City of Fairview Heights  
CITY COUNCIL MEETING AGENDA  
JUNE 4, 2019  
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 – May 21, 2019  
   Executive Minutes – May 21, 2019  
   Finance Director’s Report  
G. Committee Reports  
H. Communications from Mayor  
I. Communications from Elected Officials  

J. UNFINISHED BUSINESS – Second Reading  

Proposed Ordinance No. 4-‘19, an Ordinance granting an Area/Bulk Variance allowing the front yard setback within the “C” Conservation District to be reduced to 15', located at 1050 St. Clair Road. (Community Committee)  

K. NEW BUSINESS  

Proposed Ordinance No. 5-‘19, an Ordinance amending Ordinance No. 190, “The Revised Code,” Chapter 14, “The Development Code,” Section 14-2-3, “Zone District Map and Boundaries” by changing the Zone District of Certain Real Property commonly known as 1 Sheryl Drive from “B-3” Community Business District to “B-1” Neighborhood Business District. (Community Committee)  

Proposed Ordinance No. 6-‘19, an Ordinance amending Ordinance No. 190, “The Revised Code,” Chapter 29, Parks, Article I, General Regulations, Section 29-1-1, Prohibited Acts, (K) Sales. (Community Committee)  

Move to approve the Holy Trinity 5K Run to be held on September 14, 2019 from 11:30 A.M. to approximately 2:00 P.M. and the closure of Fountains Parkway during the event.  

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

PUBLIC PARTICIPATION

None.

CONSENT AGENDA

Alderman Baeske moved to approve the May 7th City Council minutes, the Finance Director's Report and the bills and invoice presented for payment in the amount of $3,561,774.90. Seconded by Alderman Vickers. Roll call on the motion showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Motion passed on 8 yeas and 2 absent.

COMMITTEE REPORTS

Mayor Kupsky announced the Community Committee meeting will meet on May 22nd, 7:00 P.M.

COMMUNICATIONS FROM THE MAYOR

Mayor Kupsky stated that City Clerk Kaufhold took on a project cleaning up the cemetery in the back of City Hall and fell breaking her wrist; Mayor announced TBD closed today and Dress Barn will be closing all of their stores; Mayor Kupsky announced that Music in the Park will be held on June 8th at Moody Park and a scavenger hunt is also being planned; Mayor wished everyone a happy and safe Memorial Day.

COMMUNICATIONS FROM ELECTED OFFICIALS

None.
UNFINISHED BUSINESS

None.

NEW BUSINESS

Proposed Ordinance No. 4-'19, an Ordinance granting an Area/Bulk Variance allowing the front yard setback within the “C” Conservation District to be reduced to 15’, located at 1050 St. Clair Road. Motion made by Alderman Peck. Seconded by Alderman Williams. Proposed Ordinance No. 4-'19 was read for the first time.


Proposed Resolution No. 25-'19, a Resolution authorizing the Mayor to enter into an agreement for Portland Cement Concrete for Street Department maintenance purposes for use by the Public Works Department. Motion made by Alderman Poletti. Seconded by Alderman Baeske. Roll call on Proposed Resolution No. 25-'19 showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Proposed Resolution No. 25-'19 passed on 8 yeas and 2 absent. Proposed Resolution No. 25-'19 now becomes RESOLUTION NO. 4282-2019.

Proposed Resolution No. 26-'19, a Resolution authorizing the Mayor to enter into an agreement for HFE-150 Emulsion for Street Department maintenance purposes for use by the Public Works Department. Motion made by Aldermen Poletti. Seconded by Alderman Baeske. Roll call on Proposed Resolution No. 26-'19 showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Proposed Resolution No. 26-'19 passed on 8 yeas and 2 absent. Proposed Resolution No. 26-'19 now becomes RESOLUTION NO. 4283-2019.


Proposed Resolution No. 28-'19, a Resolution authorizing the Mayor on behalf of the City to enter into a Professional Service Agreement on behalf of the City with Horner & Shifrin, Inc. for the design of Sidewalk Replacement, Phases 4 and 5, located along Lincoln Trail. Motion made by Alderman Williams. Seconded by Alderman Wagner.
NEW BUSINESS – continued – Proposed Resolution No. 28-'19
Roll call on Proposed Resolution No. 28-'19 showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Proposed Resolution No. 28-'19 passed on 8 yeas and 2 absent. Proposed Resolution No. 28-'19 now becomes RESOLUTION NO. 4285-2019.

Proposed Resolution No. 29-'19, a Resolution authorizing the City to sell a 2013 Chevrolet Tahoe surplus vehicle to Chicago Motors per bids received. Motion made by Alderman Poletti. Seconded by Alderman Baeske. Roll call on Proposed Resolution No. 29-'19 showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Proposed Resolution No. 29-'19 passed on 8 yeas and 2 absent. Proposed Resolution No. 29-'19 now becomes RESOLUTION NO. 4286-2019.

Proposed Resolution No. 30-'19, a Resolution authorizing the Mayor on behalf of the City to enter into a Local Public Agency Agreement for Federal participation for Right-of-Way acquisition at the Market Place and Commerce Drive Intersection. Motion made by Alderman Williams. Seconded by Alderman Baeske. Roll call on Proposed Resolution No. 30-'19 showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Proposed Resolution No. 30-'19 passed on 8 yeas and 2 absent. Proposed Resolution No. 30-'19 now becomes RESOLUTION NO. 4287-2019.

Alderman Poletti moved to go into Executive Session pursuant to 5 ILCS 120/2 (c) (5) – Purchase of Property. Seconded by Alderman Baeske. Roll call on motion showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Motion passed on 8 yeas and 2 absent.

Mayor Kupsky adjourned the City Council at 7:16 P.M.

Mayor Kupsky reconvened regular session at 7:20 P.M.

Roll call of Aldermen present showed Aldermen Baeske, Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti and Williams voting “Yea.” Aldermen Frawley and Menn were absent. Mayor Kupsky, City Clerk Kaufhold and Attorney Garrett Hoerner were also present.

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

Meeting adjourned at 7:21 P.M.

Respectfully submitted,

KAREN J. KAUFHOLD
CITY CLERK
Memo

To: Mayor & City Council
From: Gina Rader – Finance Director
CC: City Clerk & Directors
Date: May 30, 2019
Re: Finance Report – June 4, 2019 City Council Meeting

AUDIT

The auditors from Scheffel Boyle will begin conducting the FY 2018-2019 audit next week. They will be working from their offices as well as spending a majority of time here at the City. While working at the City, they will be located in the Finance Department. The audit process typically will last through the end of the summer. If you have any questions or concerns, please feel free to stop in and see them.
PROPOSED ORDINANCE NO. 4-'19

AN ORDINANCE GRANTING AN AREA/BULK VARIANCE ALLOWING THE FRONT YARD SETBACK WITHIN THE “C” CONSERVATION DISTRICT TO BE REDUCED TO 15’, LOCATED AT 1050 ST. CLAIR ROAD.

WHEREAS, the Zoning Board of Appeals on March 21, 2019 held the necessary Public Hearing and reviewed the requested Area/Bulk Variance and has transmitted its Advisory Report to the City Council.

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

SECTION 1. APPROVAL. The Area/Bulk Variance requested for the following: Section 14-2-2(A) of 35’ from the required 50’ front yard setback within the “C” Conservation District, located at 1050 St. Clair Road, is hereby approved. A copy of the Zoning Board of Appeals Advisory Report is attached hereto, made a part hereof, and marked “EXHIBIT A.” A copy of the site plan is attached hereto, made a part hereof and marked “EXHIBIT B.”

SECTION 2. ADVISORY. The recommendations and conditions of this variance are the same as those contained in the Zoning Board of Appeals Advisory Report, attached and marked “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: May 21, 2019

SECOND READING:

PASSED: _______________________

APPROVED: _______________________

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD – CITY CLERK
TRANSMITTAL TO ZONING BOARD OF APPEALS

APPLICATION NUMBER: ZBA-01-19

REQUEST: Area Bulk Variance to allow the 50’ front yard setback required in the "C" Conservation District to be reduced for the property addressed as 1050 St. Clair Road, Fairview Heights, Illinois. St. Clair Co. PIN 03-29.0-310-005.

APPLICANT NAME: Tim and Jamie Gotto, 1050 St. Clair Road, Fairview Heights, IL 62208

MEETING DATE: March 21, 2019

ZONING: C-Conservation

LAND USE: Vacant

VARIANCE REQUEST
1050 ST. CLAIR AVENUE

LOCATION MAP
ZBA-01-19

Subject Property

Prepared by Department of Land Use and Development March, 2019
STAFF ADVISORY

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.

The subject property located at 1050 St. Clair Avenue is zoned C – Conservation. According to 14-2-4 of the Development Code, the “C” Conservation District:

*Encompasses areas within which natural topography creates practical difficulty for urban development. Site location for buildings may be difficult on small tracts, adequate and safe traffic circulation system are problematic, engineering of utility systems and storm water drainage entail special circumstances and difficulties, and erosion can become a significant consideration. This can result in disproportionate or burdensome expenditures of public funds for the provision of necessary supporting roads and public facilities. It is the intent and purpose of this district to provide for appropriate densities to preserve and enhance the natural conditions of such areas and to reduce the disproportionate cost of public facilities, by providing for appropriate uses and density patterns.*

Permitted uses in the C District include agriculture, animal hospitals, cemeteries, day care homes, green houses, non-commercial recreational activities, single family residences, railroad rights of way, and more. The lot standards for the C District are found in the table below.

<table>
<thead>
<tr>
<th>SECTION 14-2-2(A) MINIMUM ZONE DISTRICT REGULATIONS &quot;C&quot; Conservation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>LOT STANDARDS</strong></td>
</tr>
<tr>
<td>Lot Area in Sq. Feet or Acres</td>
</tr>
<tr>
<td>Width at Building Line</td>
</tr>
<tr>
<td>Mean Depth in Linear Feet</td>
</tr>
<tr>
<td>Front Building Line Setback Requirements from Center-line or Front Lot Line Whichever is Greater</td>
</tr>
<tr>
<td>Marginal Access Local</td>
</tr>
<tr>
<td>Local Collector Collector Streets Arterial Streets County Highways State &amp; Federal Highways</td>
</tr>
<tr>
<td>80'</td>
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<td>85'</td>
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<tr>
<td>90'</td>
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<tr>
<td>80'</td>
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<tr>
<td>Front Lot Line</td>
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<tr>
<td>Total for Both</td>
</tr>
<tr>
<td>Minimum for Either</td>
</tr>
<tr>
<td>Distance to Nearest Principal Building on Adjacent Lot</td>
</tr>
<tr>
<td>Depth of Rear Yard in Linear Foot</td>
</tr>
<tr>
<td>Maximum Height of Principal Building in Linear Foot</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
</tr>
<tr>
<td>Maximum Number of Dwelling Units</td>
</tr>
</tbody>
</table>
2. **DISCUSSION**

**Context**

The subject property is located in the south-western portion of the City, south of Lincoln Trail and west of North Illinois Street. The parcel is approximately 3 acres and is currently vacant.

The adjoining properties are zoned C-Conservation to the west and east, and R-3 residential to the north. The properties to the south are not located within the Fairview Heights City Limits.

The surrounding properties are vacant or single-family residences located on large lots.
Reason for the Request

The applicant is seeking to construct a single-family residence on the subject property. The front yard setback in the C District requires the building be constructed a minimum of 50' from the front property line. The applicant indicates that this setback cannot be met as it would place the building in a creek. Therefore, the applicant is seeking to reduce the front yard setback in order to accommodate the project.

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.

If the Board so agrees to grant a variance, it should establish an acceptable front yard setback.
FINDINGS OF FACT

Based upon review of the request, Peterson moves to recommend approval of ZBA01-19, an Area Bulk Variance to allow the front yard setback required in the “C” Conservation District to be reduced for the property addressed as 1050 St. Clair Road, Fairview Heights, Illinois. St. Clair Co. PIN 03-29.0-310-005 from 50’ to 15’ for the following reason(s):

**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 topographical conditions of the lot.

3. The request would not alter the essential character of the area.

4. The request will not extend the nonconformity.

5. The front yard setbacks are restrictive and with minimum deviation will eliminate the hardship.

Abernathy seconded

VOTE: 5 YEAS; Peterson, Abernathy, Petroff, Fowler, Wicks and Bunfill
0 NAYS; 1 ABSENT; Prescott

**Zoning Board of Appeals Recommendation**

Based upon the application materials and proposed plans, the Zoning Board of Appeals recommends Approval of the aforementioned Area Bulk Variance contained in ZBA01-19, for property located at 1050 St. Clair Road.
PROPOSED ORDINANCE NO. 5-'19


WHEREAS, the Planning Commission on May 14, 2019 held the necessary Public Hearing and reviewed the proposed Zoning Map Amendment and transmitted its Advisory Report to the Community Committee of the City Council; and,

WHEREAS, the Community Committee of the City Council on May 23, 2019 reviewed the proposed Zoning Map Amendment and recommended that the request be forwarded to the full City Council.

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

SECTION 1. AMENDMENT: Amendment of Ordinance No. 190, “The Revised Code.” Chapter 14, “Development Code”, Section 14-2-3, “Zone District Map and Boundaries” by changing the zone district of certain real property commonly known as 1 Sheryl Drive (Parcel Number 3-29.0-204-009), from “B-3” Community Business District to “B-1” Neighborhood Business District, is hereby approved.

A copy of the Area Zoned District Map is attached hereto, made a part hereof and marked “EXHIBIT A.” A copy of the Planning Commission advisory is attached hereto, made a part hereof and marked “EXHIBIT B.” A copy of the Planning Commission Resolution PC5-19 recommending approval is attached hereto, made a part hereof and marked “EXHIBIT C.”

SECTION 2. LEGAL DESCRIPTION. Property legally described as follows: Lot/Section – 19 A02585902 of Kombrink Subdivision, Caseyville Township, and recorded with the St. Clair County Recorder of Deeds office.

SECTION 3. PASSAGE. This Ordinance shall be in full force and effect from 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: AREA ZONED DISTRICT MAP
1 Sheryl Drive
TRANSMITTAL TO PLANNING COMMISSION

APPLICATION NUMBER: PC-05-19
REQUEST: Map Amendment (Rezoning) to change the designation of 1 Sheryl Drive from B-3 Business District to B-1 Business District
APPLICANT NAME: Jason Cunningham
MEETING DATE: May 14, 2019
ZONING: B-3 Business District
LAND USE: Commercial
PLANNING COMMISSION ACTION: Consideration of the rezoning Plat, make recommendation to the Community Committee and City Council which has final authority to approve or deny the request.
STAFF ADVISORY

1. BACKGROUND

The subject property is located in the central part of the City, east of Bunkum Road and north of Lincoln Trail. The parcel is 23,201 square feet and includes two buildings and a surface parking lot.

The property is zoned B-3 Business District, which permits a variety of commercial activities such as business offices, personal services, and retail sales. Properties in this district are intended to be community-serving, therefore are located in areas of convenient access and visibility. There are 183 parcels in the City currently zoned B-3. The minimum lot size for this district is 20,000 square feet. A majority of these parcels are clustered along Lincoln Trail or North Illinois Street (see map below).

The applicant is seeking a map amendment to change the zoning designation to "B-1" Neighborhood Business District. This district is intended to provide for limited sales and service facilities to serve adjacent residential areas. The district is limited in size and facilities to preserve and protect the general character of the residential areas surrounding the districts. Permitted uses include coin-operated laundries, florists, office buildings, beauty shops, and nail salons. There are nine parcels in the City with this zoning designation. They are scattered throughout the City, located off of collector streets and near residential areas. See map.

The applicant submitted this petition in order to facilitate a plan for a portion of the property. Specifically, the applicant would like to divide the parcel into two lots, acquire one lot, and use the lot and existing building as an office. These actions cannot be accomplished under the current B-3 zoning designation, which requires a minimum lot size of 20,000 square feet. The B-1 zoning district has a 10,000 square feet minimum lot size and could accommodate a lot split and proposed use.
2. **PLANNING CONSIDERATIONS**

The surrounding zoning and land use is depicted in the table and following maps.

<table>
<thead>
<tr>
<th>ZONING</th>
<th>LAND USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>R-3 Residential</td>
</tr>
<tr>
<td>SOUTH</td>
<td>B-3 Business</td>
</tr>
<tr>
<td>WEST</td>
<td>M-2 Multi-Family Church</td>
</tr>
<tr>
<td>EAST</td>
<td>B-3 Business</td>
</tr>
</tbody>
</table>

At issue is whether or not a map amendment changing the zoning designation at this location is appropriate. In considering this change, the Plan Commission may want to consider the adjacent property use and zoning; whether the proposed change is a better fit; the circumstances surrounding the request, and long term impact on the area.
## SURROUNDING ZONING

1 Sheryl Drive

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### SECTION 14-2.2(2) MINIMUM BUSINESS AND INDUSTRIAL ZONE DISTRICT REGULATIONS

<table>
<thead>
<tr>
<th>Minimum Requirements</th>
<th>&quot;B-1&quot;</th>
<th>&quot;B-2&quot;</th>
<th>&quot;B-3&quot;</th>
<th>&quot;B-4&quot;</th>
<th>&quot;I&quot;</th>
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<tbody>
<tr>
<td><strong>Lot Standards</strong></td>
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<td></td>
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<tr>
<td>Lot Area in Feet or Acres</td>
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<td>20,000</td>
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</tr>
<tr>
<td>Width at Building Line</td>
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<td>100'</td>
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<tr>
<td><strong>Mean Depth</strong></td>
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<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>Local Streets</td>
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<td>County Highways</td>
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<td>105'</td>
<td>105'</td>
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<tr>
<td><strong>Depth of Side Yard Abutting Lot or District</strong></td>
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<td>75'</td>
<td>75'</td>
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<td></td>
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<td>Min Depth for Either</td>
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<td>45'</td>
<td>45'</td>
<td>45'</td>
<td>50'</td>
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<tr>
<td><strong>Other Provisions</strong></td>
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<tr>
<td>Depth of Rear Yard</td>
<td>20'</td>
<td>20'</td>
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<td>20'</td>
</tr>
<tr>
<td>Minimum Height of Principal Building Floor Area Ratio</td>
<td>25'-over 25' by Spec Use Permit</td>
<td>35'-over 35' by Spec Use Permit</td>
<td>35'-over 35' by Spec Use Permit</td>
<td>45'-over 45' by Spec Use Permit</td>
<td>45'-over 45' by Spec Use Permit</td>
</tr>
</tbody>
</table>

*All distances are in linear feet unless otherwise stated.

N.A. = Not Applicable

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4 Page
Exhibits

1. Application and Supporting Documents
2. Resolution
CONTACT INFORMATION

Property Owner(s):
Mailing Address: P.O. Box 2416, St. Louis, MO 63105
Phone: 314-210-9666
E-Mail: jta@realtor.com

Applicant/Agent:
Relationship to owner: JASON CUNNINGHAM
Mailing Address: 1122 HEATHERWOOD DR. WAFFON, IL 62269
Phone: 951-531-6669
E-Mail: Jason15966@ncl.com

AUTHORIZATION

I hereby certify that the above information and accompanying documents are true and accurate to the best of my knowledge and are consistent with the ordinances relating to this application. I also understand that as the applicant, it is my responsibility to obtain all additional approvals, permits or licenses required by any applicable regulatory agency for this project.

I consent that the entry upon the premises described in this application by an 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.

THIS APPLICATION WILL NOT BE ACCEPTED WITHOUT SIGNATURE OF THE OWNER OF RECORD OR AUTHORIZED APPLICANT/AGENT.

Signature of Owner: jane v. thomas, m.d.
Printed Name: Jane V. Thomas, M.D.
Date: 04/01/2019

Signature of Applicant: [Signature]
Printed Name: [Printed Name]
Date: APRIL 1, 2019
STATEMENT OF JUSTIFICATION
for
Map Amendment (Rezoning)

1 Sheryl Drive
Fairview Heights, IL 62208

April 8, 2019

Introduction

This request for a map amendment (rezoning) for the property in question will result in 1 Sheryl Drive being rezoned from B3 to B1 and the following.

The property is to be divided between the two existing buildings so that the house on the East side of the property retains a majority of the back yard and the office building on the West side of the property retains a majority of the front parking. The properties will retain more than 10,000 square feet of property to maintain the minimum lot size requirement for a B1 (Neighborhood Business).

Once the rezoning is approved pending the above stated conditions a survey will be conducted to create the new legal property descriptions for both properties.

The current property consists of a single parcel approximately .53 acres and is situated on the corner of Lincoln Trail and Sheryl Drive.
The current property consists of a single parcel approximately .53 acres and is situated on the corner of Lincoln Trail and Sheryl Drive.
There are two structure located on the property; the property is currently zoned B-3 and lies within Fairview Heights city limits. No other overlay zoning district exists on the property.

The property is currently not in use. Upon completion of the rezoning the intent is to remodel and renovate both buildings. The building office building on Lincoln Trail is currently under contract to be used as office space and the building on Sheryl drive is also pending a lease.

END
April 26, 2019

RE: PC05-19, Zoning Amendment, 1 Sheryl Drive, Fairview Heights, Property Identification Number 03-29.0-204-009

DEAR SURROUNDING PROPERTY OWNERS:

Enclosed please find a copy of “Notice of Public Hearing” which appeared in the Thursday, April 25, 2019 issue of the Fairview Heights Tribune.

Please advise that this notice concerns property in the vicinity of the property owned by you.

We cannot contact everyone by mail, so feel free to share this information with your neighbors. You are welcome to attend the public hearing and voice your opinions regarding the case.

The public hearing will be held before the Fairview Heights Planning Commission in the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois, on Tuesday, May 14, 2019 beginning at approximately 7:00 p.m., in the City Council Chambers.

If you have any questions, please feel free to contact this office at 489-2063 or 489-2060.

Sincerely,

Kendra Tucker
Recording Secretary
Enclosure
PC05-19
PUBLIC NOTICE

Notice is hereby given that a public hearing will be held before the Fairview Heights Planning Commission on Tuesday, May 14, 2019 at 7:00 p.m. in the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois, at which time and place the Commission will consider a Zoning Amendment to rezone property from "B-3" Business District to "B-1" Business District for property located at 1 Sheryl Drive, Fairview Heights, IL, also identified by St. Clair County PIN 03290204009.

Property legally described as: KOMBRINK SUB, LOT/SEC-19 A02585902 as recorded in the Recorders Office of St. Clair County Illinois.

Request was made by Jason Cunningham, 1122 Heatherwood Drive, O'Fallon IL, 62269.

All persons desiring to appear and be heard for or against said proposal may appear at said hearing and be heard thereon.

Dated this 23rd day of April, 2019.

FAIRVIEW HEIGHTS PLANNING COMMISSION
BY: Jim Bramstedt, Chairman

PC 05-19
<table>
<thead>
<tr>
<th>OWNER</th>
<th>ADDRESS</th>
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RESOLUTION PC 004-19

A RESOLUTION ADOPTING FINDINGS OF FACT FOR PC05-19 RELATING TO A REQUEST FROM JASON CUNNINGHAM TO ALLOW ZONING MAP AMENDMENT FOR PROPERTY CURRENTLY ZONED “B-3” COMMUNITY BUSINESS DISTRICT TO “B-1” NEIGHBORHOOD BUSINESS DISTRICT.

WHEREAS, Jason Cunningham, hereinafter referred to as the “Applicant,” has properly applied for a Zoning Map Amendment approval for property currently zoned “B-3” Community Business District to “B-1” Neighborhood Business District and located at 1 Sheryl Drive, also identified as PIN 03290204009.

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

1. That the Applicant appeared before the Planning Commission for a public hearing pursuant to Section 14-10-8 of the City of Fairview Heights Development Code on May 14, 2019 and that said public hearing was properly advertised and that the minutes of said public hearing are hereby incorporated by reference.

2. The subject property, 1 Sheryl Drive, is developed with two buildings.

3. That the Subject Property contains approximately 23,201 square feet tract.

4. That this amendment will not require any changes to traffic circulation and ingress/egress.

5. That this amendment will not require any changes to lighting, landscaping, or the existing site usage.

6. That the proposed amendment will not be unduly dangerous or otherwise detrimental to persons residing or working in the vicinity of the use or to the public welfare.

7. That the proposed amendment will not substantially adversely impair the use, enjoyment, or market value of any surrounding property.

8. That the proposed amendment will not be hazardous or disturbing to existing neighboring uses.

9. That the proposed amendment will be served adequately by public facilities and services such as highways and streets.

10. That the proposed amendment will not create excessive additional requirements at public cost for public facilities and services, and it will not be detrimental to the economic welfare of the community.
11. That the proposed amendment will not involve activities and uses that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare or odors.

12. The proposed use will be consistent with the Comprehensive Plan.

13. That the Permittee shall be responsible for all City costs incurred in administering and enforcing this Permit.

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

and the following voted against the same: None.

and the following abstained: None.

and the following were absent: Herrington & Hoppe

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 14th day of May, 2019.

Planning Commission Chairman

ATTEST:

Land Use Director

Jason Cunningham hereby acknowledges receipt of this Resolution and that he has reviewed the conditions of this Ordinance and have agreed that he will comply with the terms of this Permit.

By: _______________________________ Its: _______________________________

STATE OF ILLINOIS)
COUNTY OF ________ ) SS.

On this _____ day of ____________, 2017 before me, a Notary Public, personally appeared ____________________________, the applicant, to be known to be the person described in and who executed the foregoing instrument and acknowledged that they executed the same as their free act and deed.
PROPOSED ORDINANCE NO. 6-'19

AN ORDINANCE AMENDING ORDINANCE NO. 190, "THE REVISED CODE," CHAPTER 29, PARKS, ARTICLE I, GENERAL REGULATIONS, SECTION 29-1-1, PROHIBITED ACTS, (K) SALES.

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

SECTION 1. AMENDMENT. Amendment of Ordinance No. 190, "THE REVISED CODE," CHAPTER 29, PARKS, ARTICLE I, GENERAL REGULATIONS, SECTION 29-1-1, PROHIBITED ACTS, (K) SALES shall be amended by adopting the following:

"(K) SALES. It shall be unlawful for any person other than employees and officials of the City acting on behalf of the City, to vend, sell, peddle or offer for sale any commodity or article within any park and or facility without the approval of the Director of Parks and Recreation."

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

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:

PUBLISHED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD – CITY CLERK