setting a Public Hearing date for proposed TIF #5 on Tuesday, March 15, 2016 at 7:00 p.m.

Director Malloy requested approval of an Ordinance setting a Public Hearing date for proposed TIF #5 and setting a meeting date of Tuesday, March 15, 2016 at 7:00 p.m.

Consider approval of a Resolution nominating Charles Kassly as the public member of the proposed TIF #5 Joint Review Board (JRB)

Director Malloy request approval of a Resolution nominating Charles Kassly as the public member of the proposed TIF #5 Joint Review Board (JRB).

Motion and second to recommend to City Council to approve Items #3, 4, 5, and 6 under omnibus ruling were made by Aldermen Pat Baeske/Frank Menn. The motion carried by voice vote and was unanimous.

Consider approval of an extension completion date from December 31, 2015 to March 31, 2016 for the Redevelopment Agreement the City has with Dirk Schaumleffel DBA Illinois Undercar Services (Meineke – 10712 Lincoln Trail) and dates under Section (4a) Reimbursement of Redevelopment Projects being adjusted three (3) months forward

Director Malloy requested approval of an extension completion date from December 31, 2015 to March 31, 2016 for the Redevelopment Agreement the City has with Dirk Schaumleffel DBA Illinois Undercar Services (Meineke – 10712 Lincoln Trail) and dates under Section (4a) Reimbursement of Redevelopment Projects being adjusted three (3) months forward.

Motion and second to recommend to City Council to approve said request were made by Aldermen Harry Zimmerman/Pat Baeske. The motion carried by voice vote and was unanimous.

Progress report on proposed Arrowhead Business/Industrial Park

Director Malloy gave Committee a progress report on the proposed Arrowhead Business/Industrial Park.

Motion and second to adjourn were made by Aldermen Justin Gough/Pat Baeske. The motion carried by voice vote and was unanimous.

Adjournment 8:25 P.M.

Submitted By:

Recorder

MEMORANDUM

TO: Elected Officials

FROM: Mike Malloy, Director of Economic Development

DATE: January 11, 2016

SUBJECT: Development Committee Agenda Overview

Economic Development Director Report:

1. There are no agenda items on the January 20, 2016 Development Committee Agenda that require action.
2. The Redevelopment Plan for proposed TIF #5 was 1st heard by Council on January 5, 2016; on January 20, 2016, the TIF #5 Redevelopment Plan is scheduled to be adopted by Council. Additional dates of interest concerning proposed TIF #5 are as follows:
 - a. February 5, 2016 – Joint Review Board (JRB) at 1:00 p.m.
 - b. March 15, 2016 – Public Hearing before City Council at 7:00 p.m.
 - c. April 19, 2016 – City Council adopts, creates TIF #5
3. On January 12, 2016, the City hosted an open house for Small Business Owners and Entrepreneurs from 3:00 p.m. – 7:00 p.m. in the Recreation Room, as conducted by the Small Business Development Center of SIUE.
4. City received notification on December 28, 2015, that the Governor's Office had certified the city's Enterprise Zone which now allows the city to offer, among other incentives, sales tax abatement on building materials.
5. Staff in conjunction with several staff representatives from surrounding communities began preparations for the 2016 Downstate ICSC Alliance Conference to be held in Fairview Heights in June.
6. Staff is working with a St. Louis Realtor to locate a grocery store on Lincoln Trail.
7. Ruby's (a restaurant chain with gaming) is looking to locate at two (2) locations in the city: 319 Lincoln Highway and Winchester Plaza.
8. Staff has been working with Engineers and the city's consultants to install a roundabout instead of a conventional intersection at Market/Commerce as a cost savings on the Lincoln Trail Streetscape project. The Finance Committee will consider the cost saving on January 13, 2016.
9. Staff is working with the owner of an auto parts franchise to locate a store on Lincoln Trail.

10. Staff is working with a potential tenant for a 50,000 sq. ft. warehouse to be constructed at the Arrowhead Business/Industrial Park.
11. The owners (Brixmor) of Crossroads Shopping Centre have recently completed storm water drainage improvements to correct the flooding at the centre.
12. Staff anticipates Zapata's Mexican Restaurant will relocate from Swansea to Winchester Plaza and open in January 2016.
13. Staff is working with a realtor to locate a nonprofit in 12,000 square feet in the city.
14. DLC, the owner of Market Place Shopping Center (Best Buy & Burlington) have begun the search for a tenant(s) for an outparcel fronting on I-64.
15. Staff is working with the owner of Jones Banquet Center to make improvements via financial assistance from newly created TIF #4 and Enterprise Zone.
16. The newly created Business Alliance Commission (BAC) met on December 22, 2015 and the next meeting is January 26, 2016.
17. Staff is working with the Sansone Group to locate a national chain store in the former Sports Authority space in Fairview Heights Plaza.
18. The St. John's United Church of Christ located at 10207 Lincoln Trail anticipates prior to January 31, 2016 receipt of a Memorandum of Understanding from the Retirement Housing Foundation (RHF) to construct a senior housing facility on site with 45-60 units.
19. Twin Peaks, a national restaurant chain, anticipates opening in the former Logan's Roadhouse space in the spring of 2016.
20. Perfect Finish is proposing to make significant improvements at 10610 Lincoln Highway has reapplied for financial assistance via TIF #3. It is anticipated the application will be considered by the Development Committee at its February 17, 2016 meeting.
21. Attached, are the latest (December 2015) unemployment numbers for St. Clair County and the Metro east.
22. Two (2) articles are attached, which address continued population loss in the state of Illinois.
23. On January 11, 2016 the city received the \$15,000 payment from the owner of the 72 acres contained within proposed TIF #5 to redo the eligibility study and redevelopment plan.

Mike Malloy
Director of Economic Development

STATE POPULATION DECLINES

Illinois could lose a congressional seat

Census estimates Illinois population dropped by 22,000 people from 2014 to 2015

Election Data Services projects nine states would lose a congressional seat

2020 Census count will determine representation in Congress

BY JOSEPH BUSTOS
jbustos@bnd.com

For the second year in a row, the U.S. Census Bureau is estimating Illinois' population decreased, a trend that could lead to the state losing a congressional seat.

In U.S. Census Bureau estimates released last month, Illinois' population decreased by 22,000 people from 2014 to

2015. Because of the estimated drop, Election Data Services, a Virginia-based political consulting firm, projects Illinois will lose a representative in the U.S. House of Representatives.

The census bureau uses birth and death certificates, as well as address changes on tax returns to estimate population between the decennial population counts.

Illinois is one of nine states that could lose a representative in Congress. According to Elec-

tion Data Services, Alabama, Michigan, Minnesota, New York, Ohio, Pennsylvania, Rhode Island and West Virginia also could lose a seat.

Arizona, Colorado, North Carolina and Oregon would each gain one seat, Florida would gain two seats, and Texas might gain three seats under the Election Data Services projections.

Kimball Brace, president of Election Data Services, reiterated the projections are only preliminary, and how many congressional seats each state will have won't be finalized until the 2020 census is completed.

"We are only at the midpoint of the decade, and a lot of things could change before the next census is taken in 2020," Brace said. "Having worked

SEE CONGRESS, 2A

CONGRESS

with census data and estimates since the 1970s, it's important to remember that major events like Katrina and the 2008 recession each changed population growth patterns and that impacted and changed the next apportionment."

Illinois' current delegation in the U.S. House of Representatives has 10 Democrats and eight Republicans. Five of the Republicans represent areas outside of Chicago, and three are in the collar counties of Chicago. Nine of the Democrats represent Chicago-area districts, and one represents northwestern Illinois, including the Quad Cities area.

Congressional lines are drawn by the state legislature, and are subject to the governor's approval. That means the 2018 and 2020 elections will be important, especially if the governorship is held by a Republican and the legislature is controlled by Democrats, or vice versa, or if one party holds the governorship and controls the legislature.

"That's where all bets are off," said Ken Moffett, an associate professor of political science at Southern Illinois University Edwardsville. "You can have any number of alignments coming out of there."

He added what could end up happening in a divided government situation is mostly incumbents being protected.

"What tends to happen is the partisanship tends not to change that much," Moffett said. "A district that remains, and leans one way or another, tends to be driven stronger in that direction. The other way this sometimes happens is you cut out a district with a person who is retiring and carve it out that way."

Moffett said which party has control of the legislature and governorship in the state will be key to determining congressional lines.

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THE CITY OF CHICAGO AND DOWNSTATE ARE VULNERABLE TO THAT CHANGE... EVEN IF THE CITY (OF CHICAGO) TAKES A HIT, BOST'S DISTRICT HAS TO GET GEOGRAPHICALLY BIGGER, SHIMKUS'S HAS TO GET BIGGER.

John Jackson, visiting professor at the Paul Simon Public Policy Institute

"If it's all Democratic control, then the goal will be to maximize the number of Democratic representatives," Moffett said. "My guess in that case ... you'll have a Republican losing a seat, or gerrymandered into another district where they face off against another Republican."

After the 2010 Census, Illinois' maps were redrawn and pushed Republican Rep. Randy Hultgren and former Republican Rep. Joe Walsh into the same district in the Chicago suburbs. Walsh eventually decided to run in another district, but lost to Democrat Tammy Duckworth.

In 2002, after the 2000 realignment, Democratic incumbent David Phelps of Eldorado and Republican incumbent John Shimkus of Collinsville faced off in a newly formed 19th district. Shimkus won in the predominantly Republican district.

Currently, the districts of Shimkus, and fellow Republicans Mike Bost and Rodney Davis, which all include parts of the metro-east, have borders that meet near the Madi-

son County-St. Clair County border line.

Shimkus said of the 2021 redistricting process that "the lines could be anywhere. Everything is possible. It depends on the members who are there."

As for creating a Democratic seat downstate in the metro-east, that might be tough. Moffett points out victory margins for Jerry Costello, the former Democratic congressman from Belleville, gradually became smaller and smaller before he decided to retire. The seat is now held by Bost.

"It will be difficult finding enough Democratic votes to find a seat," Moffett said.

If Republicans were able to gain control of the state legislature, Moffett says they possibly would draw the map in a way to pick off a Democratic seat in the Chicago area.

David Yepsen, director of the Paul Simon Public Policy Institute at Southern Illinois University Carbondale, said he believes if the population trends hold up, and Illinois does lose a congressional seat, lawmakers could eliminate a seat in the rural parts of the state, anywhere outside of the Chicago-area.

"Rural America is losing population," Yepsen said. "The Rust Belt is losing population to the south."

"It's not easy to say where it could come from," Yepsen added. "It could resolve in all the rural districts getting larger."

Losing a congressional seat also would mean the state would lose an electoral vote in presidential elections, which could have a factor in the electoral balance.

Illinois, typically a safe Democratic state in presidential elections, could end up losing an electoral vote to a Republican-leaning state or a battleground state, Yepsen said.

"It does change the mix in the Electoral College," Yepsen said.

Besides the Electoral College, having one less representative reduces the clout of the state in Congress, Yepsen said. As Midwest and New Eng-

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WE ARE ONLY AT THE MIDPOINT OF THE DECADE, AND A LOT OF THINGS COULD CHANGE BEFORE THE NEXT CENSUS IS TAKEN IN 2020. HAVING WORKED WITH CENSUS DATA AND ESTIMATES SINCE THE 1970S, IT'S IMPORTANT TO REMEMBER THAT MAJOR EVENTS LIKE KATRINA AND THE 2008 RECESSION EACH CHANGED POPULATION GROWTH PATTERNS AND THAT IMPACTED AND CHANGED THE NEXT APPORTIONMENT.

Kimball Brace, president of Election Data Services

land states lose population, committee assignments in Congress move to the South and West.

John Jackson, a visiting professor at the Paul Simon Public Policy Institute, said he would expect downstate districts to need to get geographically larger, along with districts within the city of Chicago, to accommodate a potential congressional seat loss.

"The city of Chicago and downstate are vulnerable to that change," Jackson said.

"Even if the city (of Chicago) takes a hit, Bost's district has to get geographically bigger, Shimkus' has to get bigger," Jackson added.

Jackson said Chicago Democrats were able to protect themselves in the last redistricting, which included Illinois losing a

district, by having districts that reached out into the suburbs.

However, population in the collar-county area of Chicago has grown and districts may not need to be changed all too much.

"What's not vulnerable is the collar counties, they've done quite well," Jackson said.

The average population in each district was 710,000 people, according to the Census bureau. Jackson estimates the average population will be about 800,000 after the redistricting.

"Nothing is absolute or set in stone," Jackson said. "Things can change. We were fairly close to the bubble last time ... If something significant stops our slide or reverses our slide, again we'll be back on the bubble."

CONGRESSIONAL DISTRICT RULES

- Districts have to contain an equal amount of people.

- Districts can't be drawn to overly discriminate toward members of a racial minority. Race also can't be the predominant factor in a district's design. It can be one of several factors.

- A congressional district has to be contiguous.

ACCORDING TO CENSUS ESTIMATES

- Since 2010, Illinois has grown by 28,446 people. The U.S. average is 248,249 people per state.

- Illinois grew by .2 percent, but the entire country had a 4.1 percent growth since 2010.

- Illinois is leading the country in net migration losses. The state has a net migration loss of 255,000 people since 2010.

NUMBER OF CONGRESSIONAL DISTRICTS IN ILLINOIS

- Current: 18 districts

- Last decade: 19 districts

- 1990s: 20 districts

- 1980s: 22 districts

- 1970s: 24 districts

- 1960s: 24 districts

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Troubled Illinois residents moving out

First Posted: 12:20 pm - January 6th, 2016

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In the words of the great philosopher William Joel, "mama, if that's movin' up, then I'm movin' out."

And in Illinois, that's what people are doing — by the thousands.

United Van Lines' annual look at where people are moving to and from in the nation again showed Illinois in the third-highest spot of people who are leaving the state. The Land of Lincoln was narrowly edged out by New Jersey and New York.

This has been a trend for Illinois — which was third on the list last year.

Although staying stagnant would seem to be better than nudging upward, it means the population of Illinois is continuing to shrink. That is something that hasn't happened since the late 1980s.

Last year almost marked the highest population drop in the past several years. According to the U.S. Census Bureau, the population in Illinois fell by 105,200 — meaning that many more moved out than new people moved in — between July 2014 and July 2015.

More disheartening is that unlike other Midwest states that saw population declines, Illinois isn't following the usual migration-reason patterns. Elsewhere, many of the moves are the result of baby boomers seeing warmer temperatures.

That's not holding true for neighboring states. All five of them — Indiana, Missouri, Iowa, Wisconsin and Kentucky — showed slight increases in net population gains.

Just 19.6 percent of the moves outbound from Illinois last year were attributed to retirement and another 4 percent to health. The biggest reason by far — 54.7 percent — was because of jobs.

It is with some trepidation we note the Census Bureau statistics cover the point just before a still-going state budget impasse plunged Illinois further into economic turmoil and uncertainty. It seems logical one could assume that won't help stem migration in the months to come.

People as a rule don't like apprehension. They also don't like taxes and, not surprisingly, the states with the highest out-migrations have a lot of both. Truth in Accounting, which gauges what it calls "taxpayer burden" by state, says the average taxpayer burden for the four biggest-losing states — the group adds Connecticut — is \$42,000.

The average for the other continental U.S. states? \$5,000.

So there are bigger below-the-surface issues at play in people's decision to move from Illinois. Those concerns must be addressed; exacerbating the problems through the time-honored tradition in Illinois of pushing more of the burden onto taxpayers.

The continued loss of people will have a deeper impact in the years to come because the largest percentage of those leaving now are 34 years old and under (22.4 percent). Combined with the 35 to 44 age group, these demographic groups accounted for just under 44 percent of all the outbound moves last year. The percentage of those 65 and older who are moving fell to 19.8 percent.

These groups are taking with them taxable money that will be hard to replace. Last year, 59 percent of those finding another place to call home made \$100,000 or more a year.

Losing money, talent and youth is a worrisome combination.

Comments



(<http://ads.civitasmedia.com/w/1.0/rc?bi=5d05fb49-eea7-49d7-8012-ab7db7c16cd8&ts=1fHJpZD1jMGNiMdBmZC03YTIwLTQ>)

Circulars (/circulars)

This Week's Circulars



Stock Market

(<http://finance.thetelegraph.com>)





Bruce Rauner, Governor
Jeff Mays, Director

NEWS RELEASE

For Immediate Release
Wednesday, December 23, 2015

Anjali Julka
Phone: 312.793.9635

Vicki Niederhofer
Phone: 618.277.8491

Unemployment Rates up in Most Metro Areas *Job Growth Continues to Lag*

Not Seasonally Adjusted Unemployment Rates

Metropolitan Area	November 2015	November 2014	Over-the-Year Change
Bloomington	5.4%	5.0%	0.4
Carbondale-Marion	6.9%	6.3%	0.6
Champaign-Urbana	5.7%	5.3%	0.4
Chicago-Naperville-Arlington Heights	5.2%	5.8%	-0.6
Danville	7.7%	7.3%	0.4
Davenport-Moline-Rock Island, IA-IL	5.8%	5.8%	0.0
Decatur	7.6%	7.4%	0.2
Elgin	6.1%	5.9%	0.2
Kankakee	7.2%	6.9%	0.3
Lake-Kenosha, IL-WI	5.6%	5.5%	0.1
Peoria	7.1%	6.3%	0.8
Rockford	7.5%	7.2%	0.3
Springfield	5.7%	5.5%	0.2
St. Louis (IL-Section)	6.7%	6.5%	0.2
Illinois Statewide	5.8%	6.0%	-0.2

* Data subject to revision.

CHICAGO – Unemployment rates increased in 12 metro areas, decreased in one and was unchanged in one. Eight metro areas across the state saw job loss compared to a year ago, according to preliminary data released today by the Illinois Department of Employment Security (IDES) and the U.S. Bureau of Labor Statistics (BLS). Not seasonally adjusted data compares November 2015 with November 2014.

Illinois businesses lost jobs in eight metro areas including Carbondale-Marion (-1.8 percent, -1,000), Quad Cities (-1.7 percent, -3,200), and Lake-Kenosha (-1.5 percent, -6,300). Illinois businesses added jobs in six metros, in which the largest increases were seen in: Elgin (+2.0 percent, +5,000), Champaign-Urbana (+1.5 percent, +1,700), Danville (+1.4 percent, +400), and Chicago-Naperville-Arlington Heights Metro Division (+1.3 percent or +46,900). The industry sectors recording job growth in the majority of metros were: Transportation, Warehousing and Public Utilities (nine of 14), Leisure and Hospitality (eight of 14), and Education and Health Services (eight of 14).

“While the increase in unemployment rates will garner most of the headlines, more troubling is Illinois’ extremely low employment growth rate this past year,” said IDES Director Jeff Mays. “Out of 102 counties in Illinois, 96 remain below their pre-recession 2007 peak employment levels.”

The not seasonally adjusted Illinois rate was 5.8 percent in November 2015 and stood at 12.2 percent at its peak in this economic cycle in January 2010. Nationally, the not seasonally adjusted unemployment rate was 4.8 percent in November and 10.6 percent in January 2010 at its peak. The unemployment rate identifies those who are out of work and looking for work, and is not tied to collecting unemployment insurance benefits.

Total Nonfarm Jobs (Not Seasonally Adjusted) – November 2015

Metropolitan Area	November 2015*	November 2014**	Over-the-Year Change
Bloomington MSA	96,400	95,500	900
Carbondale-Marion MSA	55,100	56,100	-1,000
Champaign-Urbana MSA	111,800	110,100	1,700
Chicago-Naperville-Arlington Heights Metro Division	3,672,800	3,625,900	46,900
Danville MSA	29,800	29,400	400
Davenport-Moline-Rock Island MSA	181,400	184,600	-3,200
Decatur MSA	51,000	51,600	-600
Elgin Metro Division	260,000	255,000	5,000
Kankakee MSA	45,900	46,100	-200
Lake-County-Kenosha County Metro Division	400,200	406,500	-6,300
Peoria MSA	179,600	180,100	-500
Rockford MSA	152,300	152,600	-300
Springfield MSA	113,500	112,100	1,400
Illinois Section of St. Louis MSA	230,900	232,000	-1,100
Illinois Statewide	5,989,600	5,953,900	35,700

*Preliminary **Revised

(continued)



**Not Seasonally Adjusted Unemployment Rates
(percent) for Local Counties and Areas**

	Nov. 2015	Nov. 2014	Over-the- year Change
IL Section of St. Louis	6.7%	6.5%	+0.2%
Bond	5.9%	5.7%	+0.2%
Calhoun	7.4%	7.5%	-0.1%
Clinton	5.0%	4.8%	+0.2%
Jersey	7.1%	6.5%	+0.6%
Macoupin	7.0%	6.6%	-0.4%
Madison	6.7%	6.4%	+0.3%
Monroe	4.7%	4.8%	-0.1%
St. Clair	7.2%	7.1%	+0.1%
Cities:			
Alton	9.4%	9.3%	+0.1%
Belleville	6.9%	7.3%	-0.4%
Collinsville	6.4%	6.5%	-0.1%
East St. Louis	12.8%	12.4%	+0.4%
Granite City	8.7%	8.0%	+0.7%
O'Fallon	6.2%	6.0%	+0.2%
Counties:			
Greene	6.9%	6.1%	+0.8%
Randolph	6.1%	5.9%	+0.2%
Washington	4.3%	4.1%	+0.2%
Other Areas:			
LWA 21	6.9%	6.5%	+0.4%
LWA 22	6.6%	6.4%	+0.2%
LWA 24	6.5%	6.4%	+0.1%
Southwestern Economic Development Region	6.6%	6.4%	+0.2%

Metro East Highlights

Help Wanted

Area employers advertised for 5,800 openings in November and approximately 84 percent sought full-time employment, according to Help Wanted OnLine data compiled by the Conference Board. It is a global, independent business membership and research association. Employers actually need more workers than the help wanted ad indicates because some industries, such as construction, typically do not advertise job openings.

The November 2015 unemployment rate for the Illinois Section of the St. Louis Metropolitan Statistical Area decreased to 6.7 percent, a +0.2 point increase from the November 2014 rate of 6.5 percent. The last time the November unemployment rate was equal to or lower was 2014 (6.5 percent). The data is not seasonally adjusted.

The number of employed individuals increased by 7,866 to 326,565 in November 2015 from 318,699 in November 2014. The labor force increased by 9,031 to 349,905 in November 2015 from 340,874 in November 2014. In November 2015, there were an estimated 23,340 unemployed people in the labor force. This is an increase of 1,165, compared to the November 2014 total unemployed, 22,175.

Over the year, nonfarm payrolls decreased by (-1,100). Employment increased in Mining and Construction (+300) and Transportation, Warehousing and Utilities (+100).

Government (-500) showed the greatest number of job losses over the year. Other declines included Financial Activities (-300), Professional and Business Services (-300), Manufacturing (-100), Retail Trade (-100), Information (-100) and Other Services (-100).

Employment in Wholesale Trade, Educational and Health Services, and Leisure and Hospitality remained stable, with no change reported in November 2015 compared to the November payrolls the prior year.

Note:

- Monthly 2014 unemployment rates and total non-farm jobs for Illinois metro areas were revised in February 2015, as required by the U.S. Dept. of Labor, Bureau of Labor Statistics (BLS). Comments and tables distributed for prior metro area news releases should be discarded as any records or historical analysis previously cited may no longer be valid.
- LWA— Local Workforce Area 21 is composed of Calhoun, Greene, Jersey, Macoupin, Montgomery, Morgan, Scott and Shelby Counties.
LWA— Local Workforce Area 22 is composed of Bond and Madison Counties.
LWA— Local Workforce Area 24 is composed of Clinton, Monroe, Randolph, St. Clair and Washington Counties.

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PARKS AND RECREATION DEPARTMENT

INTER OFFICE MEMO

TO: Elected Officials

FROM: Angela Beaston, Director of Parks and Recreation

DATE: January 14, 2016

SUBJECT: Parks & Recreation Committee Agenda Overview

Director's Report

The following is a synopsis of the Parks and Recreation Department:

As we begin the New Year, the Parks and Recreation Department has many new exciting things coming to the community in 2016. We are currently in the process of renovating the Parks and Recreation Annex Building with the anticipated completion date being the end of January. This building will allow the Recreation Department the opportunity to have a small activities center. Senior aerobics, Zumba and Karate will currently be relocating to the new Annex Building.

In regards to the Pavilion Renovation Project, the new structures are scheduled to arrive at the end of January or possibly the first week in February. The final construction is projected to be completed before the start of the reservation season.

Agenda Review

Agenda Item #1 – Director's Report: General discussion regarding items in report.

Agenda Item #2 – Special Event Approvals: Attached in the packet is a list of the Special Events scheduled for the 2016 season. According to the Revised Code – Chapter 29, Article 1 – General Regulations (K) Sales. It shall be unlawful for any person other than employees and officials of the City acting on behalf of the City, to vend, sell, peddle or offer for sale any commodity or article within any park; therefore it is required to take special action for these requests.

Agenda Item #3 – Bike/Multipurpose Trail Update: Attached in the packet is a letter from Thouvenot, Wade, and Moerchen Inc. responding to the discontinuation of service on the CSX Railroad line.

Agenda Item #4 – Pavilion #5 Renovation Discussion: At last month's meeting the committee discussed the possibility of renovating Pavilion #5, the Director has approximate costs of renovation options which will drive the discussion to prepare for the 2016-2017 fiscal year budget.

Agenda Item #5 – Daycamp: As requested by the Committee, a preliminary budget has been assessed for Daycamp. This item is open for discussion and needs a recommendation to either move forward with this program or delay this program until more research/resources are available.

SPECIAL EVENTS

Heroin Inside Day Scott Rose	Moody Park – All Pav April 16, 2016 Noon – 10:30 p.m.	Approval to collect fees/donations at park and waive fees associated with event.
YEAH! Music Festival Linda Lawson The Broadcast Center NFP	Moody Park – All Pav June 18, 2016	Approval of event including selling concessions, to collect donations and waive fees associated with event.
F. H. Homecoming Donna McAndrews	Moody Park – All Pav/Grills August 12-13, 2016	Approval of event including selling concessions and waive fees associated with event.
Midwest Salute to the Arts Sharon Kassing	Moody Park – All Pav/Grills August 26-28, 2016	Approval of event including selling concessions and waive fees associated with event.

SPECIAL EVENTS – 5K RUNS/WALKS

3 rd Annual Steps for Heartlinks 5k Run/Walk Nicole Morrison Fundraiser for Heartlinks of Family Hospice	Moody Park – Pav #3 & Fitness Trail May 14, 2016 8:00 – 11:00 a.m.	Approval to collect fees/donations at park. This event was previously held at park in prior years.
3 rd Annual Race for Recovery 5k Amber Winters – The Bar LLC Fundraiser for The Wounded Warrior Project	Moody Park - Pav #5 September 10, 2016 7:00 a.m. – 12:00 p.m.	Approval to collect fees/donations at park. This event was previously held at park in prior years.
8 th Annual 5K Run/Walk For Peter's Place Sherry Koehl Fundraiser for Peter's Place	Moody Park - Pav # 2 & 3 Fitness Trail October 1, 2016 5:30 – 11:00 a.m.	Approval to collect fees/donations at park. This event was previously held at park in prior years.

OTHER SPECIAL EVENT

Flintknappers Larry Kinsella	Pleasant Ridge Park – Pav #2,3,4 June 2 - 5, 2016 All Day	Approval to sell/trade between participants only , collect fees at park and waive fees associated with event.
Legion Baseball Craig Steiner	Moody Park – George Lanxon Field 2016 Baseball Season	Approval to sell concessions during tournaments.
Fairview Heights Falcon's Football Kendrick Lewis	Moody Park – Football Field 2016 Football Season	Approval to sell concessions during tournaments.



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THOUVENOT, WADE & MOERCHEN, INC.

CONSULTING ENGINEERS ■ LAND SURVEYORS ■ PLANNERS

ILLINOIS: SWANSEA • WATERLOO • EDWARDSVILLE MISSOURI: ST. LOUIS • ST. CHARLES

CORPORATE OFFICE
4940 OLD COLLINSVILLE ROAD
SWANSEA, IL 62226
TEL 618.624.4488
FAX 618.624.6688

January 8, 2016

Angela Beaston
Director, of Parks and Recreation
City of Fairview Heights
10025 Bunkum Road
Fairview Heights, IL 62208

RE: CSX Railroad

Dear Ms. Beaston,

At your request we have inquired about the potential abandonment of the CSX Railroad alignment that passes through the City of Fairview Heights. The St. Clair County Transit District (SCCTD) has been in contact with CSX, and according to SCCTD's contact with the CSX, the recent action taken is simply a discontinuation of service, not an abandonment. The CSX going to wait for a few years and see how the market evolves in and around the area that this line would service. Until then, there are no plans to truly abandon the alignment.

EXCEPTIONAL SERVICE.
NOTHING LESS.

The SCCTD did state that they are going to meet with and make it clear to the CSX that if/when they decide to move forward with abandonment, they (SCCTD and its municipal partners) want to be first in line for the right-of-way.

SCCTD also agrees with the City's idea of having a meeting with neighboring communities and MEPRD at some point in the near future. This would get all entities on the same page regarding this potential action.

TWM will keep this item on our regular meeting agenda with SCCTD and provide you with any updates as necessary.

If you have any questions please contact me at (618) 624-4488.

Respectfully,
THOUVENOT, WADE & MOERCHEN, INC.

Joshua W. Stein, PE
Project Manager, Transportation Department

FOUNDERS

Roland G. Thouvenot, PE
Jerry T. Wade, PLS (Dec.)
William J. Moerchen

PRINCIPALS

Roland G. Thouvenot, PE
Paul K. Homann, PE
Randall W. Burk
Craig D. Brauer, PE

ASSOCIATES

Joseph W. Moerchen, PLS
Vicki L. Wade, PE
"Rusty" Christmann, PE, SE
Marsha J. Maller, PE
Robert S. DeConcini, PE
Edgar "Mike" Barnal, PLS
Sheila J. Kimlinger, PE, SE
Dana L. Link, PE
J.R. Landeck, PE, PLS
Ann M. Hammer

PARKS AND RECREATION DEPARTMENT

INTER OFFICE MEMO

Cost Proposal for Pavilion #5 Renovations

Option #1 – \$180,000 General Renovations:

- Remove Roof and replace with green metal roof similar to the new pavilions
- Remove soffit & fascia and replace with almond color
- Remove metal wraps around column and replace with vinyl or metal wraps in almond color
- Remove metal soffit ceiling panels and install almond panels
- Paint all wood almond

Option #2 - \$400,000 Remove and Replace:

Completely remove existing pavilion and concession building and all associated concrete and construct new pavilion and CXT Concession Building.

Option #3 - \$350,000 Partial Replace:

Demo and remove the open pavilion portion of the existing pavilion and leave the existing concession and associated roof. Construct a new pavilion to match the other new pavilions but with a gable roof to match the concession stand and renovate the existing concession stand.



Angela Beaton
Director of Parks & Recreation

City of Fairview Heights
10025 Bunkum Road
Fairview Heights, IL 62208
(618) 489-2040 - Office
(618) 489-2047 - Fax
www.cofh.org

INTEROFFICE MEMORANDUM

To: City Council
From: Timothy Tolliver
Subject: Director's Report
Date: January 14, 2016

- **Planning Commission met January 12, 2016 with recent appointed members Linda Hoppe and Corey Sudja attending their first meeting. Main topic of discussion was review of proposed Development Code Article VII Use Standards and Article VIII Site Development Standards.**
- **Planning Commission subcommittee review of Development Code is near completion and as previously noted selected Articles are being presented to the Planning Commission.**
- **Zoning Board of Appeals will meet this month on Tuesday January 26 to consider a wall sign variance request submitted by owner of Fairview Lounge.**
- **Attached are year ending residential property maintenance and building permit reports.**
- **Attached is the January report for commercial building plans under review, commercial projects under construction and commercial occupancy permits issued.**
- **Bill Finley has announced that he will be retiring on January 29, 2016. Bill has been employed by the City as Code Enforcement and Animal Control Officer since 1989, 26 years of service.**

2015 - CITY OF FAIRVIEW HEIGHTS - BUILDING PERMITS ISSUED

TYPE OF PERMIT	January	February	March	April	May	June	July	August	September	October	November	December	TOTALS
NEW COMMERCIAL	0	0	0	1	0	0	0	0	0	0	1	0	2
SINGLE-FAMILY RESID	0	1	1	2	1	1	0	2	0	1	2	0	11
CONDOMINIUMS	0	0	0	0	0	0	0	0	0	0	0	0	0
RESID ADDN/ALTER	11	10	6	12	11	14	13	19	17	9	8	3	133
COMM ADDN/ALTER	9	9	8	7	10	8	5	8	4	8	8	4	88
GARAGES/CARPORTS SHEDS/POOLS	1	0	3	0	5	4	2	1	0	0	1	3	20
SEPTIC///AERATIONS	0	0	0	0	0	0	0	0	0	0	0	0	0
MOBILE/MODLR HOME	0	0	0	0	0	0	0	0	0	0	0	0	0
DEMOLITION - TOTAL	0	4	0	0	0	1	2	2	0	2	2	0	13
GRADING	0	0	0	0	0	0	0	1	0	0	0	0	1
SIGNS	11	6	22	11	13	21	9	17	14	15	8	12	159
APARTMENTS - NEW	0	0	0	0	0	0	0	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	1	0	0	1	1	0	1	0	1	5
TOTAL	32	30	40	34	40	49	32	51	35	36	30	23	432

*Hobby Lobby Permit released April 2015 (originally on January report)

** Add Ruler Foods Permit when released (originally on May report)

**VALUE OF BUILDING PERMITS
2015**

MONTH	NEW COMMERCIAL CONSTRUCTION	NEW RESIDENTIAL CONSTRUCTION	MISC. COMMERCIAL ALTERATIONS REMODELS	MISC. RESIDENTIAL CONSTRUCTION OR REMODEL/AERATION	TOTALS ACROSS
JAN	\$0	\$0	\$354,002	\$94,971	\$ 448,973
FEB	\$0	\$155,700	\$616,690	\$198,512	\$ 970,902
MAR	\$0	\$155,700	\$36,922	\$57,891	\$ 250,513
APR	\$1,557,793	\$355,895	\$336,750	\$214,600	\$ 2,465,038
MAY	\$0	\$352,000	\$1,436,261	\$187,537	\$ 1,975,798
JUN	\$0	\$140,450	\$659,320	\$143,437	\$ 943,207
JUL	\$0	\$0	\$749,362	\$101,450	\$ 850,812
AUG	\$0	\$311,400	\$4,820,126	\$185,300	\$ 5,316,826
SEP	\$0	\$0	\$62,287	\$99,900	\$ 162,187
OCT	\$0	\$154,200	\$378,650	\$72,150	\$ 605,000
NOV	\$550,000	\$331,800	\$533,742	\$126,563	\$ 1,542,105
DEC	\$0	\$0	\$336,149	\$57,165	\$ 393,314
	\$2,107,793	\$1,957,145	\$10,320,261	\$1,539,476	\$15,924,675

Hobby Lobby Permit added to April calculations A/O 8/6/15
Add 10850 Lincoln Trl (Ruler Foods) when released; on May report \$TBD
Add 6008 N Illinois (Dunkin Donuts) when released; on Aug report \$TBD
Add 6520 N Illinois (Charming Charlie) when released; on Aug report \$105,000

**PROPERTY MAINTENANCE MONTHLY REPORT
OCCUPANCY PERMITS ISSUED (PAID)
2015**

PERMITS PAID IN:	VOLUME		\$ TOTAL	YTD TOTAL	EXEMPTS	TOTAL PERMITS
	\$10	\$50				
JANUARY	4	49	\$2,490	\$2,490.00	4	57
FEBRUARY	1	47	\$2,360	\$4,850.00	2	50
MARCH	4	62	\$3,140	\$7,990.00	1	67
APRIL	9	96	\$4,890	\$12,880.00	5	110
MAY	8	93	\$4,730	\$17,610.00	5	106
JUNE	8	90	\$4,580	\$22,190.00	2	100
JULY	10	100	\$5,100	\$27,290.00	1	111
AUGUST	10	82	\$4,200	\$31,490.00	3	95
SEPTEMBER	3	71	\$3,580	\$35,070.00	2	76
OCTOBER	2	78	\$3,920	\$38,990.00	4	84
NOVEMBER	1	63	\$3,160	\$42,150.00	3	67
DECEMBER	5	46	\$2,350	\$44,500.00	3	54
TOTALS	65	877		\$200,850.00	35	977

**PROPERTY MAINTENANCE MONTHLY REPORT
2015*
INSPECTIONS**

MONTH	APT.	DUPLX	S-F RNT	S-F SOLD	M-H RNT	M-H SOLD	TOTAL
JANUARY - ISSUED	28	1	13	14	1	0	57
INSPECTIONS	30	4	25	18	1	0	78
FEBRUARY - ISSUED	24	2	15	9	0	0	50
INSPECTIONS	25	7	25	19	0	0	76
MARCH - ISSUED	33	3	21	9	1	0	67
INSPECTIONS	54	5	24	31	0	0	114
APRIL - ISSUED	55	5	20	28	2	0	110
INSPECTIONS	36	2	20	49	7	0	114
MAY -- ISSUED	60	3	21	20	2	0	106
INSPECTIONS	33	4	29	43	2	0	111
JUNE -- ISSUED	44	4	20	31	1	0	100
INSPECTIONS	48	5	28	51	1	0	133
JULY -- ISSUED	59	0	18	33	1	0	111
INSPECTIONS	50	3	21	38	0	1	113
AUGUST - ISSUED	36	5	23	28	2	1	95
INSPECTIONS	41	2	23	35	2	0	103
SEPTEMBER - ISSUED	41	0	15	17	2	1	76
INSPECTIONS	30	3	27	31	2	0	93
OCTOBER - ISSUED	32	2	30	19	0	1	84
INSPECTIONS	43	4	34	43	2	0	126
NOVEMBER - ISSUED	33	4	12	17	1	0	67
INSPECTIONS	37	4	16	25	1	0	83
DECEMBER - ISSUED	23	1	10	13	1	0	48
INSPECTIONS	26	4	19	21	2	0	72

PAID = OCCUPANCY PERMITS ISSUED

INSPECTIONS = HOUSING INSPECTIONS PERFORMED

*UPDATE Column removed and TOTALS adjusted in 2015

ACTIVE BUILDING PERMITS & NEW BUSINESSES REPORT 1/4/2016

NEW COMMERCIAL PROPERTIES UNDER CONSTRUCTION

1. Petco – 6595 North Illinois – Façade Renovation and demolition
Tom George @216-520-1551
2. Fairview City Centre – US 50 & North Illinois – New Construction
Chris Leligdon @216-520-1551
3. FVFD – 1406 Second Ave – New Construction
Jim Stuckenberg @281-9710
4. Doctor's Offices – 5032 North Illinois – Tenant Finish
Amir Carpentry @314-398-7022 ISSUED 30 DAY TOP
5. Winchester Apartments – 100 Winchester Place – Decks & Ramps – 2nd permit
Matt Ferguson @314-341-9168
6. Phoenix Recycling & Shredding – 9510 St Clair Ave – Alterations
Bruce Edwards @ 314-956-8830 ISSUED 30 DAY TOP
7. Arrowhead Supply – 9669 West State Route 161 – New Construction
Eric Schmidt @314-486-1528
8. AT&T Tower – 6701 North Illinois – Antenna Addition
APPROVAL – Jack Scheidt @ 636-922-3400
9. Fairview Liquor – 5329 North Illinois – Addition
Hans Koehl @234-6720
10. Meineke – 10710 Lincoln Trail – Demo House & Addition
Dirk Schaumleffler @781-3742
11. Perfect Finish – 10614 Lincoln Trail – Demolition
Steve Strube – 277-1054
12. Shoe Carnival – 4 Plaza Drive – Interior remodel
Mary Oneal @314-644-1234
13. CBL – 134 St Clair Square – Cell Tower & Room Remodel
Crafton Carpentry @636-240-9054
14. Meineke – 10710 Lincoln Trail – Addition & New Development
Dirk Schaumleffler @781-3742
15. Gateway Cancer Treatment Center – 326 Fountains Parkway – Renovations
Brian Dayton with Holland Const. @212-6702
16. Christ United Methodist Church – 339 Frank Scott parkway – Addition/Renov.
Will Stadjuhr @394-8400
17. Vita's Health Care – 8 Executive Drive #150 – Remodel
Jeffrey Campbell @655-7979
18. Zapata's – 4660 North Illinois – Interior Renovations
Leona/Courtney Zapata @530-8568
19. Grace Church – 5151 North Illinois – Exterior renovations
Matt Costello @973-5507
20. Hoyleton Ministries – 8 Executive Drive – Interior Finish
Jeff Campbell @655-7979

CONTINUED:

21. Longacre Ponds – 67-69-71-73 Northbrook Circle- DEMOLITION -Fire Damage
Todd Mayer – CATCO 314-568-5837
22. The Lowry Group – 455 Salem Place – Tenant Finish
Tom Beckman @973-1693
23. NCI Information System – 16 Executive Drive Ste 300 – Tenant Renovation
Environs Architect – 344-8699

NEW UPCOMING COMMERCIAL PROJECTS AND UNDER REVIEW

1. Perfect Finish – 10614 Lincoln Trail – NEW CONSTRUCTION
Hans Koehl @234-6720
2. Ruler Food Store – 10850 Lincoln Trail Suite 12A – Tenant Finish
Chris Flottesch @513-721-8080
3. Rue 21 – St Clair Sq #122 – Tenant remodel
Cortland Morgan @817-635-5696
4. Dunkin Donuts / Baskin Robbins – 6008 North Illinois – Renovation
Matthew Miller @314-395-9750
5. Grand Rental – 5612 North Illinois – 2nd Story Installation of Storage Bldg
Chris Kwapis @277-7750
6. Regions Bank – 10950 Lincoln Trail – Interior Renovation
Andre Perrin @214-452-1244
8. West Route 161 – Excavation-Soil & Sedimentation Control
Ray Miller @660-6567
9. Northbrook Circle 67-69-71-73 Longacre Ponds – Fire Damage Renovations
Bill Reichert @236-2000
10. FoxPaw – 4646 North Illinois – Tenant Finish
William Woods @314-994-3471

NEW BUSINESSES – Commercial Inspections & Change of Occupancy last 30 days

1. In & Out Smart Repair – 5900 North Illinois Ste 11 – Cellular Service.
Mike neisel @201-3838
2. Fix Time LLC – St Clair Square PK-10 – KIOSK
Shadi Shalaey @314-614-9333
3. Lameaq Inc. – St Clair Square #240 – Retail
Lsaad Alnuiami @ 314-397-7666
4. Picture people – St Clair Square – T4A – KIOSK
Colten Williams @972-265-7796
5. Hope Jones & Associates – 10314 Linc Trail #104-105-106
Matt Barringer @973-5507

CONTINUED:

6. Joyce Factory Direct – St Clair sq T-06 KIOSK
Mark Zellinger @314-991-9191
7. Solar X – St Clair Sq – T58 – KIOSK
Yakup Yildirim @978-9360
8. Glamorous Glemma LLC – St Clair sq – T-100 – KIOSK
Tracy Caruthers @314-518-1140
9. JV Promotions – St Clair Sq – Multi Vendors – Various Locations
John Johnston @636-634-0580
10. Rainbow – St Clair Sq – Space #122 – Retail
Tim @434-547-7052
11. Southpart Marketing – St Clair Square CAS-04 & CAS-10
Chris Barnhart @314-630-0350
12. Makes Scents – St Clair Sq T91A – Kiosk
Pat Romano @314-974-7136
13. The Gift card Exchange – 10251 Lincoln Trail – Retail
O’rion Jackson @477-0142
14. Midwest Regional Bank – 333 Salem Place Ste 235
John Vitale @ 789-5812
15. Martin Williams Group – 10220 A Lincoln Trail –
Martin Williams @509-1062
16. Illinois Lottery – St Clair Square – Display
Tony 419-508-3139
17. Insurus Life Insurance Solutions – 317 Salem Place – Office
Jeff Ross @314-349-8190

ORDINANCE NO. 1709-2015

**AN ORDINANCE AMENDING ORDINANCE NO. 190,
"THE REVISED CODE," CHAPTER 27, OFFENSES,
SECTION 27-1-45, OPEN BURNING.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF FAIRVIEW HEIGHTS, ILLINOIS:

SECTION 1. AMENDMENT. Amendment of Ordinance No. 190, "THE
REVISED," CHAPTER 27, OFFENSES, SECTION 27-1-45, OPEN BURNING shall be
amended by adopting the following:

"27-1-45 OPEN BURNING.

(A) PROHIBITION. It shall be unlawful for any person, business or
other entity to burn garbage, refuse or any other materials within the City, unless
specified in paragraph (B) as stated herein.

(B) Exceptions.

- (1) The burning of yard waste (leaves, brush, weeds, tree trimmings, branches, shrubbery and other foliage) shall be permitted only on Tuesdays, Thursdays and Saturdays between the hours of **9:00 A.M.** and **4:00 P.M.** from **November 1** through **April 30**. The burning of yard waste shall be limited only to yard waste grown on the property where the burning is taking place. All burning shall be kept under control and not left unattended. All burning yard waste shall be completely extinguished by **4:00 P.M.** Burning of yard waste shall be confined to private property. **(Ord. No. 1096-02; 06-04-02)**
- (2) The Mayor may authorize exceptions in cases of firefighter training, state and federal disaster declarations, and local storm damage.
- (3) The burning of fuels for legitimate campfire, recreational and cooking purposes, or in domestic fireplaces, in areas where such burning is consistent with other laws, provided that no garbage shall be burned in such cases.
- (4) Open burning necessary for the commercial or residential development of previously undeveloped property shall be allowed upon review and approval by the applicable Fire District, issuance of IEPA permit and the issuance of a permit by the City. Said fire cannot be started before dawn, must be extinguished by dark, and must be attended at all times.

(C) **Enforcement.** The enforcement of this Section shall be handled by the Fairview Heights Police Department and/or the Code Enforcement Officer.

(D) **Penalty.** Any person violating this Section shall be fined not less than **One Hundred Dollars (\$100.00)**. A separate offense shall be deemed committed each and every time an offense is committed.”

SECTION 2. PASSAGE. This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

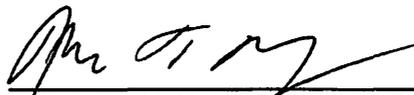
READ FIRST TIME: November 3, 2015

READ SECOND TIME: November 17, 2015

PASSED: November 17, 2015

APPROVED: November 18, 2015

PUBLISHED: November 21, 2015



MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:



KAREN J. KAUFHOLD – CITY CLERK

Roll call of Aldermen voting “Yea”
Justin Gough Denise Williams
Bill Poletti Frank Menn
Dennis Baricevic Pat Baeske
Brenda Wagner Harry Zimmerman
Roger Lowry



**INTER-OFFICE MEMORANDUM
LAND USE & DEVELOPMENT DEPARTMENT**

TO: City Council
FROM: Timothy J. Tolliver
SUBJECT: MXD Use District and Planned Development Regulations
DATE: January 14, 2016

The recent interest in developing a senior residential complex on property along Lincoln Trail is in response to the City's commissioned feasibility study for senior housing. The positive interest is in an area of Lincoln Trail identified by the Comprehensive Plan for multi-family residential and adjoining neighborhood commercial. The MXD District would provide the flexibility to allow both uses; commercial on ground floor and residential units above and or behind a limited amount of commercial. In order to have this flexibility available for such a development now is the opportune time to proceed with adoption of the MXD District and Planned Development regulations as contemplated by the Comprehensive Plan. Attached are the two Articles for discussion and review.

*ITEMS TO REVISIT *NEW TEXT *DELETED TEXT *NOTES

ARTICLE IV. BUSINESS DISTRICTS

- 14-04-01. PURPOSE STATEMENTS
- 14-04-02. PERMITTED AND SPECIAL USES
- 14-04-03. BULK AND YARD STANDARDS
- 14-04-04. GENERAL STANDARDS

14-04-01. PURPOSE STATEMENTS

A. B-1. Neighborhood Business

The B-1, Neighborhood Business district provides for local retail and service facilities and access to day-to-day goods and services for surrounding residential neighborhoods. This district is intended to allow commercial development which can be carried out in a harmonious manner with a minimum of disruption and undesirable impact upon the adjacent residential uses.

B. B-2. General Business

The B-2, General Business district provides for a mix of standalone development, community-scale retail centers, and professional office space. General Business district properties frequently abut residential areas and appropriate setbacks, screening, and landscaped buffers are required to minimize disruption and undesirable impact upon the adjacent residential uses. General Business areas must be carefully located so as not to constrict, impede, or reduce the normal flow of traffic, provide for safe access and egress, and safe and convenient pedestrian travel.

C. B-3. Regional Business

The B-3, Regional Business district provide areas for more intensive retailing and service uses that serve both the needs of local residents as well as draw customers from areas beyond the city limits. Generally, retail establishments that require large lots and outdoor display/storage as well as distribution and storage land uses are permitted in this district. This district is designed to accommodate commercial areas that are not compatible with residential neighborhoods.

D. MXD. Mixed Use

The MXD, Mixed Use district accommodates innovative development concepts consisting of areas for both residential and business uses with retail, services, and other uses on the ground floor and residential units on the floors above. The MXD, Mixed-Use District encourages pedestrian-oriented development with the design characteristics of a traditional “main street” shopping district. Properties along the central Lincoln Highway corridor and in the areas surrounding the MetroLink station should be encouraged to pursue MXD, Mixed-use District designation.

14-04-02. PERMITTED AND SPECIAL USES

Figure 14-04(A): Business Districts – Permitted and Special Uses lists permitted and special uses for the business districts. A “P” indicates that a use is considered permitted within that district as of right. An “S” indicates that a use is permitted as a special exception in that district upon approval from the Plan Commission as required in Section 14-14-XX (Plan commission procedures, special-use permit and amendment). A blank space or the absence of the use from the table indicates that use is not permitted within that district. However, a use not identified on the table may be determined by the Zoning Administrator to be a permitted or special use in the district, based on his evaluation as to whether the proposed use is similar enough in character, intensity, and operations to that of a permitted or special use in the district.

Figure 14-04 (A): Business District – Permitted and Special Uses

P = Permitted Use S = Special Use

USE	B-1	B-2	B-3	B-4	MXD
RESIDENTIAL					
Household Living					
Dwelling, Multi-Family		S	P		P
Business related dwelling unit			S		P
Group Living					
Community residence, family (7 or fewer persons)	S	S	S	S	S
Community residence, group (8 or more persons)	S	S	S		S
Assisted and supportive living facilities		S	S		S
INSTITUTIONAL					
Government and Education					
Governmental use and facility, City of Fairview Heights	P	P	P	S	P
Governmental use and facility, other than City of Fairview Heights	S	S	S	S	P
Governmental office	P-S	P	S	S	P
Business, professional and technical school or university		S	P	S	S
Cultural					
Place of worship	S	S	S		S
Funeral chapel	S	S	P		
Museum	P-S	P	P		S
Private lodge, clubs, or camps	P-S	P	S		
Public library	P-S	P	P		S
Professional Services					
Day Care Home, Child ¹	S-P				
Day Care Center, Child	P	S	S		S

WORKING DRAFT – FOR STAFF REVIEW ONLY

USE	B-1	B-2	B-3	B-4	MXD
COMMERCIAL					
Eating and Drinking Establishments					
Catering establishment	S	S	P		
Dairy products or ice cream store	S P	P	P		S
Restaurant, sit-down	P S	P	P		P
Restaurant, with drive-through facilities	S	P S	P		
Tavern/bar/nightclub		S	S		S
Entertainment use serving food or alcohol		S	S		S
Entertainment and Spectator Sports					
Billiard parlors Arcade video gaming	S	S	S		S
Bowling alley		S	P		S
Drive-in theatre			S		
Driving range			S		
Golf course ²			S		
Ice and roller skating rink		S	P		
Miniature golf		S	P		
Movie theaters		S	P		S
Shooting range (not in printed draft)		S		S	
Financial Services					
Consumer installment loan business		S	S		
Currency Exchange		S	S		
Financial institutions, excluding drive-through facilities	P	P	P		
Financial institutions, including drive-through facilities Pawn Shops	S	S	P		
Food and Beverage Retail Sales					
Bakery, retail (onsite production and sale)	S P	P	P		S
Convenience food store	P	P	P		P
Fruit or vegetable shop or stand	P	P	P		P
Grocery or supermarket	P	P	P		P
Liquor store	S P	S P	S P		S
Meat market	S P	P	P		S
Lodging					
Bed and Breakfast	S	S			S
Hotels		S	P S		S
Motels		S	P S		S
Medical Services					
Ambulatory services establishment			S		
Hospital	P	S P	S		
Laboratory, testing or experimental		S	P		
Medical or dental office	P	P	P		P
Veterinary services establishment ³ Medical		S	S P		
Professional Office & Services					
Professional studio	S	S			
Business or professional service	P	P	P		P
Office buildings, public and private	P	P	P		P

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USE	B-1	B-2	B-3	B-4	MXD
Retail Sales & Personal Services					
Car wash, self-service or automatic		S	S		
Dry cleaners, retail Drop off? Pick up	P	P	P		P
Laundromat	S	P	P		P
Membership club or wholesale establishment			S P		
Personal services establishment – barber shop, beauty salon, etc.	P	P	P		P
Professional studio – dance, athletic, arts instruction, photography, etc.		S	S P		P
Repair service establishment, retail	P S	P	P		S
Repair service establishment, construction and building		P	P		
Retail sales establishment	P	P	P		P
Retail sales establishment, outdoor storage – e.g. cement products, lumber yard,		S	S		
Shopping center Tattoo Shop (B-2 & B-3 (P))	P	P	P		S
Storage					
Indoor/outdoor storage, non-retail e.g. staging yards, bulk material storage¹		S	S		
Self-storage or mini-warehouse		S	S		
Transportation					
Transit Center		S	S		S
Vehicle and Equipment, Sales and Service					
Automobile and agricultural implements, sales and services		S	S		
Automobile repair		S	S		
Automobile service station, including self-service		S	S	S	
Machine and equipment rental, sales, and service		S	S		
Recreational vehicle sales		S	P		
Small engine repair		S	S		
Motor vehicle accessory/customization (B2(S) B3(P))					
Petroleum/gas/fueling station(B2(S) B3(P))					

NOTES:

1. As regulated by Ord. No. 1080-02; 02-06-02.
2. Par 3 golf courses only.
3. When conducted entirely within an enclosed building.
4. Provided screening is included as approved by the Zoning Administrator.

14-04-03. BULK AND YARD STANDARDS

Figure 14-04(B): Business District Bulk and Yard Regulations establishes bulk and yard regulations for the business zoning districts. Bulk and yard regulations apply to all uses within that district unless a different standard is listed for a specific use.

Figure 14-04(B): Business District Bulk and Yard Standards

BULK AND YARD	B-1	B-2	B-3	MXD
LOT STANDARDS				
Lot Area (min.)	10,000 sf	20,000 sf	20,000 sf	20,000 sf
Lot Width (min.)	80 ft	100 ft	100 ft	100 ft
Mean Lot Depth (min.)	100 ft	150 ft	150 ft	150 ft
SETBACKS				
Front	25 ft min.	10 ft min.	20 ft min.	0 ft max.
Rear Yard (min.)	20 ft	20 ft	20 ft	20 ft
Side Yard (min.) ¹	5 ft	10 ft	10 ft	Interior side yard adjacent a: Residential District - 10 ft MXD District - 0 ft Other: 5 ft
INTENSITY				
Building Height (max.)	25 ft	35 ft	45 ft	55 ft
Floor Area Ratio (max.)	0.5	1.0	2.5	Mixed-use: 2.0
Intensity of Use (max.)	-	-	-	1 per 2,500 sf of net lot area

NOTES:

Except within MXD, Mixed-use District, where the side lot line is adjacent to public right-of-way, the minimum side yard setback shall be 25 ft.

14-04-04. GENERAL STANDARDS

- A. **Use Standards.** See Article 14-07: Use Standards for standards such as minimum building size and permitted accessory uses and structures.
- B. **Site Development Standards.** See Article 14-08: Site Development Standards for standards governing additional on-site development standards such as exterior lighting requirements and permitted encroachments.
- C. **Off-Street Parking.** See Article 14-09: Off-Street Parking and Loading for standards governing off-street parking and loading.
- D. **Landscaping.** See Article 14-10: Landscaping for standards governing landscaping and screening.

*ITEMS TO REVISIT *NEW TEXT * DELETED TEXT *NOTES

ARTICLE XV. PLANNED DEVELOPMENT

14-16-01.	PURPOSE STATEMENT
14-16-02.	GENERAL PROVISIONS
14-16-03.	STANDARDS FOR REVIEW
14-16-04.	SITE DEVELOPMENT STANDARDS
14-16-05.	PROCEDURES
14-16-06.	APPLICATION REQUIREMENTS
14-16-07.	EFFECT OF APPROVAL OR DENIAL
14-16-08.	AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENT PERMITS

14-16-01. PURPOSE STATEMENT

- A. The purpose of the regulations, standards, and criteria contained in this chapter is to provide an alternate zoning procedure under which land can be developed or redeveloped with innovation, imagination, and creative architectural design when sufficiently justified under the provisions of this chapter. The objective of the Planned Development process is to encourage a higher level of design and amenity than is possible to achieve under otherwise applicable zoning regulations. The end result can be a product which fulfills the objectives of the Fairview Heights Comprehensive Plan and planning policies of the City while departing from the strict application of the use and bulk regulations of the zoning title. The Planned Development is intended to permit and encourage such flexibility and to accomplish the following purposes:
1. To stimulate creative approaches to the commercial, residential and commercial/mixed-use development of land.
 2. To provide more efficient use of land.
 3. To preserve natural features and provide open space areas and recreation areas in excess of that required under existing zoning regulations.
 4. To develop new approaches to the living environment through variety in type, design and layout of buildings, transportation systems, and public facilities.
 5. To unify building and structures through design. **Question about meaning?**
 6. Promotion of long term planning pursuant to the Comprehensive Plan, which will allow harmonious and compatible land uses or combination of uses with

surrounding areas.

- B. ~~The development of City owned buildings and property shall be exempt from the requirements of this Article.~~

14-16-02. GENERAL PROVISIONS

- A. To fulfill the intended purpose of this district all developments greater than ~~five (5)~~ **three (3) acres** and any development within the MXD district shall be developed as a Planned Development in accordance with this Article, ~~unless exempt by the Zoning Administrator. Additionally, any other development of any type or of any size may apply for approval as a Planned Development.~~ unless exempt by the Zoning Administrator.
- B. Each Planned Development should be presented and judged on its own merits. It shall not be sufficient to base justification for approval of a Planned Development upon an already existing Planned Development except to the extent such Planned Development has been approved as part of a development master plan.
- C. The burden of providing evidence and persuasion that any Planned Development is necessary and desirable shall in every case rest with the applicant.
- D. Buildings and uses or combinations of uses within a Planned Development shall be limited solely to those approved as part of a Planned Development permit; provided, however, that any buildings and uses or combinations of uses in compliance with a development master plan approved as part of a Planned Development permit may be approved by the City Council.
- E.

14-16-03. STANDARDS FOR REVIEW

- A. Modifications in conventional zoning and subdivision regulations are privileges and will be considered by the City only in direct response to the accrual of tangible benefits from the Planned Development to the City or the neighborhood/area in which it would be located. These benefits shall be in the form of exceptional amenities, landscape, architectural or site design, or the conservation of special man-made or natural features of the site. In reviewing an application for a Planned Development, the Planning Commission and/or the City Council, as the case may be, shall be required to make certain findings based on the following standards.
 - 1. **Required Findings.** No application for a Planned Development shall be approved unless all of the following findings are made about the development:
 - a. **Comprehensive Plan.** The Planned Development shall conform to the general planning policies of the City as set forth in the Comprehensive

Plan.

- b. **Public Welfare.** The Planned Development shall be so designed, located and proposed to be operated and maintained that it will not impair an adequate supply of light and air to adjacent property and will not substantially increase the danger of fire or otherwise endanger the public health, safety and welfare.
- c. **Impact on Other Property.** The Planned Development shall not be injurious to the use or enjoyment of other property in the neighborhood for the purposes permitted in the district, shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the zoning district, shall not be inconsistent with the community character of the neighborhood, shall not alter the essential character of the neighborhood and shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan, and shall not substantially diminish or impair property values within the neighborhood, or be incompatible with other property in the immediate vicinity.
- d. **Impact on Public Facilities and Resources.** The Planned Development shall be so designed that adequate utilities, road access, drainage, and other necessary facilities will be provided to serve it at the cost of the developer in accordance with Article 14-13: Subdivision Development Standards.
- e. **Archaeological, Historical or Cultural Impact.** The Planned Development shall not substantially adversely affect a known archaeological, historical, or cultural resource located on or off of the parcel proposed for development.
- f. **Parking and Traffic.** The Planned Development shall have or make adequate provision to provide ingress and egress to the proposed use in a manner that minimizes traffic congestion in the public streets, provides appropriate cross access to adjacent properties and parking areas, and provide adequate access for emergency vehicles.
- g. **Adequate Buffering.** The Planned Development shall have adequate landscaping, public open space, and other buffering features to protect uses within the development and surrounding properties.
- h. **Signage.** Any signage on the site of the Planned Development shall be in conformity with Article 14-11: Sign Regulations.

2. **Modification Standards.** In addition to the findings required above, the following standards shall be utilized in considering applications for modifications of the conventional zoning and subdivision regulations for a Planned Development. These standards shall not be regarded as inflexible, but shall be used as a framework by the City to test the quality of the amenities, benefits to the community, and design and desirability of the proposal.
- a. **Integrated Design.** A Planned Development shall be laid out and developed as a unit in accordance with an integrated overall design. This design shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features.
- b. **Beneficial Common Open Space.** Any common open space in the Planned Development shall be integrated into the overall design. Such spaces shall have a direct functional or visual relationship to the main building(s) and not be of isolated or leftover character. The following would not be considered usable common open space:
- (i) Areas reserved for the exclusive use or benefit of an individual tenant or owner.
 - (ii) Dedicated streets, alleys and other public rights-of-way.
 - (iii) Vehicular drives, parking, loading and storage area.
 - (iv) Irregular or unusable narrow strips of land less than fifteen feet (15') wide.
- c. **Functional and Mechanical Features.** Exposed storage areas, trash and garbage retainers, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures shall be accounted for in the design of the Planned Development and made as unobtrusive as possible. They shall be subject to such setbacks, special planting or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- d. **Visual and Acoustical Privacy.** The Planned Development shall provide reasonable visual and acoustical privacy for each dwelling unit. Fences, insulations, walls, barriers and landscaping shall be used as appropriate for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable view or uses, and reduction of noises.

- e. **Energy Efficient Design.** A Planned Development shall be designed with consideration given to various methods of site design and building location, architectural design of individual structures, and landscaping design capable of reducing energy consumption within the Planned Development.
- f. **Drives, Parking and Circulation.** Principal vehicular access shall be from dedicated public streets, and access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, adequate provision for service by emergency vehicles, and arrangement of parking areas that are safe and convenient, and insofar as feasible, do not detract from the design of proposed buildings and structures and the neighboring properties.
- g. **Surface Water Drainage.** Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic.

14-16-04. SITE DEVELOPMENT STANDARDS

Notwithstanding any limitations on variations which can be approved as contained elsewhere in this Code, site development allowances, i.e., deviations or variations from the underlying zoning provisions set forth outside this chapter may be approved provided the applicant specifically identifies each such site development allowance and demonstrates how each such site development allowance would be compatible with surrounding development, is in furtherance of the stated objectives of this Article, and is necessary for proper development of the site.

14-16-05. PROCEDURES

The following steps are provided to assure the orderly review of every planned development application in a timely and equitable manner.

A. **Pre-filing Review and Transmittal of Application.**

1. **Conference.**

- a. **Pre-filing Conference.** A prospective applicant, prior to submitting a formal application for a planned commercial development, shall meet for a pre-filing conference(s) with the City Administrator, the Zoning Administrator and any other City official or employee designated by the City Administrator. The purpose of the conference(s) is to help the applicant understand the Comprehensive Plan, the Development Code, the site development allowances, the standards by which the application will be evaluated, and the application requirements.
- b. **Request for Waiver.** After reviewing the planned development process, the applicant may request a waiver of any application requirement which in the applicant's judgment should not apply to the proposed Planned Development. Such request shall be made in writing prior to the submission of the formal application documents.
- c. **Granting of Waiver.** All requests for waiver shall be reviewed within fifteen (15) working days by the City Council. A final determination regarding the waiver shall be given to the prospective applicant following the decision.
- d. **Meeting to Review Residential Impacts.** If deemed appropriate by the Zoning Administrator, the applicant, prior to submitting a formal application for a planned development, will be required to schedule a meeting to discuss the proposed planned development and its impact on area residents. If such a meeting is required, the applicant shall send a written notice of the meeting via certified mail to all taxpayers of record and residents for all property within five hundred (500) feet of the proposed planned development. Such notice shall be mailed not less than fifteen (15) days prior to the date of the meeting. A copy of the notice and mailing list shall be provided to the Zoning Administrator. A written summary of comments made at the meeting shall be maintained and submitted by the applicant with the application.

2. **Filing of Application.** Following the completion of the pre-filing conference(s), the applicant shall file an application for a planned development in accordance with this Article. The Zoning Administrator shall deliver copies of the application to other appropriate City departments for review and comment.
3. **Deficiencies.** The Zoning Administrator shall determine whether the application is complete. If the Zoning Administrator determines that the application is not complete, he/she shall notify the applicant in writing of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied.
4. **Report on Compliance.** A copy of the complete application and a written report incorporating the comments of City staff and other agencies regarding the compliance of the proposed planned development with the requirements and standards of this Article shall be delivered to the Planning Commission prior to the public hearing.
5. **Determination Not Binding.** Neither the Zoning Administrator's determination that an application is complete nor any comment made by the Zoning Administrator or City staff at a pre-filing conference or as part of the review process shall be intended or construed as a formal or informal recommendation for the approval of a planned development permit for the proposed planned development, or component part thereof, nor shall be intended or construed as a binding decision of the City, the Planning Commission or any staff member.

B. Review and Action by the Planning Commission.

1. Upon receiving the report from the Zoning Administrator, the Planning Commission shall hold at least **one (1)** public hearing on the proposed planned development.
2. Notice of the required public hearing shall be published by the City not more than **twenty (20) thirty (30)**, nor less than **seven (7) fifteen (15) days** before the scheduled hearing in a newspaper published at least once weekly and having general circulation in the City and shall contain the following information:
 - a. The identification number designation of the application;
 - b. The date and time of the public hearing;
 - c. The location of the public hearing; and
 - d. The general location of the property, **the legal description of the property and its street address, or addresses, the property index number (PIN) or numbers of all parcels of real property contained in the affected**

area, if applicable, **the legal description of the property if either common address or PIN are not accurate** and a short description of the proposed planned development and purpose of the public hearing.

3. Notice of the required public hearing shall also be provided by the applicant by posting a sign or signs on the property no less than **fifteen (15) seven (7) days** prior to the public hearing. The sign shall be weatherproof and contain such information as is required in Paragraph B2 above. Failure to post such sign(s) and/or the removal or knocking down (by the City or others) of the sign after posting but before the public hearing shall not invalidate, impair, or otherwise affect any planned development permit subsequently granted following such public hearing.
4. Notice of the required public hearing shall **also** be provided **by the Applicant** by First-Class U.S. Mail to the taxpayers of record and owners of record of the property which is the subject of the application (if different than the applicant), and the taxpayers of record and residents of all property within **two-hundred (250) feet** of the subject property. Such notice shall contain the information as is required in Paragraph B2 above and shall be mailed not more than **twenty (20) thirty (30)**, nor less than **seven (7) fifteen (15) days** prior to the date of the public hearing. The notice shall also include the name and address of the applicant for the commercial planned development. Staff reserves the right to extend the mailing notice requirement to properties beyond those properties within 250 feet if the proposed action has the potential to impact property owners beyond the minimum required 250 feet.
5. The Planning Commission shall review the application, the standards and requirements established by this Article, the report of the City Administrator, and any oral and written comments received by the Planning Commission before or at the public hearing. Within **forty-five (45) days** following the close of the public hearing and at a regular meeting, the Planning Commission shall make specific written findings addressing each of the standards set forth in this Article and transmit such findings, together with a recommendation of approval, approval with conditions, or disapproval to the City Council.

C. **Review and Action by the City Council.**

1. Within **sixty (60) days** of receipt of the report and recommendation of the Planning Commission, and without further public hearing, the City Council shall either (a) deny the application; (b) refer the application back to the Planning Commission for further review; (c) postpone further consideration pending the submittal of additional information, including any application requirement previously waived; or (d) adopt an ordinance approving the planned development permit.

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2. Any action taken by the City Council pursuant to Paragraph C1 above shall require the concurrence of a majority of all the City Council then holding office.

3. In approving a planned development permit, the City Council may attach such conditions to the approval as it deems necessary to have the proposed use or combination of uses meet the standards set forth in this Article and to prevent or minimize adverse effects on other property in the immediate vicinity. Such conditions may include, but are not limited to: limitations on size, bulk and location; requirements for landscaping, signage, outdoor lighting, provisions for adequate ingress and egress; hours of operation; and such other conditions as the City Council may deem to be in furtherance of the objectives of this Article.

14-16-06. APPLICATION REQUIREMENTS

- A. An application for a Planned Development may only be filed by one who has an ownership interest, or the agents thereof; or any contract purchaser or anyone holding an option to purchase the parcel of land on which the use or combination of uses is to be located.
- B. Applications for a Planned Development shall be filed with the Zoning Administrator in such form and accompanied by such information, with sufficient copies, as shall be established from time to time by the City. Every application shall contain, at a minimum, the following information and related data:
 1. The names and addresses of the owner, or owners if more than one, of the subject property.
 2. A statement from the owner of the subject property, if not the applicant, approving of the filing of the application by the particular applicant.
 3. A survey of, and legal description and street address for the subject property.
 4. A statement indicating compliance of the proposed Planned Development with the Comprehensive Plan; and evidence of the proposed project's compliance in specific detail with each of the “Standards for Review” in Section 14-16-03 for Planned Developments.
 5. A scaled site plan showing the existing contiguous land uses, natural topographic features, zoning districts, public thoroughfares, transportation and utilities.
 6. A scaled site plan of the proposed Planned Development showing lot area, the required yards and setbacks, contour lines, common space, and the location, floor area ratio, lot area coverage and heights of buildings and structures, number of parking spaces and loading areas.

7. Schematic drawings illustrating the design and character of the building, elevations and types of construction of all proposed buildings and structures. The drawings shall also include a schedule showing the number, type, and building area of all uses or combinations of uses, and the building area of the entire development.
8. A landscaping plan showing the location, size, character and composition of vegetation and other material.
9. The substance of easements, and other restrictions existing and any to be imposed on the use of land, including common open space, and buildings or structures.
10. A schedule of development showing the approximate date for beginning and completion of each stage of construction of the Planned Development.
11. A professional traffic study acceptable to the City, may be required, showing the proposed traffic circulation pattern within and in the vicinity of the area of the Planned Development, including the location and description of public improvements to be installed, and any streets and access easements.
12. A professional economic analysis and/or other supporting materials acceptable to the City, as deemed appropriate or necessary by the Zoning Administrator, possibly including the following:
 - a. The financial capability of the applicant to complete the proposed Planned Development;
 - b. Evidence of the project's economic viability; and
 - c. An analysis summarizing the economic impact the proposed Planned Development will have upon the City.
13. Copies of all environmental impact studies as required by law.
14. An analysis setting forth the anticipated demand on all City services.
15. A plan showing off-site utility improvements required to service the proposed Planned Development, and a report showing the cost allocations and funding sources for those improvements.
16. A site drainage plan for the proposed Planned Development.
17. A photometric/lighting plan for the proposed Planned Development.

- C. Every application must be accompanied by the fee as identified in the fee schedule established from time to time by the City Council to defray the costs of providing notice. Additional materials may be required during the review of a proposed Planned Development if determined necessary by the Planning Commission or the City Council.

14-16-07. EFFECT OF APPROVAL OR DENIAL

- A. Approval of the Planned Development permit by the City Council authorizes the applicant to proceed with any necessary applications for building permits, certificates of occupancy, and other permits which the City may require for the proposed Planned Development. The Zoning Administrator shall review applications for these permits for compliance with the terms of the Planned Development permit granted by the City Council. No building permit shall be issued for development which does not comply with the terms of the Planned Development permit.
- B. The City Council shall direct the Zoning Administrator to revise the Official Zoning Map to reflect the existence and boundaries of each Planned Development.
- C. Subject to Paragraph G below, an approval of a Planned Development permit by the City Council shall be null and void if the recipient does not file an application for a building permit relative to the proposed Planned Development within twelve (12) months after the date of adoption of the ordinance approving the Planned Development permit.
- D. Subject to Paragraph G below, an approval of a Planned Development permit by the City Council shall be null and void if construction has not commenced within twelve (12) months, and is not completed within thirty (30) months after the date of adoption of the ordinance approving the Planned Development permit.
- E. Subject to Paragraph G below, an approval of a Planned Development permit with a phasing plan shall be null and void if construction has not commenced or is not completed in accordance with the terms of that phasing plan.
- F. An approval of a Planned Development permit with a master development plan shall be null and void if construction has not commenced or is not completed in accordance with the terms and conditions contained in the development master plan.
- G. An extension of the time requirements stated in Paragraphs C, D, and E of this Section may be granted by the City Council for good cause shown by the applicant, provided a written request is filed with the City Clerk at least four (4) weeks prior to the respective deadline.

H. A Planned Development permit shall be null and void if the use or combination of uses for which the approval was granted ceases for a consecutive period of one year, and said uses are uses that are not identified as “Permitted Use” or “Special Sse” in the underlying zoning district. No application for a Planned Development which was previously denied by the City Council shall be considered by the Planning Commission or the City Council if it is resubmitted in substantially the same form and/or content within six (6) months of the date of such prior denial. In this regard:

1. The Zoning Administrator shall review the application for a Planned Development and determine if the application is or is not substantially the same. An applicant has the right to request a hearing before the City Council to appeal the determination of the Zoning Administrator that the application is substantially the same, provided a petition for appeal is filed in writing with the City Clerk within ten (10) days of the Zoning Administrator’s determination. *Ask attorney- Should it go to ZBA
2. The City Council shall affirm or reverse the determination of the Zoning Administrator, regarding whether the new application is in substantially the same form, within thirty (30) days of receipt of a petition for appeal.
3. If it is determined that the new application is not substantially in the same form, then the applicant shall be entitled to continue with the application process and have it reviewed in accordance with the provisions of the this Code.

14-16-08. AMENDMENTS AND ALTERATIONS TO APPROVED PLANNED DEVELOPMENT PERMITS

- A. Except as provided in Paragraph B below, relating to minor changes to the Planned Development permit, any modifications to an approved Planned Development permit or any addition to or expansion of an existing Planned Development permit shall require separate review and approval under the provisions of the this Code.
- B. A minor change is any change in the site plan or design details of an approved Planned Development permit which is consistent with the standards and conditions applying to the Planned Development permit and which does not alter the concept or intent of the Planned Development. A minor change shall not increase the Planned Development's density, increase the height of buildings, reduce open space, modify the proportion of housing types, change or add new parking areas, alter alignment of roads, utilities or drainage, amend final development agreements, provisions or covenants, or provide any other change inconsistent with any standard or condition imposed by the City Council in approving the Planned Development permit. Said minor change may be approved by the Zoning Administrator without obtaining separate approval by the City Council. In addition, the City Council may, after reviewing the request for a minor change made by the applicant, direct the Zoning Administrator to process the request other than as a minor change.

14-16-09. GUARANTEE OF IMPROVEMENTS

- A. **Off-site Improvements.** Unless otherwise provided for in the conditions of the ordinance governing a particular Planned Development no building permits, or permits authorizing the occupancy or use of a building, facility, Planned Development establishment, or service concern may be issued until required related off-site improvements are constructed or a performance bond, escrow, or other acceptable instrument is posted covering their estimated cost as determined by the Department of Public Works.
 - 1. This requirement shall not apply to foundation permits or permits necessary for the installation of required related off-site improvements.
 - 2. Required related off-site improvements shall include, but not be limited to streets, sidewalks, sanitary and storm sewers, streetlights, and street trees.
- B. **Incremental Development.** If a Planned Development is developed in sections, the requirement shall also apply to all major improvements necessary to the proper operation and function of the section in question, even though such improvements may be located outside of the section in question.
(Ord. No. 1126-03; 01-07-03) (Ord. No. 1311-06; 04-18-06)