

Committee Members:  
Frank Menn  
Ryan Vickers  
Brenda Wagner  
Harry Zimmerman  
Bill Poletti

**A G E N D A**  
**COMMUNITY COMMITTEE**

February 19, 2020 – 7:00 p.m.

Council Chambers  
Fairview Heights City Hall  
10025 Bunkum Road

**Public Participation**

Approval of Minutes – [January 22, 2020](#)

***Development***

***Alderman Bill Poletti, Chairman***

1. Progress Report on the “All In” Branding Campaign from The Fource
2. Update on ongoing marketing efforts
3. [Director’s Report](#)

***Parks & Recreation***

***Alderman Brenda Wagner, Chairman***

1. [Director’s Report – Review and Discussion of items in the Director’s Report](#)

***Planning***

***Alderman Harry Zimmerman, Chairman***

1. [Director’s Report](#)
2. [ZBA 01-20 Area Bulk Variance at 21 Northbrook \(Longacre Ponds Apartments\) to allow signage in the M-2 District to exceed the permitted area](#)
3. [PC 01-20 Zoning Text Amendments relating to Adult-Use Cannabis Establishments](#)

**COMMUNITY COMMITTEE MINUTES**  
**Wednesday, January 22, 2020 – 7:00 p.m.**  
**City Council Chambers**  
**10025 Bunkum Road, Fairview Heights, IL**

**Committee Members in attendance** – Frank Menn, Ryan Vickers, Brenda Wagner, Harry Zimmerman, Bill Poletti

**Committee Members absent** – Mayor Mark Kupsky, Ex-officio

**Other Aldermen and Elected Official in attendance** – Pat Baeske, Josh Frawley, Pat Peck, Denise Williams, City Clerk Karen Kaufhold

**Staff in attendance** - Parks and Recreation Director Angela Beaston, Economic Development Director Paul Ellis, Land Use and Development Director Andrea Riganti, City Attorney Andrew Hoerner, Lt. David Kitley

**Public Participation** – None.

**Approval of December 18, 2019**

Motion and second to approve said minutes were made by Committee Members Harry Zimmerman/Ryan Vickers. Motion carried.

**Development Committee**

*Alderman Bill Poletti, Chairman*

**Update from The Fource on launch of the Branding Campaign**

Director Ellis gave an update on the on the launch of the app for the Fource Group Branding Campaign and further stated that all app and privacy issues are being addressed.

**Review of final version of the Economic Development Strategy**

Director Ellis presented to Committee the final version of the Economic Development Strategy for review.

Motion and second to recommend to City Council approval of the final version of the Economic Development Strategy were made by Aldermen Ryan Vickers/Harry Zimmerman. Motion carried.

**Economic Development Director's Report**

Director Ellis presented the Director's report to Committee for review. Committee discussed what possible impact the Economic Development Strategy will have once it is approved.

**Sales Tax Collections**

Director Ellis presented the Sales, Hotel/Motel and Food and Beverage Tax Reports to Committee for review.

**Planning Committee**

*Alderman Harry Zimmerman, Chairman*

**Land Use & Development Director's Report**

Director Riganti presented the Director's report to Committee for review. There were no questions.

**St. Clair County Transit District**

Director Riganti reviewed with Committee on the status of the St. Clair County Transit District and maps of the proposed Bike Trail System.

Motion and second to recommend to City Council a Resolution of support for the St. Clair County Transit District Bike Trail System, pending additional review and refinement with no commitment of funding as match for the trails were made by Aldermen Brenda Wagner/Ryan Vickers. Motion carried.

**Parks & Recreation Committee**

*Alderman Brenda Wagner, Chairman*

**Parks and Recreation Director's Report**

Director Beaston presented the Director's written report to Committee for review. There were no questions.

Meeting adjourned at 8:05 p.m.

Submitted By:

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Recorder

# MEMORANDUM

TO: Elected Officials

FROM: Paul A. Ellis, Director of Economic Development

DATE: February 14, 2020

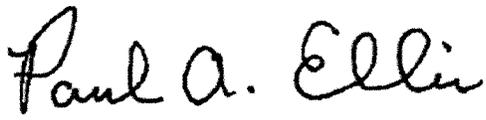
SUBJECT: Economic Dev. Dept. - Director's Report

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1. Now that the Economic Development (ED) Strategy has been adopted, the Director is working to implement its recommendations, especially those that will boost sales tax, hotel/motel tax, and food & beverage tax collections (see below).
2. Aspects of the ED Strategy are particularly interesting to investors, including potential property and business owners, and the Director is sharing the document widely to support interest from those quarters.
3. The Director is working with other City departments and outside agencies to assemble data for the dashboard, which should be available beginning next month, and will begin reporting progress towards goals established in the Strategy each month under items designated with a chevron (▼)
4. The Fource has launched the app for the "All In" Branding Campaign with more than 2300 copies downloaded and 24 offers tendered to date; more than 5200 people visited the website in this month alone (consultants will be on hand Wednesday night to provide a progress report and demonstrations).
5. In addition to the marketing derived from the campaign, the Economic Dev. Dept. is assembling big (aggregate) data which will enable the Director to provide more current and precise market information to brokers, developers and retailers looking to expand into Fairview Heights.
6. Negotiations continue with a developer who is looking to redevelop a large parcel around Exit 12; the Director is expecting to host a site visit in the next few weeks.
7. A national retailer not currently in the Metro East is now looking at other potential locations in Fairview Heights after determining that the former Babies 'R' Us location is too small.
8. The Director and the Director of Land Use & Development are reviewing a new promotional approach being deployed by the City of Hazelwood (MO) for potential incorporation into the Business Assistance Program (see attachment a, below).
9. The Director and the Director of Land Use & Development are also scheduled for a conference call with the Namdar Realty Group, the new owners of Fairview Heights Plaza, to review with that property owner the recommendations for future development included in the ED Strategy. ▼
10. Work continues with Bi-State Development to develop a program supporting food trucks and other "pop up" retail at the MetroLink station here; the Director is in touch with local restaurateurs and others to provide local vendors for this currently untapped retail market. ▼

*Economic Dev. Dept. – Director's Report (continued)*

11. As the closest full service municipality to the facility, Fairview Heights has developed a highly visible partnership with the World Wide Technologies Raceway; the Director will be meeting with representatives from this venue next month to explore setting up shuttles from St. Clair Square to the raceway similar to the popular Red Bird Express. ♥
12. The Mid America Workforce Investment Board (MAWIB) is exploring how to establish a retail training center in Fairview Heights to serve the agency's multi-county service area.
13. John Vitale, a Fairview Heights resident who helped facilitate the location of the Signature Tap House, is continuing to help the Director recruit restaurateurs to Fairview Heights through his affiliation with the Mid America Business Brokers Association.
14. The Director moderated a panel discussion on digital marketing earlier this month at ICSC's Heartland States trade show in St. Louis, at which time he was able to promote the city's new Branding Campaign to more than 200 retailers and real estate brokers.
15. The Director and the City's Program Administrator, Tom Appelbaum, have set up a kick-off event to promote the PACE financing incentive with real estate brokers, developers, contractors and property owners on Wednesday evening, Feb. 19 (see attachment b).
16. The Director has been invited to brief brokers from the BARBERMurphy Group, the Metro East's largest commercial real estate office, on PACE and other city initiatives on Friday, Feb. 21.



Paul A. Ellis  
Director of Economic Development

Attachments:

- a. Somera Road Inc. Partners with City of Hazelwood to Award Grant to Local Businesses [Hazelwood, MO Newsletter]
- b. Flyer for PACE Financing Kick Off Event
- c. Community Contacts – Business Retention Visits

# PACE Financing

Property Assessed Clean Energy

## KICK OFF

Wednesday, Feb. 19th

4:00 - 7:00 PM

Library Lower Level

10017 Bunkum Rd.

Fairview Heights



# FREE

Registration Requested  
by February 17th

TO RSVP OR  
FOR MORE INFO:

**CALL 618.489.2033**

[ellis@cofh.org](mailto:ellis@cofh.org)

## STOP BY & LEARN

PACE financing can be used for energy efficiency upgrades, disaster resiliency improvements, water conservation measures, or renewable energy installations as part of renovation or new construction of commercial properties. PACE financing is available now, for the first time in Southern Illinois, for projects within the city limits of Fairview Heights.

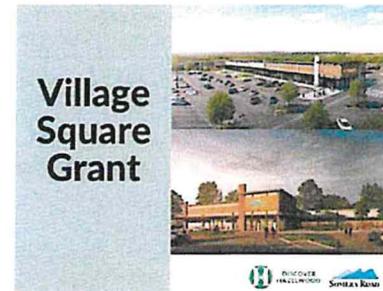


## Economic Development

Posted on: January 22, 2020

### Somera Road Inc. Partners with City of Hazelwood to Award Grant to Local Businesses

HAZELWOOD, MO, January 20, 2020 – [Somera Road](#) Inc., a New York-based commercial real estate firm, announces today a strategic partnership with the City of Hazelwood, Missouri, and the Hazelwood Industrial Development Authority to award a small business grant to local businesses seeking storefront space in Village Square Center. The office and retail property, located at the intersection of Lindbergh Boulevard and Interstate 270, is currently undergoing a significant redevelopment program to revitalize and re-tenant the mixed-use center.



“One of the most challenging expenses for any business - especially small business - is real estate costs,” noted Michael Ervolina, Somera Road. “The Village Square Small Business Grant will provide recipients a financial package to invest in their space and help them open for business at Village Square. Additionally, we are excited to provide the space at zero base rent, which will allow recipients the flexibility to focus on what’s most important – their business. There is enormous potential in Hazelwood and we are excited to tap into the ambitions of the local business community in partnership with City officials.”

Interested business owners and entrepreneurs are invited to apply using the [Grant’s website](#) and online application. The applicant deadline is February 28<sup>th</sup>, 2020, which will be followed by a ‘Shark Tank’ styled competition in April to select the final winners. Businesses such as restaurants, clothing boutiques, hair salons, among others may apply. The program is available for local individuals and businesses with small, existing operations or new endeavors looking for retail space.

Recipient will be awarded funds up to \$10,000 to be used for startup costs associated with building out their space at Village Square. Instead of a fixed monthly rent payment, rent will be based off a percentage of sales above a pre-determined threshold, which incentivizes all parties to improve sales and to have their business be successful.

“Village Square has been a shopping destination and staple of the Hazelwood community for many years and is currently undergoing significant and much-needed renovation efforts,” noted Rebecca Ahlvin, Community and Economic Development Coordinator for the City of Hazelwood. “We are inspired to see this center become the vibrant, exciting place it once was and we see this partnership and grant program as the vehicle to kick-start that initiative.”

To apply for the Village Square Small Business Grant, visit [www.villagesquaregrant.com](http://www.villagesquaregrant.com) and for more information about Somera Road Inc., visit [www.someraroadinc.com](http://www.someraroadinc.com).

#### Media Contact:

**Hope Wheeler**

**P: 202-302-2906**

**E: [hope@collins-company.com](mailto:hope@collins-company.com)**

# Community Contacts

Business Retention (Current Businesses) - Jan/Feb 2020

Company Name	Contact Name	Business Address (Street No. if in Fairview)	Ward	Purpose
Cafe Biz 618	 Ke'Ira Lewis	10850 Lincoln Trail (Suite 16)	III	Leasing assistance and program support
CBD Kratom	 David Palatnik	10300 Lincoln Trail	II	Chain owner; intro & campaign sign-up
Farnsworth Group	 Brian Paul	391 Frank Scott Pkwy. E.	V	Branch manager; potential relocation
GaUCHO's Argentinian Steakhouse	 Oscar Farina	823 Lincoln Hwy (Suite 105)	IV	Owner; intro & campaign sign-up
Lizzie Bobs Sweets From Scratch, LLC	 Elizabeth Toepfer	823 Lincoln Hwy. (Suite 102)	IV	Owner; intro & campaign sign-up
Lou Fusz Alfa Romeo & Fiat of Metro East	 Chris Williams	501 Salem Pl.	IV	Sales manager; intro & campaign sign-up
Olde World Jewelers	 George Sharos	4614 N. Illinois St.	V	Following up on previous retention visit
Pyramid Electrical Contractors, Inc.	 Ken Keeney	300 Monticello Pl.	IV	Owner; intro & campaign sign-up; PACE
Randall's Wines & Spirits	 Todd Randall	10800 Lincoln Trail	III	Leasing assistance
Simply De'Cor Design	 Tonya Clark	10234 Lincoln Trail	II	Opening a new business

# PARKS AND RECREATION DEPARTMENT

## INTER OFFICE MEMO

TO: Elected Officials  
FROM: Angela Beaston, Director of Parks and Recreation  
DATE: February 14, 2020  
SUBJECT: Parks & Recreation Committee Agenda Overview

### **PARKS:**

Staff is currently working with a design team to prepare budget numbers for a master plan to renovate Pleasant Ridge Park. By partnering with a landscape design team it will enable us the ability to apply for larger grants that are available through the State of Illinois. Budget numbers will be presented in the 2020/2021 fiscal budget.

The following items are currently or soon to be under construction:

- 1) Removal of Sign at Moody Park and replace with a digital display sign, project should begin sometime in February/March.
- 2) Installation of Lights on the Miracle League Field, this project was made possible with grant funding from the State of Illinois. We are currently in the beginning stages of planning and should see construction begin early summer.
- 3) Electrical Panel Upgrade at Moody Park: This upgrade will occur before the end of the fiscal year, each year we continue to upgrade the original electrical panels in the park to bring them up to code for safety and efficiency.

### **THE REC:**

Digital signage at The REC, this project was made possible by a partnership with HSHS Hospital. The project is 75% complete, the metal paneling and digital board for the display is on order and should arrive by the end February.

The January promotion at the REC had fantastic results, we continue to reach new members while creating new ideas to boost member involvement to help increase retention. The current promotion for the month of February is a member passport which encourages members to experience different opportunities within the building to earn prizes. The concept of this promotion is to encourage members to step outside their comfort zone and try all the wonderful things the REC has to offer.

### **RECREATION:**

The Recreation Department currently has several different programs for people of all ages, check the website or magazine for all the wonderful programs and services that are offered to the residents in our community.

Upcoming Events:

**Easter Egg Hunt at Moody Park:** The annual Easter Egg Hunt will be held at Moody Park on Saturday, April 25<sup>th</sup>.

**Community Clean Up:** The Spring Community Clean Up will be held on Saturday, April 4<sup>th</sup> at Moody Park.



# CITY OF FAIRVIEW HEIGHTS

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

## INTEROFFICE MEMORANDUM

To: City Council  
From: Andrea Riganti, Land Use and Development Director  
Subject: Director's Report  
Date: February 13, 2020

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Following are the major action items or ongoing projects for the Department of Land Use and Development (LUD):

### Planning and Zoning

- The Planning Commission met on February 11, 2020 to consider zoning text amendments for recreational adult-use cannabis. This item will be discussed in more detail at the February 19 Community Committee meeting.
- Zoning Board of Appeals (ZBA) met on February 6 hear a variance request from Longacre Pond Apartments to allow additional signage on the property. The ZBA recommended approval of the request. It is being forwarded to Community Committee on February 19 for consideration.
- Staff is working with the U.S. Census Bureau on the Boundary and Annexation Survey, the Local Update of Census Addresses and other data to prepare for the 2020 decennial count.
- Staff continues to respond to questions and consult with developers, property owners, and residents on new development, annexation and zoning related matters.
- Staff continues to work with Economic Development Department on various efforts including encouraging joint meetings with potential developers, recommending the in-house development of an economic development packet (which could include an "Open for Business Guide", updated list of incentives, demographic information about the City, map, and other resources), the Economic Development Strategy, and Business Alliance Commission.
- Staff is reviewing the redevelopment plans for the existing Tax Increment Financing (TIF) districts to determine accomplishments and identify future projects.
- Staff continues to review the draft Development Code. Several issues with the draft have been identified, which will require revisions prior to bringing the code forward for adoption.

### Code Enforcement

- Staff continues to perform routine inspections of problem properties and "hot spots" for potential property maintenance issues. Staff also responds to complaint driven issues for same.

- A problem property list has been created for properties that have four valid complaints within 12 consecutive months. These properties are to be proactively inspected twice a month, rather than complaint driven.
- Staff continues to respond to animal control calls.
- During the winter months, staff will engage in property maintenance sweeps of commercial areas.
- Staff continues to establish a neighborhood preservation strategy. The Vacant Building Registration Program draft ordinance is being reviewed by the City Attorney.

### IDENTIFIED PROBLEM PROPERTIES - MONITORING REPORT

February 2020

ADDRESS	DESCRIPTION OF ISSUE	STATUS (CITED, COURT, ABATED)
9329 Bunkum Road	Tree/junk-debris	Ready for new citations (pending by way of processing)
101 Circle Drive	Tree/junk-debris/grass	Show cause issued on 2-7-20 set for 3-5-20
1419 First Ave.		In compliance
9210 Highland Park Road	N/A	In compliance through January
9008 Hillside Ave	Inoperable vehicle	Court date on 3-5-20
9959 Holy Cross Road	N/A	In compliance through January
Huntleigh Drive Berm	N/A	In compliance through January
10251 Lincoln Trail	trash-debris	Citations sent scheduled for 3-19-20
10850 Lincoln Trail	trash-debris	Have been in contact with property manager about trash issues
1435 Magdalena St.	junk-debris/PM	Ongoing since 6-22-16 (no contact available) Suspicious Circumstance from P.D. ordered new board up of property on 2-5-20
9733 Old Lincoln Trail	grass	In compliance through January
1619 Pontiac Road	PM	(Change in ownership) In compliance
9902 South Road	grass	In compliance through January (recent change of ownership)
9951 South Road	numerous violations	citations dismissed by way of (A.H.)
9964 South Road	grass	In compliance through January
9966 South Road	Shed in disrepair	letter sent on January 29, 2020 to correct issue by March 1, 2020
9125 Summit Drive	numerous violations	Failed to appear/ Ex parte conviction on two citations for \$100.00 each
9123 Summit Drive	grass	In compliance through January
505 St. Clair Road	junk-debris	pending
1722 Sycamore Road	grass	No change through January (recent change in ownership)
70 Wilshire Drive	PM	Compliance letters sent out for roof & trash debris
305 David Drive	PM	Pending
208 Elvira	Junk/Debris	No Issue at this time
205 Ashland	Unsafe/Vacant	No change
19 Orlando	Vacant	No change
16 Lexington	Vacant/Grass/weeds	No change
116 Richmond	Junk/Debris	Building permit
54 Potomac	Overgrowth, weeds, some d	Owner moved/vacant
8 Irma Lane	Junk/debris/vehicle issues	Work in progress
20 Hollandia Drive	Debris, items in street	Court actions pending-JW
112 Kassing Ave	Yard issues/vehicle issues	FORECLOSURE
115 South Ruby Lane	Vehicle/Barn/Pool/Occ issue	Court actions pending - EF
105 North Ruby Lane	structure & yard & other	Pending demolition
128 Susan Court	structure & yard & other	Tax Sale

Properties added to the problem property list have four valid complaints within 12 months.

Properties should be proactively inspected twice a month, not complaint driven.

If a warning letter is sent property shall be inspected the next business day after requested abatement. Citations shall be issued if no compliance.

## Building Division

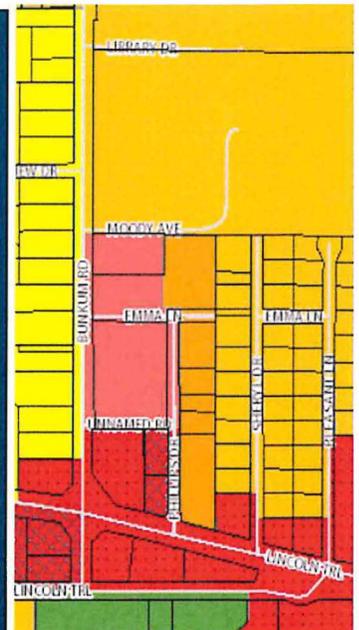
- Staff continues to perform plan review and building related inspections.
- There were thirty-eight building permits issued in the month of January, 2020 compared to 39 building permits issued in January 2019.
- Twelve commercial occupancy permits were issued in January 2020, compared to nine issued in January 2019.
- Building division staff is performing annual inspections of hotels and motels to ensure compliance with health, safety and building codes.

UNSAFE STRUCTURES					
As of FEBRUARY 2020					
TOP FIVE PRIORITY (In the demolition process)					
ADDRESS	OWNER	DESCRIPTION	DATE CONDEMNED	RECOMMENDATION (REPAIR/DEMOLISH)	STATUS
109 N Ruby	Vincent Thomas & orian Bauer	Single Family Dwelling	9/18/2018	Demolition	Contract for demolition issued
9716 Ridge heights	William & Nancy Scofield	Single Family Dwelling	3/14/2014	Demolition	Demolition order approved
9755 Greenridge Hgts	DIAMANTE CAPITAL	Single Family Dwelling	5/21/2013	Demolition or Repair	in court
25&27 Sharilane Drive	St Clair Count Trustee	Duplex	6/6/2016	Demolition or repair	citations issued
9770 Ridge Heights	Carol Smiley	Single Family Dwelling	4/16/2018	Demolition or Repair	citations issued
OTHER UNSAFE STRUCTURES					
9608 Old Lincoln Trail	AAFAB	Single Family	8/30/2013	Demo Or Repair	
10319 Lincoln Trail	Vista Securities	Commercial	2/18/2014	Demo or Repair	
128 Susan Court	St Clair County Trustee	Single Family	6/2/2014	Demo Or Repair	
34 Pine Trail	Keith & Linda Santamour	Single Family	4/20/2016	Demo Or Repair	
9210 Highland Park Rd	Richard Egbert	Single family	4/26/2017	Repair	
72 Bayberry Drive	DIAMANTE CAPITAL	Single Family	8/16/2012	Repair	
8921 Old Bunkum Rd REAR	1rst Alliance Real Estate Inc.	Mobile Home	1/30/2017	Demo or Repair	
8921 1/2 Old Bunkum Road	1rst Alliance Real Estate Inc.	Single Family	1/30/2017	Demo Or Repair	
1703 Pontiac Road	Shane Hale	Mobile Home & Access	10/27/2017	Demolition	
1435 Magdalena Ave	Kristina Johnson	Single Family	12/13/2017	Demo Or Repair	
66 Montclair	Jesse Henley	Single Family	3/28/2018	Repair	
9622 Old Lincoln Trail	Dwayne & Pamela Estes	Single Family	4/6/2018	Repair	
16 Lexington Drive	John & Deboral Burdell	Single Family	5/17/2018	Demo Or Repair	
8923 Old Bunkum Road	Dale & Nicole Cochran	Single Family	6/5/2018	Demo Or Repair	
9733 Old Lincoln	Frank Degenhardt	Single Family	6/11/2018	Repair	
8923 Bunkum Road	Gerald Stickland	Single Family	10/29/2018	Repair	
1513 Pleasant View Drive	Leo Fischer	Single Family	5/16/2019	Demolition	
205 Ashland	Patrick Wongler	Mobile Home & Access	9/11/2019	Demo Or Repair	
29 Lexington	Steven Atkinson	Single Family	12/3/2019	Repair	
8921 Old Bunkum Road	1rst Alliance Real Estate Inc.	Single Family	1/30/2017	Demo or Repair	
9122 Summit	Steven Galvez & Brittany farris	Single Family	1/29/2020	Repair	

Please let me know if there are questions or concerns

## FYE - DID YOU KNOW...ZONING ORDINANCES

- Zoning is an expression of the police power – the power to regulate activity by private persons for the health, safety, morals, and general welfare of the public
- Zoning is the primary comprehensive plan implementation tool
- Divides the municipalities into zoning districts which are shown on a map
- Each district is defined in the zoning ordinance by:
  - Permitted land uses, special uses
  - The size (bulk) of the building
  - Property line setbacks
  - Parking requirements
  - Lot size and building coverage
  - Landscaping standards
  - Development guidelines





## CITY OF FAIRVIEW HEIGHTS

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

February 14, 2020

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

Dear City Council Member:

The petition listed below is hereby transmitted for your consideration:

<b>Petition No:</b>	ZBA 01-20
<b>Petitioner:</b>	Longacre Ponds Apartments
<b>Request:</b>	Area/Bulk Variance
<b>Location:</b>	21 Northbrook Circle
<b>Hearing Date:</b>	February 4, 2020
<b>Recommendation:</b>	Approval
<b>Votes:</b>	Yeas- Abernathy, Peterson, Prescott, Fowler, Wicks Nays- None Absent-Bunfill, Petroff
<b>Ward:</b>	III
<b>Council Action:</b>	Ordinance Adoption (draft attached)

Attached is the application and staff report for background.

Respectfully,

*Cheryl Bunfill*

Cheryl Bunfill, Chairman  
Zoning Board of Appeals

**ORDINANCE NO.**

**AN ORDINANCE GRANTING AN AREA BULK VARIANCE TO ALLOW AN ACCESSORY STRUCTURE AT 9800 ST. CLAIR AVENUE, LOCATED IN THE "C" CONSERVATION DISTRICT, TO EXCEED THE SQUARE FOOTAGE OF THE PRINCIPAL STRUCTURE**

WHEREAS, the Zoning Board of Appeals on February 6, 2020 held the necessary Public Hearing and reviewed the requested Area/Bulk Variance 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 14-4-4(A) pertaining size of accessory structure was recommended for approval by the Zoning Board of Appeals.

SECTION 2. ADVISORY. The Findings of Fact and conditions of this variance are 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.

FIRST READING:

SECOND READING:

PASSED:

APPROVED:

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Mark Kupsky, Mayor  
City of Fairview Heights

ATTEST:

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Karen Kauffhold  
City Clerk

Sponsored by:  
Planning Committee

**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.



## DEPARTMENT OF LAND USE AND DEVELOPMENT

10025 Bunkum Road. Fairview Heights, Illinois 62208. 618-489-2000. [www.cofh.org](http://www.cofh.org)

### TRANSMITTAL TO ZONING BOARD OF APPEALS

**APPLICATION NUMBER:** ZBA-01-20

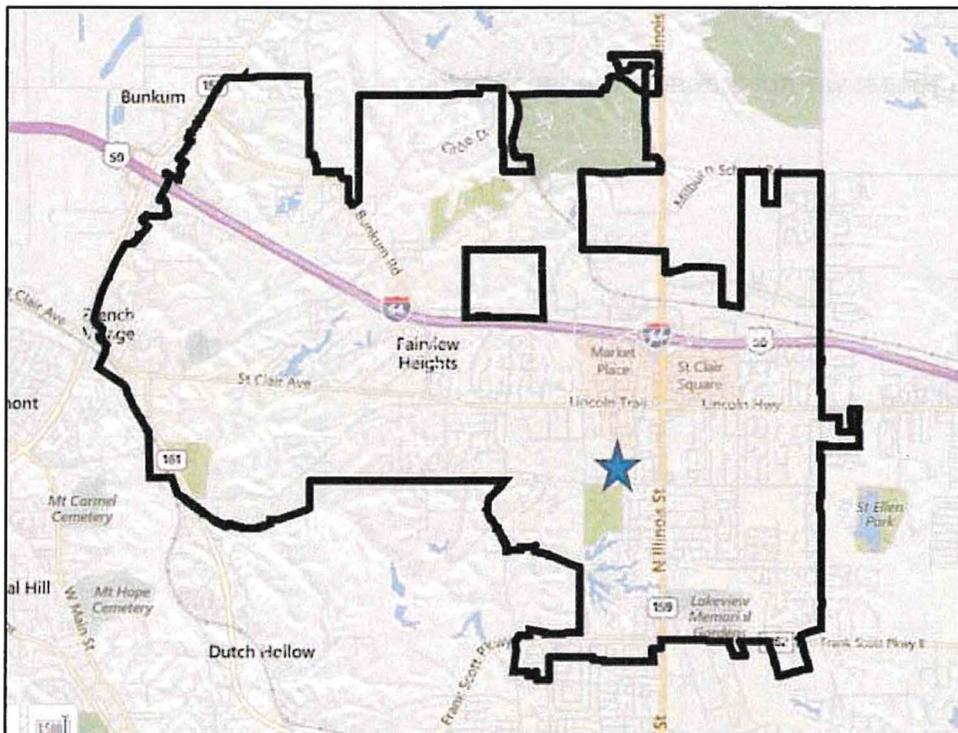
**REQUEST:** Area Bulk Variance to allow signage in the M-2, Multi-Family Residential District to exceed the area of multiple dwelling signs permitted for the property addressed as 21 Northbrook Circle, Fairview Heights, Illinois. St. Clair Co. PIN 03-28.0-403-014.

**APPLICANT NAME:** Andrea Szczepanski, 21 Northbrook Circle, Fairview Heights, IL 62208

**MEETING DATE:** January 2, 2020

**ZONING:** M-2 Multi-Family Residential

**LAND USE:** Apartments



**ZBA 1-20**

★ Subject Property



January 2, 2020

# STAFF ADVISORY

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## 1. BACKGROUND

The City of Fairview Heights Development Code divides the City into districts and establishes standards for lot width, yard setbacks, area, and more. The standards vary amongst zoning districts and are specific to the characteristics of each. In addition, the Development Code establishes standards for parking, lighting, signage, accessory uses and more.

The subject property located at 21 North Circle Drive is zoned M-2 Multiple Family Residential. It is an apartment complex known as Long Acre Ponds. The applicant is requesting a variance to section 14-7-3.c which states:

**14-7-3      ALL RESIDENTIAL AND CONSERVATION DISTRICTS.**

(A)      **Signs On Premises.** Permitted signs may be anywhere on the premises, except as restricted by **Section 14-4-4(A)**, or if ground-mounted, the top shall not be over **five (5) feet** above the ground, and if wall-mounted, shall be flush-mounted and shall not project above the roof line. Lighting, if used, shall be white.

(B)      **Size Of Dwelling Sign.** A sign not exceeding **five (5) square feet** in area shall be permitted per dwelling unit. The sign per dwelling shall indicate only the name of the occupant and may include the address.

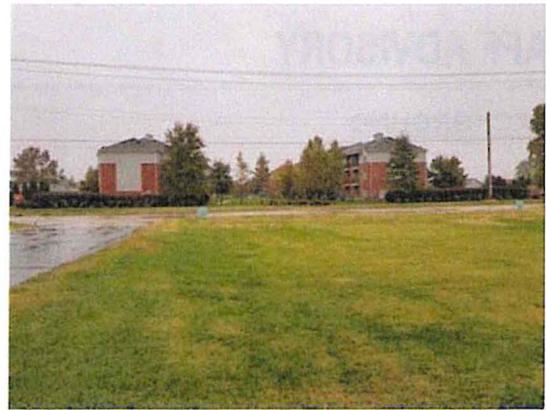
(C)      **Area Of Multiple Dwelling Sign.** For multiple dwellings, **one (1) additional sign totaling six (6) square feet** in area shall be permitted. The additional sign area permitted for multiple dwelling shall only be for identification of the building.

## 2. DISCUSSION

### Context

The subject property is located in the mid-southern portion of the City, north of Longacre Drive and just west of North Illinois Street. It includes an apartment complex with about 252 units. There are two entrances into the complex located off of Longacre Drive. The complex was constructed in 2006 and does not meet all current zoning regulations and has no substantial outstanding building or property maintenance violations.





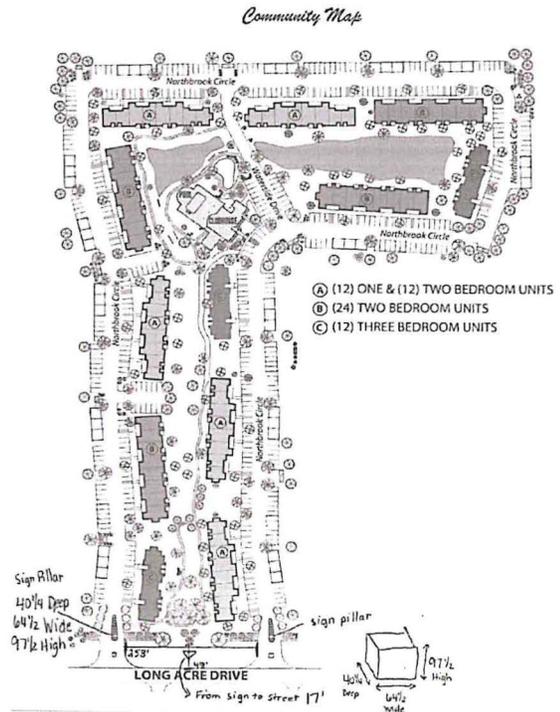
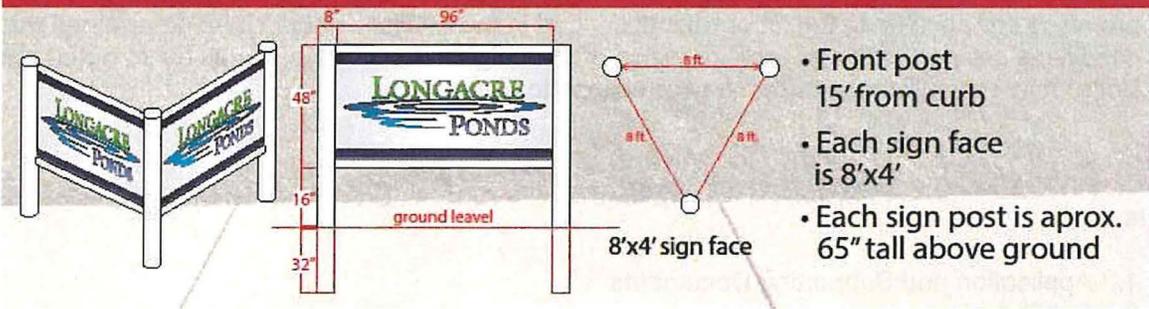
#### Reason for the Request

Signage for the existing development includes two concrete and brick faced pillars at each of the two entrances. The maximum area of multiple dwelling signage is six square feet. The existing signage meets this maximum.



To provide additional identification and increase sign visibility from Longacre Road, the applicant is seeking to add a monument sign on the property. A "V" monument sign with a total sign face area of 64 square feet is proposed. The additional sign would exceed the maximum square footage allowed for multiple dwelling signs. The proposed location of the sign is the center of the parcel frontage north of Longacre Drive. The area is currently a grassy area with some seasonal plantings. No trees or other vegetation is proposed to be removed to allow for the sign installation, if permitted.

# Proposed Location and Rendering



### **3. AREA-BULK VARIANCE CRITERIA**

In accordance with 14-10-13 Zoning Board of Appeals: Powers, Duties, Procedures, no area-bulk variance in the application of any provisions of this Code shall be recommended by the Board, unless it finds:

(a) That special circumstances or conditions fully described in findings of fact apply to the land or buildings for which the area-bulk variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to the land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this Code would deprive the applicant of a reasonable use of such land or building;

(b) that, for reasons fully set forth in the findings, the recommending of the area-bulk variance is necessary for the reasonable use of land or buildings, and that the variance as recommended by the Board is the minimum variance that will accomplish this purpose;

(c) that the recommending of this variance will be in harmony with the general purpose and intent of this Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in making its recommendations shall take into account whether the conditions of the subject premises are peculiar to the lot or tract described in the petition. Should it be determined that the conditions are part of the general condition of the neighborhood, then it shall be so noted and the Board may recommend appropriate corrections to Code.

#### **Exhibits**

1. Application and Supporting Documents
2. Public notice
3. Draft Findings of Fact

# APPLICATION FOR SIGN VARIANCE



Land Use and Development Department  
Fairview Heights City Hall  
10025 Bunkum Road  
Fairview Heights, IL 62208  
Phone (618) 489-2060

(Do not write in this space – for office use only)

Case Number Assigned: <u>ZBA01-20</u>	Date Proof of Public Notice Sign Provided: _____
Date Application Received: <u>11/14/19</u>	Zoning District of Property: _____
Date Set for Hearing: <u>1/2/20</u>	Recommendation of ZBA: _____
Name of Newspaper and Publication Date: _____	Date of City Council 2nd reading: _____
Publication Fee Paid: _____	Action by City Council: _____

All information must be completed and submitted herewith. Applicants are encouraged to visit the Land Use and Development Department for any assistance needed in completing this form.

1. Name of property owner(s): Longacre Ponds Apartments  
Mailing address: 21 Northbrook Circle, Fairview Heights  
Phone: 618-394-0320  
E-Mail: longacre\_mgr@catalyst-ps.com
2. Name of applicant (if other than owner): Andrzej Szepanski  
Relationship to owner (contractor, family member, lessee, etc.): Employee  
Mailing address: 21 Northbrook Circle, Fairview Hghts, 62208  
Phone: 618-394-0320  
E-Mail: longacre\_asst@catalyst-ps.com

3. Address of property: 21 Northbrook Circle, Fairview Heights  
Parcel (Tax) ID number: \_\_\_\_\_  
Present use of property: Apartment Complex - rentals  
Zoning district: \_\_\_\_\_

4. Variance requested (be specific): To put up a sign visible from both oncoming directions of traffic along Longacre Rd, on the property. Two 8'x4' panels angled as a V, 15' from the curb on Longacre Drive  
\_\_\_\_\_  
\_\_\_\_\_

5. Hardship: What unique physical characteristics of the subject property are cause for allowing reasonable relief from Development Code sign regulations?

- |                                      |                                     |  |
|--------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> Too narrow  | <input type="checkbox"/> Topography | <input type="checkbox"/> Soil                    |
| <input type="checkbox"/> Too small   | <input type="checkbox"/> Drainage   | <input type="checkbox"/> Sub-surface             |
| <input type="checkbox"/> Too shallow | <input type="checkbox"/> Shape      | <input checked="" type="checkbox"/> Other: _____ |

Please describe:

There are currently two concrete/brick faced property signs, parallel to Longacre Dr., at two entrances. Placement of the new sign would be in between the two signs and on the property.  
\_\_\_\_\_  
\_\_\_\_\_

6. Are the conditions of hardship for which you request a variance peculiar only to the property described by this petition?  Yes  No

If "no", how many other properties are similarly affected? \_\_\_\_\_

7. Was the hardship created by the action of anyone having property interest in the land after the Development Code was adopted?  Yes  No

If "yes", please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Was the hardship created by any other man-made change; such as the relocation of a road? ( ) Yes (x) No

If "yes", please describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. A sign variance is requested for the property described above in conformity with the documents submitted herewith.

I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

I consent that the entry in or upon the premises described in this application by any authorized official of Fairview Heights, Illinois for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

Signature of Owner: Dawn Jones Date: \_\_\_\_\_

Signature of Applicant: [Signature] Date: 11-14-19



## CITY OF FAIRVIEW HEIGHTS

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

### **PUBLIC NOTICE**

Notice is hereby given that a public hearing will be held before the Fairview Heights Zoning Board of Appeals on Thursday, January 2, 2020 at 7:00 p.m. in the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois at which time and place the Zoning Board of Appeals will consider an Area Bulk Variance to allow signage in the M-2, Multi-Family Residential District to exceed the area of multiple dwelling signs permitted and allow a sign to be constructed at an area of 32 square feet. The property is addressed as 21 Northbrook Circle, Fairview Heights, Illinois. St. Clair Co. PIN 03-28.0-403-014.

Request was made by Andrea Sczepanski, 21 Northbrook Circle., Fairview Heights, IL 62208.

All persons desiring to comment on this proposal may appear at said hearing and be heard thereon.

Dated December 10, 2019

### **FAIRVIEW HEIGHTS ZONING BOARD OF APPEALS**

BY: Cheryl Bunfill

ZBA01-20

## FINDINGS

### ZBA01-20

Board member \_\_\_\_\_ moves to recommend (approval/denial) of ZBA01-20, an Area Bulk Variance to permit the maximum square footage for multiple dwelling signage to be increased to \_\_\_\_' 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.





## CITY OF FAIRVIEW HEIGHTS

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

February 14, 2020

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

Dear City Council:

The petition listed below is hereby transmitted for your consideration:

<b>Petition No:</b>	PC 01-20
<b>Petitioner:</b>	City of Fairview Heights
<b>Request:</b>	Zoning Text Amendments Relating to Adult-Use Cannabis Establishments
<b>Location:</b>	City-Wide
<b>Hearing Date:</b>	February 11, 2020
<b>Recommendation:</b>	Approval
<b>Votes:</b>	Yeas: 10 Nays: 0 Absent: 1
<b>Report:</b>	Staff Advisory

Planning Commission recommended approval of the text amendments included in the attached staff advisory, with the following changes:

II. Section 14-2 (General Zoning District Regulations)  
Adult-Use Cannabis Dispensaries be listed as a Special Use in the B-4 General Business District and I Industrial District. *Planning Commission did not include Adult-Use Cannabis Dispensaries as a Special Use in the B-3 Community Business District or PB – Planned Business District as recommended in the staff advisory.*

Prior to being placed on the City Council agenda, the Zoning Text Amendments will be placed in ordinance format.

Respectfully,

*Jim Bramstedt*

Jim Bramstedt, Chairman  
Planning Commission



## DEPARTMENT OF LAND USE AND DEVELOPMENT

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

### MEMORANDUM

**TO: PLANNING COMMISSION**  
**FROM: ANDREA RIGANTI, DIRECTOR OF LAND USE AND DEVELOPMENT**  
**DATE: FEBRUARY 7, 2020**  
**SUBJECT: DRAFT ZONING ORDINANCE - RECREATIONAL CANNABIS**  
**CC: ANDREW HOERNER, CITY ATTORNEY**

#### BACKGROUND

The Illinois Public Act (Public Act 101-0027) for the legalization of recreational cannabis was signed into law on June 25, 2019. The sale, possession and consumption of same became effective January 1, 2020. Under the Act, municipalities can choose to ban cannabis uses OR allow cannabis uses and regulate the time, place, manner and number of establishments. The decision to **(1) allow cannabis business(es) and (2) set the number** is solely ascribed to City Council. City Council voted to allow cannabis establishments on December 17, 2019 and adopted an ordinance limiting the number of cannabis dispensaries to one (1) on February 4, 2020.

These two legislative City Council actions were precursors to zoning ordinance revisions. Planning Commission, in carrying out its function as advisory to City Council on land use matters, will consider regulations for place and manner of cannabis establishments. Specifically, Planning Commission shall recommend the zoning districts within which a cannabis dispensary may be located and under what land use conditions. Planning Commission may not propose regulations that are in conflict with the Act or be more strict than the Act permits. The City Attorney and I will provide guidance in that regard.

Attached is Chapter 8, Article XVII – Adult-Use Cannabis, the ordinance adopted by City Council. Also attached is a draft zoning ordinance comprehensive of all proposed changes to Chapter 14 Development Code as related to cannabis dispensaries. It is necessary to incorporate some adopted regulations from Chapter 8 into Chapter 14, as pertinent to the Special Use Permit process. Those regulations are highlighted in blue.

The draft zoning ordinance ordinance borrows heavily from the Illinois Municipal League's model ordinance and the City's existing regulations for Adult Uses.

#### PROCESS AND TENTATIVE TIMELINE

1. ~~January 14, 2020. Planning Commission work session/discussion only of draft ordinance (completed).~~
2. **February 11, 2020. Planning Commission conducts public hearing; considers and makes a recommendation to City Council on text amendments.**
3. **February 19, 2020.** Community Committee considers Planning Commission's recommendation.
4. **March 3, 2020.** City Council first reading of draft ordinance.
5. **March 17, 2020.** City Council second reading/adoption of text amendments.

PROPOSED AMENDMENTS AND STAFF COMMENTS

**I. Section 14-1-11 (Rules and Definitions)**

The following definitions are proposed to be added to Section 14-1-11 (Rules and Definitions). These uses are licensed under the Acts. The definitions are consistent with the Acts and Chapter 8 of the City code.

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**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.

**Staff Comments:** It is necessary to define all of the cannabis uses described in the Acts. If not defined, certain cannabis uses could be ambiguous and subject to interpretation.

**II. Section 14-2 (General Zoning District Regulations)** It is proposed to add recreational dispensing organizations to the list of *special uses* in four zoning districts. In zoning terminology, *permitted uses* are allowed “by right”; and proposed businesses are not required to go through a public hearing in order to open. *Special uses* require a public hearing process and review and approval of Planning Commission and City Council.

**1. “B-3” Community Business District**

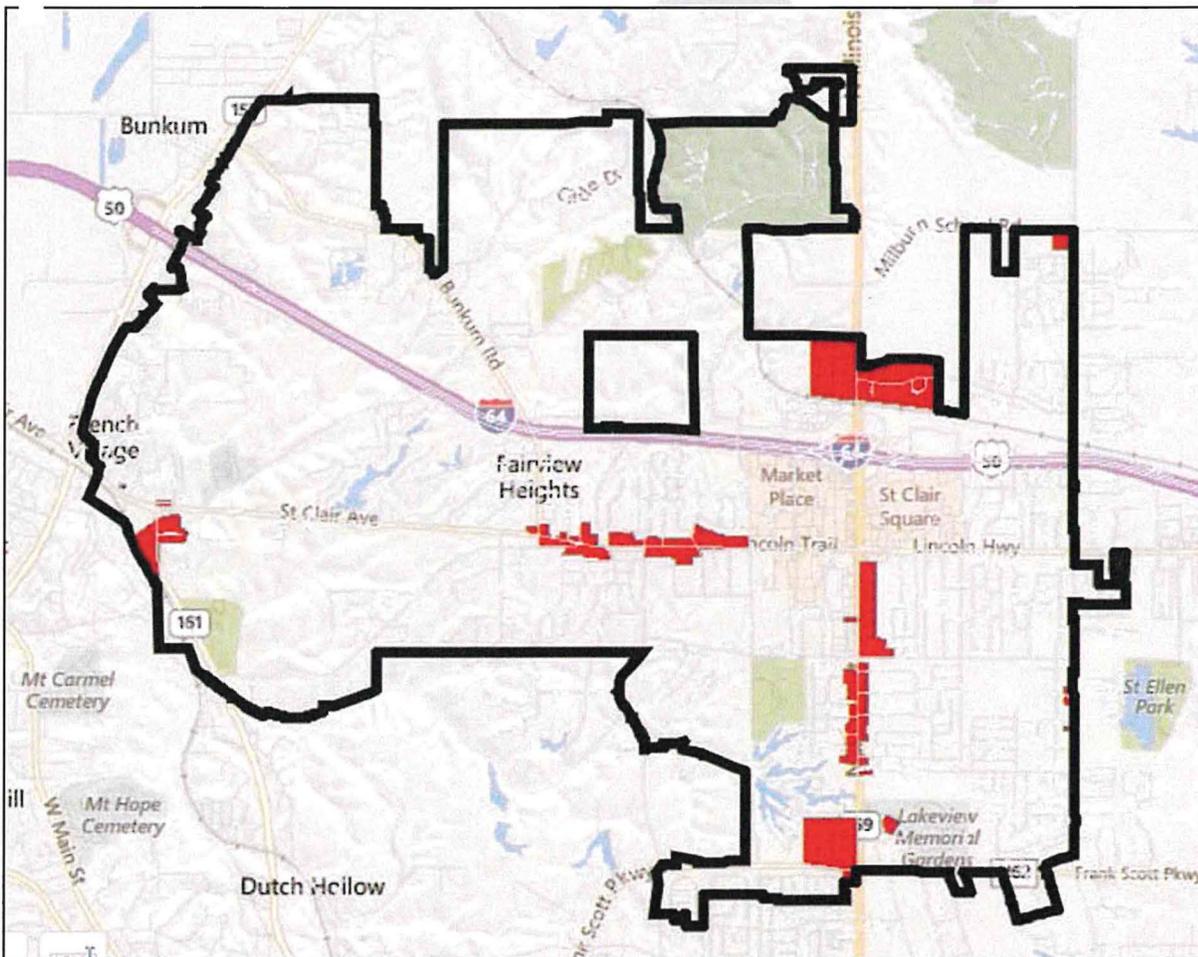
Context. The “B-3” Community Business District of the City is intended to provide for the establishment of a variety of retail oriented commercial activities and to prohibit inappropriate and incompatible commercial activities. Such areas must be carefully located so as not to construct, impede or reduce the normal flow of traffic and to provide for safe access and egress.

Parcels in the B-3 zoning district are located along the major corridors of Lincoln Trail and N. Illinois Street and off of Fountains Parkway.

*Some Permitted Uses in B-3 include:* animal hospitals, mobile home sales, package liquor stores, beauty shops, funeral chapels, dance studio, pet shop, movie theaters, office buildings, parking lots, recreational facilities, restaurants, retail sales, and transit facilities.

*Some Special Uses in B-3 include:* assisted living facilities, automotive repair shops, car wash, drive thru restaurant, massage establishment, self-storage, taverns/bars/nightclubs.

**B-3 Zoned Parcels:**



## 2. **"B-4" General Business District**

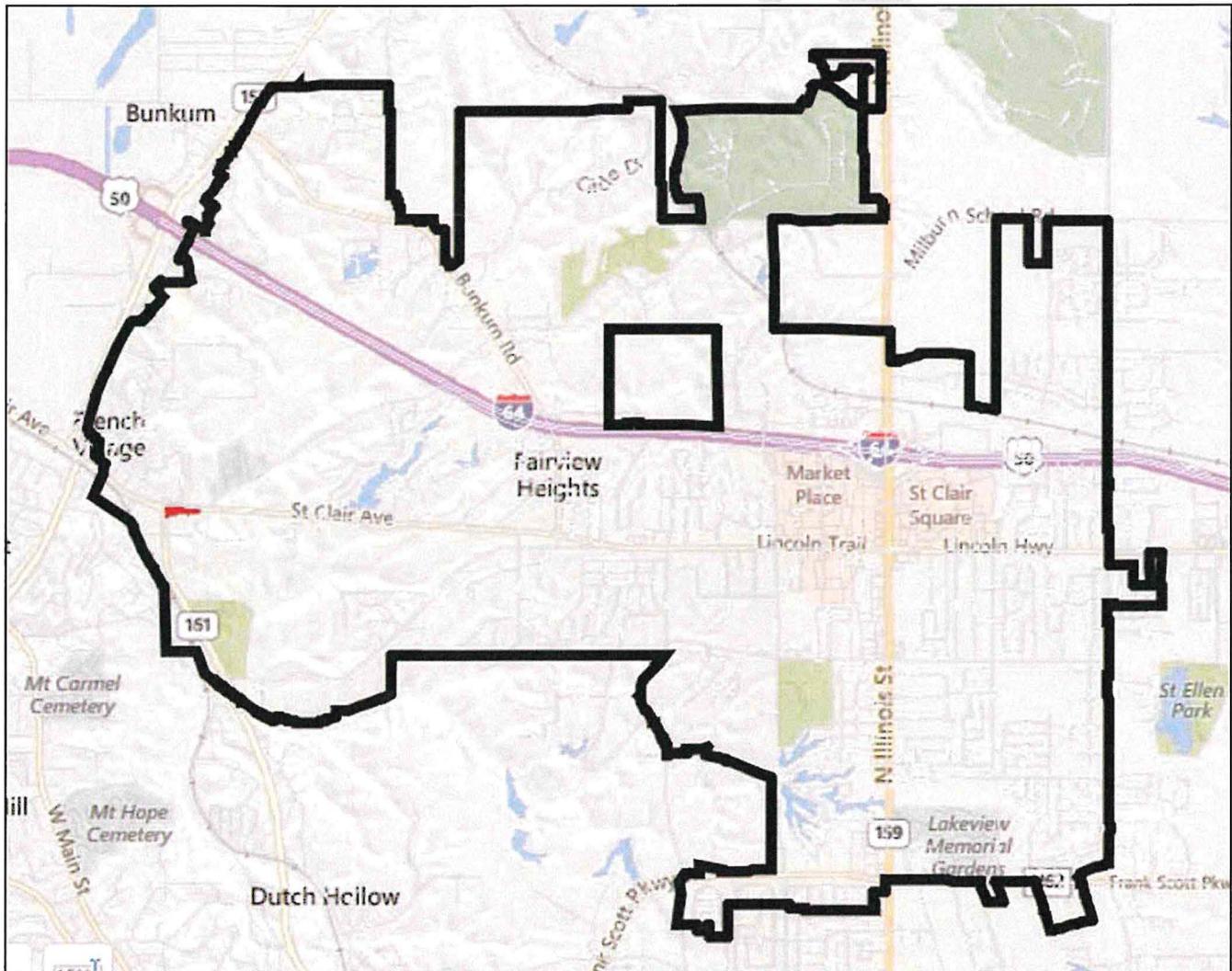
Context. The "B-4" General Business District is created to encourage the development, location and growth of some commercial, commercial-related and other business uses that may not be compatible with other commercial uses.

There are few parcels in the B-4 zoning district, all of which are located off of St. Clair Avenue at W. State Route 161.

*Some Permitted Uses in B-4 include:* animal hospitals, automobile sales and service, construction contractor storage yard, lumber yards, machine and equipment rental, machine shops, outside storage, parking lots, recreational facilities, recycling center, warehousing and storage.

*Some Special Uses in B-4 include:* churches and other places of worship, consumer installment loan businesses, storage yards, gas stations.

### **B-4 Zoned Parcels:**



### 3. **“PB” Planned Business District**

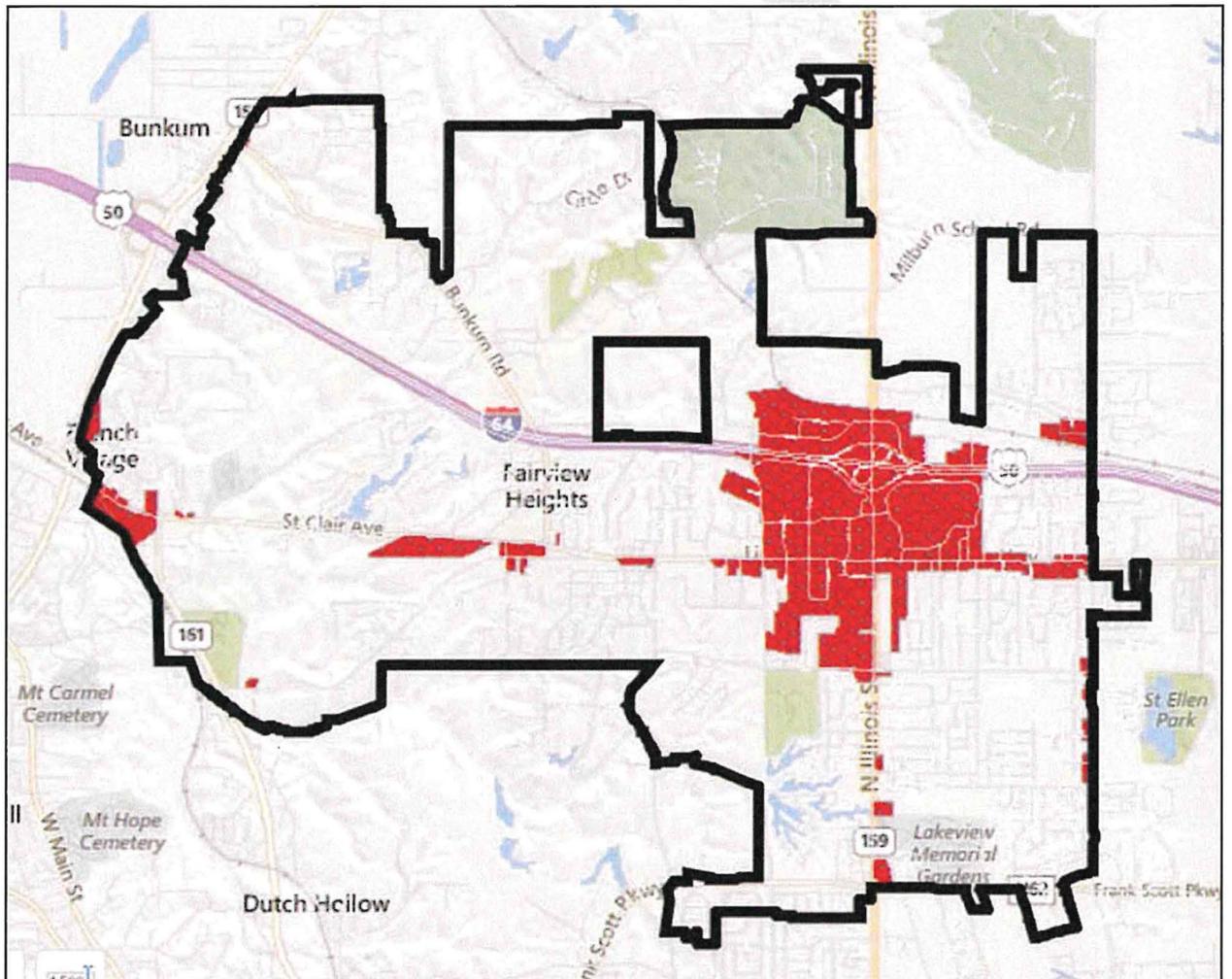
Context. The “PB” Planned Business District includes areas where a variety of commercial developments and uses may be permitted. It is the purpose of these regulations to facilitate the establishment of commercial developments and uses in locations appropriate under approved site development plans and conditions. Such approved plans and conditions shall be consistent with good planning practice and compatible with permitted developments and uses in adjoining districts and properties, so as to protect the general welfare.

PB zoned properties include major retail centers located on or near major transportation corridors of North Illinois, Lincoln Highway and the interstate.

*Some Permitted Uses and Developments in PB include:* amusement parks, apartment dwellings, arenas and stadiums, auditoriums, bookstores, colleges, hospitals, offices, parking areas, pawn shops, recreational facilities, restaurants, vehicle sales, schools, retail stores.

*The Special Use in PB includes:* massage establishment.

#### **PB Zoned Parcels:**



#### 4. **"I" Industrial District**

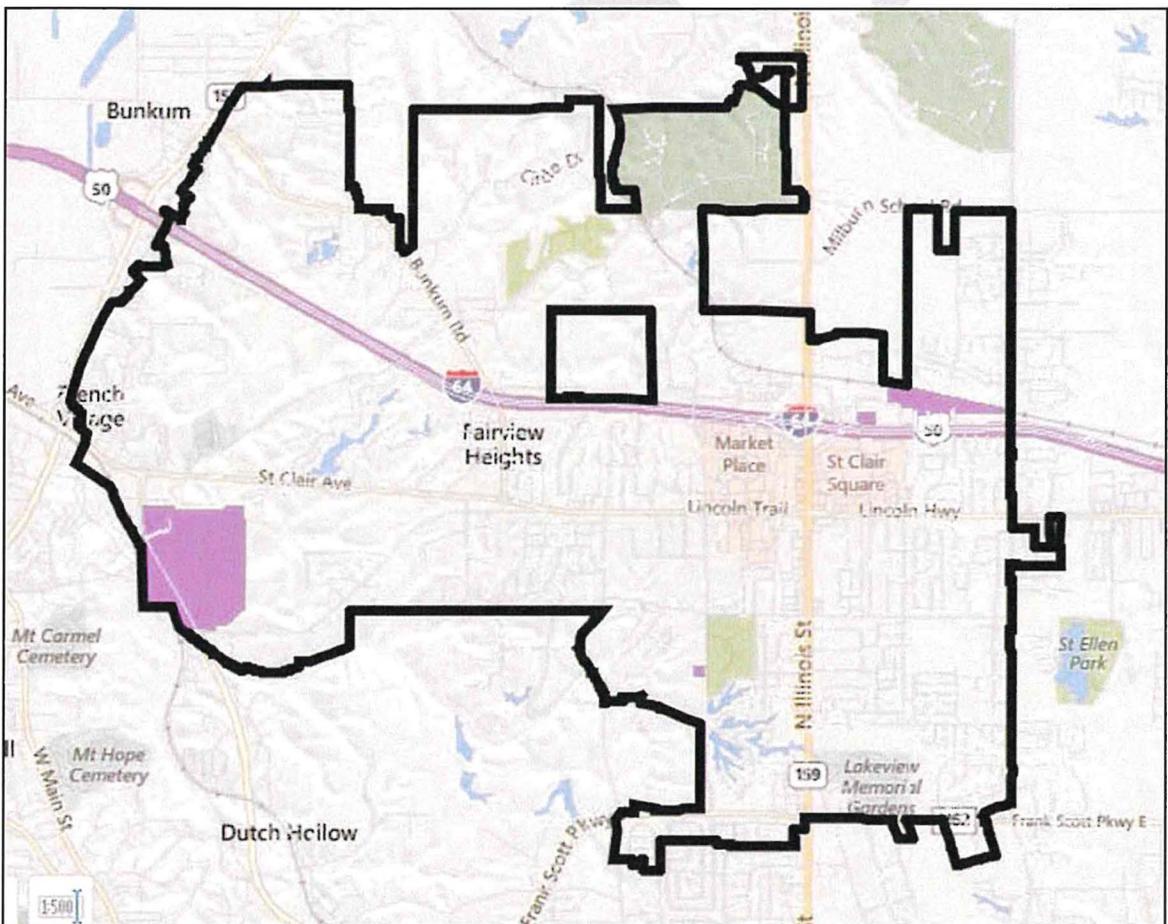
Context. The "I" Industrial delineates areas where a satisfactory correlation of factors such as adequate transportation facilities, accessibility for employees, efficient land assembly, adequate topographical conditions and adequate provisions of public utilities required by industry may be achieved. It is intended that this particular district will generally provide for light industry of an assembly nature from finished goods, warehousing and wholesaling activities. Supportive services for light industry are generally of a non-retail or personal services character and should be encouraged to locate in this district, and open storage of equipment and supplies should be encouraged to locate in this district.

I zoned properties are located on the west and east part of the community and include an industrial park and light industrial uses.

*Some Permitted Uses in I include:* automobile repair shops, business and professional service offices, carpenter shops, dry cleaning plants, cold storage, dairies, laboratories, machine shops, office buildings, pharmaceutical products, warehouse.

*Some Special Uses permitted in I include:* churches, governmental uses, manufacturing of flammable materials, sanitary landfills, and electrical substations.

#### **I Zoned Parcels:**



**Staff Comments:** It is necessary to establish the zoning districts within which Adult-Use Cannabis Dispensing Organizations may be allowed as a special use.

The codified purpose statement of each business district and the industrial district was reviewed to determine if an adult-use cannabis dispensing organization met the district's intent. It was determined that cannabis business establishments may be compatible with other uses listed in the four proposed districts. Requiring a Special use Permit for this use will allow the City to review and regulate the operation of each individual business.

**III. Section 14-4-26 (Article IV Supplementary Land Use and Area-Bulk Regulations)** A new section is being proposed to describe criteria and regulations specific to Adult-Use Cannabis Dispensaries.

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**14-4-26: ADULT-USE CANNABIS:**

1. Purpose and Applicability: It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and 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 special use permit 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/stormwater 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:

1. Impact of the proposed facility on existing or planned uses located within the vicinity of the subject property.
2. Proposed structure in which the facility will be located, total square footage, security installations/security plan and building code compliance.
3. Hours of operation and anticipated number of customers/employees.
4. Anticipated parking demand and available private parking supply.
5. Anticipated traffic generation in the context of adjacent roadway capacity and access to such roadways.
6. Site design, including access points and internal site circulation.
7. Proposed signage plan.
8. 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 (the highlighted is contained in Chapter 8):

1. 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.
2. 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.
3. 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.
4. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
5. Security and video surveillance.
  - (a) 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.

(b) 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.

(c) A sign shall be posted in a prominent location at each entrance to the facility which reads: "These premises are under constant video surveillance."

(d) 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."

(e) The zoning administrator shall review the adequacy of lighting, security and video surveillance installations with assistance from the Fairview Heights Police Chief.

(f) The loading of product shall occur within secure enclosed shipping bays and shall not be visible from the exterior of the building.

(g) An Adult-Use Cannabis Dispensing Organization shall report all criminal activities to all appropriate law enforcement agencies immediately upon discovery.

6. 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:

(a) Electronic message boards and temporary signs are prohibited.

(b) 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.

(c) Temporary signs or promotional banners are not permitted.

7. 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.

**Staff Comments:** The proposed Special Use Permit criteria meets or exceeds the Cannabis Regulation Tax Act. The highlighted sections are extracted from Chapter 8. This section borrows heavily from the IML model ordinance. The distance from residentially zoned parcels is modeled after the City's Adult-Use regulations as per 14-4-25.

#### SUMMARY

As described in previous sections, the proposed amendments to the Development Code are:

- To add cannabis use categories to the ordinance and define them.  
To permit cannabis dispensing organizations as a Special Use in the B-3, B-4, PB and I zoning districts.
- To establish separation requirements from specific uses and zoning districts.
- To establish application process and evaluation criteria specific to cannabis dispensing organizations.
- To incorporate Chapter 8, Business Regulations, Article XVII (Adult-Use Cannabis) for consistency and ease of reference.