



City of Fairview Heights

CITY COUNCIL MEETING AGENDA
10025 BUNKUM ROAD
FAIRVIEW HEIGHTS, IL 62208
MARCH 3, 2020
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 – February 18, 2020
Finance Director's Report
- G. Committee Reports
- H. Communications from Mayor
- I. Communications from Elected Officials

J. **UNFINISHED BUSINESS**

Proposed Ordinance No. 7-'20, an Ordinance affirming the purchase of certain real estate by the City for use as right-of-way for the construction of a roundabout and streetscape improvements at the intersection of Market Place and Commerce Lane. (Operations Committee)

K. **NEW BUSINESS**

Proposed Ordinance No. 8-'20, an Ordinance amending Chapter 14, The Development Code, Article I, Section 14-1-11 (Rules and Definitions), Article II, Sections 14-2-11 (B-3 Community Business District), 14-2-15 (I – Industrial District) and Article IV (Supplementary Land Use and Area Bulk Regulations) of the City of Fairview Heights Municipal Code pertaining to Adult-Use Cannabis. (Community Committee)

Proposed Ordinance No. 9-'20, an Ordinance granting an Area Bulk Variance to allow signage in the M-2 Multi-Family Residential District to exceed the area of multiple dwelling signs at 21 Northbrook Circle, Fairview Heights, IL, PIN 03-28-403-014. (Community Committee)

L. **ADJOURNMENT**

**CITY OF FAIRVIEW HEIGHTS
CITY COUNCIL MINUTES
FEBRUARY 18, 2020**

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

ROLL CALL

Roll call of Aldermen present: Denise Williams, Frank Menn, Joshua Frawley, Pat Baeske, Brenda Wagner, Harry Zimmerman, Pat Peck, Anthony LeFlore, Ryan Vickers and Bill Poletti. Mayor Mark Kupsky, City Clerk Karen Kaufhold and City Attorney Andrew Hoerner were also present.

PUBLIC PARTICIPATION

Kathleen Hunt – spoke regarding a sewer backup at 310 Laurel Drive.

CONSENT AGENDA

Alderman Williams moved to approve the February 4th City Council Minutes, the Finance Director's Report and the bills and invoices presented for payment in the amount of \$2,087,997.69. Seconded by Alderman Baeske.

Roll call on the motion showed Aldermen Williams, Menn, Frawley, Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers and Poletti voting "Yea." Motion passed on 10 yeas and no nays.

COMMITTEE REPORTS

Mayor Kupsky announced the Community Committee will meet February 19th, 7:00 P.M.

COMMUNICATIONS FROM THE MAYOR

Mayor Kupsky requested a moment of silence for longtime resident Florine Kassing who recently passed away; Mayor urged to take precautions regarding the corona virus; Mayor announced The Rec Center has now become a permanent early voting site.

COMMUNICATIONS FROM ELECTED OFFICIALS

None.

UNFINISHED BUSINESS

Proposed Ordinance No. 5-'20, an Ordinance adopting an Economic Development Strategy for the City of Fairview Heights, Illinois was read for the second time.

Roll call on Proposed Ordinance No. 5-'20 showed Aldermen Williams, Menn, Frawley, Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers and Poletti voting "Yea." Proposed Ordinance No. 5-'20 passed on 10 yeas and no nays.

Proposed Ordinance No. 5-'20 now becomes **ORDINANCE NO. 1863-2020**.

NEW BUSINESS

Proposed Ordinance No. 7-'20, an Ordinance affirming the purchase of certain real estate by the City for use as right-of-way for the construction of a roundabout and streetscape improvements at the intersection of Market Place and Commerce Lane. Motion by Alderman Zimmerman. Seconded by Alderman Wagner. Proposed Ordinance No. 7-'20 was read for the first time.

Proposed Resolution No. 5-'20, a Resolution authorizing the Mayor to sign a Temporary Construction Easement for the construction of a roundabout at the intersection of Market Place and Commerce Lane. Motion by Alderman Wagner. Seconded by Alderman Zimmerman.

Roll call on Proposed Resolution No. 5-'20 showed Aldermen Williams, Menn, Frawley, Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers and Poletti voting "Yea." Proposed Resolution No. 5-'20 passed on 10 yeas and no nays.

Proposed Resolution No. 5-'20 now becomes **RESOLUTION NO. 4333-2020**.

Proposed Resolution No. 6-'20, a Resolution authorizing the Mayor to enter into a contract on behalf of the City of Fairview Heights with Slayden Glass, Inc. for the repair/replace Aluminum Window System Components Project at the Fairview Heights Library. Motion by Alderman Peck. Seconded by Alderman Poletti.

Roll call on Proposed Resolution No. 6-'20 showed Aldermen Williams, Menn, Frawley, Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers and Poletti voting "Yea." Proposed Resolution No. 6-'20 passed on 10 yeas and no nays.

Proposed Resolution No. 6-'20 now becomes **RESOLUTION NO. 4334-2020**.

Proposed Resolution No. 7-'20, a Resolution of understanding, commitment, and support for the City to contract with a residential single-source trash/solid waste, yard waste and recycling hauler. Motion by Alderman Poletti. Seconded by Alderman Vickers.

Roll call on Proposed Resolution No. 7-'20 showed Aldermen Williams, Menn, Frawley, Baeske, Zimmerman, Peck, Vickers and Poletti voting "Yea." Aldermen Wagner and LeFlore voting "Nay." Proposed Resolution No. 7-'20 passed on 8 yeas and 2 nays.

Proposed Resolution No. 7-'20 now becomes **RESOLUTION NO. 4335-2020**.

NEW BUSINESS – continued

Proposed Resolution No. 8-'20, a Resolution authorizing the Mayor to sign the Municipal Trash/Solid Waste, Yard Waste and Recycling Agreement with Aspen Waste Systems of Missouri, Inc. as a residential single-source trash/solid waste, yard waste and recycling hauler for the City. Motion by Alderman Poletti. Seconded by Alderman Vickers. Roll call on Proposed Resolution No. 8-'20 showed Aldermen Williams, Menn, Frawley, Baeske, Wagner, Zimmerman, Peck, Vickers and Poletti voting "Yea." Alderman LeFlore voting "Nay." Proposed Resolution No. 8-'20 passed on 9 yeas and 1 nay. Proposed Resolution No. 8-'20 now becomes **RESOLUTION NO. 4336-2020**.

Proposed Resolution No. 9-'20, a Resolution for Maintenance under the Illinois Highway Code. Motion by Alderman Peck. Seconded by Alderman Baeske. Proposed Resolution No. 9-'20 passed on a voice vote. Proposed Resolution No. 9-'20 now becomes **RESOLUTION NO. 4337-2020**.

Proposed Resolution No. 10-'20, a Resolution authorizing the Mayor to enter into a Mutual Aid Agreement with the City of Madison Police Department to promote public safety and protect the general welfare of the citizens. Motion by Alderman Poletti. Seconded by Alderman Peck. Proposed Resolution No. 10-'20 passed on a voice vote. Proposed Resolution No. 10-'20 now becomes **RESOLUTION NO. 4338-2020**.

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

Meeting adjourned at 7:16 P.M.

Respectfully submitted,



KAREN J. KAUFHOLD
CITY CLERK

Memo

To: Mayor & City Council
From: Gina Rader – Finance Director
CC: City Clerk & Directors
Date: February 27, 2020
Re: Finance Report – March 3, 2020 City Council Meeting

Sales Tax Report

Attached is the distribution of Sales Tax received in February. This month's numbers are down \$23,944 from the numbers reported in 2019 during the same time period. This represents an increase a decrease of 3.6%. We have only two more distributions before the end of our fiscal year. We anxiously await next month's numbers, as they are a big representation of the holiday season. Currently, we are \$85,545.76 behind the number for FY 18-19.

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

DISTRIBUTION MONTH	MAY 2013 - APRIL 2014	MAY 2014 - APRIL 2015	MAY 2015 - APRIL 2016	MAY 2016 - APRIL 2017	MAY 2017 - APRIL 2018	MAY 2018 - APRIL 2019	MAY 2019 - APRIL 2020	% CHANGE	CHANGE IN DOLLARS
MAY	\$ 601,011.50	\$ 584,713.94	\$ 586,147.75	\$ 632,285.33	\$ 571,553.40	\$ 553,114.13	\$ 490,116.91	-11.4%	\$ (62,997.22)
JUN	655,667.46	647,401.33	708,268.15	696,077.63	677,065.69	676,704.83	654,604.36	-3.3%	\$ (22,100.47)
JUL	574,119.26	578,345.95	563,612.88	576,220.16	599,877.49	555,320.85	572,195.98	3.0%	\$ 16,875.13
AUG	586,795.92	593,876.18	607,839.70	608,444.47	600,057.37	607,357.54	585,032.16	-3.7%	\$ (22,325.38)
SEP	610,055.28	579,381.42	653,462.36	679,234.60	613,965.54	623,578.60	610,349.55	-2.1%	\$ (13,229.05)
OCT	554,178.50	550,782.54	573,059.41	572,368.09	476,801.05	540,557.44	562,791.28	4.1%	\$ 22,233.84
NOV	574,589.49	579,500.49	642,921.78	599,121.43	575,354.24	570,594.16	561,747.98	-1.6%	\$ (8,846.18)
DEC	468,313.25	588,998.17	626,164.49	612,305.99	581,474.30	577,677.65	585,185.60	1.3%	\$ 7,507.95
JAN	589,088.14	580,475.99	627,103.06	570,540.96	564,056.46	560,273.13	581,553.25	3.8%	\$ 21,280.12
FEB	687,960.48	680,833.91	695,015.32	678,820.57	672,397.54	668,036.72	644,092.22	-3.6%	\$ (23,944.50)
MAR	969,659.49	1,028,593.77	1,041,010.81	974,290.59	935,340.51	870,591.30			
APR	458,225.94	528,428.24	519,339.92	488,717.27	528,625.80	457,194.13			
YTD TOTAL	\$ 7,329,664.71	\$ 7,521,331.93	\$ 7,843,945.63	\$ 7,688,427.09	\$ 7,396,569.39	\$ 7,261,000.48	\$ 5,847,669.29		\$ (85,545.76)
YTD CHANGE	-6.7%	2.6%	4.3%	-2.0%	-3.8%	-1.8%			
MONTHLY AVG	\$ 610,805.39	\$ 626,777.66	\$ 653,662.14	\$ 640,702.26	\$ 616,380.78	\$ 605,083.37			

PROPOSED ORDINANCE NO. 7-'20

AN ORDINANCE AFFIRMING THE PURCHASE OF CERTAIN REAL ESTATE BY THE CITY FOR USE AS RIGHT-OF-WAY FOR THE CONSTRUCTION OF A ROUNDABOUT AND STREETScape IMPROVEMENTS AT THE INTERSECTION OF MARKET PLACE AND COMMERCE LANE.

WHEREAS, the City of Fairview Heights, in the best interest of its residents and motoring public desires to construct a roundabout and streetscape improvements at the intersection of Market Place and Commerce Lane;

WHEREAS, approximately 1,194 square feet or 0.0274 acre, in Parcel No. 03-28.0-200-064, is required for use as right-of-way in order to properly construct the proposed roundabout and streetscape improvements; and

WHEREAS, the City, through its engineering consultant, Oates Associates, Inc., the State of Illinois, and the property owners, H&S Investment Group, LLC, an agreement has been attained on a fair cash market value of \$15,000 for the property acquisition as described in the legal description attached hereto, made a part hereof, and marked "EXHIBIT A."

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

SECTION 1. AUTHORIZATION. After the effective date of the Ordinance, the Mayor be and is hereby authorized and directed to execute, on behalf of the City, a Warranty Deed for the City's acquisition of approximately 1,194 square feet or 0.0274 acre, in Parcel No. 03-28.0-200-064, from the H & S Investment Group, LLC, for the sum of FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) for right-of-way purposes required for the construction of a roundabout and streetscape

improvements at the intersection of Market Place and Commerce Lane legally described and attached hereto, made and part hereof, and marked "EXHIBIT A."

SECTION 2. RECORDING. The City Clerk shall cause this Ordinance to be recorded in the Office of the Recorder of Deeds of St. Clair County, Illinois, after its passage and approval.

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: February 18, 2020

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

MARK T. KUPSKY – MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD – CITY CLERK

"EXHIBIT A"

Owner: H & S Investment Group, LLC
Address: 51 Commerce Lane, Fairview Heights, IL 62208
Route: Market Place Roundabout
County: St. Clair
P.I.N. No.: 03-28.0-200-064
Section: 16-00042-01-PV

WARRANTY DEED
(Limited Liability Company) (Non-Freeway)

H & S Investment Group, LLC, a limited liability company, organized and existing under and by virtue of the laws of the State of Delaware and duly authorized to do business under the Statutes of the State of Illinois, (Grantor), for and in consideration of the sum of Fifteen Thousand Dollars and no cents (\$ 15,000.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, and in consideration of the other mutual covenants and conditions herein expressed, and pursuant to the authority given by the member(s) of said limited liability company, grants, conveys, and warrants to the City of Fairview Heights, (Grantee), the following described real estate:

See attached Right of Way rendering designated Exhibit A and legal description designated Exhibit B.

situated in the City of Fairview Heights, County of St. Clair State of Illinois. The above-described real estate and improvements located thereon are herein referred to as the "premises."

Grantor, without limiting the interest above granted and conveyed, acknowledges that upon payment of the agreed consideration, all claims arising out of the above acquisition have been settled, including without limitation, any diminution in value to any remaining property of the Grantor caused by the opening, improving and using the premises for streetscape improvement purposes. This acknowledgment does not waive any claim for trespass or negligence against the Grantee or Grantee's agents which may cause damage to the Grantor's remaining property.

The Parties acknowledge this Warranty Deed is exempt under 35 ILCS 200/31-45(b), the Illinois Real Estate Transfer Tax Law.

H & S INVESTMENT GROUP, LLC

CITY OF FAIRVIEW HEIGHTS

By: 

By: _____

Print: CRAIG J. HACKETT MEMBER

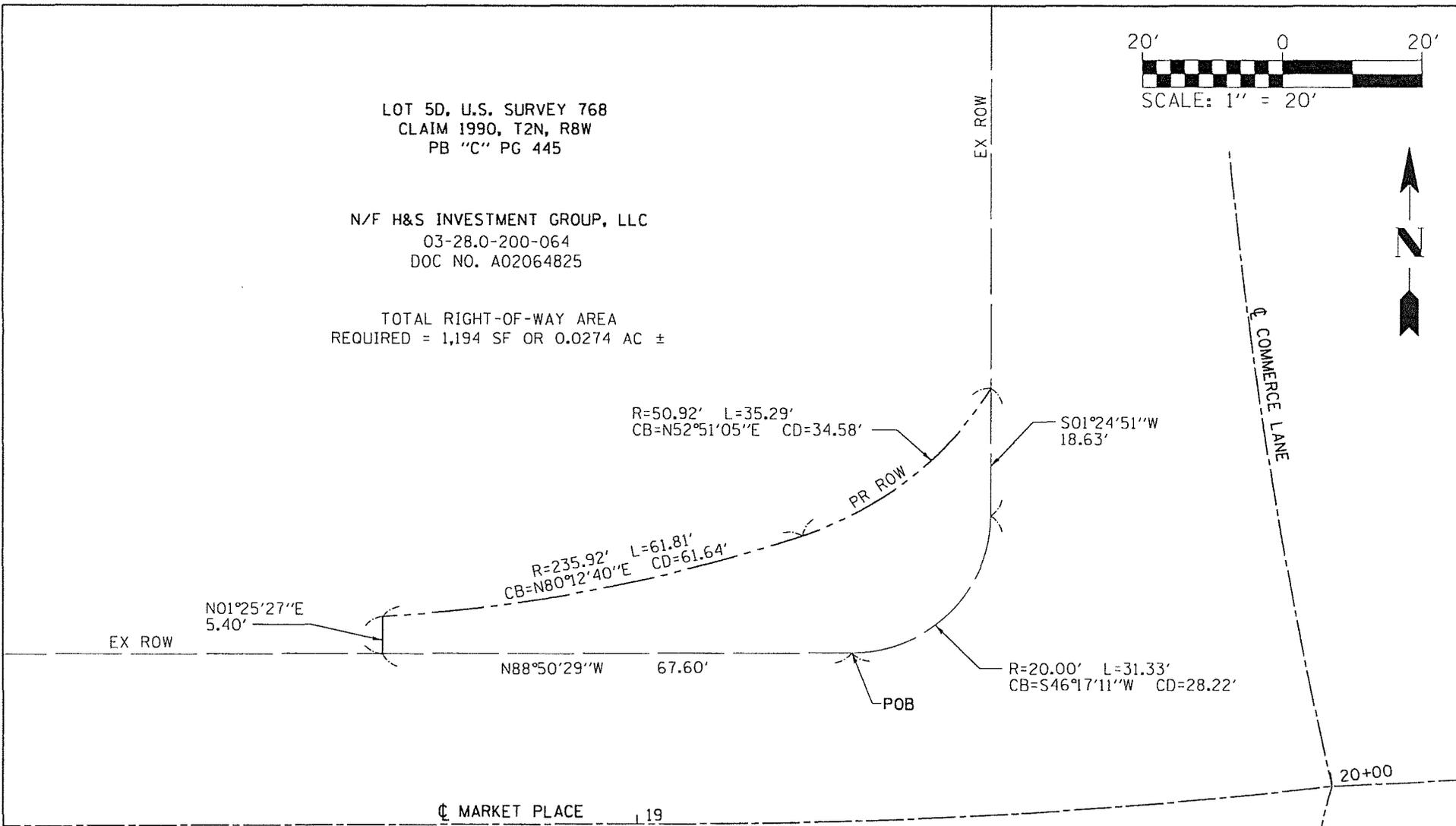
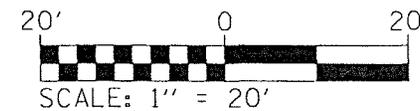
Print: _____

Dated this 21 day of December, 2019.

LOT 5D, U.S. SURVEY 768
 CLAIM 1990, T2N, R8W
 PB "C" PG 445

N/F H&S INVESTMENT GROUP, LLC
 03-28.0-200-064
 DOC NO. A02064825

TOTAL RIGHT-OF-WAY AREA
 REQUIRED = 1,194 SF OR 0.0274 AC ±



LEGEND

- EX RIGHT OF WAY LINE
- ϕ—— PROPERTY LINE
- PROPOSED RIGHT-OF-WAY LINE
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING



PROPOSED RIGHT-OF-WAY
 MARKET PLACE
 CITY OF FAIRVIEW HEIGHTS
 ST. CLAIR COUNTY, IL

EXHIBIT

A

STATE OF ILLINOIS -)
COUNTY OF Madison)

SS

This instrument was acknowledged before me on Dec 21, 2019,
by Craig J Hackett as Member
of H & S Investment Group, LLC__.

Subscribed and sworn to before me, a Notary Public, in and for the State of
Illinois on Dec 21, 2019.

My Commission Expires: 2-5-2021

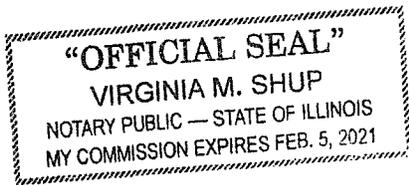


EXHIBIT B

Right of Way

Route: Market Place & Commerce Drive

County: St. Clair

Owner: H & S Investments Group, LLC

Parcel Number: 03-28.0-200-064

Part of Lot 5D in U.S. Survey 768, Claim 1990, Township 2 North, Range 8 West of the Third Principal Meridian, St. Clair County, Illinois reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois in Plat Book "C" on Page 445, described as follows:

Beginning at the most southerly point of intersection of the westerly right of way line of Commerce Lane with the northerly right of way line of Market Place reference being had to the Market Place Phase One plat recorded in said Recorder's Office in Plat Book 70 on Page 41; thence on an assumed bearing of North 88 degrees 50 minutes 29 seconds West on said northerly right of way line, 67.60 feet; thence North 01 degree 25 minutes 27 seconds East, 5.40 feet; thence northeasterly 61.81 feet on a non-tangential curve to the left, having a radius of 235.92 feet, the chord of said curve bears North 80 degrees 12 minutes 40 seconds East, 61.64 feet; thence northeasterly 35.29 feet on a curve to the left, having a radius of 50.92 feet, the chord of said curve bears North 52 degrees 51 minutes 05 seconds East, 34.58 feet to said westerly right of way line; thence South 01 degree 24 minutes 51 seconds West on said westerly right of way line, 18.63 feet; thence southwesterly 31.33 feet continuing on said westerly right of way line being a curve to the right, having a radius of 20.00 feet, the chord of said curve bears South 46 degrees 17 minutes 11 seconds West, 28.22 feet to the Point of Beginning.

Said parcel contains 1,194 square feet or 0.0274 acre, more or less.

PROPOSED ORDINANCE NO. 8-'20

AN ORDINANCE AMENDING CHAPTER 14 THE DEVELOPMENT CODE, ARTICLE I, SECTION 14-1-11 (RULES AND DEFINITIONS), ARTICLE II, SECTIONS 14-2-11 (B-3 COMMUNITY BUSINESS DISTRICT), 14-2-15 (I – INDUSTRIAL DISTRICT) AND ARTICLE IV (SUPPLEMENTARY LAND USE AND AREA-BULK REGULATIONS) OF THE CITY OF FAIRVIEW HEIGHTS MUNICIPAL CODE PERTAINING TO ADULT-USE CANNABIS.

WHEREAS, the City of Fairview Heights, Illinois, has enacted Municipal Code Regulations for the purpose of improving and protecting the public health, safety, comfort, convenience and general welfare of the people; and

WHEREAS, the State of Illinois enacted the Cannabis Regulation and Tax Act (Act), which pertains to the possession, use, cultivation, transportation and dispensing of adult-use cannabis, which became effective June 25, 2019; and

WHEREAS, on December 17, 2019 the City Council voted to allow adult use cannabis establishments in the City; and

WHEREAS, pursuant to the Act, the City may enact reasonable zoning and other ordinances not in conflict with the Act, regulating cannabis business establishments, including rules adopted governing the time, place, manner and number of cannabis business establishments, and minimum distance limitations between cannabis business establishments and locations the City deems sensitive; and

WHEREAS, on February 11, 2020, the Planning Commission held the necessary Public Hearings and reviewed the proposed text amendment and has transmitted its Advisory Report to City Council; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAIRVIEW HEIGHTS, ST. CLAIR COUNTY THAT:

SECTION 1: The recitals set forth above are incorporated herein.

SECTION 2: Chapter 14 Development Code, Article I, Section 14-1-11 (Rules and Definitions) is hereby amended by adding the underlined language, as follows:

ADULT-USE CANNABIS BUSINESS ESTABLISHMENT:

An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

ADULT-USE CANNABIS CRAFT GROWER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS CULTIVATION CENTER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS DISPENSING ORGANIZATION:

A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR:

A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER:

An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act, (P.A. 101-0027), as it may be amended from time-to-time, and regulations promulgated thereunder.

SECTION 3: Section 14-2-11 of the Development Code is hereby amended by adding the underlined language, as follows:

(C) SPECIAL USES IN “B-3”.

Adult-Use Cannabis Dispensing Organization.

SECTION 4: Section 14-2-15 of the Development Code is hereby amended by adding the underlined language, as follows:

(D) SPECIAL USES IN “I”.

Adult-Use Cannabis Dispensing Organization.

SECTION 5: Article IV Supplementary Land Use and Area-Bulk Regulations is hereby amended by adding Section 14-4-26 Adult-Use Cannabis, as follows:

14-4-26: ADULT-USE CANNABIS:

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the dispensing of adult-use cannabis occurring within the corporate limits of the City of Fairview Heights. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (Act), as it may be amended from time-to-time, and regulations promulgated thereunder, and the regulations provided below. In the event that the Act is amended, the more restrictive of the state or local regulations shall apply.

2. Special Use Permit: Adult-Use Cannabis Business Establishment facilities, as defined herein, requiring approval of a conditional use in the respective districts in which they are requested shall be processed in accordance with Section 14-10-8 of this Chapter as provided herein and Chapter 8, Article XVII (Business Regulations).

A. **Relevant parties.** The name(s), physical address(es), and phone number(s) of the owner(s), operator(s) and agent(s) dispensary.

B. **Site Plan.** A site plan of the dispensary, drawn to scale, showing:

- (1) Boundaries of the facility site and parcel on which the facility will be located;
- (2) Nature of the structure to be used for the purpose of cannabis distribution;
- (3) Demonstration that the facility meets the conditions for an enclosed, locked facility;

- (4) Distance from all facilities and uses requiring setbacks as described in this Article;
- (5) All locally required perimeter setback lines;
- (6) Public access roads and the location of access drives into the site with respect to their creating traffic or security hazards;
- (7) Location of all existing structures on the site with their uses identified;
- (8) Current uses, zoning, public roads and structures adjacent to the site;
- (9) Location of proposed video surveillance equipment;
- (10) Proposed lighting of the premises;
- (11) Location, height and nature of any fences or any other barriers meant to provide security for the site;
- (12) Landscaping and buffer plan, including identification of trees to be removed;
- (13) Parking configuration, including a circulation diagram;
- (14) Exterior elevations, including architectural renderings with materials identified;
- (15) Grading/erosion control measures; drainage/storm water management plans;
- (16) Nature and adequacy of supervision and security at the site.

C. **Setbacks.** Evidence demonstrating that the facility would meet all requirements of state law regarding setbacks required by the Act and other regulations of same.

D. **State Fees.** Evidence demonstrating that all state required fees have been or can be paid.

E. **Narrative statement.** A narrative statement shall accompany the application and site plan. At a minimum, it shall contain the following:

- (1) Development schedule providing sequence for the completion of the proposed project.
- (2) Anticipated impact to the community and surrounding area as per 14-10-8 (A).
- (3) A description of the business operation, including hours of operation, number of jobs created, anticipated number of customers.
- (4) Other information that may be deemed appropriate by the zoning administrator.

3. Adult-Use Cannabis Special Use Permit Evaluation Components: In determining compliance with Section 14-10-8 (Special Uses) of this Title, as well as Chapter 8, Article XVII (Business Regulations) and any other pertinent code sections, the following components of the Adult-Use Cannabis establishment shall be evaluated based on the entirety of the circumstances affecting the particular property in the context of the existing and intended future use of the properties:

- A. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.

- B. Proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance.
- C. Hours of operation and anticipated number of customers/employees.
- D. Anticipated parking demand and available private parking supply.
- E. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
- F. Site design, including access points and internal site circulation.
- G. Proposed signage plan.
- H. Compliance with all requirements provided in Chapter 8, Article XVII (Business Regulations).

4. Adult-Use Cannabis Dispensing Organization: In those zoning districts in which an Adult-Use Cannabis Dispensing Organization may be located, the proposed facility must comply with the following:

- A. Facility may not be located within 1,500 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home or residential care home. Learning centers and vocational/trade centers shall not be classified as a public or private school for purposes of this Section.
- B. Facility may not be located in a dwelling unit or within 500 feet of the property line of a pre-existing property zoned for residential purposes.
- C. At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall also sell food for consumption on the premises.
- D. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- E. Security and video surveillance.
 - (1) The Adult-Use Cannabis Dispensing Organization shall be an enclosed, locked facility and shall provide and maintain adequate security on the premises, including lighting, video surveillance and alarms reasonably designed to ensure the safety of persons and to protect the premises from theft. The facility shall be enclosed by a minimum eight feet (8') high solid security fence. The fence must be adequately secure to prevent unauthorized entry and include gates tied to an access control system.
 - (2) The Adult-Use Cannabis Dispensing Organization parking area, storage areas, fully enclosed dumpster, loading area/shipping bays and the entire exterior of Facility shall be monitored by video surveillance equipment whose live images can be viewed by Facility staff, City of Fairview Heights Police Department Staff and those entities that dispatch for the Fairview Heights Police Department, and continually recorded in a tamper proof format.
 - (3) A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."

- (4) A sign shall be posted in a conspicuous location at each entrance to the facility that reads: "Persons under 21 years of age not permitted on these premises."
- (5) The zoning administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Fairview Heights Police Chief.
- (6) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.
- (7) An Adult-Use Cannabis Dispensing Organization shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.

F. Exterior signage. Other than the signs as specified in this Section, all exterior signage shall comply with the provisions of Chapter 14, Article VII (Sign Regulations), further subject to the following:

- (1) Electronic message boards and temporary signs are prohibited.
- (2) Signs shall not include any realistic or stylized graphical representation of cannabis plant or its parts, smoke, drug paraphernalia, or cartoonish imagery oriented toward youth.
- (3) Temporary signs or promotional banners are not permitted.

G. Noxious. Odors. An Adult-Use Cannabis Dispensing Organization shall operate in a manner that prevents odor impacts on neighboring properties and, if necessary, the facility shall be ventilated with a system for odor control approved by the St. Clair County Department of Public Health.

5. Dissolution of Use and Revocation of Zoning.

- A. *Failure to obtain State License.* Should an Adult-Use Cannabis Dispensing Organization fail to provide evidence to the zoning administrator that facility has achieved its approval of licensure from the State of Illinois within 180 days of the approval of its zoning by the City Council, its special use permit shall become null and void. Within 90 working days of the date upon which such special use permit was approved, an Adult-Use Cannabis Dispensing Organization may request of the City Council through the zoning administrator an extension of the aforementioned 180 days for an additional 90 days, upon the provision of evidence providing the cause of the delay and the need for an extension. Such additional extensions may be allowed only at the discretion of the City Council.
- B. *Failure to comply with State and City regulations.* Should an Adult-Use Cannabis Dispensing Organization fail to conform to and meet all laws, rules and regulations established by the State of Illinois and the City Council pursuant to the production and distribution of cannabis and other associated products as allowed under the Act and subsequent implementing regulations, this may be considered a dissolution of use, allowing for the revocation of the Special Use Permit by the City Council.

Should the Special Use Permit be revoked, an entirely new process must be initiated and be considered independent of the previously approved Special Use Permit.

- C. *Termination of use.* Should an Adult-Use Cannabis Dispensing Organization fail to use the property for the purpose under which the special use permit was provided for a period of 180 days, this may be considered dissolution of use, allowing for the revocation of Special Use Permit by the City Council.

SECTION 6: Severability. If any provision of this Ordinance or application thereof to any person or circumstances is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this Ordinance is severable.

SECTION 7: PASSAGE. This Ordinance shall be in full force and effect upon its passage, approval and publication as provided by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

PUBLICATION:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD – CITY CLERK

PROPOSED ORDINANCE NO. 9-'20

AN ORDINANCE GRANTING AN AREA BULK VARIANCE TO ALLOW SIGNAGE IN THE M-2 MULTI-FAMILY RESIDENTIAL DISTRICT TO EXCEED THE AREA OF MULTIPLE DWELLING SIGNS AT 21 NORTHBROOK CIRCLE, FAIRVIEW HEIGHTS, IL, PIN 03-28-403-014.

WHEREAS, the Zoning Board of Appeals on February 6, 2020 held the necessary Public Hearing and reviewed the requested Area/Bulk Variance for 21 Northbrook Circle and has transmitted its Findings of Fact to the City Council.

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

SECTION 1. APPROVAL. The Area/Bulk Variance requested for Section 14-7-3(C) pertaining to area of multiple dwelling signs was recommended for approval by the Zoning Board of Appeals.

SECTION 2. ADVISORY. The Findings of Fact and conditions of this variance from the Zoning Board of Appeals is attached and "EXHIBIT A."

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”

FINDINGS OF FACT ZBA 01-20

Board member Prescott moves to recommend approval of ZBA01-20, an Area Bulk Variance to permit the maximum square footage for multiple dwelling signage to be increased to 64' for at 21 Northbrook Lane, Fairview Heights, Illinois.

Area/Bulk Variance

1. The request will not be injurious or detrimental to the public health, safety and welfare.
2. The applicant is requesting a variance for the use of the property due to the need to enhance the development's identity and increase visibility.
3. Strict application of the Code would deprive the applicant of reasonable use of the property.
4. The request would not alter the essential character of the area.
5. The request will not extend the nonconformity.