A. Call to Order  

B. Pledge of Allegiance  

C. Invocation  

D. Roll Call  

E. Public Participation  

F. Consent Agenda:  
City Council Minutes – June 18, 2019  
Finance Director's Report  

G. Committee Reports  

H. Communications from Mayor  

I. Communications from Elected Officials  

J. UNFINISHED BUSINESS  

None.  

K. NEW BUSINESS  


Proposed Ordinance No. 9-'19, an Ordinance approving a Development Plan for a Gasoline Convenience Store (Huck's) at Parcel Identification Numbers 03-27.0-225-028 and 03-27.0-225-020 (Northwest corner of Lincoln Highway at Old Collinsville Road) within the “PB” Planned Business District. (Community Committee)  

Proposed Resolution No. 33-'19, a Resolution approving a Special Use Permit for Tamala Malone to operate a daycare in the “B-3” Business Commercial Zoning District at 1 Pleasant Lane. (Community Committee)  

Proposed Resolution No. 34-'19, a Resolution approving a Special Use Permit for Christine Rae Bishop to operate a lodge in the “C” Conservation Zoning District at 9612 Fairmont Drive. (Community Committee)  

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: Brenda Wagner, Harry Zimmerman, Pat Peck, Anthony LeFlore, Bill Poletti, Denise Williams, Joshua Frawley and Pat Baeske. Alderman Ryan Vickers arrived at 7:01 P.M. Alderman Frank Menn was absent. Mayor Mark Kupsky, City Clerk Karen J. Kaufhold and Attorney Andrew Hoerner were also present.

PUBLIC PARTICIPATION

Jason Cunningham – stated that he was the property owner at 1 Sheryl Drive and would answer questions from City Council (Proposed Ordinance No. 5-'19)

CONSENT AGENDA

Alderman Poletti moved to approve the June 4th City Council minutes, the Finance Director’s Report and the bills presented for payment in the amount of $2,624,712.53. Seconded by Alderman Williams.

Roll call on the motion showed Aldermen Wagner, Zimmerman, Peck, Vickers, LeFlore, Poletti, Williams, Frawley and Baeske voting “Yea.” Alderman Menn was absent. Motion passed on 9 yeas and 1 absent.

COMMITTEE REPORTS

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

COMMUNICATIONS FROM THE MAYOR

Mayor Kupsky stated that Heritage Day will be held on June 29th and the time capsule will be buried on July 12th; Mayor stated that the City birthday cakes are currently being judged and also the scavenger hunt has been great for businesses; Mayor stated that The REC has seen a steady stream of traffic; Mayor stated Jere Wilmering is recovering from recent surgery; Mayor Kupsky congratulated Kurt Schutz who recently retired from the Police Department and Robert Belba who was promoted to Sergeant; Mayor also stated that John Proffitt will also be retiring.
COMMUNICATIONS FROM ELECTED OFFICIALS

None.

UNFINISHED 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 was read for the second time.

Roll call on Proposed Ordinance No. 5-'19 showed Aldermen Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti, Williams, Frawley and Baeske voting "Yea." Alderman Menn was absent. Proposed Ordinance No. 5-'19 passed on 9 yea and 1 absent.

Proposed Ordinance No. 5-'19 now becomes ORDINANCE NO. 1841-2019.

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 was read for the second time.

Roll call on Proposed Ordinance No. 6-'19 showed Aldermen Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti, Williams, Frawley and Baeske voting "Yea." Alderman Menn was absent. Proposed Ordinance No. 6-'19 passed on 9 yea and 1 absent.

Proposed Ordinance No. 6-'19 now becomes ORDINANCE NO. 1842-2019.

NEW BUSINESS


Proposed Ordinance No. 7-'19 was read for the first time.

Alderman Poletti moved to advance Proposed Ordinance No. 7-'19 to the second reading. Seconded by Alderman Baeske. Motion carried. Proposed Ordinance No. 7-'19 was read for the second time.

Roll call on Proposed Ordinance No. 7-'19 showed Aldermen Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti, Williams, Frawley and Baeske voting "Yea." Alderman Menn was absent. Proposed Ordinance No. 7-'19 passed on 9 yea and 1 absent.

Proposed Ordinance No. 7-'19 now becomes ORDINANCE NO. 1843-2019.

Proposed Resolution No. 31-'19, a Resolution authorizing the Mayor to sign an amended Deed of Easement and Right-of-Way for drainage infrastructure at 20 Hollandia Drive. Motion made by Alderman Wagner. Seconded by Alderman Poletti.

Roll call on Proposed Resolution No. 31-'19 showed Aldermen Wagner, Zimmerman, Peck, LeFlore, Vickers, Poletti, Williams, Frawley and Baeske voting "Yea." Alderman Menn was absent. Proposed Resolution No. 31-'19 passed on 9 yea and 1 absent.

Proposed Resolution No. 31-'19 now becomes RESOLUTION NO. 4288-2019.
NEW BUSINESS – continued

Proposed Resolution No. 32-’19, a Resolution authorizing the Mayor on behalf of the City to enter into a Preliminary Engineering Services Agreement with Millenia Professional Services of Illinois to provide Professional Engineering Design Services for improvements to Stites and Cory Drives. Motion made by Alderman Williams. Seconded by Alderman Wagner.


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

Meeting adjourned at 7:13 P.M.

Respectfully submitted,

KAREN J. KAUFHOLD
CITY CLERK
To: Mayor & City Council
From: Gina Rader – Finance Director
CC: City Clerk & Directors
Date: June 27, 2019
Re: Finance Report – July 2, 2019 City Council Meeting

Sales Tax Report

Attached is the June Sales Tax report that reflects the 1% Municipal Tax portion of Sales Tax collected. Compared to the prior year the month’s numbers are down 3.3%. Overall year to date numbers reflect a decrease of $85,097.69 compared to the same two months in the prior year.
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PROPOSED ORDINANCE NO. 8-'19


Whereas, the Planning Commission on June 11, 2019 held the necessary Public Hearing and reviewed the Zoning Map Amendment and transmitted its Advisory Report to the Community Committee of the City Council.

Whereas, the Community Committee met on June 19, 2019 to review the Planning Commission Advisory Report.

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 described real property known as Parcel Identification Number 03-27.0-225-020 from R-4 Single Family Residential District to PB Planned Business District is 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 Resolution PC-7-19 (A) recommending approval is attached hereto.

SECTION 2. LEGAL DESCRIPTION. The property is legally described in “EXHIBIT B.”

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

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED:
MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN KAUFHOLD – CITY CLERK
Planning Commissioner McCarthy introduced the following resolution and moved for its adoption:

RESOLUTION PC7-19 (A)

A RESOLUTION ADOPTING FINDINGS OF FACT FOR PC8-19(A) RECOMMENDING APPROVAL OF A REQUEST FOR A ZONING MAP AMENDMENT FOR PROPERTY CURRENTLY ZONED R-4 SINGLE FAMILY DWELLING TO PB PLANNED BUSINESS DISTRICT AND ADDRESSED AS 6405 OLD COLLINSVILLE ROAD.

WHEREAS, Nick Smock representing Martin and Bayley, Inc., hereinafter referred to as the “Applicant,” has properly applied for a Zoning Map Amendment from R-4 Single Family Dwelling District to PB Planned Business District for real property located at PIN # 03-27.0-225-020.

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 June 11, 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 is zoned R-4 Single Family Residential and proposed to be zoned PB Planned Business District.

3. That this permit will require any changes to traffic circulation and ingress/egress.

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

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

6. That the proposed use will not be hazardous or disturbing to existing neighboring uses.

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

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

10. The proposed use **will** be consistent with the Comprehensive Plan.

The motion for the adoption of the foregoing resolution was duly seconded by Barkley

upon vote being taken thereon, the following voted in favor thereof: Moats, Mensing, Wesemann, Barkley, Coleman, Smith, McCarthy, & Bramstedt

and the following voted against the same: Herrington

and the following abstained:

and the following were absent: Hoppe, Carthan

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 11th day of June, 2019.

______________________________
Planning Commission Chairman

**ATTEST:**

__________________________
Land Use Director
THIS INDENTURE WITNESSETH THAT THE GRANTOR, BRAUER LIVING TRUST, by Julianne Horvath and Angela Vaiana, Trustees, 16348 Nantucket Sound Ct., Wildwood, MO 63040, for and in consideration of the sum of Thirty-Nine Thousand Five Hundred Dollars ($39,500.00), in hand paid, do hereby convey and quitclaim to RUTH CLAIRE COCHRAN, 6405 Old Collinsville Rd., Fairview Heights, IL 62208, all interest in the following described real estate:

A tract of land being a part of the Southeast quarter (1/4) of the Northeast quarter (1/4) of Section numbered Twenty-seven (27) in Township Two (2) North Range Eight (8) West of the Third (3rd) Principal Meridian, St. Clair County, Illinois, and more particularly described as follows, to-wit:

Commencing at a point in the East line of said Section numbered Twenty-seven (27), T. 2 N. R. 8 W. Of the 3rd P.M. distant Ten (10) Rods and Fifteen (15) feet North of the East and West middle line of said Section Twenty-seven (27); said point of beginning being the Northeast corner of a tract of land described in Book of Deeds 588 page 507 of the Recorder’s Office of St. Clair County, Illinois; running thence Westwardly and along the North line of said One (1) Acre tract referred to for a distance of Two hundred sixty-four (264) feet to the Northwest corner of the One (1) Acre tract referred to; running thence Northwardly parallel to the East line of said quarter, quarter section for a distance of Eighty-two and five-tenths (82.5) feet to a point; running thence Eastwardly parallel to the South line of said quarter, quarter section for a distance of Two hundred and sixty-four (264) feet to a point in the East line of said quarter, quarter section; distant Northward Eighty-two and five-tenths (82.5) feet from the point of beginning; running thence Southwardly and along the East line of said quarter, quarter section Eighty-two and
five-tenths (82.5) feet to the point of beginning, containing 0.5 acres, more or less, now known as Lot 5 of Schaperkoetter Assessment Plat.

Excepting, however, the Coal underlying said described premises situated in the County of St. Clair in the State of Illinois.

Permanent Index Number 03 27-0 225 0208 0R

JULIANNE HORVATH

ANGELA VAIANA

Successor Trustees
BRAUER LIVING TRUST

Dated this 16th day of November, 2009.

STATE OF MISSOURI )
SS
COUNTY OF ST. LOUIS )

I, the undersigned, a Notary Public in and for said County in the State aforesaid, do hereby certify that JULIANNE HORVATH and ANGELA VAIANA, personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they are the presently acting Successor Trustees of the BRAUER LIVING TRUST, and that they signed, sealed, and delivered the said instrument as their free and
AN ORDINANCE APPROVING A DEVELOPMENT PLAN FOR A GASOLINE CONVENIENCE STORE (HUCK'S) AT PARCEL IDENTIFICATION NUMBERS 03-27.0-225-028 AND 03-27.0-225-020 (NORTHWEST CORNER OF LINCOLN HIGHWAY AT OLD COLLINSVILLE ROAD) WITHIN THE "PB" PLANNED BUSINESS DISTRICT.

WHEREAS, the Planning Commission on June 11, 2019 held the necessary Public Hearing and reviewed the Development Plan application and transmitted its Advisory Report to the Community Committee of the City Council.

WHEREAS, the Community Committee met on June 19, 2019 to review the Planning Commission Advisory Report.

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

SECTION 1. APPROVAL. The Development Plan for a Gasoline Convenience Store (Huck's) at Parcel Identification Numbers 03-27.0-225-028 and 03-27.0-225-020 within the "PB" Planned Business District is approved.

SECTION 2. CONDITIONS. The conditions of this Development Plan are contained in the Findings of Fact adopted by Planning Commission Resolution PC7-19(B) and attached hereto, made a part hereof, and marked "EXHIBIT A."

SECTION 3. SUPPORTING DOCUMENTS. A copy of the Planning Commission's Advisory Report is attached hereto, made a part hereof and marked "EXHIBIT B." A copy of the application documents is attached hereto, made a part hereof, and marked "EXHIBIT C."

SECTION 4. PASSAGE. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

READ FIRST TIME:

READ SECOND TIME:

PASSED:

APPROVED: MARK T. KUPSKY- MAYOR

ATTEST: CITY OF FAIRVIEW HEIGHTS

KAREN J. KAUFHOLD – CITY CLERK
Planning Commissioner McCarthy introduced the following resolution and moved for its adoption:

RESOLUTION PC 007-19 (B)

A RESOLUTION ADOPTING FINDINGS OF FACT RELATING TO APPROVAL OF REQUEST TO DEVELOP A HUCK’S CONVENIENCE STORE WITHIN THE "PB" PLANNED BUSINESS DISTRICT.

WHEREAS, Martin and Bayley, Inc. hereinafter referred to as the "Applicant," has properly applied for a Development Plan approval for a Huck’s Convenience Store within the "PB" Planned Business District located at the northwest corner of the intersection of Lincoln Highway and Old Collinsville Road, addressed as 1029 Lincoln Highway, PIN(s) 03-27.0-225-028, -025 and -020.

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 June 11, 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 properties are zoned "PB" Planned Business District.

3. That this permit will require changes to traffic circulation and ingress/egress.

4. That this permit will require changes to lighting, landscaping and the existing site usage.

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

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

7. That the proposed use will not be hazardous or disturbing to existing neighboring uses.

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

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

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

12. That this Development Plan approval will allow the applicant's development of a Huck's Convenience Store as it is proposed per the Development Plan by the Applicant; with the exception that a 10’ vinyl fence be installed at the northern property line adjacent to residential areas.

13. That the Development Plan approval shall be contingent upon the Department of Public Works approval of the drainage and grading plan, the storm water management plan, the erosion control plan and other relevant planning design documents.

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

15. That the Director of Land Use, and his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

16. That this Development Plan Approval shall automatically expire if the use is not initiated within one year of City Council approval.

17. That this Development Plan approval allows for the site plan as presented, with the addition of the 10’ vinyl fence. Any significant changes to materials on the building, landscaping or signage on this site not provided for in the site plans on the Subject Property will require additional review and approval by the City Council.

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

and the following voted against the same:
and the following abstained:
and the following were absent: Hoppe&Carthan

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 11th day of June 2019.

____________________________
Planning Commission Chairman

ATTEST:

____________________________
Land Use Director
RETURN TO AGENDA
TRANSMITTAL TO PLANNING COMMISSION

APPLICATION NUMBER: PC-08-19

REQUEST: Map Amendment request for 6405 Old Collinsville Road rom R-4 Residential to PB-Planned Business Development and a Development Plan to allow for the expansion of an existing gas station with a convenience store at 1029 Lincoln Highway

APPLICANT NAME: Nick Smock, TWM Project Manager, on behalf of Martin and Bayley, Inc.

MEETING DATE: June 11, 2019

ZONING: R-4 Residential District
PB- Planned Business District

PROPOSED LAND USE: Gas/Convenience Store

PLANNING COMMISSION ACTION: Consideration of the Map Amendment and Redevelopment Plan, make recommendation to the Community Committee and City Council which has final authority to approve or deny the request.
STAFF ADVISORY

1. BACKGROUND

Summary
The City of Fairview Heights Development Code divides the City into districts and establishes a set of land uses and regulations pertinent to the specific district. The “PB” Planned Business District is intended to encourage commercial development consistent with good planning practices and offer flexibility of site planning and design. Unlike traditional zoning districts, the procedure to change a zoning designation to PB involves two interconnected processes that are reviewed simultaneously. Specifically, the rezoning of a parcel or parcels to PB District must also include a Site Development Plan of the intended use. This process ties the rezoning to a unique, approved development rather than a list of permitted uses. The process also ensures that substantial changes to the approved site development plan are reviewed again by Planning Commission and City Council to ensure that the intent of the rezoning is met with the new proposal. Section 14-2-13 of the Development Code outlines the “PB” Planned Business District regulations and processes.

The development as completely envisioned includes the demolition of the existing Huck’s Convenience Store -- currently sited on two parcels at the northwest corner of Lincoln Highway (Highway 50) and Old Collinsville Road -- and construction of a larger store on three parcels. To accomplish this development, the residential property at 6405 Old Collinsville Road has been placed under contract. The current zoning of this property is R-4 Residential, which would not allow a C-store. A rezoning request to PB has been submitted.

Proposed development. The proposed development includes the construction of a 6,000 square foot building, new canopy, fuel pumps, and concrete paving. Additional site improvements include new landscaping, 6’ fence/buffering on north and an improved façade. The existing curb cuts on Old Collinsville Road and the western entrance on Lincoln Trail will be used. The existing third entrance will be abandoned. The site circulation layout will be redesigned to provide for more efficient interior vehicular movements. There will be 34 parking spaces provided.

The location of public utilities and facilities proposed to serve the site are provided. Plans for the proposed sewer improvements will be coordinated with the City and designed in accordance with City standards and Caseyville Township Sewer. Existing waterlines to the south and east of the property will accommodate the new development.

The anticipated traffic impact is detailed in traffic impact analysis, and is projected to be 19 new trips during morning peak hours and 24 new trips during evening peak hours. Based on this estimate, and a previous traffic impact analysis for the to-be developed property to the south, the existing roadway system is adequate to accommodate additional volume.

A project narrative and site plan is attached. Please refer to these documents for detailed information. The Site Development Plan for the expanded footprint is submitted in tandem with the rezoning request as required.

Context
The subject property is located in the middle eastern portion of the City, at the northwestern intersection of Old Collinsville Road and Lincoln Highway. The project is comprised of three parcels, one of which is currently residential and two that are the site of the existing Huck’s Convenience Store.
The zoning and land uses of adjoining properties are as follows:

**North:** R-4 Single Family Residential; Single-family residence

**South:** PB – Planned Business, proposed C-station

**West:** PB – Planned Business, office

**East:** City of O’Fallon, commercial
Planning Considerations
At issue is whether or not the proposed use meets the application requirements, development code standards, and best planning principles.

Area Land use and Zoning. The subject properties addressed as 1029 Lincoln Highway are currently zoned PB- Planned Business, and are in keeping with the land use of properties to the west, south, and east. The residentially zoned property – 6405 Old Collinsville Road – is the current delineation between the commercial corner and residential properties to the north. If rezoned, the intent is to expand the commercial area to the north. This property is larger than other residential properties to the north.

The building meets all setback requirements.

Parking, Access, and Site Circulation. Section 14-6-12 of the Development Code establishes the number of parking spaces required for this use. The applicant is proposing 34 parking spaces; 30 are required. The access points are via two existing curb cuts, with no traffic control mechanisms or other changes to existing access proposed.

The parking area meets the requirements set forth in Section 14-6-5, including landscaping.

Buffer Yards and Landscaping. Section 14-4-23 establishes buffers between adjacent land uses. A 20’ wide landscaping buffer will be installed along the property line to the north. A 6’ privacy fence is currently proposed.

Other Requirements. Signage will be designed and installed as per the development code and sign permit requirements. A dumpster with appropriate enclosure as required in Section 14-3-9 is proposed.

Exhibits
1. Application and Supporting Documents
2. Public notice
3. Resolution and Findings of Fact
PLANNED BUSINESS NARRATIVE

HUCKS CONVENIENCE STORE

LOCATED IN THE CITY OF FAIRVIEW HEIGHTS ST. CLAIR COUNTY, ILLINOIS

Prepared By: Thouvenot, Wade and Moerchen, Inc.
4940 Old Collinsville Road
Swansea, Illinois 62226
(618) 624-4486
(618) 624-6688
www.twm-inc.com

Issued:
May 2019
# PLANNED BUSINESS NARRATIVE

**HUCKS CONVENIENCE STORE**  
*Fairview Heights, Illinois*

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<td></td>
</tr>
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<td><strong>Appendix F:</strong> TRIP GENERATION</td>
<td></td>
</tr>
</tbody>
</table>
**Project Location**

The proposed Hucks Convenience Store is to be constructed on 1.2 acres consisting of two parcels where the existing Hucks is located, and an adjacent parcel directly to the North. Upon approval, the three parcels can be consolidated at the City's request. The property is at the intersection of Old Collinsville Road and Lincoln Trail (US Highway 50). The congressional township description for the property is Section 27 of Township 2 North, Range 8 West of the Third Principal Meridian in St. Clair County, Illinois. The general latitude and longitude of the site is 38° 35' 34" North and 89° 58' 00" South. Existing site photographs can be found in Appendix B.

**Existing and Adjacent Land Use Conditions**

The existing project site is comprised of three parcels. Two of the parcels have historically been utilized as a Hucks Convenience Store and the adjacent property to the North as residential. Two residential lots, currently owned by Zachary Brann and Mark and Sally Medder, will be located directly to the north of the project and are zoned as R-4 Residential. To the west of the property there is a developed commercial lot owned by Property Development LLC. The entire east and south property lines are bordered by street right-of-way. A buffered parcel list, showing all properties within 300' of the proposed project site can be found in Appendix C.

**Proposed Planned Business**

The Planned Business will be developed on three parcels, 03-27.0-225-020, 03-27.0-225-025, and 03-27.0-225-028. The owner currently has and LOI agreement with the landowner directly to the north of the current Hucks convenience store. Upon successful approval of the planned business and rezoning, the owner will purchase the subject property. The construction portion of the project will be completed in two phases. Initially the existing structures and utilities on the residential lot will be removed. Construction of the proposed site improvements in this area will begin shortly after. The existing store will remain operational during this initial phase. Upon completion of the new building and surrounding area, the existing store will be closed and demolished. Construction of the new canopy, fuel pumps and concrete paving in these areas will begin immediately following demolition of the existing store. A more detailed description of the overall phasing and timing of each element can be provided prior to construction. Exhibits depicting the existing topography, demolition and proposed site plan can be found in Appendix A and preliminary floor plans and elevations are shown in Appendix D.

The proposed building will provide updated features and new technology in comparison the existing store, which will improve the overall experience of the patrons. The new site layout will provide for safer vehicular and pedestrian movements. The overall site improvements with new landscaping and an improved façade well help to revitalize the
Hucks Convenience Store
Planned Business Narrative

area and improve the overall aesthetics of the intersection. While the improvements are planned to increase patrons, the overall impact on traffic is minimal and can be seen in the Traffic Impact Analysis Found in Appendix F.

Utility and Infrastructure

The proposed sewer will be rerouted around the proposed building and continue to drain North into an existing 8” line. All plans and requirements for sewer service will be coordinated with the City of Fairview Heights as well as Caseyville Township Sewer.

There are existing waterlines to the south and east of the proposed development. All plans and requirements for water service will be coordinated with the City of Fairview Heights as well as the City of O’Fallon water department.

Other utilities such as gas, electric, phone and cable will be designed by their respective companies. Ameren IP, AT&T and Charter will provide the required services. Additional information, such as connection points and proposed routings will be available at a later date.

Storm sewers and storm water detention (if required) will be accommodated per the City’s Code of ordinances and will not encroach on adjacent property owners. In addition to the City’s review and approval, all drainage calculations and site plans will need to be approved through the iDOT permitting section as well.
Appendix A

Site Plans
### Site Plans for Huck's Convenience Store

**1020 Lincoln Trail**  
Lincoln Trail (U.S. 50) and Old Collinsville Road  
Fairview Heights, Illinois

#### Utilities
- **Water:** [Diagram showing water supply]
- **Sanitary sewer:** [Diagram showing sewer system]
- **Electricity:** [Diagram showing electrical supply]
- **Telephone:** [Diagram showing telephone lines]
- **Gas:** [Diagram showing gas lines]

#### Huck's Convenience Store Details
- Phone: [Number]
- Fax: [Number]
- Email: [Email]

#### Civil Site Engineering Notes

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<td>01</td>
<td>Site Plan A</td>
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<tr>
<td>02</td>
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</tr>
<tr>
<td>03</td>
<td>Site Plan C</td>
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</table>

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**RETURN TO AGENDA**
Appendix B

Photographs
Appendix C

Buffered Parcel Report
Appendix D

Building Elevations/Floor Plans
Appendix E

Legal Description
DEED INTO TRUST

KNOW ALL PERSONS BY THIS INSTRUMENT:

The Grantor, Martin & Bayley, Inc., under direction from its board of directors, a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, for and in consideration of Ten ($10.00) Dollars, and other good and valuable considerations in hand paid, Conveys with special warranty unto FULKERSON LAND TRUST PARTNERSHIP, an Illinois Partnership, not personally, but as Trustee of the FULKERSON LAND TRUST, pursuant to Trust Agreement dated December 29, 1996, the following described real estate in the County of St. Clair and State of Illinois, to-wit:

See attached Exhibit "A", legal description

Parcel #03-27-0225-025TR & 026TR

To have and to hold the said premises with the appurtenances upon the trust and for the uses and purposes herein and in such trust agreement set forth

Full power and authority is hereby granted to said trustee to improve, manage, protect and subdivide said premises or any part thereof, to dedicate parks, streets, highways or alleys and to vacate any subdivision or part thereof, and to re-subdivide said property as often as desired, to contract to sell, to grant options to purchase, to sell on any terms, to convey either with or without consideration, to convey said premises or any part thereof to a successor or successors in trust and to grant to such successor or successors in trust all of the title, estate, powers and authorities vested in said trustee, to dedicate, to mortgage, pledge or otherwise encumber said property, or any part thereof, to lease said property, or any part thereof, from time to time, in possession or reversion, by leases to commence in present or in future, and upon any terms and for any period or periods of time, not exceeding in the case of any single term the term of 198 years and to renew or extend leases upon terms and for any period or periods of time and to amend change or modify leases and the terms of provisions thereof at any time or times hereafter, to contract to make leases and to grant options to lease and options to renew leases and options to purchase the whole or any part of the reversion and to contract respecting the manner of fixing the amount of present or future rentals, to partition or to exchange said property, or any part thereof, for other real or personal property, to grant easements or changes of any kind, to release, convey or assign any right, title or interest in or about or easement appurtenant to said premises or any part thereof, and to deal with said property and every part thereof in all other ways and for such other considerations as it would be lawful for any person owning the same to deal with the same, whether similar to or different from the ways above specified, at any time or times hereafter.

In no case shall any party dealing with said trustee in relation to said premises, or to whom said premises or any part thereof shall be conveyed, contracted to be sold, leased or mortgaged by said trustee, be obliged to see to the application of any purchase money, rent or money borrowed or advanced on said premises, or be obliged to see that the terms of this trust have been complied with, or be obliged to inquire into the necessity or expediency of any act of said trustee, or be obliged or privileged to inquire into any of the terms of said trust agreement; and every deed, trust deed, mortgage, lease or other instrument executed by said trustee in relation to said real estate shall be conclusive.

[Signature]

Director

Subject to Existing Regulations

APPROVED MAP AND PLATTING

[Signature]

St. Clair County, Illinois, Recorder of Deeds

Document Number: 01474211

Page 1 of 4
I, the undersigned, a Notary Public, in and for said County and State aforesaid, do hereby certify that _______ personaly known to me to be the ______ of Martin & Bayley, Inc., and _______ personally known to me to be the ______ of the corporation, and personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and severallyacknowledged that as such corporate officers, they
signed and delivered the said instrument as officers of said corporation, and caused the corporate seal of said corporation to be affixed thereto, pursuant to authority, given by the Board of Directors of said corporation as their free and voluntary act, and as the free and voluntary act of said corporation, for the uses and purposes therein set forth.

Subscribed and sworn to before me this 29th day of December, 1998

Notary Public

Jane A. Lamp
Notary Public, State of Illinois

James L. Van Winkle
Van Winkle & Van Winkle
Attorneys at Law
301 S. Jackson St, P.O. Box 337
McLeansboro, IL 62859-0337
Telephone: (618) 643-4396
Facsimile: (618) 643-4241

Fulkerson Land Trust, c/o Martin & Bayley, Inc., 928 County Road 1350 North, P.O. Box 385, Carmi, Illinois 62821-0385
EXHIBIT "A" LEGAL DESCRIPTION

Parts of Lots 2 and 3, Martin & Bayley Tract

A tract of land being part of Lot 2 and part of Lot 3 of William Schaperkoetter Assessment Plat as recorded in Book of Assessment Plats No. 1 on Page 1 of the Recorder's Office in St. Clair County, Illinois and being located in the East one-half (E1/2) of the Northeast one-quarter (NE1/4) of Section Twenty-seven (27), Township Two (2) North, Range Eight (8) West of the Third Principal Meridian, St. Clair County, Illinois, and being more particularly described as follows:

Beginning at the Northwesterly corner of above said Lot 2; thence South 00 degrees 08 minutes 49 seconds East along the Easterly line of said Lot 2 a distance of 134.76 feet to a point on the Northerly line of U.S. Highway 50, also known as F.A.U. Route 9166 as widened by instrument recorded in Book 2797 Page 1493 of the above said Recorder's Office, thence North 89 degrees 40 minutes 00 seconds West along last said Northerly line 156.99 feet to a point being located 25.00 feet Westerly, normal distance from the Easterly line of above said Lot 3; thence North 00 degrees 08 minute 55 seconds West and parallel with last said Easterly line 133.47 feet to a point on the Westerly prolongation of the Northerly line of above said Lot 2; thence North 89 degrees 51 minutes 48 seconds East along last said Northerly line and the Northerly line of above said Lot 2 a distance of 156.99 feet to the Point of Beginning and containing 21,054 square feet or 0.483 acres more or less and being the same tract of land as recorded in Book 2705 Page 471 of the above said Recorder's Office according to a survey executed by Stock and Associate Land Surveying, Inc. on December 9, 1994.

Part of Lot 1 - L. Keller Oil Properties, Inc., Tract

A tract of land being part of Lot 1 of William Schaperkoetter Assessment Plat as recorded in Book of Assessment Plats 1 on page 1 of the St. Clair County, Illinois Recorder's Office, also known officially as County Clerk Assessment Plat No. 109 and being located in the East one-half (E1/2) of the Northeast one-quarter (NE1/4) of Section Twenty-seven (27), Township Two (2) North, Range Eight (8) West of the Third Principal Meridian, St. Clair County, Illinois and being more particularly described as follows:

Beginning at the Northwesterly corner of above said Lot 1; thence North 89 degrees 51 minutes 48 seconds East along the Northerly line of said Lot 1 a distance of 106.68 feet to a found iron pipe on the Westerly line of Old Collinsville Road; thence South 00 degrees 07 minutes 10 seconds East along said Westerly line 124.63 feet to a point on the Northerly line of U.S. Highway 50, also known as F.A.U. Route 9166 as widened by instrument recorded in Book 2801 on page 1995 of the above said Recorder's Office; thence along the last said Northerly line the following courses and distances; thence South 64 degrees 20 minutes 24 seconds West 25.10 feet; thence North 89 degrees 40 minutes 00 seconds West 83.97 feet to a point on the Westerly line of above said Lot 1; thence North 00 degrees 08 minutes 49 seconds West along last said Westerly line 134.76 feet to the Point of Beginning and containing 14,293 square feet or 0.328 acres more or less and being the same tract of land as recorded in Book 2701 Page 1029 of the above said Recorder's Office according to a survey executed by Stock and Associates Land Surveying, Inc. on December 9, 1994.
QUITCLAIM DEED

THIS INDENTURE WITNESSETH THAT THE GRANTOR, BRAUER LIVING
TRUST, by Juliane Horvath and Angela Vaiana, Trustees, 16348
Nantucket Sound Ct., Wildwood, MO 63040, for and in consideration
of the sum of Thirty-Nine Thousand Five hundred Dollars
($39,500.00), in hand paid, do hereby convey and quitclaim to RUTH
CLAIRE COCHRAN, 6405 Old Collinsville Rd., Fairview Heights, IL
62208, all interest in the following described real estate:

A tract of land being a part of the Southeast quarter
(1/4) of the Northeast quarter (1/4) of Section numbered
Twenty-seven (27) in Township Two (2) North Range Eight
(8) West of the Third (3rd) Principal Meridian, St. Clair
County, Illinois, and more particularly described as
follows, to-wit:

Commencing at a point in the East line of said Section
numbered Twenty-seven (27), T. 2 N. R. 8 W. Of the 3rd
P.M. distant Ten (10) Rods and Fifteen (15) feet North of
the East and West middle line of said Section Twenty­
seven (27); said point of beginning being the Northeast
corner of a tract of land described in Book of Deeds 588
page 507 of the Recorder's Office of St. Clair County,
Illinois; running thence Westwardly and along the North
line of said One (1) Acre tract referred to for a
distance of Two hundred sixty-four (264) feet to the
Northwest corner of the One (1) Acre tract referred to;
running thence Northwardly parallel to the East line of
said quarter, quarter section for a distance of Eighty­
two and five-tenths (82.5) feet to a point; running
thence Eastwardly parallel to the South line of said
quarter, quarter section for a distance of Two hundred
and sixty-four (264) feet to a point in the East line of
said quarter, quarter section; distant Northward Eighty­
two and five-tenths (82.5) feet from the point of
beginning; running thence Southwardly and along the East
line of said quarter, quarter section Eighty-two and
five-tenths (82.5) feet to the point of beginning, containing 0.5 acres, more or less, now known as Lot 5 of Schaperkoetter Assessment Plat.

Excepting, however, the Coal underlying said described premises situated in the County of St. Clair in the State of Illinois.

Permanent Index Number 03 27-0 225 020

Dated this 16th day of November, 2009.

STATE OF MISSOURI )
COUNTY OF ST. LOUIS ) SS

I, the undersigned, a Notary Public in and for said County in the State aforesaid, do hereby certify that JULIANNE HORVATH and ANGELA VAIANA, personally known to me to be the persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they are the presently acting Successor Trustees of the BRAUER LIVING TRUST, and that they signed, sealed, and delivered the said instrument as their free and
voluntary act as the Trustees of the BRAUER LIVING TRUST for the
uses and purposes therein set forth.

Given under my hand and notarial seal this 16th day of
November, 2009.

Notary Public

Mail this recorded instrument to:

Anthony F. Vaiana
300 Strawbridge Dr.
Chesterfield, MO 63017

Address of Property:
6405 Old Collinsville Road
Fairview Heights, IL 62208

Mail tax bills to:
Ruth Cochran
6405 Old Collinsville Road
Fairview Heights, IL 62208

Deed prepared by:
Anthony F. Vaiana
300 Strawbridge Dr.
Chesterfield, MO 63017
(314) 469-0660
Appendix F

Trip Generation
This report examines the anticipated existing trip generation of a development at current conditions with the proposed trip generation of the development site with improvements. This project is located in the northwest quadrant of W Highway 50 (Lincoln Highway) and Old Collinsville Road in Fairview Heights, Illinois. The proposed development will remain a gas station with convenience store. Ingress to and egress from the proposed development is being sought through the utilization of two of the three full access entrances already at the existing site. One entrance to remain will be the far west entrance along Lincoln Highway, the other will be the existing entrance along Old Collinsville Road.

**Existing Trip Generation**

The existing development is comprised of 12 fueling positions. The Tenth Edition of the *Trip Generation Manual*, published by the Institute of Traffic Engineers was used to estimate the number of vehicle trips which may be reasonably expected to be generated by the existing development. The *ITE Manual* trip generation rates for this type of facility is shown in Table 1.

Due to the gas station type land use, it is assumed that not all traffic generated by this individual site would be new traffic added to the external street system. According to the *ITE Handbook*, retail-orientated developments such as shopping centers, discount stores, restaurants, banks, service stations, and convenience stores attract a portion of their trips from passing motorists called pass-by trips (*Trip Generation Handbook, 29*). Due to the heavier traffic volume and the close proximity of the downtown in this area, it was estimated that a certain number of trips entering and leaving the development area during the AM and PM peak hours would come from commuters already traveling Lincoln Highway and Old Collinsville Road. The *ITE Handbook* states the following pass-by trip reduction factors which were incorporated in this study: 62% for the AM peak hour and 56% for the PM peak hour. Table 2 depicts the forecasted existing trips generated after considering the aforementioned factors for the existing development.

### Table 1

**Trip Generation Rates**

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<th>Unit</th>
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<tr>
<td></td>
<td>AM Peak Hour</td>
<td>% Entering/ Exitng</td>
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<tr>
<td></td>
<td>PM Peak Hour</td>
<td>Equation or Rate/Unit</td>
<td>% Entering/ Exitng</td>
</tr>
<tr>
<td>945</td>
<td>Gasoline/Service Station w/</td>
<td>Veh. Fueling Positions</td>
<td>12.47 51/49 13.99 51/49</td>
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<tr>
<td></td>
<td>Convenience Market</td>
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### Table 2

**Forecasted Existing Trips**

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<th>Size</th>
<th>Unit</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
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<tbody>
<tr>
<td></td>
<td>Gasoline/Service Station w/</td>
<td>12</td>
<td>Veh. Fueling Positions</td>
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<td>Convenience Market</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(Pass-By Trips)</td>
<td>(48)</td>
<td>(45) (93)</td>
<td>(48)</td>
<td>(46) (94)</td>
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<tr>
<td></td>
<td>New Trips</td>
<td>29</td>
<td>28</td>
<td>57</td>
<td>38 36 74</td>
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Projected Trips Generated from Proposed Development

The proposed development is comprised of 16 vehicle fueling positions per the concept plan. As was done with the existing, the Tenth Edition of the *Trip Generation Manual* was used to estimate the number of vehicle trips which may be reasonably expected to be generated by the proposed development.

As mentioned previously, not all traffic generated by this individual site will be new traffic added to the external street system. Table 3 depicts the forecasted proposed trips generated after considering the aforementioned factors for the proposed development.

<table>
<thead>
<tr>
<th>ITE Code</th>
<th>Land Use</th>
<th>Size</th>
<th>Unit</th>
<th>Forecasted Trips</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>AM Peak Hour</td>
<td>PM Peak Hour</td>
<td>In</td>
</tr>
<tr>
<td>945</td>
<td>Gasoline/Service Station w/ Convenience Market</td>
<td>16 Veh. Fueling Positions</td>
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<td>102</td>
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<tr>
<td></td>
<td>Pass-By Trips</td>
<td></td>
<td></td>
<td>(63)</td>
</tr>
<tr>
<td></td>
<td>New Trips</td>
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Table 4 shows that during the AM peak hour there will be an additional 50 vehicles entering/exiting the project site, while in the PM peak hour it will be approximately 56 additional vehicles. As described above, some of the traffic entering/exiting the site is already utilizing the existing adjacent roadways and considered pass-by traffic. Viewing the “New Trips” generated for the adjacent roadways will only add 19 vehicles in the AM peak hour and 24 vehicles in the PM peak hour.

<table>
<thead>
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<th>Size</th>
<th>Unit</th>
<th>Forecasted Trips</th>
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<td>AM Peak Hour</td>
<td>PM Peak Hour</td>
<td>In</td>
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<tr>
<td>Existing Trips</td>
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<td>Proposed Trips</td>
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<td>Total Difference (additional trips into the site)</td>
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<tr>
<td>New Trips Difference (additional trips on the adj. roadways)</td>
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<td>11</td>
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PROPOSED RESOLUTION NO. 33-'19

A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR TAMALA MALONE TO OPERATE A DAYCARE IN THE “B-3” BUSINESS COMMERCIAL ZONING DISTRICT AT 1 PLEASANT LANE.

WHEREAS, the Planning Commission on June 11, 2019 held the necessary Public Hearing and reviewed the Special Use Permit application and has transmitted its Advisory Report to the City Council.

WHEREAS, the Community Committee of City Council on June 19, 2019 reviewed the Special Use Permit application and the Planning Commission Advisory Report.

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

SECTION 1. APPROVAL. The Special Use Permit for Tamala Malone to operate a daycare in the B-3 Business Commercial Zoning District at 1 Pleasant Lane is hereby approved.

SECTION 2. CONDITIONS. The conditions of this Special Use Permit are contained in the Findings of Fact adopted by Planning Commission Resolution PC5-19 and attached hereto, made a part hereof, and marked “EXHIBIT A.”

SECTION 3. SUPPORTING DOCUMENTS. A copy of the Planning Commission’s Advisory Report is attached hereto, made a part hereof and marked “EXHIBIT B.” A copy of the application documents is attached hereto, made a part hereof, and marked “EXHIBIT C.”

SECTION 4. PASSAGE. This Resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED:

APPROVED:

MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK
Planning Commissioner Moats introduced the following resolution and moved for its adoption:

RESOLUTION PC 5-19

A RESOLUTION ADOPTING FINDINGS OF FACT PC 6-19 RELATING TO A REQUEST FROM TAMALA MALONE TO APPROVE A SPECIAL USE PERMIT WITHIN "B-3" COMMERCIAL BUSINESS DISTRICT FOR A DAYCARE ESTABLISHMENT LOCATED AT 1 PLEASANT LANE

WHEREAS, Tamala Malone, hereinafter referred to as the “Applicant,” has properly applied for a Special Use permit for a daycare establishment within the “B-3” Commercial Business District located at 1 Pleasant Lane.

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 June 11, 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 Pleasant Lane, is zoned B-3 Commercial Business District. The building is approximately 4,800 square feet.

3. That this permit will require any changes to traffic circulation and ingress/egress. A sign indicating right turn only onto Pleasant Lane when exiting the parking lot shall be installed.

4. That this permit will require any changes to lighting, landscaping, or the existing site usage.

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

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

7. That the proposed use will not be hazardous or disturbing to existing neighboring uses.

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

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

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

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

13. That the Director of Land Use, and his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

14. That the Permittee shall meet the performance standards identified in Section 14-3-20 of the Development Code, and ensure in particular that traffic and noise impacts deemed to be excessive to surrounding residential areas are reasonably mitigated. Mitigation strategies will be reviewed by the Director of Land Use prior to implementation.

The motion for the adoption of the foregoing resolution was duly seconded by: Coleman

and the following voted for the same: Moats, Coleman, Mensing, Herrington, Wesemann, Smith, McCarthy, Bramstedt

and the following against the same: Barkley

and the following abstained:

and the following were absent: Hoppe, Carthan

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 11th day of June 2019.

____________________________
Planning Commission Chairman

ATTEST:

____________________________
Land Use Director
Tamala Malone hereby acknowledges receipt of this Permit and has reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: ____________________________  Its: ____________________________

STATE OF ILLINOIS)

COUNTY OF ____________)

On this _____ day of ____________, 2019 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.
TRANSMITTAL TO PLANNING COMMISSION

APPLICATION NUMBER: PC-06-19
REQUEST: Special Use Permit (SUP) to Allow a Daycare in the B-3 Community Business District at 1 Pleasant Road
APPLICANT NAME: Tamala Malone
MEETING DATE: June 11, 2019
ZONING: B-3 Community Business District
PROPOSED LAND USE: Daycare

PLANNING COMMISSION ACTION: Consideration of the SUP, make recommendation to the Community Committee and City Council which has final authority to approve or deny the request.

SPECIAL USE PERMIT
1 Pleasant Drive

LOCATION MAP

Subject Property

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

1. BACKGROUND

Summary
The City of Fairview Heights Development Code divides the City into districts and establishes a set of land uses that are either “permitted” or “special”. Permitted uses are compatible land uses authorized as a matter of right. Special uses are those that may cause potential conflict depending on the scope of the operation. A special use may be allowed after a review by Plan Commission and City Council, in accordance with Development Code section 14-10-8. Each special use is evaluated on its own merits.

The applicant proposes to operate a daycare center to serve children between the ages of 6 weeks to 12 years old. The Illinois Department of Children and Family Services has visited the site and authorized the applicant to accept up to 75 children. The expected hours of operation are 6:00 a.m. through 7:00 p.m. The business expects to employ up to 15 staff. Additional information about the proposal can be found in Appendix A.

The subject site is zoned B-3 Community Business District. A daycare is listed as a special use in the B-3 Zoning District, as per Development Code section 14-2-11.C.

Context
The subject property is located in the middle portion of the City, east of Bunkum Road, north of Lincoln Trail and west of Pleasant Avenue. The parcel is approximately .38 acre and includes a +/- 4,800 square foot building and on-site parking. The building was constructed in 1964 and is in need of renovation. The site is completely built out, with little opportunity for building expansion given current zoning district requirements and adjacent property uses. The building has been vacant for about one year, and was formerly occupied by Pantera’s Pizza.

There is one curb cut onto the property, which is located at the east side of the property approximately 30 feet from the back of the curb. There are adequate public utilities and infrastructure available to the site. A sidewalk is provided along Lincoln Trail to the south of the property, but none is present along Pleasant Drive to the east. This portion of Lincoln Trail is served by the #12 O’Fallon-Fairview Heights Metro Bus.

The zoning and land uses of adjoining properties are as follows:

North: R-3 Single Family Residential; Single-family residence

South: B-3 Community Business District; Vacant; Commercial – automobile repair

West: B-3 Community Business District; Hair salon, vacant

East: B-3 Commercial Business District; Church
Planning Considerations
At issue is whether or not the proposed use is reasonable as per the Development Code and SUP standards.

SUP standards:

1. The effect the proposal would have on the City’s comprehensive plan.

**Finding:** The City’s Comprehensive Plan identifies the subject property as in a neighborhood serving commercial areas. These areas should provide daily goods and services to nearby residential areas and should be smaller in scale and intensity than other commercial areas. The proposed daycare is consistent with the intent of the comprehensive plan.

2. The effect the development would have on schools, traffic, streets, shopping, public utilities and adjacent properties.

**Finding:** The site has been vacant for over a year; therefore, any use will have some impact. However, no additional services are required to serve this site. In terms of traffic, a daycare use typically generates the most site visits during two peak timeframes: between 7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m. During these time periods, children are dropped off or picked up, with each visit generally lasting an average of 10 minutes. This traffic is not anticipated to disrupt normal patterns and flow to an unacceptable level of service. If issues are discovered after operations commence, the operator should
consider mitigating strategies such as staggering or assigning drop off/pick up times. A condition to the SUP will be added to accommodate potential concerns.

Daycares often generate noise during times when children are outside. The applicant plans to have regular times for outdoor play, not to coincide with typical residential morning and evening quiet hours observed. A condition to the SUP will be added to accommodate potential concerns.

3. Is the application necessary for the public convenience at that location?

Finding: The proposal offers convenience at the location.

4. In the case of an existing nonconforming use, will a special-use permit make the use more compatible with its surroundings?

Finding: N/A

5. Is the application so designed, located and proposed to be operated that the public health, safety, and welfare will be protected?

Finding: The proposed business is not expected to have a substantial impact on the factors cited in this criteria.

6. Will the application cause injury to the value of other property in the neighborhood in which it is located?

Finding: The daycare use is not anticipated to have a harmful impact on the neighborhood. Rather a previously vacant building will be activated and may help generate additional redevelopment efforts.

7. Will the special use be detrimental to the essential character of the district in which it is located?

Finding: A daycare use is less intense than the previous restaurant use and is not anticipated to be detrimental to the surrounding uses. Located on Lincoln Trail, it is within a commercial corridor business district.

Other Applicable Standards
Section 14-3-20 of the Development Code identifies performance standards for developments and redevelopments, and applies to this application:

PERFORMANCE STANDARDS – GENERAL
(A) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.
(B) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.
(C) No obnoxious, toxic or corrosive matter, smoke, fumes or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business.

A building permit will be required for interior remodeling.

Exhibits
1. Application and Supporting Documents
2. Public notice
3. Resolution and Findings of Fact
## APPLICATION FOR SPECIAL USE PERMIT

**EXHIBIT C**

**APPLICATION RECEIVED BY LUD**

5-3-19

**DATE APPLICATION RECEIVED BY LUD**

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

### OFFICE USE ONLY

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- Public Works
- Fire District
- Parks and Recreation
- Economic Development
- Police Department
- Finance Department
- Administration Department
- Other

Comments Received:
- Planning Commission
- Community Committee
- City Council

Date of Meeting: Resolution Number:

(Maintain copy with LUD file)

Special Use Permits are reviewed by the City’s Planning Commission, Community Committee and City Council. City Council has the final decision on the application. Representation is required at these meetings.

Applicants are encouraged to schedule a pre-application conference with the Director of Land Use and Development prior to submittal. The application will be processed and scheduled for Plan Commission consideration after it is deemed complete.

Applicants are responsible for the following:

1. Two hard copies and one electronic version of the completed application and submittal requirements. The application deadline to the Department of Land Use and Development is at least thirty-six (36) days prior to the Plan Commission meeting.
2. Application fees.
3. Posting a public hearing notice sign on the subject property; providing photographic evidence of same.
4. Newspaper public notification fee.
PROJECT INFORMATION FOR SPECIAL USE PERMIT

Project Name: Tree of Life Childcare
Project Address: 13 Pleasant Lane
Parcel ID: D3-29-D-205-018
Current Use of Property: Vacant
Project Size/Acreage: 3.8 acre
Number of Lots: 1
Density: 147.68 sq ft min

CONTACT INFORMATION FOR SPECIAL USE PERMIT

Property Owner(s): Tamala Malone
Mailing Address: 7108 Cedar Mill Dr, Shiloh, IL 62221
Phone: (618) 447-9836
E-Mail: m-tamala@yahoo.com

Applicant/agent: ____________________________
Relationship to owner: ________________________
Mailing Address: _____________________________
Phone: ___________________________________
E-Mail: ___________________________________

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: __________________________
Printed Name: _______________________________
Date: 5-3-19

Signature of Applicant: _______________________
Printed Name: _______________________________
Date: ________________________________
Tamala Malone
768 Cedar Mill Dr.
Shiloh, IL. 62221

The project planned at 1 Pleasant Lane will be a daycare center. I have been in the childcare industry for 10 years now. I love children. I have a positive reputation with DCFS. DCFS considers the location as an ideal site. They have visited and have authorized up to 75 children between ages 6 weeks to 12-years-old. The estimated time to develop this project is 6 months. We plan on beginning renovations July 1, 2019, and open January 2, 2020. We have partnered with several shelters to provide childcare, so the demand is high. Having this demand for care, we will be able to employ up to 15 employees. Expected hours of service will be from 6am-7pm; with anticipated traffic between the hours of 7am-8:30am and 3pm-4:30pm. Children will be dropped off and picked up at the front entrance of the building. Up to 25 parking spaces are on the property and should not impact traffic. Having this location is convenient for parents as it will be great for business in the area. This location would also be great for the economy. Not only are we providing jobs at our site, we would also be helping parents in the area get jobs. This location has been vacant for over 15 years. Operating a business at this site would bring the property values up as well as generate taxes that could help the city. It is my hope to have this approved in time to begin renovations July 1.
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Propose Fence
A RESOLUTION APPROVING A SPECIAL USE PERMIT FOR CHRISTINE RAE BISHOP TO OPERATE A LODGE IN THE “C” CONSERVATION ZONING DISTRICT AT 9612 FAIRMONT DRIVE.

WHEREAS, the Planning Commission on June 11, 2019 held the necessary Public Hearing and reviewed the Special Use Permit application and has transmitted its Advisory Report to the City Council.

WHEREAS, the Community Committee of City Council on June 19, 2019 reviewed the Special Use Permit application and the Planning Commission Advisory Report.

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

SECTION 1. APPROVAL. The Special Use Permit for Christine Rae Bishop to operate a lodge in the C-Conservation Zoning District at 9612 Fairmont Drive is hereby approved.

SECTION 2. CONDITIONS. The conditions of this Special Use Permit are contained in the Findings of Fact adopted by Planning Commission Resolution PC6-19 and attached hereto, made a part hereof, and marked “EXHIBIT A.”

SECTION 3. SUPPORTING DOCUMENTS. A copy of the Planning Commission's Advisory Report is attached hereto, made a part hereof and marked “EXHIBIT B.” A copy of the application documents is attached hereto, made a part hereof, and marked “EXHIBIT C.”

SECTION 4. PASSAGE. This Resolution shall be in full force and effect from and after its passage and approval by law.

PASSED:
APPROVED: __________________________
MARK T. KUPSKY - MAYOR
CITY OF FAIRVIEW HEIGHTS

ATTEST:

KAREN J. KAUFHOLD - CITY CLERK
Planning Commissioner Wesemann introduced the following resolution and moved for its adoption:

RESOLUTION PC 6-19

A RESOLUTION ADOPTING FINDINGS OF FACT PC 7-19 RELATING TO A REQUEST FROM CHRISTINE RAE BISHOP TO APPROVE A SPECIAL USE PERMIT WITHIN “C” CONSERVATION DISTRICT FOR A LODGE (HOME OCCUPANCY) LOCATED AT 9612 FAIRMONT ROAD

WHEREAS, Christine Rae Bishop, hereinafter referred to as the “Applicant,” has properly applied for a Special Use permit for a lodge establishment within the “C” Conservation District located at 9612 Fairmont Road.

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 June 11, 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, 9612 Fairmont Road, is zoned C Conservation District and is approximately 4 acres.

3. That this permit will not require any changes to traffic circulation and ingress/egress.

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

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

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

7. That the proposed use will not be hazardous or disturbing to existing neighboring uses.

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

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

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

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

13. That the Director of Land Use, and his/her designee, shall have the right to inspect the premises for compliance and safety purposes annually or at any time, upon reasonable request.

14. That the Permittee shall meet the performance standards identified in Section 14-3-20 of the Development Code, and ensure in particular that traffic and noise impacts deemed to be excessive to surrounding residential areas are reasonably mitigated. Mitigation strategies will be reviewed by the Director of Land Use prior to implementation.

The motion for the adoption of the foregoing resolution was duly seconded by; Barkley

and the following voted for the same: Herrington, Moats, Mensing, Wesemann, Barkley, Coleman, Smith, McCarthy, & Bramstedt

and the following against the same: None

and the following abstained: None

and the following were absent: Carthen & Hoppe

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 11th day of June 2019.

Planning Commission Chairman

ATTEST:

_____________________________
Land Use Director
Christine Rae Bishop hereby acknowledges receipt of this Permit and has reviewed the conditions of this Permit and have agreed that they will comply with the terms of this Permit.

By: ___________________________          Its: ___________________________

STATE OF ILLINOIS)                      ) SS.
COUNTY OF __________)                   

On this _____ day of ________________, 2019 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.

____________________________________
APPLICATION NUMBER: PC-07-19
REQUEST: Special Use Permit (SUP) to Allow a Lodge to Operate in the C-Conservation Zoning District at 9612 Fairmont Avenue
APPLICANT NAME: Christine Bishop
MEETING DATE: June 11, 2019
ZONING: C-Conservation District
PROPOSED LAND USE: Lodge
PLANNING COMMISSION ACTION: Consideration of the SUP, make recommendation to the Community Committee and City Council which has final authority to approve or deny the request.

SPECIAL USE PERMIT 9612 Fairmont Drive

LOCATION MAP PC-07-19

Subject Property

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

1. BACKGROUND

Summary
The City of Fairview Heights Development Code divides the City into districts and establishes a set of land uses that are either "permitted" or "special". Permitted uses are compatible land uses authorized as a matter of right. Special uses are those that may cause potential conflict depending on the scope of the operation. A special use may be allowed after a review by Plan Commission and City Council, in accordance with Development Code section 14-10-8. Each special use is evaluated on its own merits.

The proposal is to allow a lodge to operate in the C-Conservation District. The lodge would target "crafters" for "scrapbooking weekends". There will be eight to ten beds offered, with a maximum capacity of ten overnight guests. According to the applicant, there are few facilities that offer weekend overnight stays and can meet crafter's space needs, which include: adequate parking, well-lit rooms, convenient bathrooms, food preparation and storage areas, multi-purpose area and dedicated sleep areas. The applicant is a crafter and would like to offer this option in a to be built 3,700 square feet residence, to include a dedicated area for the lodge. Guests will provide their own food, and the applicant will provide lodging and crafting space. Guests will arrive Friday afternoons and depart on Sundays. The operation details of the lodge have not yet been provided.

The subject site is zoned C-Conservation District. A lodge is listed as a special use in this district, as per Development Code section 14-2-4.C.

Context
The subject property is located in the middle western portion of the City, east of Bunkum Road, north of Holy Cross Road and south of I-64. The parcel is approximately 4 acres, and is primarily vacant but for a quanset hut.

The property is heavily treed, much of which is to remain. Vehicular access to the property is limited to Fairmont Road, which only serves the surrounding residential area.

The zoning and land uses of adjoining properties are as follows:

North: R-3 Single Family Residential; Single-family residence

South: C Conservation District; Single-family residence

West: C Conservation District; Single-family residence

East: MH Manufactured Home; Single-family residence, manufactured home
Site Views

RETURN TO AGENDA
Planning Considerations
At issue is whether or not the proposed use is reasonable as per the Development Code and SUP standards.

SUP standards:

1. The effect the proposal would have on the City's comprehensive plan.
   
   **Finding:** The City's Comprehensive Plan identifies the subject property as in a single-family area. The proposed home occupation lodge is consistent with the intent of the comprehensive plan.

2. The effect the development would have on schools, traffic, streets, shopping, public utilities and adjacent properties.
   
   **Finding:** The use will generate additional traffic. Guests must reserve the space in advance, therefore there will not be unexpected traffic. The anticipated number of vehicle trips is not predicted to negatively impact infrastructure or residential traffic patterns. If issues are discovered after operations commence, the operator should consider mitigating strategies such as changing check in/check-out times.

   The lodge is intended for "quiet retreat weekends" and is not expected to generate noise that negatively impacts adjacent residential areas. A condition to the SUP will be added to accommodate potential concerns.

3. Is the application necessary for the public convenience at that location?
   
   **Finding:** The proposal offers convenience at the location.

4. In the case of an existing nonconforming use, will a special-use permit make the use more compatible with its surroundings?
   
   **Finding:** N/A

5. Is the application so designed, located and proposed to be operated that the public health, safety, and welfare will be protected?
   
   **Finding:** The proposed operation is not expected to have a substantial impact on the factors cited in this criteria.

6. Will the application cause injury to the value of other property in the neighborhood in which it is located?
   
   **Finding:** The lodge is not anticipated to have a harmful impact on the neighborhood.

7. Will the special use be detrimental to the essential character of the district in which it is located?
   
   **Finding:** The lodge will be contained within the applicant's primary residence. As such, it will not be out of character with the residential nature of surrounding uses.

Other Applicable Standards
Section 14-3-20 of the Development Code identifies performance standards for developments and redevelopments, and applies to this application:

**PERFORMANCE STANDARDS – GENERAL**
(A) Any lot shall be properly graded for drainage and maintained in good condition, free from trash and debris.
(B) Noise emanating from any use shall not be of such volume or frequency as to be unreasonably offensive at or beyond the property line. Unreasonably offensive noises due to intermittence, beat frequency or shrillness shall be muffled so as not to become a nuisance to adjacent uses.

(C) No obnoxious, toxic or corrosive matter, smoke, fumes or gases shall be discharged into the air or across the boundaries of any lot in such concentrations as to be detrimental to or endanger the public health, safety, comfort or welfare or to cause injury or damage to property or business.

A building permit will be required for the construction of the residence/with lodge.

Exhibits
1. Application and Supporting Documents
2. Public notice
3. Resolution and Findings of Fact
## APPLICATION FOR SPECIAL USE PERMIT OR DEVELOPMENT PLAN

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

<table>
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<tr>
<th>Case Number Assigned:</th>
<th>Date Proof of Public Notice Sign Provided:</th>
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<th>Date Set for Hearing:</th>
<th>Recommendation of Plan Commission:</th>
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<tr>
<th>Name of Newspaper and Publication Date:</th>
<th>Date of Final City Council Decision:</th>
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**Development Plan:** ____________  
**Amended Development Plan:** ____________  
**Special Use:** ____________

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):** Donald K. Bishop, Christine Rae Bishop  
   **Mailing address:** 9412 Fairmont Rd., Fairview Heights, IL 62208  
   **Phone:** (816) 210-9379  
   **E-Mail:** cmaebishop@gmail.com

2. **Name of applicant (if other than owner):** Same  
   **Relationship to owner (contractor, family member, lessee, etc.):** ____________  
   **Mailing address:** ____________  
   **Phone:** ____________  
   **E-Mail:** ____________
3. Address of property: ___________________________ 
   Parcel (Tax) ID number: ___________________________ 
   Present use of property: ___________________________ 
   Zoning district: ___________________________ 

4. Type of Development for which permit is requested: 
   ____ Lodge / Retreat Center 

5. (For residential developments only) 
   Density: ___________________________ 
   Number of structures: _______ Dwelling units per structure: _______ 
   Total number of dwelling units: _______ 
   Estimated number of persons per dwelling unit: _______ 
   Density = Population of development = _______ = _______ persons/acre. 

6. A special use permit or development plan approval 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; that I have read and 
   understand the regulations pertaining to Special Uses and Development Plans 
   and I believe to the best of my knowledge that the proposed will not violate any 
   portion of said code. 

   I also understand that as the Applicant, it is my responsibility to obtain all other 
   permits or licenses required by any applicable regulatory agencies for this Land 
   Use Application. 

   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: ___________________________ Date: ____________ 
Signature of Applicant: ___________________________ Date: ____________