



DEPARTMENT OF LAND USE AND DEVELOPMENT

AGENDA PLANNING COMMISSION August 8, 2023 7:00 P.M.

IN PERSON: CITY HALL, 10025 BUNKUM ROAD.

VIRTUAL: BY COMPUTER, TABLET OR SMARTPHONE.

[HTTPS://WWW.GOTOMEET.ME/COFH_LUD/PLANNING_COMMISSION](https://www.gotomeet.me/cofh_lud/planning_commission)

PHONE: +1 (408) 650-3123 ACCESS CODE: 739-271-573

ONE-TOUCH: TEL: +14086503123, 739271573#

1. CALL TO ORDER AND ROLL CALL

2. **CITIZENS COMMENTS-** *This is an opportunity for the public to address the Planning Commission on non-agenda related items. Comments made during this section of the agenda that require a response will be referred to the appropriate City staff member or official for follow-up at a later date.*

3. **MINUTES:**
 - a. Regular meeting of June 13, 2023

4. **PC CASES/PUBLIC HEARINGS**
 - a. PC 06-23, Special Use Permit to allow a classic car storage and maintenance facility at 10324 Lincoln Trail. Also identified by St. Clair County PIN(s) 03-28.0-300-049. – **Application withdrawn.**

 - b. PC 07-23, Special Use Permit to allow a full-service auto body repair and painting center at 5605 N Illinois St. Also identified by St Clair County PIN(s) 03-33.0-205-049. *VOTE REQUESTED.*

 - c. PC 08-23, Special Use Permit to allow a retail minimart / in and out kitchen / with video gaming site at 10246 Lincoln Trail. Also identified by St. Clair County PIN(s) 03-29.0-401-026. *VOTE REQUESTED.*



DEPARTMENT OF LAND USE AND DEVELOPMENT

5. OLD BUSINESS

- a. None

6. NEW BUSINESS

- a. None

7. ANNOUNCEMENTS

- a. Chair/Plan Commission Member Comments
- b. Director's Report

8. ADJOURNMENT

The next regularly scheduled meeting is September 12th, 2023: it may be canceled if there is no business to conduct.

**CITY OF FAIRVIEW HEIGHTS, ILLINOIS
PLANNING COMMISSION
MEETING MINUTES
June 13, 2023**

CALL TO ORDER

The meeting was called to order at approximately 7:00 p.m. by Chairman Greg Moats with (7 members) in physical attendance: Pat Herrington, Terry Fowler, Pat Wesemann, Linda Hoppe, Sunyatta McDermott, Patrick McCarthy, Amanda Brinson, Janice Petroff, and Greg Moats. Also, in attendance were Heather Hinson (Recording Secretary) and Andrew Hoerner (Attorney).

1. CITIZENS' COMMENTS

Sharon Zajac of 140 Edding Lane addressed the Commission, she thanked them for any part they played in getting Mueller Furniture to move into the City. She also commented on her concerns over the continuing problems at Sky Zone. She wonders how much longer the City will let this continue and has requested information on what financial income this facility brings into the City.

2. APPROVAL OF MINUTES

The minutes of May 9, 2023 were approved as written.

3. NEW BUSINESS

Swearing in of planning commission members by City Clerk Karen Kaufhold

PC05-23, Special Use Permit, 6118 N Illinois Street, Lauren Burleson

The applicant's representative was present.

Andrew Barclay, Senior civil Engineer Driven Brands Inc., 440 South Church St, Charlotte, NC was sworn in.

Mr. Barclay stated the company would be leasing the land for the car wash. The initial lease would be 15 years and there would be three options for to extend at 5 years each extension. The company is putting a large investment into the site in order to demolish and reconstruct their building, which is why the want a long-term lease.

Commissioner Moates asked how many locations the company had. Mr. Barclay explained

they had 400 locations throughout the United States and 950 Take 5 Oil Change businesses.

Commissioner Moates asked if there were any locations in Illinois. Mr. Barclay stated not yet but they did have locations in Missouri.

Commissioner McCarthy asked if the initial lease was fifteen years plus the renewals. Mr. Barclay stated the lease and renewals would total 30 years.

Commissioner McCarthy asked how many employees they would have on a daily basis. Mr. Barclay stated there would typically be 5-7 employees on a shift depending on demand, with more there on the weekend. The company would have both part time and full-time employees. The company looks to hire people that want to work their way up and he advised there is room for growth for employees in the company.

Commissioner McDermott asked if the car wash would re-use any of the water. Mr. Barclay advised they do have reclaim tanks and purifying system that allows them to re-use up to 75% of the water.

Commissioner Herrington asked if they would be paying sales tax in Illinois. Mr. Barclay advised he was not sure, but imagined that they would be required to pay sales tax. Commissioner Herrington advised this is a significant issue since Fairview Heights does not collect property tax and relies on the sales tax from businesses.

Commissioner Wesemann stated the original setback was 80 feet and the carwash agreed to an additional 65 feet. She would like to know what the actual setback is going to be. Mr. Barclay did not know offhand. Commissioner Moates and Recording Secretary Hinson advised there has been no change in the setback since the last meeting.

Commissioner Herrington addressed the traffic study, stating he did not feel it was representative of the busiest times on 159. He questions their statistics and wondered what type of intersection they were comparing it to.

Commissioner McCarthy spoke on the highest and best use of the property and that the commission needed to temper that with the fact that they are here so see if it fits guidelines of the master plan. He stated a staff would likely be a first job, not a learned skill. He doesn't believe they would be required to pay sales tax since they are a service business.

Commissioner Wesemann speculated that under reason 8 on the items for consideration in making a motion to approve or deny a special permit application may give cause to deny due to traffic.

Commissioner Brinson spoke agreeing that one of the cons of this project would be the increase in traffic. She also stated she felt some of the pros would be bringing in jobs, and that

the property has been abandoned for quite a while and no one knows how long it will take to get someone else that would want to move in there.

Commissioner McDermott stated it would not be an economic plus for the city with only seven employees being added. She feels that other than getting rid of an eyesore the City does not benefit since there would be no sales tax.

Commissioner Herrington stated the commission has been in this position before and were too anxious to solve a blighted problem and got burned by it.

Mr. Barclay spoke again, relaying that the company offers benefit packages to their employees and they positions are not minimum wage jobs. He questioned who the commission envisioned moving in there that would be low traffic and bring in sales tax.

Commissioner Moates stated the commission could make a motion to forward the case to the community commission without a recommendation.

Commissioner Petroff remarked on the property being vacant for so long and the City is unaware of what the property owner may be requiring from a tenant. There could be many reasons the City isn't attracting anyone to that spot.

Commissioner Moates directed the commission to give the number of the item they were basing a denial on if they voted to deny.

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

RESOLUTION PC 05-23

A RESOLUTION ADOPTING FINDINGS OF FACT RELATING TO DENIAL OF A SPECIAL USE PERMIT FOR A TUNNEL CAR WASH AT 6118 NORTH ILLINOIS STREET

WHEREAS, Lauren Burleson hereinafter referred to as the "Applicant," applied for a Special Use permit for approval of a development plan for a tunnel car wash on parcel number 03-27.0-300-038, commonly known as 6118 North Illinois Street; and

WHEREAS, the Fairview Heights Development Code requires that car washes in B3 Community Business District be approved as a special use;

WHEREAS, the Applicant has properly applied for a special use permit.

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 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 13, 2023 and that said public hearing was properly advertised, both of which are incorporated by reference.
2. That the subject property is zoned "B3" Community Business District.
3. That the Applicants special use permit for a tunnel car wash shall be denied, based on the following criteria:

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

That the proposed use will create excessive additional requirements at public cost for public facilities and services, and it will be detrimental to the economic welfare of the community.

That the proposed use will 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.

That the proposed use will not be consistent with the Comprehensive Plan.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner Wesemann upon vote being taken thereon, the following voted in favor thereof: Herrington, Fowler, Wesemann, Hoppe, McDermott, McCarthy, Brinson, Petroff, & Moats.

and the following voted against the same: none

and the following abstained: none

and the following were absent: Smith

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 13th day of June, 2023.

Greg Moats

Planning Commission Chairman

ATTEST:

Dallas Alley

Land Use Director

4. OLD BUSINESS

Commissioner McCarthy brought up leasing of homes and increase in rentals in the area. Asked if time can be scheduled with Director Alley to have an open discussion on the matter.

Commissioner McDermott commented that she noticed St Louis City was looking into new ways to reign in short term rentals and it may be beneficial for Fairview Heights to look into this as well.

Attorney Hoerner commented that there was already an ordinance in place for short term rentals.

5. NEW BUSINESS

None.

6. ANNOUNCEMENTS

None.

7. ADJOURNMENT – The meeting was adjourned at 7:57 p.m.

Respectfully,

Dallas Alley
Director of Land Use and Development
DA/hh

The next regularly scheduled meeting of the Fairview Heights Planning Commission will be on July 11th, 2023, at 7:00 p.m. in the Council Chambers of the Fairview Heights Municipal Complex, 10025 Bunkum Road, Fairview Heights, Illinois



DEPARTMENT OF LAND USE AND DEVELOPMENT

TRANSMITTAL TO PLANNING COMMISSION

APPLICATION NUMBER: PC-07-23

REQUEST: Special Use Permit to allow a full-service auto body repair and painting center in the "B3" Community Business zoning district office at 5605 N Illinois St. Also identified by St. Clair County PIN(s) 03-33.0-205-049. *VOTE REQUESTED.*

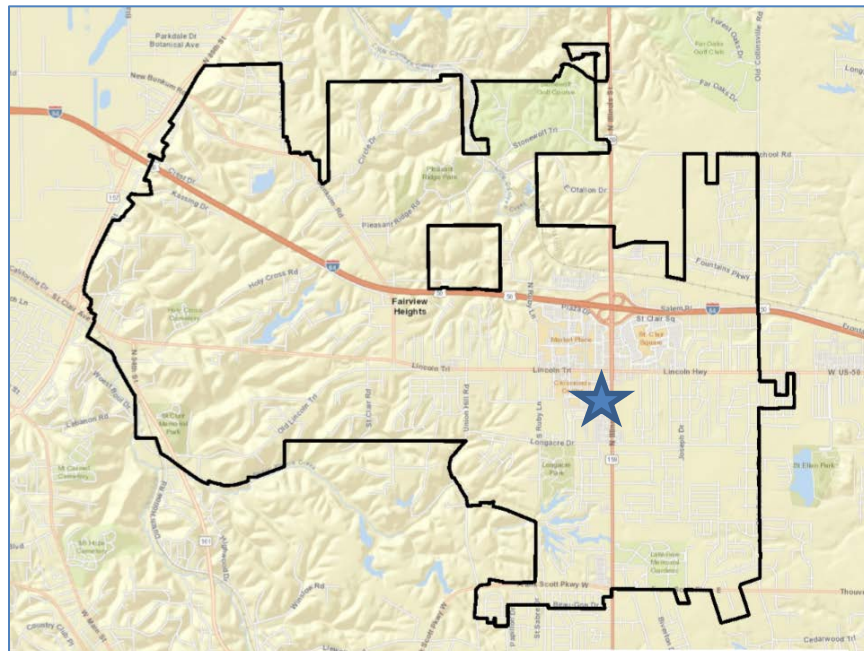
APPLICANT NAME: Grisnely Homere / Qais Hussein

MEETING DATE: August 8, 2023

ZONING: B3 – Community Business

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

GENERAL LOCATION:



STAFF ADVISORY

1. BACKGROUND

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 is seeking approval to add auto body repair work and painting to his full-service auto repair center.

The subject property located at 5605 N Illinois St and is zoned B3- Community Business. This zoning district is intended for a variety of commercial uses such as retail, office, and restaurant uses. The auto body repair center use is permitted; however, a Special Use Permit is required.

2. DISCUSSION

Context

The subject site is located in the central portion of the City, south of Longacre Dr, and on the west side of IL Rte 159. It is comprised of one parcel.

The zoning designation for this parcel is B3 – Community Business. This zoning district is intended for a variety of commercial uses such as retail, office, and restaurant uses.

Zoning: Site and Surrounding Areas

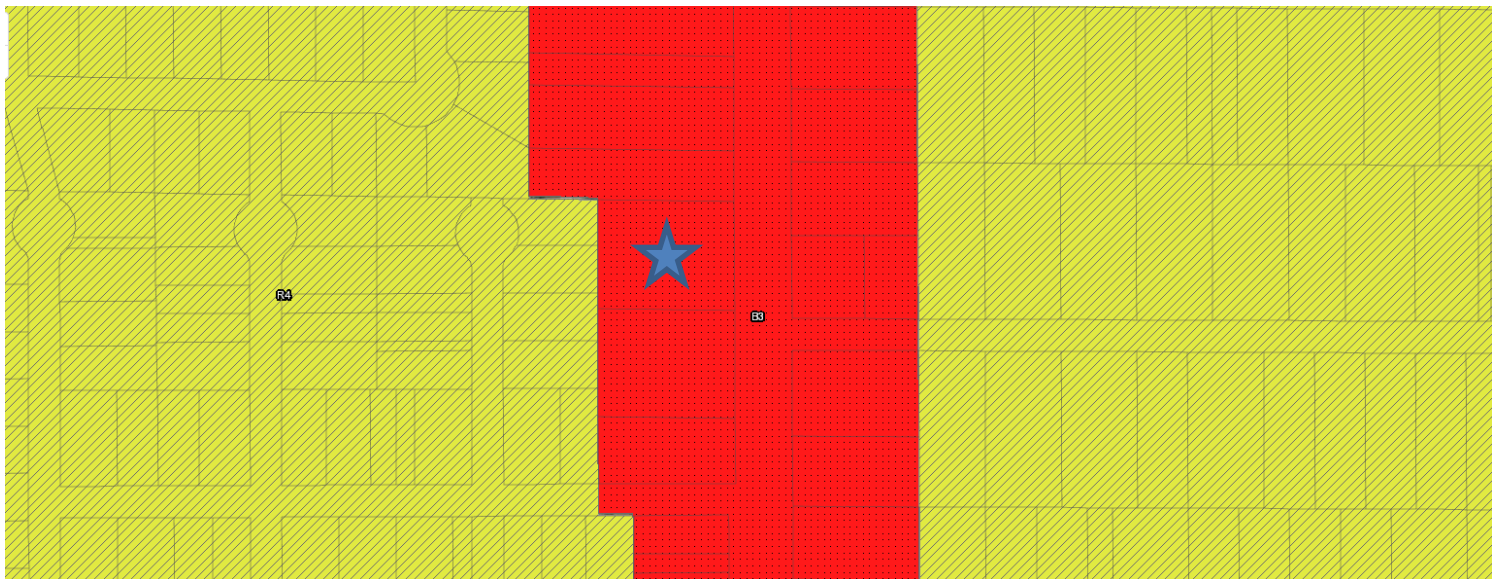
The zoning and land uses of adjoining and surrounding properties are as follows:

North: B-3 - Community Business;

South: B-3 – Community Business;

West: R-4 – Single Family Residential;

East: B-3 – Community Business.



Future Land Use: Site and Surrounding Areas

The Fairview Heights Comprehensive Plan identifies the subject site as Corridor Commercial. The area shall be comprised of linear retail area along primary roadways that serve the needs of the larger Fairview Heights community as well as passing motorists. The proposed use conforms with the Fairview Heights Comprehensive Plan.

Site Photographs



Planning Considerations

I. Analysis: Site Development

The applicant is seeking approval of the placement of a full-service auto repair center. In its deliberations, Planning Commission shall review general planning considerations and may impose conditions to the approval of this structure. Following are the criteria outlined in Chapter 14 of the Fairview Heights Code of Ordinances (Development Code) and proposed conditions, where applicable:

(a) Permitted uses, including maximum floor area.

The use of a full-service auto repair center is only permitted in the B-3 Community Business District as a special use.

(b) Performance standards. (Performance standards regulate the intensity of land use to prevent adverse impact on abutting and nearby properties.)

The premises shall be maintained in good condition, free from trash and debris. Prior to occupancy and remaining weeds, trash, debris, etc. shall be removed. The fence at the rear of the property shall be maintained without holes or other damage, any existing damage shall be repaired prior to occupancy.

Noise emanating from the 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.

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.

(c) Height limitations.

The building height is not to be modified.

(d) Minimum yard requirements.

n/a

(e) Off-street parking and loading requirements

The Development Code states that parking and loading requirements for an automotive repair service shall require three parking space shall be provided for each repair bay, plus one space for each company vehicle. The current paved area provides enough area for this configuration; however, the pavement is badly damaged and the developer will be required to repair the paved areas and provide striping for parking spaces. In the event the developer repairs and stripes the parking area the proposed parking and loading configuration is satisfactory to the zoning administrator.

(f) Sign regulations

The size and number of signs are prescribed in Article VII of the Development Code and will be reviewed during the permitting process. The location will also be determined at that time.

(g) Minimum requirements for site development plans.

Site development plans shall depict the proposed location of buildings, parking areas, traffic circulation, landscaping, utilities, and drainage. These requirements have been met as no new buildings are being proposed.

(h) Time limitations for commencement of construction.

Within one (1) year of approval, operation shall commence. The applicant may apply for one (1) extension of time limitation from the City in writing explaining extenuating circumstances.

(i) Trust funds, impact fees, surcharges and connection fees.

The applicant will pay all applicable fees and meet all permitting requirements of any utility or other jurisdictional unit.

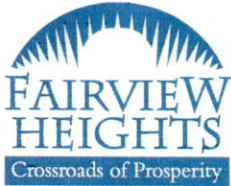
(j) Rights of way dedication and road improvements.

In the event the developer modifies ingress and egress, the developer will be responsible for obtaining a IDOT permit and will be required to adhere to the requirements of aforementioned permit.

Exhibits

1. Applicant's Narrative and Excerpted Supporting Documents
2. Resolution and Findings of Fact
3. Public notice

APPLICATION FOR SPECIAL USE PERMIT



7-3-23 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	
DATE APPLICATION DEEMED COMPLETE: 07-14-23	CASE NUMBER ASSIGNED: PC 07-23
RESUBMITTALS RECEIVED/DATE:	APPLICATION FEES PAID (\$150 + \$25 per acre above one acre): Paid 7-14-23 #20004424
ZONING DISTRICT: B3	DATE PUBLIC NOTICE SIGN POSTED:
DATE SET FOR HEARING: 08-08-23	NEWSPAPER NAME AND PUBLICATION DATE:
APPLICATION CIRCULATION DATE _____: Comments Received: <input type="checkbox"/> Public Works <input type="checkbox"/> Fire District <input type="checkbox"/> Parks and Recreation <input type="checkbox"/> Economic Development <input type="checkbox"/> Police Department <input type="checkbox"/> Finance Department <input type="checkbox"/> Administration Department <input type="checkbox"/> Other	AUTHORITY MEETING DATE/RECOMMENDATION: <input type="checkbox"/> Planning Commission _____ / _____ <input type="checkbox"/> Community Committee _____ / _____ <input type="checkbox"/> City Council _____ / _____
DATE OF MEETING:	RESOLUTION NUMBER: <i>(Maintain copy with LUD file)</i>

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: Nova Auto Center
Project Address: 5605 N Illinois Fairview Heights
Parcel ID: 03330205049 0.84
Current Use of Property: Auto Shop
Project Size/Acreage: _____
Number of Lots: 1
Density: _____

CONTACT INFORMATION FOR SPECIAL USE PERMIT

Property Owner(s): L. Wayne Foster
Mailing Address: 935 S Belt West
Phone: 618-973-4938
E-Mail: _____

Applicant/agent: ~~Quis Hussain~~ Grismanly, Homere
Relationship to owner: Renter
Mailing Address: 122 Winchester PL, Fairview Heights IL
Phone: 618-900-6282 / 618-420-0124
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: [Signature] Date: 6-27-23
Printed Name: _____

Signature of Applicant: [Signature] Date: 6-27-23
Printed Name: _____

Heather M. Hinson

From: noreply@ncr.com
Sent: Friday, July 14, 2023 12:17 PM
To: hqais65@yahoo.com
Subject: Payment Receipt

Notice: This email was sent from an outside address.

Illinois: City of Fairview Heights

Payment Receipt

Thank You for Your Payment

Please save this Confirmation Number for your personal records.

Customer Name

Grimaldi Pena

Effective Date

7/14/2023 12:17 PM Central Standard Time

Confirmation Number

20004424

Payment Method	Amount
MasterCard ***** 9543	\$153.45
Item	Payment
Site Development Plan Review	\$150.00
Transaction Fee:	\$3.45
Total Amount Paid:	\$153.45

Payment Details

Site Development Plan Review

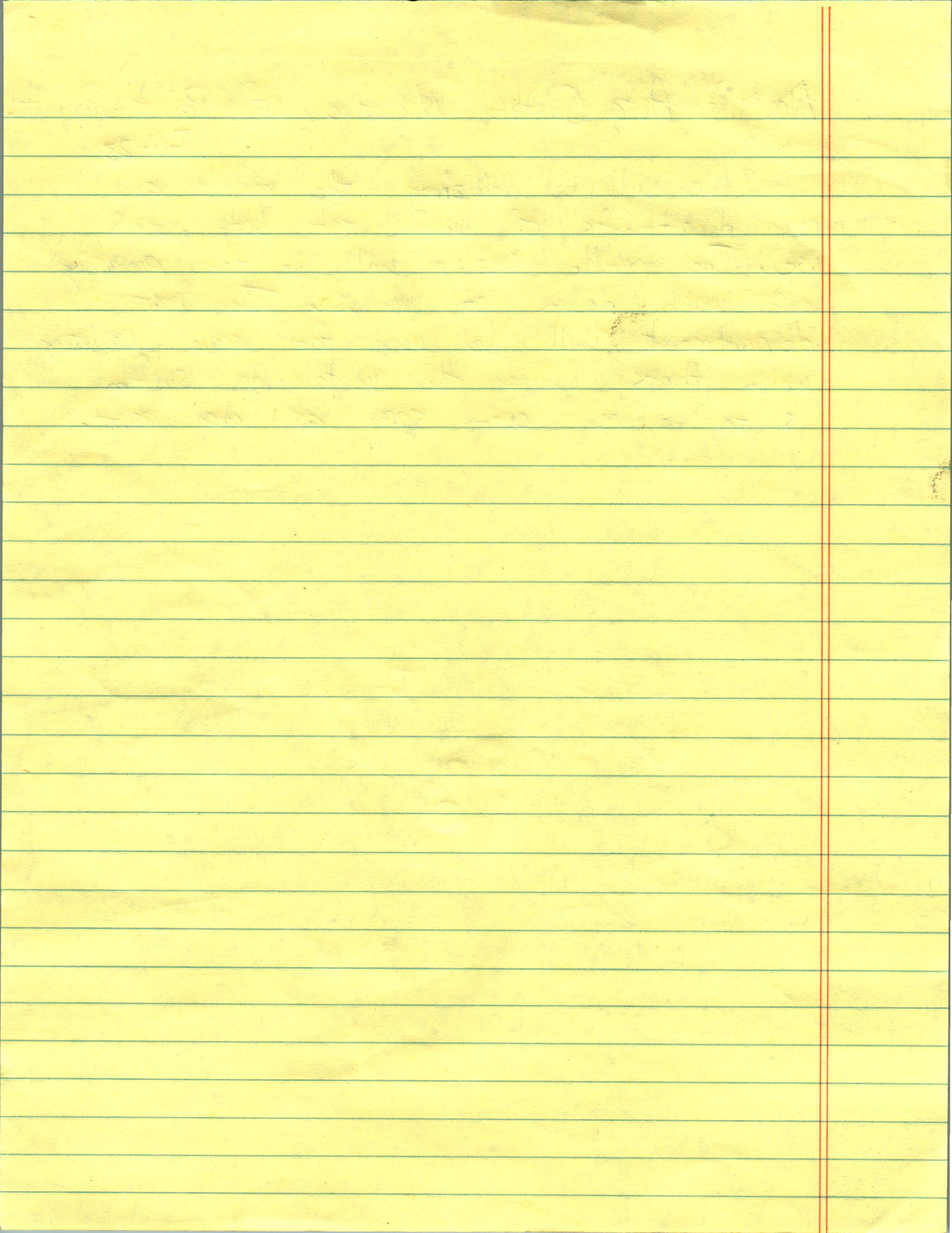
Name: Qais Hussein - Address: 5605 N Illinois St - Grimaldi Pena - \$150.00

A Transaction Fee has been included in the total amount paid for this transaction.

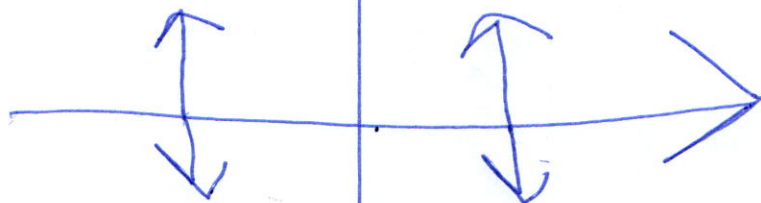
Nova's Auto Center Narrative of Paint Permit!

7-13-23

We will be utilizing the middle and rear departments of building for body work use. The middle section will be for prepping and wash down of vehicles. The rear department will be used for actual painting which that's where the ventilation system is to remove over spray as we paint.



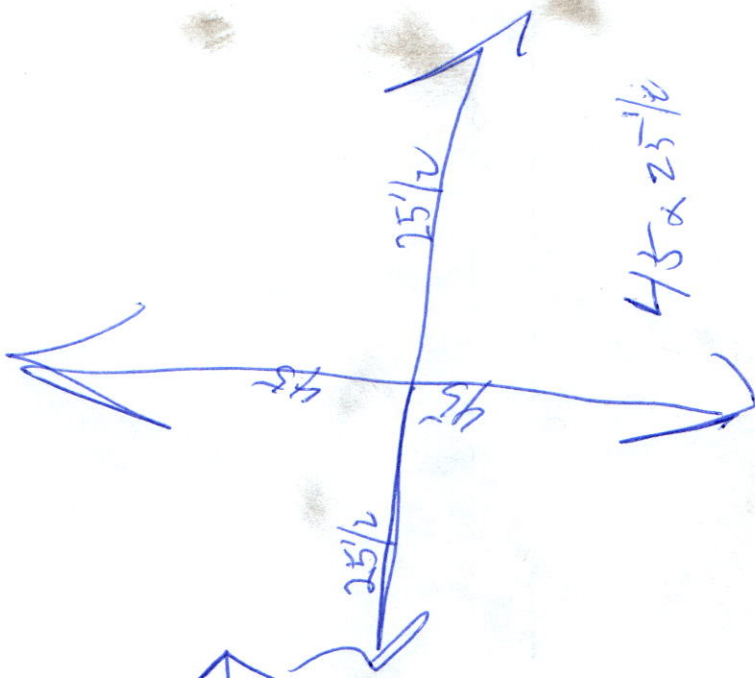
26 x 26 1/2



Bay door

Bay door

Section (Bay Lift)



45 x 25 1/2

12 x 20

4.5'7

12

20

12 x 20

4.5'7

20

← Front of buildings

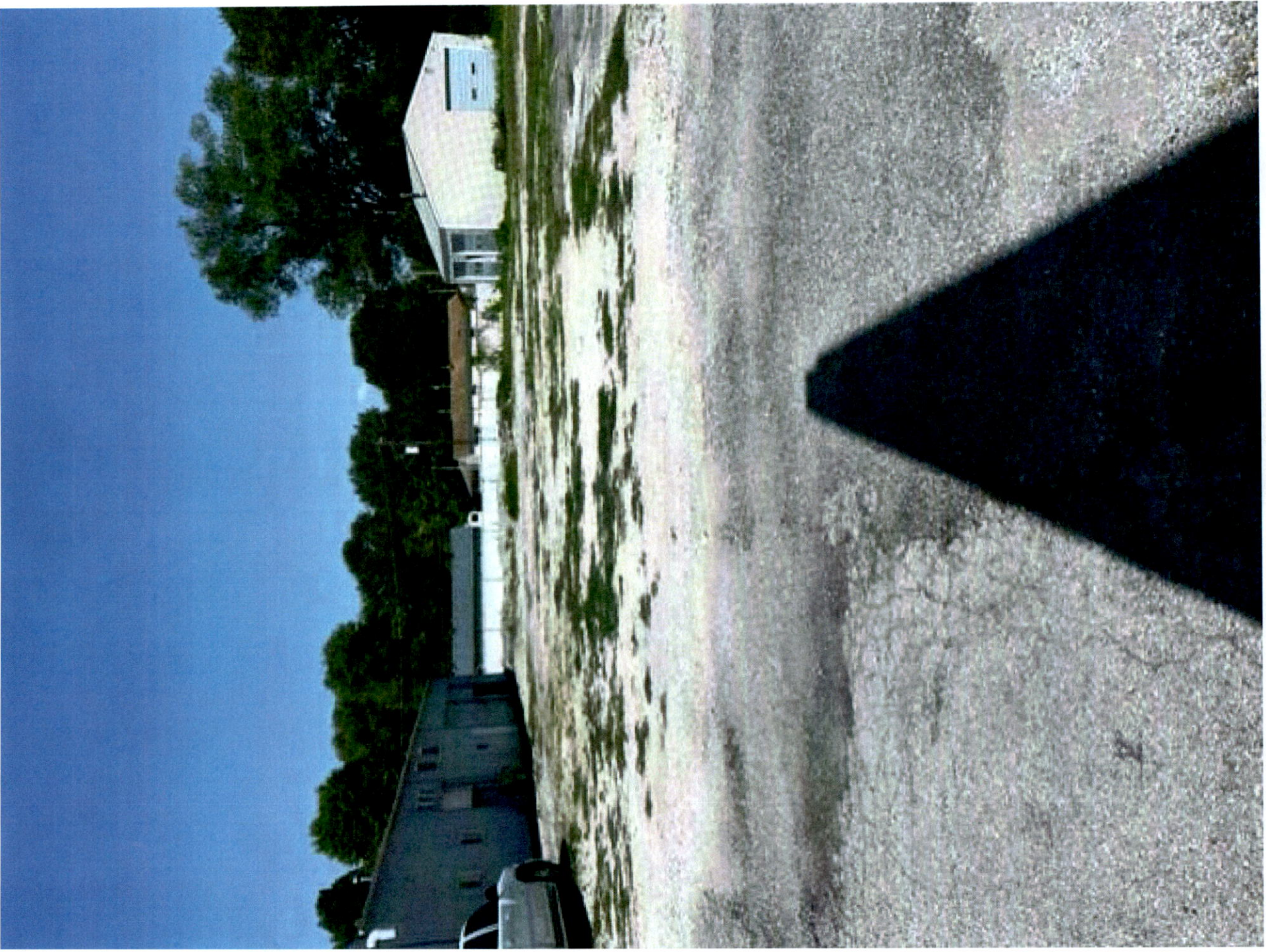
24

Middle space

Frame Machine

15





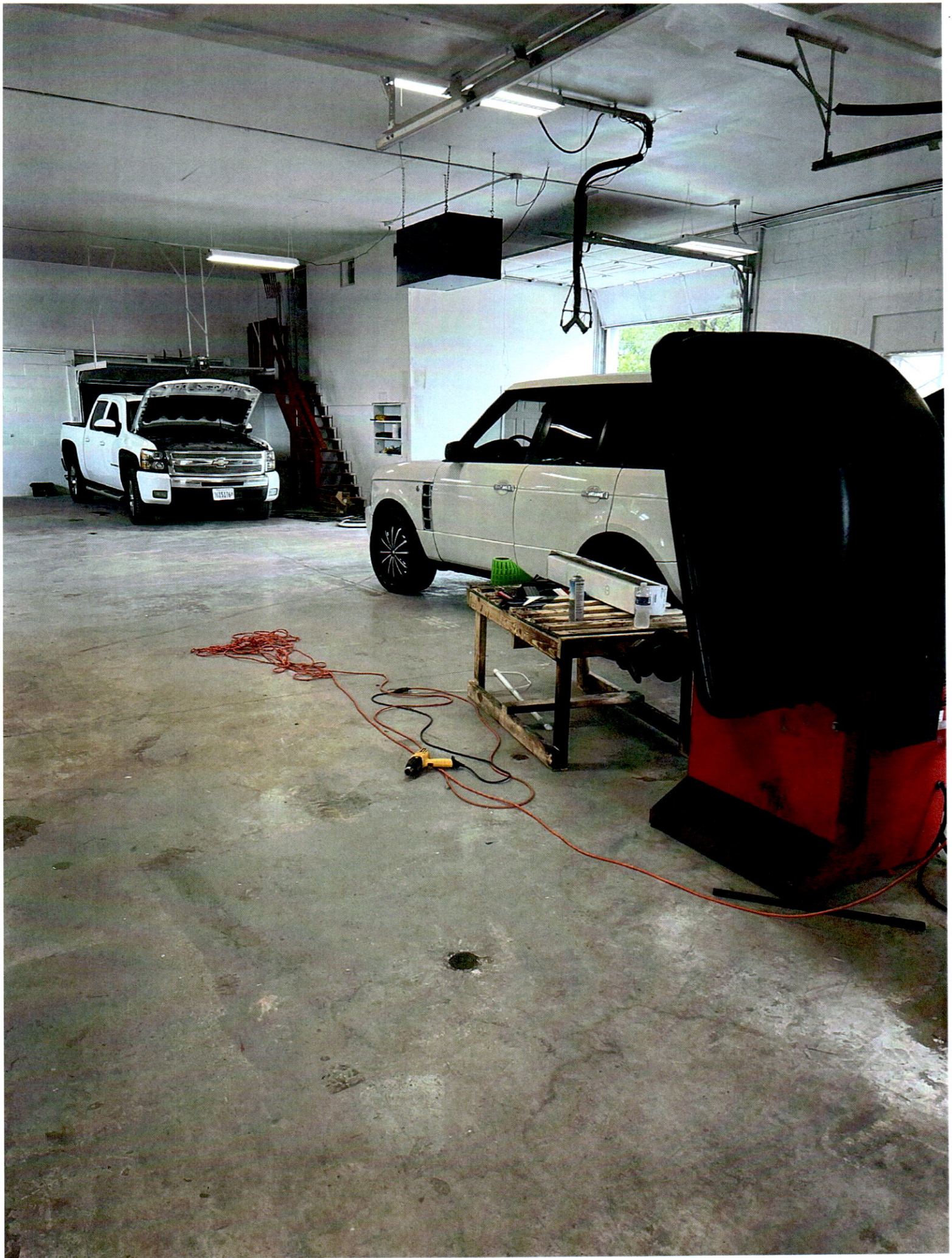


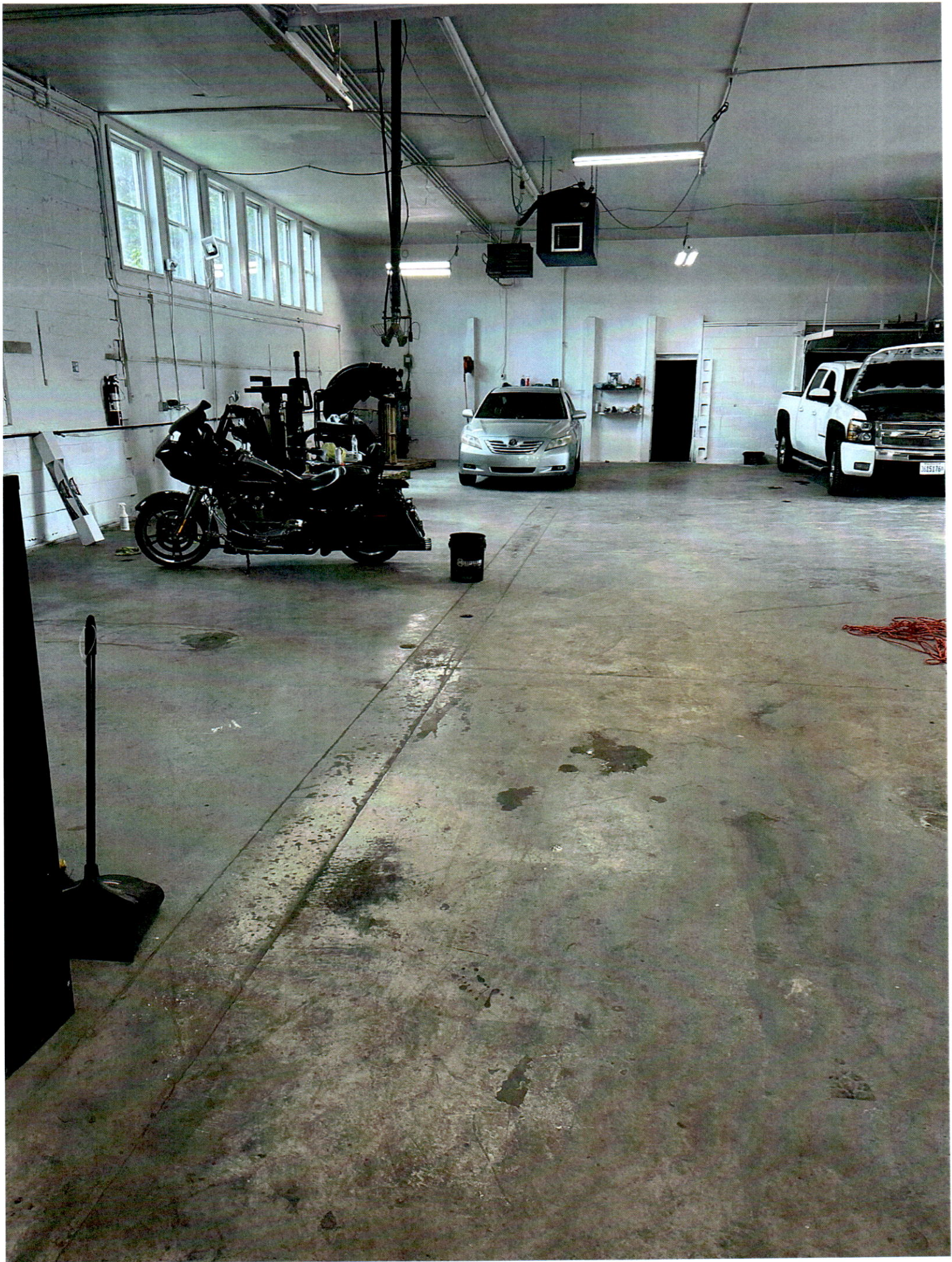














Planning Commissioner _____ introduced the following resolution and moved for its adoption:

RESOLUTION PC 07-23

A RESOLUTION ADOPTING FINDINGS OF FACT RELATING TO APPROVAL OF A SPECIAL USE PERMIT FOR AN AUTO BODY REPAIR CENTER AT 5605 NORTH ILLINOIS STREET

WHEREAS, Grisnely Homere, hereinafter referred to as the "Applicant," applied for a Special Use permit for approval of a development plan for an auto body repair center on parcel number 03-33.0-205-049 commonly known as 5605 North Illinois Street; and

WHEREAS, the Fairview Heights Development Code requires that major modifications to a site development plan in B3 Community Business Zoned District be approved as a special use;

WHEREAS, the Applicant has properly applied for a special use permit.

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 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 August 8, 2023 and that said public hearing was properly advertised, both of which are incorporated by reference.
2. That the subject property is zoned "B3" Community Business Zoned District.
3. That the Applicant shall be responsible for all City costs incurred in administering and enforcing this approval.
4. That the Director of Land Use and Development, and his designee, shall have the right to inspect the premises for compliance and safety purposes.
5. That this Approval shall automatically expire if the use is not initiated within one year of City Council Approval.
6. That the Applicant shall obtain all required permits and comply with all ordinances and codes.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ upon vote being taken thereon, the following voted in favor thereof: _____

And the following voted against the same: _____

And the following abstained: _____

And the following were absent: _____

Whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 8th day of August, 2023.

Planning Commission Chairman

ATTEST:

Land Use Director

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

RESOLUTION PC 07-23

A RESOLUTION ADOPTING FINDINGS OF FACT RELATING TO APPROVAL OF A SPECIAL USE PERMIT FOR AN AUTO BODY REPAIR CENTER AT 5605 NORTH ILLINOIS STREET

WHEREAS, Grisnely Homere hereinafter referred to as the "Applicant," applied for a Special Use permit for approval of a development plan to add an auto body repair center on parcel number 03-33.0-205-049, commonly known as 5605 N Illinois Street; and

WHEREAS, the Fairview Heights Development Code requires that major modifications to a site development plan in B3 Community Business Zoned District be approved as a special use;

WHEREAS, the Applicant has properly applied for a special use permit.

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 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 August 8, 2023 and that said public hearing was properly advertised, both of which are incorporated by reference.
2. That the subject property is zoned "B3" Community Business Zoned District.
3. That the Applicants special use permit for an auto body repair center shall be denied, based on the following criteria _____

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 8th day of August, 2023.

Planning Commission Chairman

ATTEST:

Land Use Director



DEPARTMENT OF LAND USE AND DEVELOPMENT

PUBLIC HEARING NOTICE

Notice is hereby given that a public hearing will be held before the Fairview Heights Planning Commission on Tuesday, August 8th, 2023 at 7:00 p.m. This meeting will be held both in-person at the Fairview Heights City Hall, 10025 Bunkum Road, 62208 and virtually. Parties interested in attending the meeting virtually should contact Dallas Alley, Director of Land Use and Development at (618) 489-2061 or alley@cofh.org for instructions and visit the City's website for an agenda and meeting materials at www.cofh.org.

At this meeting, the Commission will consider a Special Use Permit in the "B3" Community Business zoning district for the addition of auto body repair at 5605 N Illinois St also identified by St. Clair County PIN(s) 03-33.0-205-049.

Request was made by Qais Hussein, 122 Winchester Place, Fairview Heights, IL 62208.

All persons desiring to be heard on this proposal may attend either in-person or virtually.

Dated this 17th day of July 2023.

FAIRVIEW HEIGHTS PLANNING COMMISSION

BY: Greg Moats, Chairman

PC 07-23

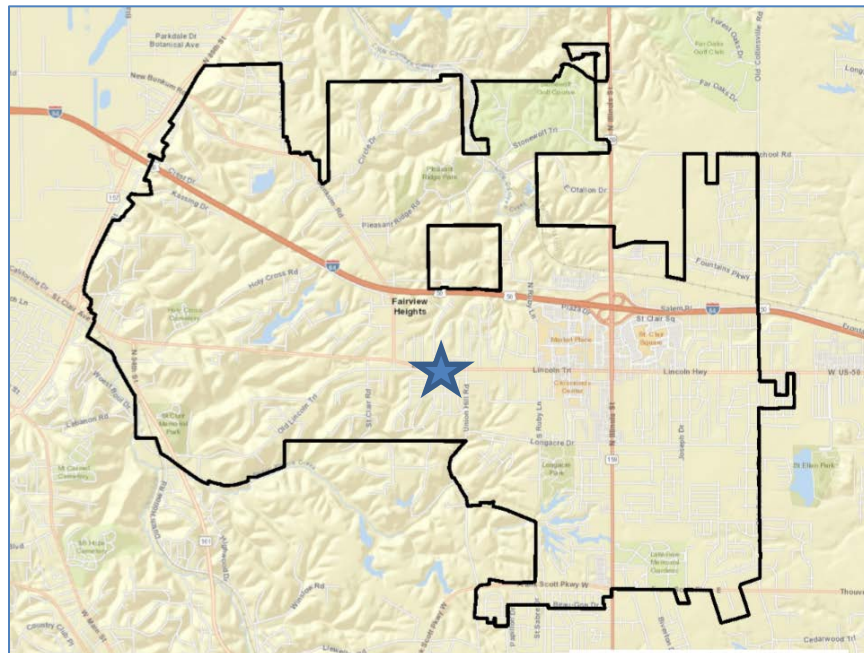


DEPARTMENT OF LAND USE AND DEVELOPMENT

TRANSMITTAL TO PLANNING COMMISSION

- APPLICATION NUMBER:** PC-08-23
- REQUEST:** Special Use Permit to allow a Retail minimart / in and out kitchen / with Video Gaming site in "PB" Planned Business zoning district at 10246 Lincoln Trail. Also identified by St. Clair County PIN(s) 03-29.0-401-026. *VOTE REQUESTED.*
- APPLICANT NAME:** Tareq Qunni
- MEETING DATE:** August 8, 2023
- ZONING:** PB – Planned Business
- PLANNING COMMISSION ACTION:** Consideration of the Special Use Permit, make recommendation to the Community Committee and City Council which has final authority to approve or deny the request.

GENERAL LOCATION:



STAFF ADVISORY

1. BACKGROUND

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 is seeking approval of a retail mini mart/ in and out kitchen / gambling machine site.

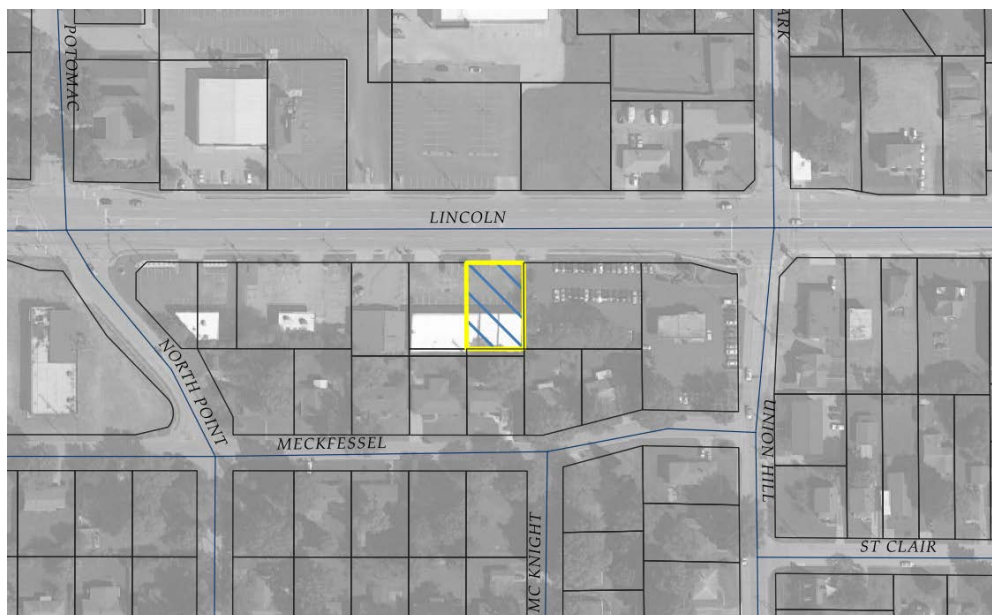
The subject property located at 10246 Lincoln Trail and is zoned PB- Planned Business. This zoning district is intended for a variety of commercial uses such as retail, office, and restaurant uses. The retail mini mart/ in and out kitchen / with video gaming use is permitted; however, a Special Use Permit with Site Development Plan is required when there is a substantial change to an approved PB-Planned Business development site plan or where there could be impacts to traffic, noise or adjacent uses.

2. DISCUSSION

Context

The subject site is located in the west portion of the City, south of IL Rte 50, and west of Union Hill Road. It is comprised of one parcel.

The zoning designation for this parcel is PB – Planned Business. This zoning district is intended for a variety of commercial uses such as retail, office, and restaurant uses. Substantial changes to an approved planned business development site plan must be approved by the Planning Commission as established in Development Code Section 14-2-13 (G) Procedures in PB District.



Zoning: Site and Surrounding Areas

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

North: B3 – Community Business District;

South: R4 – Residential Single Family Residence District;

West: PB – Planned Business;

East: PB – Planned Business.



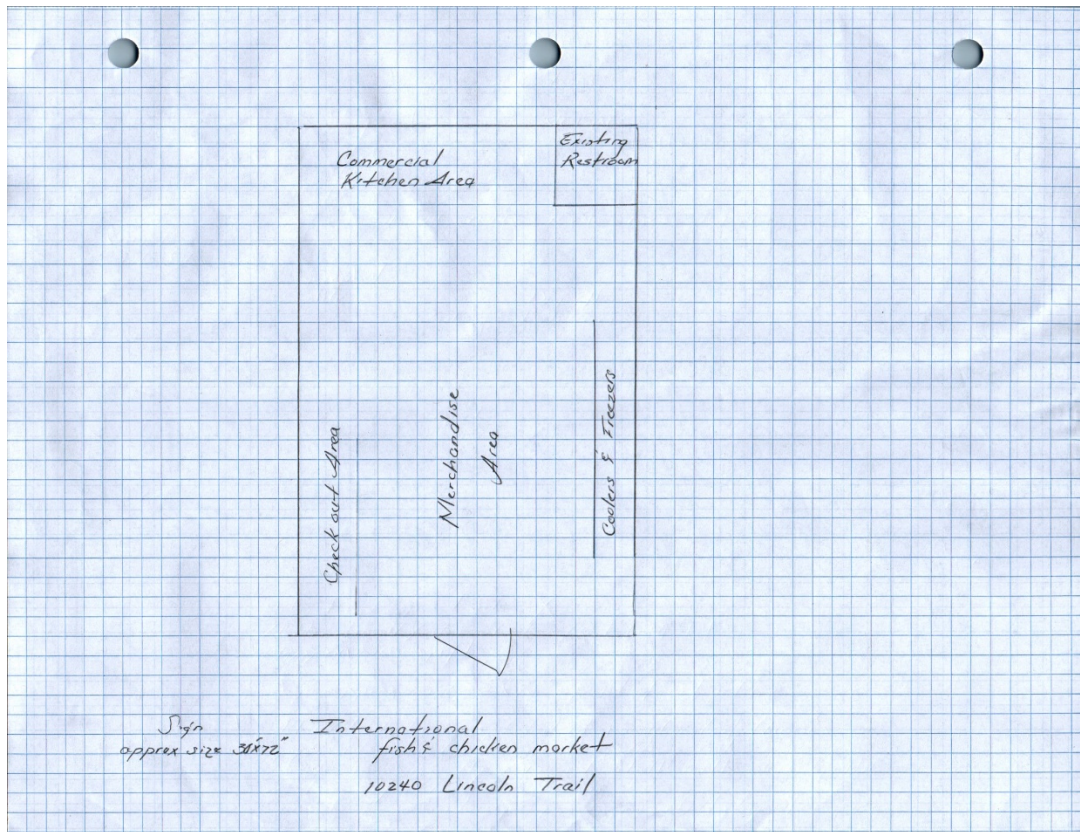
Future Land Use: Site and Surrounding Areas

The Fairview Heights Comprehensive Plan identifies the subject site as Multi-Family Residential. This designation consists of condominiums, apartments, and senior housing developments and should be predominantly owner-occupied. The proposed use does not conform with the Fairview Heights Comprehensive Plan.

Site Photographs



Site Plan -



Planning Considerations

I. Analysis: Site Development

The applicant is seeking approval of the placement of a retail mini mart/ in and out kitchen / gambling machine site in an existing multi-tenant building. In its deliberations, Planning Commission shall review general planning considerations and may impose conditions to the approval of this structure. Following are the criteria outlined in Chapter 14 of the Fairview Heights Code of Ordinances (Development Code) and proposed conditions, where applicable:

(a) *Permitted uses, including maximum floor area.*

The use of retail mini mart/ in and out kitchen / with video gaming is permitted in the PB Planned Business District.

(b) *Performance standards. (Performance standards regulate the intensity of land use to prevent adverse impact on abutting and nearby properties.)*

The premises shall be maintained in good condition, free from trash and debris.

Noise emanating from the 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.

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.

(c) *Height limitations.*

The building height is not to be modified.

(d) *Minimum yard requirements.*

n/a

(e) *Off-street parking and loading requirements*

The Development Code states that parking and loading requirements for restaurants shall be approved base on administrative review. The parking and loading configuration has not been submitted to the zoning administrator.

(f) *Sign regulations*

The size and number of signs are prescribed in Article VII of the Development Code and will be reviewed during the permitting process. The location will also be determined at that time.

(g) *Minimum requirements for site development plans.*

Site development plans shall depict the proposed location of buildings, parking areas, traffic circulation, landscaping, utilities, and drainage. These requirements have not been met.

(h) Time limitations for commencement of construction.

Within one (1) year of approval, construction shall commence. The applicant may apply for one (1) extension of time limitation from the City in writing explaining extenuating circumstances.

(i) Trust funds, impact fees, surcharges and connection fees.

The applicant will pay all applicable fees and meet all permitting requirements of any utility or other jurisdictional unit.

(j) Rights of way dedication and road improvements.

n/a

Exhibits

1. Applicant's Narrative and Excerpted Supporting Documents
2. Resolution and Findings of Fact
3. Public notice

APPLICATION FOR SPECIAL USE PERMIT



07-11-23 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	
DATE APPLICATION DEEMED COMPLETE: 07-12-23	CASE NUMBER ASSIGNED: PC 08-23
RESUBMITTALS RECEIVED/DATE:	APPLICATION FEES PAID (\$150 + \$25 per acre above one acre, + \$50 Publication fee): 07-12-23 #6-002659
ZONING DISTRICT: Planned Business	DATE PUBLIC NOTICE SIGN POSTED BY STAFF:
DATE SET FOR HEARING:	NEWSPAPER NAME AND PUBLICATION DATE:
APPLICATION CIRCULATION DATE _____: Comments Received: <input type="checkbox"/> Public Works <input type="checkbox"/> Fire District <input type="checkbox"/> Parks and Recreation <input type="checkbox"/> Economic Development <input type="checkbox"/> Police Department <input type="checkbox"/> Finance Department <input type="checkbox"/> Administration Department <input type="checkbox"/> Other	AUTHORITY MEETING DATE/RECOMMENDATION: <input type="checkbox"/> Planning Commission _____ / _____ <input type="checkbox"/> Community Committee _____ / _____ <input type="checkbox"/> City Council _____ / _____
CITY COUNCIL RESOLUTION NUMBER: <i>(Maintain copy with LUD file)</i>	

Applicants should submit two hard copies and one electronic version of the completed application and submittal requirements (attachments) to the Department of Land Use and Development at least thirty-six (36) days prior to the Plan Commission meeting. All application fees must be included in order for the application to be deemed complete.

The SUP procedures are found in Section 14-10-8 of the Development Code. Applicants should be aware that a public hearing will be conducted at Plan Commission. This hearing allows the applicant and any other person(s) with interest in the matter to provide comments for the official record. Public notification requirements include publishing a notice of hearing in a newspaper of general circulation at least 15 days prior to the hearing, placing a hearing sign on the property and notifying surrounding property owners (within 300 feet of the subject parcel) of the application. City staff will complete the public notification tasks.

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PROJECT INFORMATION FOR SPECIAL USE PERMIT

Project Name: International Chicken & Fish
Project Address: 10246 Lineda Trail Rd Fairview Heights IL
Parcel ID: 03-29-0-401-026
Current Use of Property: N/A not in use currently
Project Size/Acreage: 0.48 - unit in strip mall.
Number of Lots: 1
Density: _____

CONTACT INFORMATION FOR SPECIAL USE PERMIT

Property Owner(s): Eric Gillan, dbo Gillan Holdings
Mailing Address: 1149 Revo Avenue St. Louis Mo 63126
Phone: 1-618-709-3900
E-Mail: artwork@gillans.com

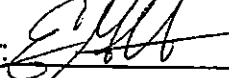
Applicant/agent: Tareq Qunni "Tenant"
Relationship to owner: Tenant
Mailing Address: 8711 Delmore Ter. Caseyville, IL 62232
Phone: 618-825-8241
E-Mail: Tareq.Qunni@gmail.com

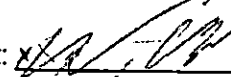
AUTHORIZATION

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:  ERIC GILLAN Date: _____
Printed Name: _____

Signature of Applicant:  Date: 7-11-2023
Printed Name: Tareq Qunni

Business operations

International minimart, Fish and Chicken To include: retail minimart, in and out kitchen services, state lottery and gambling machines potential employment from the community 3 to 4 persons Operating hours approximately 8:00 am- 10:00 pm seven days a week To include sales of package, liquor and tobacco

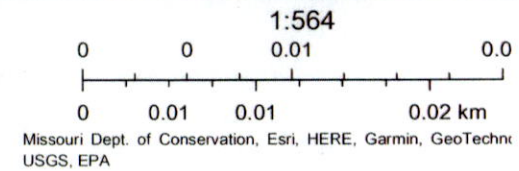
PARCEL ID	TE	SITEZIP	SITEADRI	SITEADR2	OWNER	ADDRESS	CITYST	ZIPCODE
03-29.0-200-004	IL	622080000	5 MARK DR	FAIRVIEW HEIGHTS, IL 6220	CHERRY, ANITA E	5 MARK DR	FAIRVIEW HEIGHTS IL	622081839
03-29.0-200-005	IL	622080000	10271 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	BUI, DO T	108 URBAN WAY DR	SWANSEA IL	622261839
03-29.0-200-006	IL	622080000	10275 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	LAUX, STEVEN J	3708 SCOTSDALE DR	SWANSEA IL	62226
03-29.0-200-015	IL	622080000	10231 LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	NJN DEVELOPMENT LLC	7201 N LINDBERGH BLVD	HAZELWOOD MO	630422018
03-29.0-200-016	IL	622080000	10239 LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	NJN DEVELOPMENT LLC	7201 N LINDBERGH BLVD	HAZELWOOD MO	630422018
03-29.0-200-018	IL	622080000	LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	LSS COMMERCIAL LLC	6 NORMANDY LN	LAKE ST LOUIS MO	63367
03-29.0-200-019	IL	622080000	LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	PHILLIPS, DENNIS	931 E FORT KING ST	OCALA FL	34471
03-29.0-200-022	IL	622080000	10251 LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	NJN DEVELOPMENT LLC	7201 N LINDBERGH BLVD	HAZELWOOD MO	630422018
03-29.0-200-024	IL	622080000	10251 LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	NJN DEVELOPMENT LLC	7201 N LINDBERGH BLVD	HAZELWOOD MO	630422018
03-29.0-200-025	IL	622080000	LINCOLN HWY	FAIRVIEW HEIGHTS, IL 6220	LSS COMMERCIAL LLC	6 NORMANDY LN	LAKE ST LOUIS MO	63367
03-29.0-400-110	IL	622080000	10224 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	WOOTEN, JACQUELINE J	1146 CHATHAM DR	BELLEVILLE IL	622217841
03-29.0-401-026	IL	622080000	10234 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	GILLAN ERIC D/B/A GILLAN MANAG	1149 RECO AV	SAINT LOUIS MO	63126
03-29.0-401-007	IL	622080000	10280 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	FULTS, KENNETH L JR	3001 CAMP JACKSON RD	CAHOKIA IL	62206
03-29.0-401-008	IL	622080000	201 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	SLONE, NARVEL H	201 MECKFESSEL DR	FAIRVIEW HTS IL	622082550
03-29.0-401-009	IL	622080000	203 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	CARTER, WILLIAM & PAMELA	203 MECKFESSEL DR	FAIRVIEW HTS IL	622082550
03-29.0-401-013	IL	622080000	211 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	HENDRIX, JOHN L & RUTH E	211 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	62208
03-29.0-401-014	IL	622080000	213 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	ARAUJO, LINDA M	213 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	622082550
03-29.0-401-015	IL	622080000	10280 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	FULTS, KENNETH L JR	3001 CAMP JACKSON RD	CAHOKIA IL	62206
03-29.0-401-017	IL	622080000	207 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	VAN, JEROME & DIANE	207 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	622082550
03-29.0-401-019	IL	622080000	209 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	ADAMS, COREY & SHANITA	209 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	622082550
03-29.0-401-020	IL	622080000	10230 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	ESONO BEAUTY LLC	10230 LINCOLN TR	FAIRVIEW HEIGHTS IL	62208
03-29.0-401-021	IL	622080000	205 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	CARDOZA, PATRICIA L	205 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	62208
03-29.0-401-024	IL	622080000	LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	WOOTEN, JACQUELINE J	1146 CHATHAM DR	BELLEVILLE IL	622217841
03-29.0-401-025	IL	622080000	10226 LINCOLN TR	FAIRVIEW HEIGHTS, IL 6220	W&M CHAVOUS REAL ESTATE LLC AT	845 MISTY VALLEY RD	OFALLON IL	62269
03-29.0-404-001	IL	622080000	200 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	STRICKLAND, RENITA	200 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	62208
03-29.0-404-002	IL	622080000	202 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	BELK, CHRISTOPHER	202 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	622082551
03-29.0-404-003	IL	622080000	204 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	STRUCKHOFF, CLETUS F	204 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	622082551
03-29.0-404-004	IL	622080000	206 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	GOGO HOMES LLC	408 FLAGSTONE PASS DR	OFALLON IL	62269
03-29.0-404-005	IL	622080000	208 MECKFESSEL DR	FAIRVIEW HEIGHTS, IL 6220	BROOKS, CLETIS L	208 MECKFESSEL DR	FAIRVIEW HEIGHTS IL	622082551
03-29.0-404-007	IL	622080000	203 BOUNTIFUL DR	FAIRVIEW HEIGHTS, IL 6220	DAWSON, JANICE	203 BOUNTIFUL DR	FAIRVIEW HEIGHTS IL	62208
03-29.0-404-008	IL	622080000	205 BOUNTIFUL DR	FAIRVIEW HEIGHTS, IL 6220	LILLY, DAVINA M	205 BOUNTIFUL DR	FAIRVIEW HEIGHTS IL	622082502
03-29.0-404-009	IL	622080000	207 BOUNTIFUL DR	FAIRVIEW HEIGHTS, IL 6220	BRIGHT, LAVERNE	207 BOUNTIFUL DR	FAIRVIEW HTS IL	622082502
03-29.0-404-010	IL	622080000	209 BOUNTIFUL DR	FAIRVIEW HEIGHTS, IL 6220	WILLIAMSON KIMBERLY A & HALTER	209 BOUNTIFUL DR	FAIRVIEW HEIGHTS IL	622082502
03-29.0-414-001	IL	622080000	101 MCKNIGHT RD	FAIRVIEW HEIGHTS, IL 6220	SCHWIESOW, LANDY & BIANCA CAME	101 MCKNIGHT RD	FAIRVIEW HEIGHTS IL	62208
03-29.0-414-002	IL	622080000	103 MC KNIGHT RD	FAIRVIEW HEIGHTS, IL 6220	ANDERSON MELBA	105 MCKNIGHT RD	FAIRVIEW HEIGHTS IL	62208
03-29.0-414-018	IL	622080000	100 UNION HILL RD	FAIRVIEW HEIGHTS, IL 6220	RODRIGUEZ MANUELA & BERNAL ER	100 UNION HILL	FAIRVIEW HEIGHTS IL	62208
03-29.0-414-019	IL	622080000	116 UNION HILL RD	FAIRVIEW HEIGHTS, IL 6220	WOOD, MATTHEW D	116 UNION HILL RD	FAIRVIEW HEIGHTS IL	62208

St Clair County Parcel Map



7/11/2023, 1:44:29 PM

-  Township Boundary
-  Roads
-  Parcels



Mark Drive
Potemac Dr
N. Point Rd

Under renovations

10244	10442	10240	10238	10234
	NOT IN USE	TRACIF & MORE	DINE BAR	

Proposed Site

Parking & Deliveries Drop off

Lush Trail

Kennedi Auto Sales

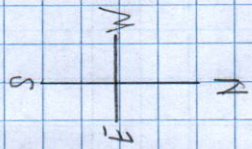
Union Hill

Lighted Intersection

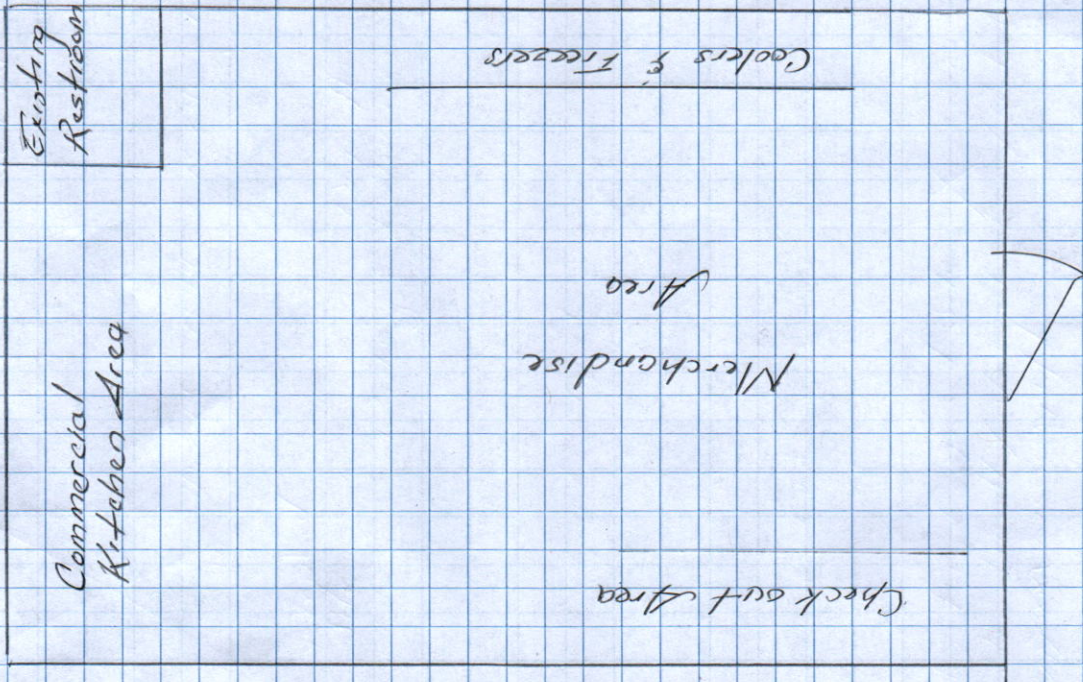
Notes for Proposed Site
"International Fish & Chicken / Retail Market"
approx 1500 sqft

Sign approx size 30x72" front of structure

* All work to be completed in accordance with applicable State and local building codes
10240 is currently a vacant shell with working utilities existing & functional restroom
see p. 2 for similar proposed potential layout.







Sign
approx size 30x72"

International
fish & chicken market

10240 Lincoln Trail



Receipt No: 6.002659

Jul 12, 2023

TERIQ QUNNI

Previous Balance: .00

PERMITS

SPECIAL USE PERMIT 150.00

APPLICATION

Total: 150.00

GENERAL FUND CASH 150.00

Total Applied: 150.00

Change Tendered: .00

Duplicate Copy

07/12/2023 2:25 PM

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

RESOLUTION PC 08-23

A RESOLUTION ADOPTING FINDINGS OF FACT RELATING TO APPROVAL OF A SPECIAL USE PERMIT FOR A RETAIL MINIMART AND RESTAURANT WITH GAMBLING MACHINES AT 10246 LINCOLN TRAIL

WHEREAS, Tareq Qunni, hereinafter referred to as the "Applicant," applied for a Special Use permit for approval of a development plan for a retail minimart and restaurant with gambling machines on parcel number 03-29.0-401-026 commonly known as 10246 Lincoln Trail; and

WHEREAS, the Fairview Heights Development Code requires that major modifications to a site development plan in PB Planned Business Zoned District be approved as a special use;

WHEREAS, the Applicant has properly applied for a special use permit.

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 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 August 8, 2023 and that said public hearing was properly advertised, both of which are incorporated by reference.
2. That the subject property is zoned "PB" Planned Business Zoned District.
3. That the Applicant shall be responsible for all City costs incurred in administering and enforcing this approval.
4. That the Director of Land Use and Development, and his designee, shall have the right to inspect the premises for compliance and safety purposes.
5. That this Approval shall automatically expire if the use is not initiated within one year of City Council Approval.
6. That the Applicant shall obtain all required permits and comply with all ordinances and codes.

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ upon vote being taken thereon, the following voted in favor thereof: _____

And the following voted against the same: _____

And the following abstained: _____

And the following were absent: _____

Whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 8th day of August, 2023.

Planning Commission Chairman

ATTEST:

Land Use Director

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

RESOLUTION PC 08-23

A RESOLUTION ADOPTING FINDINGS OF FACT RELATING TO DENIAL OF A SPECIAL USE PERMIT FOR A RETAIL MINIMART AND RESTAURANT WITH GAMBLING MACHINES AT 10246 LINCOLN TRAIL

WHEREAS, Tareq Qunni hereinafter referred to as the "Applicant," applied for a Special Use permit for approval of a development plan for a retail minimart and restaurant with gambling machines on parcel number 03-29.0-401-026, commonly known as 10246 Lincoln Trail; and

WHEREAS, the Fairview Heights Development Code requires that major modifications to a site development plan in PB Planned Business Zoned District be approved as a special use;

WHEREAS, the Applicant has properly applied for a special use permit.

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 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 August 8, 2023 and that said public hearing was properly advertised, both of which are incorporated by reference.
2. That the subject property is zoned "PB" Planned Business Zoned District.
3. That the Applicants special use permit for a minimart and restaurant with gambling machines shall be denied, based on the following criteria

The motion for the adoption of the foregoing resolution was duly seconded by Commissioner _____ upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

and the following abstained:

and the following were absent:

whereupon said resolution was declared duly passed and adopted by the Fairview Heights Planning Commission this the 8th day of August, 2023.

Planning Commission Chairman

ATTEST:

Land Use Director



DEPARTMENT OF LAND USE AND DEVELOPMENT

PUBLIC HEARING NOTICE

Notice is hereby given that a public hearing will be held before the Fairview Heights Planning Commission on Tuesday, August 8th, 2023 at 7:00 p.m. This meeting will be held both in-person at the Fairview Heights City Hall, 10025 Bunkum Road, 62208 and virtually. Parties interested in attending the meeting virtually should contact Dallas Alley, Director of Land Use and Development at (618) 489-2061 or alley@cofh.org for instructions and visit the City's website for an agenda and meeting materials at www.cofh.org.

At this meeting, the Commission will consider a Special Use Permit in the "PB" Planned Business zoning district for the addition of a mini-mart & restaurant with gambling machines at 10246 Lincoln Trail also identified by St. Clair County PIN(s) 03-29.0-401-026.

Request was made by Tareq Qunni, 8711 Delmore Terrace, Caseyville, IL 62232.

All persons desiring to be heard on this proposal may attend either in-person or virtually.

Dated this 17th day of July 2023.

FAIRVIEW HEIGHTS PLANNING COMMISSION

BY: Greg Moats, Chairman

PC 08-23