

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MEETING AGENDA
CITY COUNCIL CHAMBERS
OCTOBER 4, 2016
7:00 P.M.**

- A. Call to Order
- B. Pledge of Allegiance
- C. Invocation
- D. Roll Call
- E. Public Participation
- F. Consent Agenda:

**City Council Minutes – September 20, 2016
Finance Director Report**

- G. Committee Reports
- H. Communication from Mayor
- I. Communication from Elected Officials

J. UNFINISHED BUSINESS

Proposed Ordinance No. 47-'16, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 25, Nuisances by adding Article VI, Nuisance Parties and Social Gatherings. (Administration Committee)

Proposed Ordinance No. 51-'16, an Ordinance approving the use of certain real estate for use of Right-of-Way on Durley Road. (Operations Committee)

K. NEW BUSINESS

Proposed Ordinance No. 52-'16, an Ordinance approving a Special Use Permit allowing Professional Office within the "R3" Single-Family Dwelling District, located at 5701 Perrin Road. (Community Committee)

Move to go into Executive Session pursuant to 5 ILCS 120/2 (c) (2) – Collective Bargaining.

L. ADJOURNMENT

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MINUTES
SEPTEMBER 20, 2016**

The regular meeting of the Fairview Heights City Council was called to order at 7:00 P.M. by Mayor Mark T. Kupsky in the Municipal Complex, 10025 Bunkum Road, Fairview Heights, IL with the Invocation by City Clerk Karen J. Kaufhold and the Pledge of Allegiance by Mayor Kupsky.

ROLL CALL

Roll call of Aldermen present: Justin Gough, Denise Williams, Bill Poletti, Frank Menn, Dennis Baricevic, Pat Baeske, Brenda Wagner, Harry Zimmerman, Pat Peck and Roger Lowry. Mayor Mark T. Kupsky, City Clerk Karen J. Kaufhold and City Attorney Kevin Hoerner were also present.

PUBLIC PARTICIPATION

Quinn Bress – commented and urged City Council to approve a bike trail in Fairview Heights.

CONSENT AGENDA

Alderman Baeske moved to approve the September 6, 2016 regular and Executive Session City Council minutes, the Finance Director's Report and the bills and invoices presented for payment in the amount of \$1,292,941.35. Seconded by Alderman Lowry. Roll call on the Consent Agenda showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Motion passed on 10 yeas and no nays.

COMMITTEE REPORTS

Mayor Kupsky announced the Community Committee will meet September 21, 7:00 P.M.

COMMUNICATION FROM MAYOR

Mayor Kupsky stated that F.A.M.L.E. Night will be held on September 28th at Moody Park; Mayor announced the Fall Festival will be held on October 8th at Moody Park; Mayor stated construction is underway on the Lexington Drive mini park; Mayor also stated that the Food Pantry is looking for another location and that the subject will be on the next Operations Committee agenda in October; Mayor stated that a number of elected officials will be attending the IML Conference in Chicago this upcoming weekend; Mayor announced that Alderman Gough was celebrating his birthday today.

COMMUNICATION FROM ELECTED OFFICIALS

Alderman Gough wished Mayor Kupsky Happy Birthday.

UNFINISHED BUSINESS

Proposed Ordinance No. 48-'16, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 36, Taxation, Article I – Sales Tax – Home Rule, Section 36-1-1 Power, deleting Section 36-1-2 Restriction and by renumbering remaining Sections. Proposed Ordinance No. 48-'16 was read for the second time.

Roll call on Proposed Ordinance No. 48-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Ordinance No. 48-'16 passed on 10 yeas and no nays.

Proposed Ordinance No. 48-'16 now becomes **ORDINANCE NO. 1763-2016**.

NEW BUSINESS

Proposed Ordinance No. 47-'16, an Ordinance amending Ordinance No. 190, "The Revised Code," Chapter 25, Nuisances by adding Article VI, Nuisance Parties and Social Gatherings. Motion made by Alderman Wagner. Seconded by Alderman Peck. Proposed Ordinance No. 47-'16 was read for the first time.

Proposed Ordinance No. 50-'16, an Ordinance amending Ordinance No. 1691-2015, passed April 7, 2015 and approved April 9, 2015; an Ordinance repealing Chapter 16 of Ordinance No. 190, "The Revised Code," Article 1 – Salaries – Section 3, Operating Engineers Local #148 – Full Time Employees and Contract – Part Time Employees – Per Hour. Motion made by Alderman Lowry. Seconded by Alderman Poletti. Proposed Ordinance No. 50-'16 was read for the first time.

Proposed Ordinance No. 51-'16, an Ordinance approving the use of certain real estate for use of Right-of-Way on Durley Road. Motion made by Alderman Baricevic. Seconded by Alderman Baeske. Proposed Ordinance No. 51-'16 was read for the first time.

Proposed Resolution No. 80-'16, a Resolution authorizing the Mayor on behalf of the City to enter into an Engineering Services Agreement with Millennia Professional Services of Illinois to provide engineering services for a Flood Mitigation Study and Design for Hollandia Drive. Motion made by Alderman Baeske. Seconded by Alderman Poletti.

Roll call on Proposed Resolution No. 80-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Resolution No. 80-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 80-'16 now becomes **RESOLUTION NO. 4056-2016**.

Proposed Resolution No. 81-'16, a Resolution amending Resolution No. 3354-2007, a Resolution adopting an Official Logo for the City of Fairview Heights, Illinois. Motion made by Alderman Williams. Seconded by Alderman Zimmerman.

Roll call on Proposed Resolution No. 81-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Resolution No. 81-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 81-'16 now becomes **RESOLUTION NO. 4057-2016**.

NEW BUSINESS - continued

Proposed Resolution No. 82-'16, a Resolution authorizing the Mayor on behalf of the City to enter into the Local Public Agency Agreement for Federal participation for the installation of traffic signals at the Intersection of Union Hill Road and Longacre Drive. Motion made by Alderman Baeske. Seconded by Alderman Wagner.

Roll call on Proposed Resolution No. 82-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Resolution No. 82-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 82-'16 now becomes **RESOLUTION NO. 4058-2016.**

Proposed Resolution No. 83-'16, a Resolution authorizing the Mayor to enter into a contract with TWM for the design of Phase I of the South Corridor Pedestrian (Bike) Trail from Moody Park to Old Lincoln Trail Park. Motion made by Alderman Wagner. Seconded by Alderman Baeske.

Roll call on Proposed Resolution No. 83-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman and Peck voting "Yea." Alderman Lowry voting "Nay." Proposed Resolution No. 83-'16 passed on 9 yeas and 1 nay.

Proposed Resolution No. 83-'16 now becomes **RESOLUTION NO. 4059-2016.**

Proposed Resolution No. 84-'16, a Resolution authorizing the Mayor to enter into a purchase agreement with L3 Mobile-Vision, Inc., for the purchase of a DELL Dual Quad Core Server, DVD Burner and Six (6) in car DVR upgrade packages for use by the Police Department. Motion made by Alderman Wagner. Seconded by Alderman Lowry.

Roll call on Proposed Resolution No. 84-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Resolution No. 84-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 84-'16 now becomes **RESOLUTION NO. 4060-2016.**

Proposed Resolution No. 85-'16, a Resolution authorizing the Mayor to sell a 2009 Dodge Ram 1500 SLT Quad Cab Truck previously used as an undercover vehicle per bid received September 10, 2016. Motion made by Alderman Wagner. Seconded by Alderman Baeske.

Roll call on Proposed Resolution No. 85-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Resolution No. 85-'16 passed on 10 yeas and no nays.

Proposed Resolution No. 85-'16 now becomes **RESOLUTION NO. 4061-2016.**

Alderman Lowry moved to advance Proposed Ordinance No. 50-'16 to the second reading. Seconded by Alderman Wagner. Motion carried.

Proposed Ordinance No. 50-'16, an Ordinance amending Ordinance No. 1691-2015, passed April 7, 2015 and approved April 9, 2015; an Ordinance repealing Chapter 16, of Ordinance No. 190, "The Revised Code," Article 1 – Salaries – Section 3, Operating Engineers Local #148 – Full Time Employees and Contract – Part Time Employees – Per Hour. Proposed Ordinance No. 50-'16 was read for the second time.

NEW BUSINESS – Proposed Ordinance No. 50-'16 - continued

Roll call on Proposed Ordinance No. 50-'16 showed Aldermen Gough, Williams, Poletti, Menn, Baricevic, Baeske, Wagner, Zimmerman, Peck and Lowry voting "Yea." Proposed Ordinance No. 50-'16 passed on 10 yeas and no nays.

Proposed Ordinance No. 50-'16 now becomes **ORDINANCE NO. 1764-2016**.

Alderman Gough moved to adjourn. Seconded by Alderman Poletti. Motion carried.

Meeting adjourned at 7:17 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen J. Kaufhold".

KAREN J. KAUFHOLD
CITY CLERK

Memo

To: Mayor & City Council
From: Gina Rader – Finance Director
CC: City Clerk & Directors
Date: September 29, 2016, 2016
Re: Finance Report – October 4, 2016 City Council Meeting

Sales Tax Report

Attached please find the most current update on Sales Tax for the City of Fairview Heights. This month we have seen a great increase compared to the same time period last year.

**CITY OF FAIRVIEW HEIGHTS, IL
SALES TAX REPORT
State 1% Municipal Tax Portion**

| DISTRIBUTION MONTH | MAY 2012 - APRIL 2013 | MAY 2013 - APRIL 2014 | MAY 2014 - APRIL 2015 | MAY 2015 - APRIL 2016 | MAY 2016 - APRIL 2017 | % CHANGE | CHANGE IN DOLLARS |
|--------------------|------------------------|------------------------|------------------------|------------------------|------------------------|----------|---------------------|
| MAY | \$ 629,863.98 | \$ 601,011.50 | \$ 584,713.94 | \$ 586,147.75 | \$ 632,285.33 | 7.9% | \$ 46,137.58 |
| JUN | 692,902.50 | 655,667.46 | 647,401.33 | 708,268.15 | 696,077.63 | -1.7% | \$ (12,190.52) |
| JUL | 578,187.49 | 574,119.26 | 578,345.95 | 563,612.88 | 576,220.16 | 2.2% | \$ 12,607.28 |
| AUG | 602,449.00 | 586,795.92 | 593,876.18 | 607,839.70 | 608,444.47 | 0.1% | \$ 604.77 |
| SEP | 663,854.82 | 610,055.28 | 579,381.42 | 653,462.36 | 679,234.60 | 3.9% | \$ 25,772.24 |
| OCT | 572,075.75 | 554,178.50 | 550,782.54 | 573,059.41 | - | | |
| NOV | 620,158.32 | 574,589.49 | 579,500.49 | 642,921.78 | - | | |
| DEC | 631,306.50 | 468,313.25 | 588,998.17 | 626,164.49 | - | | |
| JAN | 576,698.91 | 589,088.14 | 580,475.99 | 627,103.06 | - | | |
| FEB | 710,629.96 | 687,960.48 | 680,833.91 | 695,015.32 | - | | |
| MAR | 1,049,090.01 | 969,659.49 | 1,028,593.77 | 1,041,010.81 | - | | |
| APR | 532,313.55 | 458,225.94 | 528,428.24 | 519,339.92 | - | | |
| YTD TOTAL | \$ 7,859,530.79 | \$ 7,329,664.71 | \$ 7,521,331.93 | \$ 7,843,945.63 | \$ 3,192,262.19 | | \$ 72,931.35 |
| YTD CHANGE | 1.0% | -6.7% | 2.6% | 4.3% | | | |
| MONTHLY AVG | \$ 654,960.90 | \$ 610,805.39 | \$ 626,777.66 | \$ 653,662.14 | \$ 266,021.85 | | |

9/29/2016

PROPOSED ORDINANCE NO. 47-'16

**AN ORDINANCE AMENDING ORDINANCE NO. 190
"THE REVISED CODE," CHAPTER 25, NUISANCES
BY ADDING ARTICLE VI, NUISANCE PARTIES AND
SOCIAL GATHERINGS.**

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
CODE," CHAPTER 25, NUISANCES, by adding ARTICLE VI, NUISANCE PARTIES AND
SOCIAL GATHERINGS reading as follows:

DEFINITION. NUISANCE PARTY OR SOCIAL GATHERING – a gathering of
three or more persons on public or private property when, by reason of the conduct of
persons in attendance, results in any violation of the following state laws or City of
Fairview Heights Ordinances:

1. Assault
2. Battery
3. Disorderly conduct
4. Obstructing a peace officer
5. Resisting arrest
6. Indecent exposure
7. Loud or raucous noise
8. Public urination or defecation
9. Reckless conduct
10. Criminal Damage to Property
11. Trespassing
12. Destruction of Public Property
13. Unlawful possession or use of fireworks
14. Violations of the Cannabis Control Act, the Controlled Substances Act, or
possession of drug paraphernalia
15. Throwing of rocks, bottles, and other projectiles
16. Unlawful Assembly
17. Littering
18. Blocking of roadway
19. Illegal parking
20. State or local liquor code violations
21. Public intoxication
22. Encouraging delinquency
23. Unlawful use of weapons
24. Discharge of firearms

- 25. Theft
- 26. Curfew violations
- 27. Open burning violation
- 28. Harassment or intimidation
- 29. Rubbish/ Garbage Nuisance
- 30. Encroachment
- 31. Noxious odors

SECTION 2. PROSECUTION OF REQUISITE OFFENSE NOT REQUIRED.

The referenced laws and City ordinances in Section 1. shall not be interpreted to require that prosecution of the specific charge be a necessary prerequisite to enforce this chapter. The chapter shall not require proof of a violation beyond a reasonable doubt.

SECTION 3. NUISANCE PARTIES PROHIBITED.

No person who is an owner, occupant, tenant, or who otherwise has rightful possession or possessory control, individually or jointly with others, of any premises shall knowingly, negligently, or recklessly allow a social gathering on said premises to become a nuisance party as defined by Section 1. above.

SECTION 4. ORDER TO CEASE AND DISPERSE.

A social gathering or party that is or becomes a nuisance party, as defined by Section 1. above, shall cease upon the order of a police officer; and all persons not residing therein at the site of such party shall disperse immediately. No person shall knowingly or willfully fail or refuse to obey and abide by such an order.

SECTION 5. FAILURE TO DISPERSE.

- (A) Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.
- (B) It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section.

SECTION 6. DISORDERLY HOUSES.

- (A) Suppression of nuisances; disorderly houses. Any room, house, building, structure or place, and any property kept and used in maintaining the same, where, in violation of the ordinances of the city, unlawful or illegal acts are committed, is hereby declared to be an unreasonable interference with the health, safety, welfare, and property of the citizens of the city, a disorderly house, and a public or common nuisance. Such nuisances may be restrained or suppressed by the city

in any manner provided by law, and the city attorney is hereby authorized and empowered to take such legal action as may be necessary to restrain or suppress such nuisances.

- (B) Disorderly house; maintaining. The term "disorderly house" as used in this section shall be deemed to be any room, house, building, structure, or premises, where unlawful or illegal acts are being committed. It shall be unlawful for the owner, lessee, resident, manager, or proprietor of any room, house, building, structure, or premises to knowingly collect or permit to be collected therein a person or persons who are engaging in any unlawful act, or to knowingly make, cause, permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood.
- (C) Inmate of disorderly house. It shall be unlawful for any person to be an inmate of or frequent any disorderly house as declared in subsection (b) of this section, Section 6, Disorderly houses, with knowledge of, and participation in, the illegal activities occurring therein.

SECTION 7. PENALTIES.

- (A) A person who violates any section of this chapter and article shall be fined not less than \$250.00, nor more than \$750.00.
- (B) A person, having been previously convicted of violation of any section of this chapter and article shall be fined not less than \$500.00, nor more than the maximum penalty allowed by law.

SECTION 8. 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: September 20, 2016

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

ATTEST:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

KAREN J. KAUFHOLD – CITY CLERK

PROPOSED ORDINANCE NO. 51-'16

AN ORDINANCE APPROVING THE USE OF CERTAIN REAL ESTATE FOR USE OF RIGHT-OF-WAY ON DURLEY ROAD.

WHEREAS, the City of Fairview Heights, in the best interest of its residents, desires to improve storm sewer associated with the Perrin Road Phase II reconstruction project; and

WHEREAS, certain real estate is required for use as right-of-way in order to properly construct the proposed improvements; and

WHEREAS, the City and the owners have reached an agreement on the fair cash market value of the property to be acquired.

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

That the Mayor be and is hereby authorized to execute on behalf of the City the necessary paperwork to consummate the acquisition of property for right-of-way purposes required for storm sewer improvements associated with the Perrin Road Phase II reconstruction project from the following owners:

Kathleen H. and Donald R. Feher, Trustees

A tract of land being part of Lot 2 in the northeast quarter of Section 34 in Township 2 north, Range 8 west of the Third Principal Meridian, more particularly described as follows:

Commencing at the point of the south line of said Lot 2 where said south line intersects with the west right of way line of a 16 foot wide alley on the west side of Lot 32 in "J. Nick Perrin's 2nd Additional Subdivision" as shown on the plat thereof recorded in plat book "T" on page 24 in the Recorder of Deed's Office for St. Clair County, Illinois; thence on the west right of way line of said 16 foot wide alley north 00 degrees 13 minutes 30

seconds east, 74.10 feet to where said west line intersects with the westerly prolongation of the south right of way line of Durley (30'W) Drive, said intersection also being the northeast corner of a tract of land conveyed to Drew Smith by Document No. A02379751 in said recorder of Deed's Office, and also being the point of beginning of the tract of land herein described;

From said point of beginning; thence on the northerly line of said Drew Smith tract of land and said westerly prolongation of the south right of way line of Durley (30'W) Drive, north 89 degrees 25 minutes 00 seconds west, 235.32 feet; thence north 00 degrees 13 minutes 30 seconds east, 40.00 feet to a point on the southerly line of a tract of land conveyed to Crystal D. Mitchell by Document No. A02393050 in said Recorder of Deed's Office; thence on said southerly line and it's extension south 89 degrees 25 minutes 00 seconds east, 235.32 feet to a point on aforementioned west line of 16 foot wide alley; thence on said 16 foot wide alley south 00 degrees 13 minutes 30 seconds east, 40.00 feet to the point of beginning. Said tract of land herein described contains 0.216 acres, more or less, and being situated in the City of Fairview Heights, St. Clair County, Illinois.

This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

READ FIRST TIME: **September 20, 2016**

READ SECOND TIME:

PASSED:

APPROVED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD – CITY CLERK

PROPOSED ORDINANCE NO. 52-'16

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
ALLOWING PROFESSIONAL OFFICE WITHIN THE "R3"
SINGLE-FAMILY DWELLING DISTRICT, LOCATED AT
5701 PERRIN ROAD.**

WHEREAS, the Planning Commission on September 13, 2016 held the necessary Public Hearing and reviewed the Special Use Permit application and has transmitted its Advisory Report to the City Council.

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

SECTION 1. APPROVAL. The Special Use Permit for a professional office, within the "R3" Single-Family Dwelling District, located at 5701 Perrin Road, is hereby approved. A copy of the Planning Commission's Advisory Report is attached hereto, made a part hereof and marked Exhibit "A". A copy of the site plan is attached hereto, made a part hereof and marked Exhibit "B".

SECTION 2. CONDITIONS. The conditions of approval are contained in the Findings of Fact adopted by Planning Commission Resolution PC013-16 attached hereto, made a part hereof and marked Exhibit "C".

SECTION 3. PASSAGE. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK

Exhibit A



CITY OF FAIRVIEW HEIGHTS

10025 Bunkum Road ♦ Fairview Heights, Illinois 62208 ♦ Phone: (618) 489-2000 ♦ www.cofh.org

September 16, 2016

Fairview Heights City Council
10025 Bunkum Road
Fairview Heights, IL 62208

Dear City Council:

The petition listed below is hereby transmitted for your consideration:

| | |
|------------------------|--|
| Petition No: | PC13-16 |
| Petitioner: | Penni Livingston |
| Request: | Special Use Permit |
| Area Size: | Approximately 1 acre |
| Location: | 5701 Perrin Road |
| Hearing Date: | September 13, 2016 |
| Proponents: | 0 |
| Opponents: | 0 |
| Recommendation: | Approval |
| Votes: | Yeas: Herrington, Hoppe, Mensing, Wesemann, Barkley, Funk, Correale, Smith, McCarthy, & Bramstedt |
| | Nays: None |
| | Absent: Sudja |
| Report: | Staff Advisory |
| Ward: | V |

Respectfully,

Jim Bramstedt, Chairman
Planning Commission
TT/kt

PC13-16, Penni Livingston, 5701 Perrin Road

AREA LAND USE AND ZONING

The subject property, 5701 Perrin Road, is a 1 acre parcel located on the northwest corner of Perrin Road and Durley Road. The property is developed with a two story structure containing a law office, a detached garage and is zoned "R-3 Single Family Residential. The adjoining properties are zoned either "R-3" or "R-4" Single Family Residential and are developed as such. Further to the east properties fronting Old Collinsville Road are zoned commercially. The property to the southeast is a vacant tract of property zoned "R-3" Single Family Residential and contains a parking area for the adjoining automobile repair facility.

SPECIAL USE PERMIT REQUEST

The applicant, Penni S. Livingston is requesting approval of a Special Use Permit to convert the existing use from a law firm to professional office use in general. The request to change use does not propose any physical changes to the property.

PLANNING CONSIDERATIONS

The subject property's use as a law office was allowed by a Special Use Permit granted by Resolution No. 3278-2006.

The property was modified to accommodate for public use through the removal of barriers to access. Applicant has provided handicapped parking place, ramp to entry door and accessible routes to parts of the facility which the public may utilize. The property provides 7 parking spaces including the handicapped space.

Applicant has not proposed any signage.

Comprehensive Plan

Reference 2012 Comprehensive Plan Chapter 3 - Residential Neighborhoods - Objectives which includes the protection of residential areas from any potentially negative impacts of commercial uses.

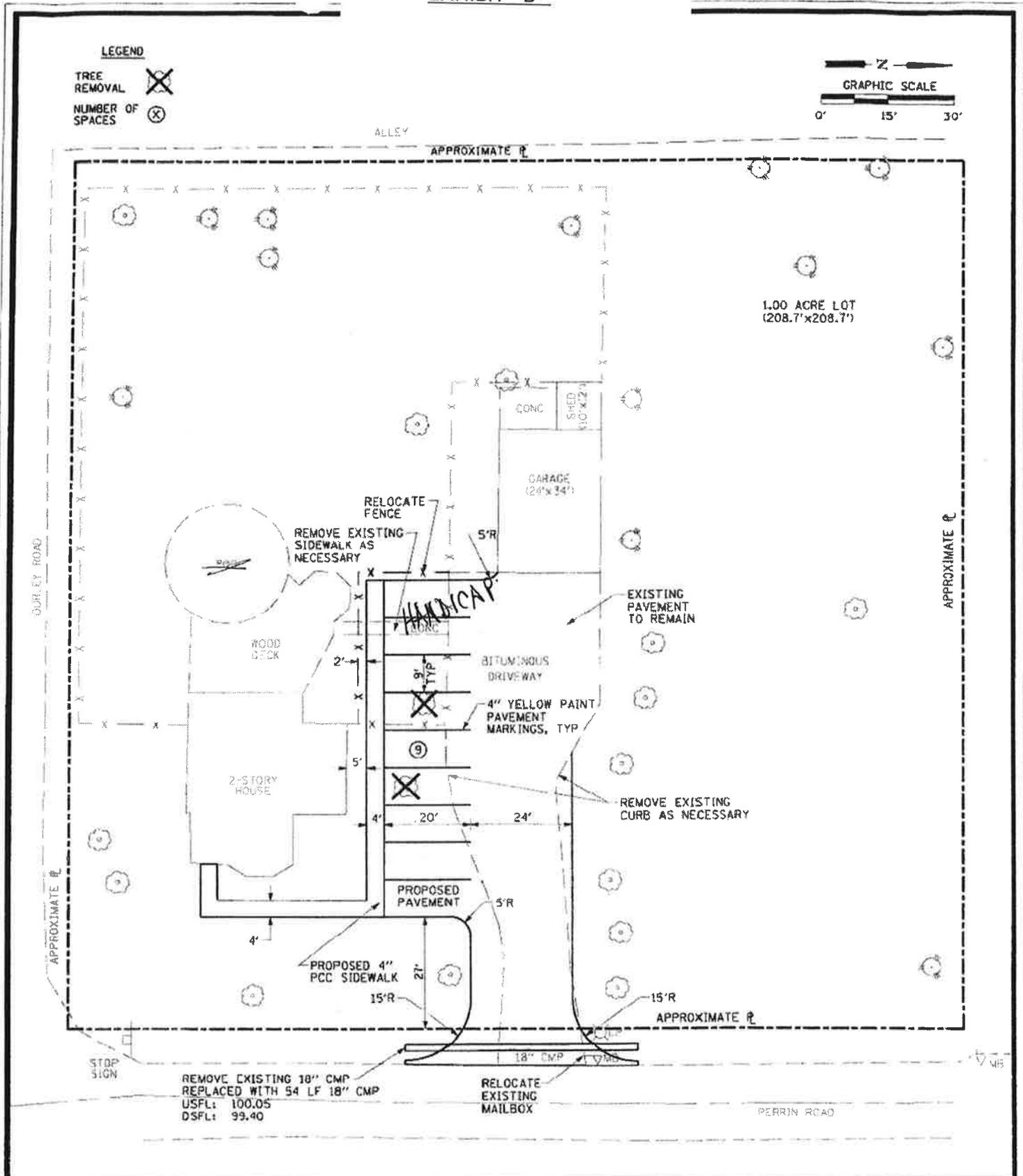
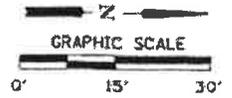
TT/kt

EXHIBITS:

1. Application
2. Narrative
3. Site Plan
4. Aerial Photograph
5. Photos (2)
6. Public Notice
7. Surrounding Property Owners
8. Findings

EXHIBIT "B"

LEGEND
 TREE REMOVAL 
 NUMBER OF SPACES 



REMOVE EXISTING 18" CMP
 REPLACED WITH 54 LF 18" CMP
 USFL: 100.05
 DSFL: 99.40

RELOCATE
 EXISTING
 MAILBOX

HR
 HURST-ROSCHIE
 ENGINEERS INC.
 No. 5 Bank Square
 East St. Louis, IL 62203
 Phone: 618.398.0600
 Fax: 618.398.1330
 HILLSBORO, IL
 SPRINGFIELD, IL
 MAHAN, IL

CITY OF FAIRVIEW HEIGHTS
 PERMIT APPLICATION
 LIVINGSTON LAW FIRM PARKING
 FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, IL

PROPOSED IMPROVEMENT
 LAYOUT

HRE NO. 190-2136
 DESIGNED: GKM
 DRAWN: GKM
 CHECKED: MAR
 DATE: 07-11-06

EXHIBIT NUMBER
1

EXHIBIT "C"

Planning Commissioner Funk introduced the following resolution and moved for its adoption:

RESOLUTION PC 013 -16

A RESOLUTION ADOPTING FINDINGS OF FACT PC 013-16 RELATING TO APPROVAL OF REQUEST FROM PENNI LIVINGSTON TO MODIFY THE SPECIAL USE PERMIT ALLOWING PROFESSIONAL OFFICE USE WITHIN THE R3 SINGLE FAMILY RESIDENTIAL DISTRICT .

WHEREAS, Penni Livingston, hereinafter referred to as the "Applicant," has properly applied for a Special Use Permit approval for a professional office use within the "R3" Single Family Residential District located at 5701 Perrin Road, Fairview Heights, IL, PIN 03-34.0-205-003.

NOW THEREFORE, BE IT RESOLVED BY THIS PLANNING COMMISSION OF THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY, STATE OF ILLINOIS that the findings of fact relating to the request are determined to be as follows:

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 14-10-8 of the City of Fairview Heights Development Code on September 13, 2016, and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.
2. The subject property is developed with a two story structure modified for office use and is zoned "R3" Single Family Residential District. The subject property is located at 5701 Perrin Road, Fairview Heights, IL, PIN 03-34.0-205-003.
3. That the Subject Property contains approximately 1acre.
4. That this permit will not require any changes to traffic circulation and ingress/egress.
5. That this permit will not require any changes to lighting, landscaping, or the existing site usage.
6. That the proposed use will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.
7. That the proposed use will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.
8. That the proposed use will not be hazardous or disturbing to existing neighboring uses.
9. That the proposed use will be served adequately by public facilities and services such as highways and streets.

10. That the proposed use will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
11. That the proposed use will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors.
12. The proposed use will not be consistent with the Comprehensive Plan.
13. That this Special Use Permit approval will for the applicant's use as a professional office.
14. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.
15. That the Director of Land Use, and his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.
16. That this Special Use Permit Approval shall automatically expire if the use is not initiated within one year of City Council approval.
17. That this Development Plan approval allows for the site plan as presented. Any significant changes to traffic circulation, materials on the building, landscaping or signage on this site not provided for in the site plans on the Subject Property will require additional review and approval by the City Council.

The motion for the adoption of the foregoing resolution was duly seconded by; Barkley upon vote being taken thereon, the following voted in favor thereof: Herrington, Hoppe, Mensing, Wesemann, Barkley, Funk, Correale, Smith, McCarthy, & Bramstedt

and the following voted against the same: None

and the following abstained: None

and the following were absent: Sudja

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 13th day of September 2016.



Planning Commission Chairman

ATTEST:



Land Use Director

Penni Livingston, hereby acknowledges receipt of this Permit and that he has reviewed the conditions of this Permit and have agreed that she will comply with the terms of this Permit.

By: _____

Its: _____

STATE OF ILLINOIS)

) SS.

COUNTY OF _____)

On this _____ day of _____, 2016 before me, a Notary Public, personally appeared Penni Livingston, the applicant, to be known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.
