

Mascoutah City Council

March 2, 2015

REGULAR MEETING AGENDA

Work Session – 6:30 pm

Utility Financial Solutions Cost of Service Study

City Council Meeting - 7:00 pm

1. PRAYER & PLEDGE OF ALLEGIANCE

2. CALL TO ORDER

3. ROLL CALL

4. AMEND AGENDA – consideration of items to be added/ deleted to /from the meeting agenda. *No action can be taken on added items, but may be discussed only. Exceptions – emergency items as authorized by law.*

5. MINUTES, February 17, 2015 City Council Meeting (Page 1 to Page 7)

6. PUBLIC COMMENTS (3 minutes) – opportunity for the public to comment.

7. REPORTS AND COMMUNICATIONS

- A. Mayor - Appointment
- B. City Council
- C. City Manager
- D. City Attorney
- E. City Clerk

8. COUNCIL BUSINESS

A. Council Items for Action:

1. Main Street Closing – Spring Fest with IDOT Resolution

(Page 8 to Page 10)

Description: Council approval of request by Mascoutah Chamber of Commerce to close Main Street (IL 177) on May 15, 2015 for the Spring Fest.

Recommendation: Council Approval and Adoption of Resolution.

2. Code Change – Recreation and Parks Code (second reading)

(Page 11 to Page 14)

Description: Approval of revisions to Chapter 31 – Recreation and Parks of the City Code by adoption of ordinance.

Staff Recommendation: Council Approval and Adoption of Ordinance

3. Cemetery Mowing Agreement (Page 15 to Page 18)

Description: Approval and authorization of agreement for furnishing all labor, equipment and means for the mowing of the Mascoutah City Cemetery.

Recommendation: Council Approval

4. PC 15-03 – Preliminary Plat for Chief View Estates

(Page 19 to Page 29)

Description: Approval of a Preliminary Plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road.

Recommendation: Council Approval and Adoption of Resolution

5. PC 15-02 – Ace Hardware – Site Plan and Architectural Review for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street) (Page 30 to Page 44)

Description: Review and approval of Site Plan and architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets.

Recommendation: Council Approval

6. PC 15-01 – Text Amendment to Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. “RS-8,” Single-Family Residential District, Section 34-5-23. Conditional Uses (First Reading)

(Page 45 to Page 65)

Description: Approval or denial to amend Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. “RS-8,” Single-Family Residential District, Section 34-5-23. Conditional Uses, specifically to add “duplex” as a Conditional Use in the RS-8 District.

Recommendation: First Reading

7. Resolution Opposing LGDF Reduction (Page 66 to Page 67)

Description: Approval of a resolution urging the Governor and General Assembly to protect full funding of Local Government Distributive Fund reserves.

Recommendation: Council Approval and Adoption of Resolution

B. Council – Miscellaneous Items

C. City Manager

9. PUBLIC COMMENTS (3 MINUTES)

10. ADJOURNMENT TO EXECUTIVE SESSION - NONE

11. MISCELLANEOUS OR FINAL ACTIONS

12. ADJOURNMENT

POSTED 2/27/15 at 5:00 PM

**CITY OF MASCOUTAH
CITY COUNCIL MINUTES
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

FEBRUARY 17, 2015

The minutes of the regular meeting of the City Council of the City of Mascoutah.

PRAYER AND PLEDGE OF ALLEGIANCE

City prayer was delivered by City Clerk Kari Haas. The Council remained standing and recited the Pledge of Allegiance.

CALL TO ORDER

Mayor Gerald Daugherty called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Mayor Gerald Daugherty and Council members Ben Grodeon, Paul Schorr, John Weyant, and Pat McMahan.

Absent: None.

Other Staff Present: City Manager Cody Hawkins, City Clerk Kari Haas, City Attorney Al Paulson, City Engineer Ron Yeager, Police Chief Bruce Fleshren, Fire Chief Joe Zinck, Finance Coordinator Lynn Weidenbenner, and Assistant City Manager Lisa Koerkenmeier.

Establishment of a Quorum: A quorum of City Council members was present.

AMEND AGENDA

None.

MINUTES

The minutes of the February 2, 2015 regular City Council meeting were presented and stood as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

Al Goepfert, Oates Associates – spoke regarding the Harnett Street road improvement project and stated that in their opinion it was a very successful project and spoke regarding the cooperation with the City and the contractor. Stated that there are a few minor clean up items to do in the Spring that will be handled mostly by City Engineer Ron Yeager. Thanked the Council for choosing them to engineer the project and looks forward to working with the City again in the future.

Michael Speir, resident of Indian Prairie Estates – spoke regarding the new snow removal policy stating that when more than 2” of snow has fallen that snow removal will commence but there was no snow removal done when there was more than 2” of snow at his house and the weather service registered 3.2” and 3.4” and there was 4” at his house. Stated that he thought it should be looked at and how the snowfall is measured. Mayor stated that they will look into it.

Ron Majka, Harnett Street resident – spoke regarding the snow removal and with the school district removing bus routes, asked if clearing sidewalks was going to be looked at to be done by City to help the kids having to walk to school. Mayor stated that they will review it.

DEPARTMENT REPORTS

Fire Chief Joe Zinck – January 2015 report was provided and the annual 2015 report was provided. Councilman Grodeon asked what the utilization has been on the ladder truck. Fire Chief stated that it is run first out on structure fires and has been used a few times for ventilation and assists to other departments.

Public Safety Director Bruce Fleshren – January 2015 report was provided.

Finance Coordinator Lynn Weidenbenner – Monthly financials provided. Councilman Weyant asked about the budget for streets/sidewalks/sidewalk program and that it is only 15% used and is there a way to get the word out so that program gets used more. City Manager stated that him and the City Engineer are looking at different areas to do for the City and also about public relations regarding the program. Councilman Weyant asked about the bullet proof vests budget being at 12%. Police Chief stated that more will be ordered in the Spring.

City Engineer/Director of Public Works Ron Yeager – Status report on public projects and monthly building permits report provided. Councilman Weyant asked what kind of antenna would be \$20,000. City Clerk stated that it is for a cell phone antenna.

REPORTS AND COMMUNICATIONS

Mayor

Mayor recommended appointing Doug Elbe to the Parks & Recreation Commission to fill the vacancy. Weyant moved, seconded by Schorr, to ratify the appointment of Doug Elbe to the Parks & Recreation Commission.

Motion passed. Passed by unanimous yes voice vote.

Attended the following meetings and functions: Chamber meeting, luncheon at Scott AFB for a Civic Leader Group orientation, Sweetie Pie Day judge, meeting at IDOT regarding repaving of Route 177 from Route 4 to 6th Street, St. Clair County Transportation Committee meeting at IDOT offices, volunteer appreciation breakfast at Senior Center, stated that March 16th-20th is National Wheel on Meals days.

City Council

Grodeon – Attended the following meetings and functions: Sweetie Pie Day.

Schorr – Attended the following meetings and functions: Chamber meeting, Sweetie Pie Day.

Weyant – Attended the following meetings and functions: Chamber meeting.

McMahan – Attended the following meetings and functions: Working on Springfest which is May 15th, working on scorecards for the Frisbee Golf.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The January 2015 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Councilman Grodeon commented on the fund balance report with regards to the General Fund doing well. Councilman Grodeon asked about the TIF 2B fund balance increasing. City Manager stated that the TIF 2B fund balance is being kept on reserve to save for the Route 4 and Route 177 intersection improvement since the City's portion of the project is around \$800,000. City Manager stated that the first two payments on the loan draw down will be paid out of TIF 2B funds since a portion of Harnett Street was located within the TIF 2B District.

Weyant moved, seconded by Grodeon, to accept all items under Omnibus consideration.

Motion passed. AYE's – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY's – none.

SWIDA BOND CAP REALLOCATION RESOLUTION

City Manager presented report for Council consideration of resolution allowing the transfer of Private Activity Industrial Revenue bond Volume Cap to SWIDA.

Councilman Weyant asked if we could find out what the bonds are being used for. City Attorney stated that typically it is used for private projects.

Schorr moved, seconded by McMahan, to approve and adopt Resolution No. 14-15-19, thereby relinquishing the City of Mascoutah's Private Activity Industrial Revenue Bond Volume Cap to SWIDA.

Motion passed. AYE's – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY's – none.

ST. CLAIR COUNTY CONTRACTS FOR DISPATCHING SERVICES

City Manager presented report for Council consideration of approval of three contracts with St. Clair County, Illinois for Coordinated Communications Services (dispatching services) provided for the year of 2015 for the Police, EMS and Fire Departments.

McMahan moved, seconded by Schorr, to approve the three contracts with St. Clair County for dispatching services and authorize the appropriate City officials to execute the required documents.

Motion passed. AYE's – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY's – none.

GROUND STORAGE TANK INTERIOR PAINTING – BID AWARD

City Manager presented report for Council consideration of approval and authorization of bids for furnishing all labor, materials and equipment to paint the repair the interior of the Ground Storage Tank on Railway Street.

Councilman Schorr asked about the two lower bidders and if they had physically reviewed the tower especially with the problems that occurred with the last water tower project. City Engineer stated that the big tower had a lot of spot repairs that weren't visible until after the power washing which increased the pricing. City Engineer stated that a video was taken of the inside of the tank and was provided to the contractors upon request so they could review the scope of the project.

Councilman Grodeon asked if the period of performance specified in the contract and what happens if they don't complete the project within those time frames. City Engineer stated that they chose the spring and the fall because of the water demands in the summer. City Engineer stated that once they begin they have 40 days to complete the project. City Engineer stated that the contract documents don't have any liquidated damages that he is aware of but the contractor we have chosen has the experience in this type of work so doesn't foresee any problems.

Grodeon moved, seconded by Schorr, to approve the low bid of \$108,750.00 to Quality Assured Industrial Coatings of Alton, IL for furnishing all labor, materials and equipment for the Ground Storage Tank Interior Painting Project and authorize appropriate officials to execute the necessary documents.

Motion passed. AYE's – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY's – none.

SCHEVE PARK SKATE PARK EQUIPMENT – BID AWARD

City Manager presented report for Council consideration of approval and authorization of bid for equipment and hardware at the new skatepark in Scheve Park.

Councilman Grodeon asked if it is maintenance free. City Manager stated that it is as maintenance free as it can be. City Manager stated that there is a schedule within their packet regarding items that need to be checked on a monthly basis and there is a maintenance repair kit that can be requested to fix scratches.

Councilman Weyant asked about liability. City Attorney stated that liability should not be an issue and would be the same as with any other recreational facility.

Councilman Schorr asked if this pricing included installation. City Manager stated that we will be installing the equipment in house. Councilman Schorr asked about the difference in the bids. City Manager stated that the lowest bidder American Ramp Company manufactures all their own products which made their price lower since it cuts out the middle man.

Weyant moved, seconded by McMahan to approve the low bid for furnishing equipment and hardware for the new skatepark in Scheve Park in the amount of \$24,199.99 to American Ramp Company of Joplin, MO and authorize appropriate officials to execute the necessary documents.

Motion passed. AYE's – Grodeon, Schorr, Weyant, McMahan, Daugherty. NAY's – none.

CODE CHANGE – RECREATION AND PARKS CODE

City Manager presented report for Council consideration of approval of revisions to Chapter 31 – Recreation and Parks of the City Code by adoption of ordinance.

Councilman Weyant asked about extra charge for electric usage especially for ball fields. City Manager stated that electric usage for the ball fields is already being billed to the organizations using the ball fields.

Councilman Grodeon asked about the runners on roadway signs and not being picked up for a couple days and who's responsible for removing the signs. City Manager stated that the signs are placed and removed by the City Street Department and is done during normal business hours so as not to pay overtime which is why when the event happens on the weekend the signs are not picked up until Monday.

Councilman Schorr commented on the proof of liability insurance requirement and doesn't understand and requirement for mainly out-of-town sponsors. Council discussed this requirement and decided that it should be for any organization, both local and out-of-town.

Councilman Schorr commented on the clean-up costs and asked what a reasonable fee would be. City Manager explained that the fee would be for the actual costs such as use of equipment and labor. Council discussed the wording and decided to change the wording to reflect actual cost instead of reasonable fee.

Councilman Schorr commented on the fee for the "Runners on Roadway" signs and the fee being only \$50. City Manager stated that the signs are placed during working hours. City Manager stated that they can increase that fee if Council wishes.

First reading. No action required.

COUNCIL – MISCELLANEOUS ITEMS

Councilman Grodeon commented on the accident that occurred on Route 4 and if we can approach IDOT again about the speed limit. City Manager stated that they can approach IDOT again.

Councilman Schorr commented on the flags being put out for President's Day and thought it was really nice.

Mayor stated that there will be a military ball held on May 8th.

Ben Trout and Jerry Kroner with EPM presented the City's first annual report. Council discussed the annual report.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager provided updated information regarding the Phase II Electric project after the meeting with Ameren. City Manager stated that he needs to know going forward with the thought that Phase II will need to occur but will probably be pushed off for a couple more years (possibly 2018) and if the Council wants staff to start acquiring the easements that will be needed with the budgeted funds that are in the current budget and if there should be funds budgeted in the next fiscal year. City Manager stated that there is a possible plan for Ameren to do an upgrade to the north which could change our plans for capacity but there will be additional upfront and long-term costs with Ameren to tap on to that north feed. Council discussed the easement acquisitions and were split on whether to wait on the easements or start to acquire the easements especially with the fact that the prices are going to keep increasing and also with the possibility of a north tap in point. Council also discussed the electric rates but will discuss further after the rate study is presented at the next meeting.

City Manager stated that last week requests for quotes were received for possibly outsourcing the Cemetery mowing again and there were two quotes received. City Manager stated that there are several issues with hiring part-time mowers especially with getting quality, reliable workers. City Manager stated that our cost is around \$1,200-\$1,250 per week in expenses which includes labor, equipment, fuel etc. City Manager stated that the lowest quote came in at \$1,500 per week from Vasquez Outdoor Services out of Fayetteville which would be around \$6,000-\$7,000 more per year. Council was in agreement to try a private mowing company again. Councilman Weyant asked who does the mowing for the catholic cemetery. City Manager stated that he will find out who the church contracts with for the catholic cemetery and look at them for a possibility too.

City Manager stated that they have been trying to move the CMAQ grant from Fuesser Road to the berm and were denied. City Manager stated that they have been talking with East-West Gateway regarding the CMAQ funds but it is not going to be possible to move the funds for the berm project. City Manager stated that there are STP funds that can be applied for to use for the berm trail which would be a 75/25 matching program and East-West Gateway has stated that they can help us to try to fast-track the application. Council was in agreement to try for the STP funds.

PUBLIC COMMENTS

None.

MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Grodeon, to **adjourn at 8:29 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.


Kari D. Haas, City Clerk

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **Main Street Closing – Spring Fest with IDOT Resolution**

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Council approval of request by Mascoutah Chamber of Commerce to close Main Street (IL 177) on May 15, 2015 for the Spring Fest.

BACKGROUND & STAFF COMMENTS:

Mascoutah Chamber of Commerce will be holding the Spring Fest on Friday, May 15, 2015. They are requesting closing of Main St. (IL 177) from First Street to Market Street from 4 p.m. to 2 a.m. The event will run from 11 a.m. to 11 p.m. The Chamber would like the street to remain closed until 2 a.m. to allow adequate time for clean up.

This request is coming before the Council because it involves a State Highway and requires a Council resolution before we submit it to IDOT.

FUNDING:

None required.

RECOMMENDATION:

Council approval of resolution to close Main Street for the Spring Fest.

SUGGESTED MOTION:

I move that the Council to approve and adopt Resolution No. 14-15-__, authorizing the closing of Main Street (IL 177) from First Street to Market Street on May 15, 2015 from 4 p.m. to 2 a.m. for the annual Spring Fest.

Prepared By: _____

Kari D. Haas
City Clerk

Approved By: _____

Cody Hawkins
City Manager

Attachments: A – IDOT Resolution

RESOLUTION NO. 14-15-__

WHEREAS, the Mascoutah Chamber of Commerce is sponsoring a Spring Festival in the City of Mascoutah which event constitutes a public purpose; and

WHEREAS, this Festival will require the temporary closure of Route 177, a State Highway in the City of Mascoutah from First Street to Market Street; and

WHEREAS, Section 4-408 of the Illinois Highway Code authorizes the Department of Transportation to issue permits to local authorities to temporarily close portions of State Highways for such public purposes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH:

That permission to close off Route 177 from First Street to Market Street as above designated, be requested of the Department of Transportation.

BE IT FURTHER RESOLVED, that this closure shall occur during the approximate time period between 4:00 PM and 2:00 AM on May 15, 2015.

BE IT FURTHER RESOLVED, that this closure is for the public purpose of Spring Festival - to promote business in Mascoutah.

BE IT FURTHER RESOLVED, that traffic from that closed portion of highway shall be detoured over routes with an all weather surface that can accept the anticipated traffic, which will be maintained to the satisfaction of the Department and which is conspicuously marked for the benefit of traffic diverted for the State Highway. (The parking of vehicles shall be prohibited on the detour routes to allow an uninterrupted flow of two-way traffic.)* The detour route shall be as follows: traffic traveling west on Rt. 177: south on Lebanon Street to State Street, west on State Street to 1st Street, north on 1st Street to Rt. 177. Traffic traveling east to use same detour. Truck traffic traveling north on Rt. 4 to Harnett Street, west on Harnett to 6th Street, south on 6th Street to Rt. 177. Truck traffic traveling east on Rt. 177 to use the same detour.

*To be used when appropriate.

BE IT FURTHER RESOLVED, that the City of Mascoutah assumes full responsibility for the direction, protection, and regulation of the traffic during the time the detour is in effect.

BE IT FURTHER RESOLVED, that police officers or authorized flaggers shall at the expense of the City be positioned at each end of the closed section and at other points (such as intersections) as may be necessary to assist in directing traffic through the detour.

BE IT FURTHER RESOLVED, that police officers, flaggers, and officials shall permit emergency vehicles in emergency situations to pass through the closed area as swiftly as is safe for all concerned.

BE IT FURTHER RESOLVED, that all debris shall be removed by the City of Mascoutah prior to reopening the State Highway.

Attachment 'A'

BE IT FURTHER RESOLVED, that such signs, flags, barricades, etc., shall be used by the City of Mascoutah as may be approved by the Illinois Department of Transportation. These items shall be provided by the City of Mascoutah.

BE IT FURTHER RESOLVED, that the closure and detour shall be marked according to the Illinois Manual on Uniform Traffic Control Devices.

BE IT FURTHER RESOLVED, that an occasional break shall be made in the procession so that traffic may pass through. In any event, adequate provisions will be made for traffic on intersecting highways pursuant to conditions noted above. (NOTE: This paragraph is applicable when the Resolution pertains to a Parade or when no detour is required.)

BE IT FURTHER RESOLVED, that the Mascoutah Chamber of Commerce hereby agrees to assume all liabilities and pay all claims for any damage which shall be occasioned by the closing described above.

BE IT FURTHER RESOLVED, that the Mascoutah Chamber of Commerce shall provide a comprehensive general liability insurance policy or an additional insured endorsement in the amount of \$500,000 per person and \$1,000,000 aggregate, which has the Illinois Department of Transportation and its officials, employees, and agents as insureds and which protects them from all claims arising from the requested road closing.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Department of Transportation to serve as a formal request for the permission sought in this resolution and to operate as part of the conditions of said permission.

ADOPTED and **APPROVED** by the Mayor and City Council of the City of Mascoutah this 2nd day of March, 2015, A.D.

Mayor

ATTEST:

City Clerk
(SEAL)

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: Code Change – Recreation and Parks Code (second reading)

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Approval of revisions to Chapter 31 – Recreation and Parks of the City Code by adoption of ordinance.

BACKGROUND & STAFF COMMENTS:

The City receives requests throughout the year for different race events and other events, such as the rodeo, to be held on City property. A couple years ago, we had the City Attorney draft an application for event using city streets or property that we have been using for these types of events. We are getting more requests for different uses especially at the park so the regulations and permitting process needs to be codified which has been done as attached.

Two updates were made to the ordinance after discussion at the previous Council meeting: proof of liability insurance will be required for all organizations; and the clean-up fee has been defined as equal to City's actual costs (labor and equipment rental).

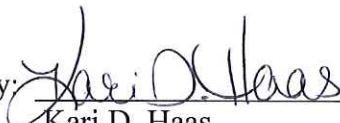
RECOMMENDATION:

Council approval of Ordinance, as attached.

SUGGESTED MOTION:

I move that the City Council approve and adopt Ordinance 15-____, thereby modifying Chapter 31 – Recreation and Parks, adding Article VII – Special Events.

Prepared By:


Kari D. Haas
City Clerk

Approved By:


Cody Hawkins
City Manager

Attachments: A – Ordinance

ORDINANCE NO. 15-__

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 31 – RECREATIONS AND PARKS
ADOPTED OF THE CITY OF MASCOUTAH, ILLINOIS.**

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Amending CHAPTER 31 – RECREATIONS AND PARKS, adding ARTICLE VII – SPECIAL EVENTS, as attached.

SECTION 2: This ordinance shall be in full force and effect after passage, approval and publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St. Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman _____, adopted on the following roll call vote on the 2nd day of March, 2015, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Benjamin Grodeon	_____	_____	_____
Paul Schorr	_____	_____	_____
John Weyant	_____	_____	_____
Pat McMahan	_____	_____	_____
Gerald Daugherty	_____	_____	_____

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 2nd day of March, 2015.

ATTEST:

Mayor

City Clerk
(SEAL)

Attachment A

CHAPTER 31 – RECREATION AND PARKS

ARTICLE VII – SPECIAL EVENTS

Sec. 31-7-1. Definition.

For the purpose of this article, the following definition shall apply unless the context clearly indicates or requires a different meaning.

Special Event. Any outdoor or seasonal event such as tent sale, warehouse sale, sidewalk sale, craft fair, carnival, picnic, contest, game, sporting event, rodeo, 5K run, produce stand, or similar promotional event that requires use of City facilities, property or equipment. A special event may not exceed six (6) months in duration per calendar year.

Sec. 31-7-2. Permit Required and Procedures.

- (a) Special events as defined in Sec. 31-7-1 require a special events permit.
- (b) An application for a special events permit must be filed with the City Clerk not less than 60 days prior to the first day of the special event. The City Clerk will coordinate review of the permit with affected city departments.
- (c) With each special events permit application, the applicant must also provide the following related information (if applicable):
 - (1) The name and phone number for the person in charge of the event and a secondary contact.
 - (2) Facilities requested.
 - (3) Dates and times requested for event.
 - (4) Event description including anticipated attendance and charges for the event.
 - (5) List of materials to be brought on City property and any special consideration requests from the City. Additional fees may be charged for any services provided by the City.
 - (6) If concessions are to be provided, list what type and anticipated charges for concessions. The City and Mascoutah Improvement Association shall have first right of refusal for any concessions to be provided.
 - (7) Proof of liability insurance in the amount of \$1,000,000 naming the City as additional insured and damage bond or cash deposit to protect city facilities in the amount of \$500,000.
- (d) For any type of runs, walks or races, the following approved routes shall be used and shall be identified when submitting application for special events permit. The City will review alternate routes when requested but approval will be on a case-by-case basis. Applicant will be required to have properly trained personnel at every intersection with safety vests to provide traffic control. Traffic control will not be provided by the City.

- (1) Route 1: Park Drive, North on 6th Street, West on Fuesser Road, South on County Road, East on Harnett Street, North on 10th Street, East on Park Drive to finish.
- (2) Route 2: Park Drive, South on 6th Street, East on Harnett Street, South on Railway Street, West on Main Street, North on County Road, East on Harnett Street, North on 10th Street, East on Park Drive to finish.

(e) All applicants upon signing the special events permit understand, agree and certify to the following:

- (1) Applicant and all of its program/activity attendees shall comply with all applicable laws and City ordinances, policies and procedures.
- (2) Applicant shall indemnify and hold harmless City and its agents and employees for an from any and all loss, including but not limited to attorney's fees, damages, expenses and liability arising out of Applicant's use of City facilities/property.
- (3) Applicant shall pay any damages to City facilities, property, or equipment arising out of its use of City facilities/property, whether such damage was accidental or deliberate. (The cost of damages will be based on the repair or replacement cost, the choice of which is at the discretion of the City.)
- (4) Applicant shall supply adequate supervision to ensure proper care and use of City facilities/property.
- (5) Applicant shall not move, alter City property without prior approval of the City.
- (6) Applicant shall be responsible for all safety precautions and traffic control if event involves use of City streets.
- (7) Applicant shall not attach, nail or otherwise affix signs, displays or materials to City facilities/property without prior consent by the City.
- (8) Applicant shall be responsible for all clean up associated with event. Failure to clean up will result in a fee equal to City's actual costs (labor and equipment rental) being charged for the City to clean up.

Sec. 31-7-3. Fees.

(a) Cost for a special events permit shall be \$50 for "for profit" applicants. There will be no permit charge for nonprofit organizations (proof of nonprofit status is required).

(b) Cost for grand stand rental shall be \$1,200 per day for "for profit" applicants. Cost for grand stand rental shall be \$100 per day for nonprofit organizations (proof of nonprofit status is required). Performance bond, or deposit, in the same amount is required and will be returned to applicant upon inspection of grand stands for trash removal and no damage. Fencing for grand stand rental is also available but no setup assistance will be provided.

(c) "Runners on Roadway" signage will be provided by the City for any type of runs, walks or races and the fee for the signage shall be \$50 per event.

CITY OF MASCOUTAH
Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: Cemetery Mowing Agreement

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Approval and authorization of agreement for furnishing all labor, equipment and means for the mowing of the Mascoutah City Cemetery.

BACKGROUND & STAFF COMMENTS:

The agreement for mowing of the Mascoutah City Cemetery includes mowing (3 inches in height), trimming around all landscape and headstones, removal of grass clippings from headstone and paved areas and trash removal from grass before cutting in connection with the maintenance of the City Cemetery. The amount to be paid will be \$1500.00 per grass cut for the time period of April 1, 2015 through October 31, 2015.

FUNDING:

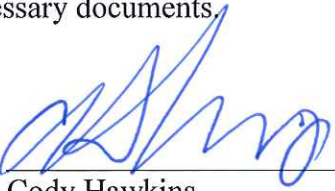
This project will be paid for by funds budgeted in the 15/16 budget in the amount of \$39,000.00.

RECOMMENDATION:

Approval of agreement with Vasquez Outdoor Services for furnishing all labor, equipment and means for the mowing of the City Cemetery in the amount of \$1500.00 per grass cutting for the time period of April 1, 2015 to October 31, 2015.

SUGGESTED MOTION:

I move that the Council approve the agreement with Randy Vasquez dba Vasquez Outdoor Services for furnishing all labor, equipment and means for the mowing of the City Cemetery in the amount of \$1500.00 per grass cutting for the time period of April 1, 2015 to October 31, 2015 and authorize appropriate officials to execute the necessary documents.

Prepared By: Melissa Schanz Approved By: 
Melissa Schanz
Executive Assistant
Cody Hawkins
City Manager

Attachment: A – Agreement

City of Mascoutah Cemetery Mowing

Agreement

This Agreement, made and entered into this _____ day of _____, 2015, by and between the City of Mascoutah with principal offices at 3 W. Main Street, Mascoutah, IL, 62258 hereinafter referred to as the **Owner**, and Randy Vasquez d/b/a Vasquez Outdoor Services hereinafter referred to as the **Contract Grantee**.

Witnessed:

Whereas, Owner has taken the necessary steps towards creating, owning and maintaining a municipal cemetery; and

Whereas, Owner is and will be in need of a qualified and insured lawn maintenance provider for said such cemetery,

Whereas, Contract Grantee is so qualified and insured, able and experienced at such maintenance; and,

Whereas, the parties have entered into a verbal agreement for the rendering of certain services for the maintenance of said cemetery; and,

Whereas, it is the desire of the parties to have such verbal agreement reduced in writing:

IT IS THEREFORE AGREED BY THE PARTIS HERETO AS FOLLOWS:

1. That this Agreement shall be in effect commencing on the above date and shall include mowing (3 inches in height), trimming around all landscape and headstones, removal of grass clippings from headstone and paved areas and trash removal from grass before cutting in connection with the maintenance of the Mascoutah Municipal Cemetery. The above named services shall terminate October 31, 2015 or when the **Owner** gives written notice at least Thirty (30) days in advance notice. Duration of the Contract shall be from the date commencing above to October 31, 2015.
2. Vasquez Outdoor Services shall be employed as an Independent **Contract Grantee** and as such **Contract Grantee** shall be responsible for conducting said maintenance operations to insure continuous operation of the cemetery. **Contractor Grantee's** duties and responsibilities shall be as follows:
 - A) Mow the grass of Municipal Cemetery (approximately 21.5 acres) at a height of Three (3) inches unless otherwise directed by the City Manager.
 - B) Trim grass around all landscaping and headstones
 - C) Remove grass clipping from all headstones and paved areas
 - D) Remove any trash from grass areas before cutting grass.

Attachment "A"

- E) Provide the Owner with a Certificate of Insurance indicating that the Contract Grantee has insurance in the amount of at least \$500,000 against bodily injury and \$500,000 of property damage.
- F) Provide the Owner with a Performance Bond or Letter of Credit in the amount of \$20,000 to insure quality of work and performance of contract terms.
- G) Conform to Illinois Prevailing Wage law.

Owner's Duties and Responsibilities

1. The **Owner** shall be responsible for:

- A) Payment to Vasquez Outdoor Services (**Contract Grantee**) in the amount of One Thousand-Five Hundred Dollars and No Cents (\$1500.00) per grass cutting for the year April 1, 2015 to October 31, 2015. Said payment to be due and payable within thirty (30) days of invoice.

Hold Harmless. **Contract Grantee** agrees to hold the **Owner**, its elected and appointed officers, and its employees harmless from any liabilities for claims of damages, or fines including attorney fees, for personal injury or property damage which is caused by, or arises from the negligence of **Contract Grantee**. The obligation of **Contract Grantee** to hold harmless the **Owner** is subject to the Limitation of Liability provision of this agreement.

Corporate Protection. It is intended by the parties to the Agreement that **Contract Grantee's** services in connection with the project shall not subject **Contract Grantee's** individual employees, officers, or directors to any personal legal exposure for the risks associated with this project. Therefore, and notwithstanding anything to the contrary contained herein, the **Owner** agrees that as the **Owner's** sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against **Contract Grantee** and not against any of **Contract Grantee's** employees, officers or directors.

Nondiscrimination. **Contract Grantee** shall refrain from unlawful discrimination in employment and undertakes affirmative action to ensure a quality of employment opportunity; shall comply with procedures and requirements of the State Human Rights Department's regulations concerning equal employment opportunity and Affirmative action; and shall provide such information, with respect to its employees and applicants for employment and assistance as the department may reasonably request.

Force Majeure. Each party's performance under this Agreement shall be excused if the party is unable to perform because of actions due to causes beyond its reasonable control, including but not limited to Acts of God, the acts of civil or military authority, floods, epidemics, quarantine restrictions, riots, strikes and commercial impossibility.

Notices. All notices shall be in writing and shall be delivered in person or transmitted by mail.

Notices required to be given to the **Contract Grantee** shall be addressed to:

Vasquez Outdoor Services

Notices required to be given to the **Owner** shall be addressed to:

City of Mascoutah
c/o City Manager
3 W. Main Street
Mascoutah, IL 62258

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below:

Attest: _____

Owner: _____

Title: _____

By: _____

Date: _____

Title: _____

Date: _____

Contract Grantee: Vasquez Outdoor Services

By: _____

Title: _____

Date: _____

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: PC 15-03 – Preliminary Plat for Chief View Estates

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Approval of a Preliminary Plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road.

BACKGROUND & STAFF COMMENTS:

On February 18, 2015, the Planning Commission reviewed the preliminary plat for Chief View Estates and voted 4-0 to recommend approval of the plat with the condition that the pavement width of the cul-de-sac radius be increased from 40' to 42' per code requirements. On February 25th, staff received a revised preliminary plat depicting a pavement width of the cul-de-sac radius of 42 feet. The Planning Commission meeting minutes are attached. No one spoke in favor or opposition to the preliminary plat.

The applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential. The property is also located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The preliminary plat depicts the land to be subdivided into one (1) acre single-family residential lots. Staff received written notice from the SAFB Community Planner stating that the proposed use of the property for detached single-family housing at a maximum density of one dwelling per acre is a compatible use within the APZ-2.

STAFF RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Chief View Estates, subject to the attached Findings of Approval.

SUGGESTED MOTION:

I move that the City Council adopt Resolution 14-15-____, approving the Preliminary Plat for Chief View Estates, subject to the attached Findings for Approval.

Prepared By: 
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By: 
Cody Hawkins
City Manager

Attachments: A – Resolution, Findings for Approval
B – Planning Commission Staff Report
C – Minutes from the Planning Commission of February 18, 2015

RESOLUTION NO. 14-15- ____

**A RESOLUTION OF THE CITY OF MASCOUTAH, ILLINOIS, TO APPROVE AND
ACCEPT THE PRELIMINARY PLAT OF CHIEF VIEW ESTATES SUBDIVISION**

WHEREAS, the proposed preliminary plat has been reviewed by the Mascoutah Planning Commission, and City staff, and recommended by each; and,

WHEREAS, the property described on the preliminary plat is currently located in the Mascoutah City limits, is zoned "RS-10" Single-Family Residential, and "AO" Airport Overlay District (APZ-2) and is proposed for a 6 lot residential subdivision; and,

WHEREAS, the Mayor and City Council believe that said subdivision will provide infrastructure and desired development within the City of Mascoutah;

WHEREAS, the Council requires, and the developer AKS Development LLC agrees to construct subdivision improvements as shown on the attached preliminary plat (Exhibit A).

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY
COUNCIL OF THE CITY OF MASCOUTAH:**

SECTION 1: The Chief View Estates Subdivision Preliminary Plat, as proposed by the developer, a copy of which is attached and made an integral and continuing part of this resolution, be accepted and approved subject to the attached Findings for Approval.

SECTION 2: The City Clerk is hereby directed to file and maintain a copy of this resolution, along with a copy of the plat, in the Office of the City Clerk.

SECTION 3: This resolution shall become effective immediately upon its adoption by the City Council.

Passed and approved by the Mascoutah Mayor and City Council this 2nd day of March, 2015.

Mayor

ATTEST:

City Clerk

(SEAL)

Attachment A

FINDINGS FOR APPROVAL
(Section 34-12-3(d) Standards for approval of preliminary plats)

PC 15-03, Chief View Estates Preliminary Plat

Date: March 2, 2015

FINDINGS: The Mascoutah City Council, pursuant to the preliminary plat review process, and after considering the effect of the request to approve the preliminary plat on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed preliminary plat meets all the requirements of the Unified Land Development Code and other applicable City ordinances, and state and federal laws and statutes.
2. Adequate provisions have been made for a sufficient water supply system and public sewage system.
3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking infrastructure between developed parcels.
4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
5. The proposed subdivision is located in the AO, Airport Overlay District, specifically the Accident Potential Zone (APZ-2). The City received correspondence dated February 9, 2015, from the Community Base Planner at Scott Air Force Based that the attached preliminary plat depiction is compatible with the Air Force and the Joint Land Use guidelines regarding residential development in the APZ-2.

**CITY OF MASCOUTAH
Staff Report**

TO: Planning Commission

FROM: Cody Hawkins, City Manager

SUBJECT: PC 15-03 - Preliminary Plat for Chief View Estates

MEETING DATE: February 18, 2015

REQUESTED ACTION:

Planning Commission review of a preliminary plat for Chief View Estates, a six (6) lot single-family residential development located at the southwest corner of N. 6th Street and Fuesser Road.

BACKGROUND & STAFF COMMENTS:

The applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential. The property is also located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The preliminary plat depicts the land to be subdivided into one (1) acre single-family residential lots.

DISCUSSION POINTS / ISSUES:

Land Use: The subject property is designated Single-Family Residential (RS-10). The land to the west and south is zoned RS-10, Single-Family Residential and is comprised of the Hunters Creek and Indian Prairie residential developments. The land to the east is zoned NC, Neighborhood Commercial and includes a church and day care. Land to the north is zoned LI, Light Industrial and is presently farmed.

Development Standards: The project as proposed will meet the RS-10 zoning requirements of the City's Subdivision Code.

	Required	Provided
a. Min. Lot Size	10,000 sq. ft.	1 acre
b. Min. Lot Width	80 ft.	200 ft. (avg.)
c. Min. Lot Depth	100 ft.	220 ft. (avg.)
d. Min. Front Yard Setback	25 ft.	same
e. Min. Side Yard Setback	10 ft. (25 ft. combined)	same
f. Min. Rear Yard Setback	25 ft.	same
g. Max. Building Height	35 ft.	same
h. Max. Density	4.3 units/acre	1 unit/acre
i. Min. District Size	5 acres	N/A

Circulation: Access to the development is via N. 6th Street and an access permit will required from Illinois Department of Transportation (IDOT). The new access will align with Lorene Place

Attachment B

located on the east side of N. 6th Street which serves the Windshire Subdivision. The internal street meets the 50 ft. ROW requirement and 32' pavement width. The new street will have sidewalks on both sides. Sidewalks will also be constructed along Fuesser Road N. 6th Street.

Utilities: The subject property is served by a municipal 8" water main located along Fuesser Road and municipal 8" gravity sanitary sewer mains that run easterly along Fuesser Road and southerly on N. 6th Street. These City utilities are adequate for single-family residential purposes.

Drainage: The subject property will drain into the storm sewer collection system along Fuesser Road.

Airport Overlay: As noted, Airport Overlay limitations exist on this property and a mandatory review by Scott Air Force Base was required. The SAFB Community Planner provided written correspondence that the proposed use of the property for detached single-family housing at a maximum density of one dwelling per acre is a compatible use within the APZ-2.

Landscape Plan and Park Development: A buffer strip is required along property lines of lots bordering "principal" arterials. Fuesser Road and N. 6th Street are classified as "minor" arterials, and therefore a buffer requirement for this development is not required. The six (6) lot project is not suited for inclusion of a green space area. Given the size of this development, the standard "in lieu" park fee of \$650 per lot will be required.

Improvement Plans: Improvement plans have not been submitted for the project at this time and are not required for preliminary plat review.

RECOMMENDATION:

Staff recommends approval of the Preliminary Plat for Chief View Estates.

SUGGESTED MOTION:

"I move that the Planning Commission approve the Preliminary Plat for Chief View Estates, subject to attached Findings, and forward to the City Council with a recommendation of approval."

MOTION Lee SECOND Jung
Ayes 4 Nays 0 Abstentions 0

Approved By: _____
Cody Hawkins
City Manager

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Attachments: A – Preliminary Plat
B – Findings

FINDINGS FOR APPROVAL
(Section 34-12-3(d) Standards for approval of preliminary plats)

PC 15-03, Chief View Estates Preliminary Plat

Date: February 18, 2015

FINDINGS: The Mascoutah Planning Commission, pursuant to the preliminary plat review process, and after considering the effect of the request to approve the preliminary plat on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed preliminary plat meets all the requirements of the Unified Land Development Code and other applicable City ordinances, and state and federal laws and statutes.
2. Adequate provisions have been made for a sufficient water supply system and public sewage system.
3. The proposed subdivision will not result in the scattered subdivision of land that leaves undeveloped parcels of land lacking infrastructure between developed parcels.
4. The subdivider has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
5. The proposed subdivision is located in the AO, Airport Overlay District, specifically the Accident Potential Zone (APZ-2). The City received correspondence dated February 9, 2015, from the Community Base Planner at Scott Air Force Based that the attached preliminary plat depiction is compatible with the Air Force and the Joint Land Use guidelines regarding residential development in the APZ-2.

6. Pavement width of cul-de-sac radius to be increased to 42' per code requirements. *4*

**CITY OF MASCOUTAH
PLANNING COMMISSION
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

FEBRUARY 18, 2015

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

PUBLIC HEARING – 7:00PM

PC 15-01 –TEXT AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRICT REGULATIONS, DIVISION 3. “RS-8,” SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES. PETITION IS A REQUEST TO ADD “DUPLEX” AS A CONDITIONAL USE IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT

Lisa Koerkenmeier, Assistant City Manager explained that there is a resident of Mascoutah, Ms. Amy Komrska, who is requesting a text amendment to add “duplex” as a conditional use in the RS-8, Single-Family Residential District. The applicant has interest in purchasing property located on N. 6th Street. The property includes a duplex which is a legal non-conforming use since it has been vacant for several years and the utilities were disconnected. The applicant has provided a written statement requesting a text amendment to add “duplex” as a conditional use in a RS-8 District. If the amendment is approved, it is the intent of the applicant to apply for a conditional use permit to reestablish the structure as a duplex.

Koerkenmeier noted that this request needs to be reviewed by the Planning Commission in the context of what is the impact to the entire community and RS-8 neighborhoods if duplexes may be allowed by conditional use in *all areas zoned RS-8*, and not by the specific properties identified in the application or circumstances of the applicant. She then reviewed the request as it relates to the RS-8 District dimensional regulations, setbacks, lot coverage, maximum density and required parking for single-family units and duplexes.

The applicant Amy Komrska along with her dad Steven Thompson and Nancy Larson all spoke in regards to the request to add “Duplex” as a conditional use in a RS-8, Single Family Residential District. They understood the City would not want to approve every request for a duplex in a RS-8 District, but that is why the conditional use permit would be needed. They all explained that the floor plan and structure of the existing duplex would not be realistic to convert to a single family home.

Chairman Ken Zacharski said he understood their reasoning, but it would open up a can of worms. Commission Member Rich Thompson asked what happens if not accepted. Koerkenmeier explained that the house would need to be converted or could be replaced by a single family home. Before closing the hearing the applicant and her dad explained how they have lived in the duplex years ago and that this location is a featured part of town and it would make 6th Street look so much better. They feel it is just “common sense” to approve.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:21 PM

Attachment C

CALL TO ORDER at 7:22 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

Commission members Charles Lee, Rich Thompson, Bruce Jung, and Chairman Ken Zacharski were present.

ABSENT -

Jack Klopmeier & Glenn Shelley

ALSO PRESENT

Administrative Assistant Melissa Schanz, Assistant City Manager Lisa Koerkenmeier, Code Enforcement Official Danny Schrempp, Mayor Daugherty, Representatives for each project.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

None

AMEND AGENDA

There was no need to amend Agenda.

MINUTES

Lee moved, seconded by Jung, to approve the minutes of the December 18, 2014 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

PC 15-01 – TEXT AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRICT REGULATIONS, DIVISION 3. “RS-8,” SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES. PETITION IS A REQUEST TO ADD “DUPLEX” AS A CONDITIONAL USE IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT

Discussion was held during the Public Hearing Process. Please see Public Hearing section of these minutes for details.

MOTION

Lee moved, seconded by Thompson that the Planning Commission deny the request of a text amendment to add “duplex” as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings, and forward the recommendation to the City Council.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung nay, and Chairman Ken Zacharski aye
3-ayes, 1-nay

PC 15-02 –ACE HARDWARE – MAJOR SITE PLAN AND ARCHITECTURAL REVIEW FOR A WAREHOUSE/DISTRIBUTION FACILITY AT THE SOUTHEAST CORNER OF N. MARKET AND E. CHURCH STREEETS (REAR OF 101 E. MAIN STREET)

Lisa Koerkenmeier reviewed Site Plan with Commission explaining that Bill Millikin of Millikins LLC, has initiated the exterior renovation of the former Mascoutah Hardware Building at 101 E. Main Street. This project will include a new roof, tuck pointing of the building, removal of the front awning, replacement or upgrading of the windows, adding handicap access to the retail areas of the building and a complete renovation of the first floor retail space. After the space is renovated, Ace Hardware plans to make a significant investment in the interior store space.

The redevelopment project requires the construction of a new 10,972 square foot warehouse and distribution center at the southeast corner of N. Market and E. Church Streets (the rear of 101 E. Main Street) to be used as an accessory use by the hardware business. The property will provide storage, receiving, and the outdoor lawn and garden portion for Ace Hardware. The project requires extensive site preparation including the removal of all the existing buildings and the relocation of electric and telecommunication utilities. Koerkenmeier also explained that approval of outdoor display area and variance of 5' from maximum height of an accessory structure was included in the conditions of approval

The existing hardware building and the warehouse/distribution facility will be connected by two covered walkways. It will also have a loading dock ramp along E. Church Street and an outdoor sales area and accessibility improvements along N. Market Street.

Commission member Charles Lee questioned the amount of room for trucks to back into loading dock. Member Bruce Jung explained how the trucks would come in and told the commission how perfect it is set up for truck drivers. Storm drainage was discussed and the plan has been reviewed by the Mascoutah Surface Water Protection District. Applicant Bill Millikin stated that they are matching the height of the new building with the existing building and adding masonry to enhance the appearance of the building. The new building will be constructed at ground level with the existing building to make it handicap accessible.

There was no further discussion.

MOTION

Thompson moved, seconded by Jung that the Planning Commission approve the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the Findings and Conditions of Approval included in the staff report.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

PC 15-03 – PRELIMINARY PLAT FOR CHIEF VIEW ESTATES

Lisa Koerkenmeier gave brief overview of the project explaining that the applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential. The property is also located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The preliminary plat depicts the land to be subdivided into one (1) acre single-family residential lots.

Koerkenmeier also stated that the City received determination of the subdivision's compatibility from the Community Base Planner at Scott Air Force Base.

Eric Olson representing AKS and Millennia Professional Services was there to take questions and address any concerns.

There was no further discussion.

MOTION

Lee moved, seconded by Jung that the Planning Commission approve the Preliminary Plat for Chief View Estates, subject to the amended Findings included in the staff report, which adds a condition that the pavement width of the cul-de-sac radius be increased to 42' per code requirements, and forward to the City Council with a recommendation of approval.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye.
4-ayes, 0-nays

WORK SESSION

Lisa Koerkenmeier explained how she will proceed with the review of permitted, conditional and planned uses in each commercial district. She will forward the matrix to members via email for review and at the next meeting those uses on the matrix which have a difference of opinion on how they will be categorized will be discussed by the Commission.

MISCELLANEOUS

None

ADJOURNMENT

Lee moved, seconded by Jung, to adjourn at 8:08 p.m.

**CITY OF MASCOUTAH
Staff Report**

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 15-02 – Ace Hardware - Site Plan and Architectural Review for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street)**

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Review and approval of Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets.

BACKGROUND & STAFF COMMENTS:

Bill Millikin of Millikins LLC, has initiated the exterior renovation of the former Mascoutah Hardware Building at 101 E. Main Street. The redevelopment project requires the construction of a new 10,972 square foot warehouse and distribution center at the southeast corner of N. Market and E. Church Streets (the rear of 101 E. Main Street) to be used by the hardware business. The existing hardware building and the warehouse/distribution facility will be connected by two covered walkways which required the vacation of an alley right-of-way and the relocation of the electric and telecommunications utilities to a new utility easement provided by the applicant.

The site plan depicts the new 10,972 square foot warehouse which includes a loading dock ramp along E. Church Street, the two covered walkways between the existing and new buildings, an outdoor sales area and accessibility improvements along N. Market Street, a trash enclosure along E. Church Street, new electric transformers and junction box along the east property line and decorative landscaping.

In accordance with Section 34-13-11, of the City Code, a major site plan shall be required for any development that is adding more than 5,000 sq. ft. of new impermeable surface to a site. The site plan requires review of the Planning Commission and approval by the City Council. The Planning Commission reviewed the site plan at the February 18, 2015 meeting and recommends that the City Council approve the site plan and architectural elevations for the new building.

DISCUSSION POINTS / ISSUES:

The new building will require a 5 foot variance from the maximum 25' height requirement for accessory structures in commercial areas. The proposed height of the building is 30 feet, which is similar in height to the existing hardware building. The Planning Commission and staff

support a variance of 5 feet from the maximum 25 foot height requirement for the accessory structure, and the variance is included in the Conditions of Approval.

In accordance with Section 34-5-92(d), Accessory Uses and Structures, outdoor sales/displays may not be placed on public property or hinder adequate on-site parking and a permit is required. The Planning Commission and staff support permitting outdoor sales/displays on private property to accommodate the lawn, garden and seasonal sales of the hardware store and the permitting of the outdoor sales/display area is included in the Conditions of Approval.

RECOMMENDATION:

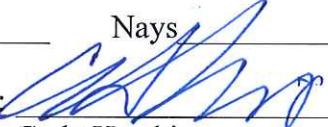
Staff recommends approval of the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the attached Findings and Conditions of Approval.

SUGGESTED MOTION:

"I move that the City Council recommend approval of the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the attached Findings and Conditions of Approval."

MOTION _____ **SECOND** _____

Ayes _____ Nays _____ Abstentions _____

Approved By: 
Cody Hawkins
City Manager

Prepared By: 
Lisa Koerkenmeier, AICP
Assistant City Manager

Attachments: A – Site Plan
B – Architectural Elevations
C – Findings for Approval
D – Conditions of Approval
E - Planning Commission Staff Report
F – Planning Commission Meeting Minutes from February 18, 2015

FINDINGS FOR APPROVAL

SITE PLAN REVIEW:

DATE: March 2, 2015

PC 15-03 - Ace Hardware - New warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street)

FINDINGS: The Mascoutah City Council, pursuant to the applicant's initiated request for site plan approval for the land described, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The site plan addresses the provision of municipal sanitary sewer and water to limit its effect on the health, safety, morals and general welfare of the community.
2. The proposed use of the site is appropriate, in terms of land patterns in the entire City.
3. The project is compatible with surrounding uses and the surrounding neighborhood.
4. The application is consistent with good general planning and site planning.
5. The project can be constructed and operated in a manner that is not detrimental to the permitted uses in the DC, Downtown Commercial Zoning District.

Attachment C

CONDITIONS OF APPROVAL

SITE PLAN REVIEW

DATE: March 2, 2015

PC 15-03 - Ace Hardware - New warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street)

1. The outdoor sales/display area as depicted on the site plan shall be permitted in accordance with Section 34-5-92 and must be located on private property.
2. In accordance with Section 34-3-8, the required corner visibility triangle shall be kept free from any obstruction at all times.
3. A landscape buffer shall be installed and maintained along the east property line.
4. A Landscape Plan shall be submitted and approved by staff prior to landscape installation.
5. A variance of 5 feet from the maximum 25 foot height requirement for the accessory structure is approved.
6. The zoning lots shall be consolidated by the applicant to permit the new warehouse/distribution facility as an accessory use/structure to the hardware store.

Attachment D

CITY OF MASCOUTAH
Mascoutah, Illinois

TO: Planning Commission

FROM: Cody Hawkins, City Manager

SUBJECT: **PC 15-02 – Ace Hardware - Site Plan and Architectural Review for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street)**

MEETING DATE: February 18, 2015

REQUESTED ACTION:

Planning Commission review of Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets.

BACKGROUND & STAFF COMMENTS:

Bill Millikin of Millikins LLC, has initiated the exterior renovation of the former Mascoutah Hardware Building at 101 E. Main Street. This project will include a new roof, tuck pointing of the building, removal of the front awning, replacement or upgrading of the windows, adding handicap access to the retail areas of the building and a complete renovation of the first floor retail space. After the space is renovated, Ace Hardware plans to make a significant investment in the interior store space to make it a modern, consumer friendly hardware, paint, lawn & garden, and decoration center.

The redevelopment project requires the construction of a new 10,972 square foot warehouse and distribution center at the southeast corner of N. Market and E. Church Streets (the rear of 101 E. Main Street) to be used by the hardware business. The property will provide storage, receiving, and the outdoor lawn and garden portion for Ace Hardware. The project requires extensive site preparation including the removal of all the existing buildings, foundations, barriers, and the relocation of utilities. The completion of this project will also allow for Millikins LLC to move their existing internet based operations from St. Louis to Mascoutah.

The existing hardware building and the warehouse/distribution facility will be connected by two covered walkways. This required the vacation of an alley right-of-way which previously split the parcels and the relocation of the electric and telecommunications utilities which were located in the ROW. In exchange for the ROW vacation, the applicant provided a utility easement for the electric and telecommunication relocations.

The site plan depicts the new 10,972 square foot warehouse which includes a loading dock ramp along E. Church Street, two covered walkways between the existing and new buildings, an outdoor sales area and accessibility improvements along N. Market Street, a trash enclosure

Attachment E

along E. Church Street, new electric transformers and junction box along the east property line and decorative landscaping.

In accordance with Section 34-13-11, of the City Code, a major site plan shall be required for any development that is adding more than 5,000 sq. ft. of new impermeable surface to a site. The site plan requires review of the Planning Commission and approval by the City Council.

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: The property is designated as Commercial in the Comprehensive Plan and is zoned DC, Downtown Commercial. The DC District allows a variety of professional services, miscellaneous store retailers, and a wide range of administrative and support services. There is no maximum building coverage allowance in the DC District. The new warehouse/distribution facility is an accessory use to the hardware store. This will require the lots to be consolidated. The following regulations apply to commercial accessory structures.

In accordance with Section 34-3-2, Yard Encroachment, accessory buildings or sheds may be located within a required side or rear yard, provided a minimum of five feet is maintained from the side or rear property line and the structure is clear of any easements. Section 34-3-5, Accessory Uses and Structures, states that no accessory building shall exceed 25 feet in height in any commercial or industrial district. Additionally, no accessory use or structure shall be located in any required corner visibility triangle. The commercial accessory structure meets these requirements, except the proposed height is 30 feet, which is similar in height to the existing hardware building. The maximum building height of principal structure in the DC District is 45 feet. *Staff supports a variance of 5 feet from the maximum 25 foot height requirement for the accessory structure.*

The property is surrounded by commercial property to the north, south, east and west and zoned with DC, Downtown Commercial, or GC, General Commercial. No buffer yard is required, although the applicant is proposing to landscape along the east property line next to Regions Bank.

In accordance with Section 34-5-92(d), Accessory Uses and Structures, outdoor sales/displays may not be placed on public property or hinder adequate on-site parking and a permit is required. *Staff supports permitting outdoor sales/displays on private property to accommodate the lawn, garden and seasonal sales of the hardware store.*

Access/Circulation: A new curb cut will be required along N. Market Street to access the loading dock ramp. The loading dock ramp meets all the requirements in Section 34-9-44. Off – Street Loading Requirements. The proposed site plan depicts improvements in the public right-of-way along N. Market and E. Church Streets, i.e. new curb, sidewalk and drainage structures. Unless the applicant desire to pay for and construct these improvements, they will not be built at this time and should be removed from the site plan.

Parking Requirements: In accordance with Section 34-9-1, Purpose and Intent, off-street parking spaces shall be required for all uses in all zoning districts except the “DC” Downtown Commercial District where off-street parking facilities shall not be required. The applicant purchased property across E. Church Street at the corner of Church and Lebanon Streets to potentially construct a parking area in the future.

Utilities:

Water: The new building will be served by a 6” water main located along the north side of E. Church Street.

Sanitary Sewer: The existing 8” sanitary sewer main, located in the alley ROW east of the property will continue to serve the development.

Storm Drainage: Additional drainage from the new building will be connected to and piped into the enclosed ditch located northeast of the property and maintained by the Mascoutah Surface Water Protection District. The applicant has been working with the MSWPD to have the drainage plans approved.

Electric: Electric will be provided by the City. As noted, a new junction box and transformers for the bank and hardware store will need to be installed on the new utility easement located along the east property line.

Architectural/Design Review:

Code Requirements: Article XI, Architectural Review of the Zoning Code, provides design standards intended as guidance only. It applies to all new construction in the O, NC, DC, GC, LI, GI and AP Zoning Districts. The architectural elevations are included in Attachment B in the staff report. The applicant will be providing color elevations at the Planning Commission meeting. The landscaped areas are shown on the site plan. Landscaping details must be provided and approved by staff prior to installation.

REVIEW AND APPROVAL CRITERIA: Section 34-13-12(b)(2)(c) of the City Code addresses site plan and architectural review by the Planning Commission. The Commission may recommend approval, disapproval, or approval with conditions. This section lists the following criteria for evaluating site plan applications:

- The site plan’s consistency with good planning practices.
- The site plan’s compatibility with adjacent developments and uses.
- The site plan’s effect on the health, safety, morals and general welfare of the community.
- The site plan’s likely effects on vehicular or pedestrian traffic, fire hazards, fire, police and utility services, municipal expenditures, surface water drainage facilities and environmental aspects.

RECOMMENDATION:

Staff recommends approval of the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the attached Findings and Conditions of Approval.

SUGGESTED MOTION:

"I move that the Planning Commission recommend approval of the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the attached Findings and Conditions of Approval."

MOTION Thompson SECOND Jung

Ayes 4 Nays 0 Abstentions 0

Approved By: _____
Cody Hawkins
City Manager























Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Attachments: A – Zoning/Location Map
B - Site Plan and Architectural Elevations
C – Findings for Approval
D – Conditions of Approval

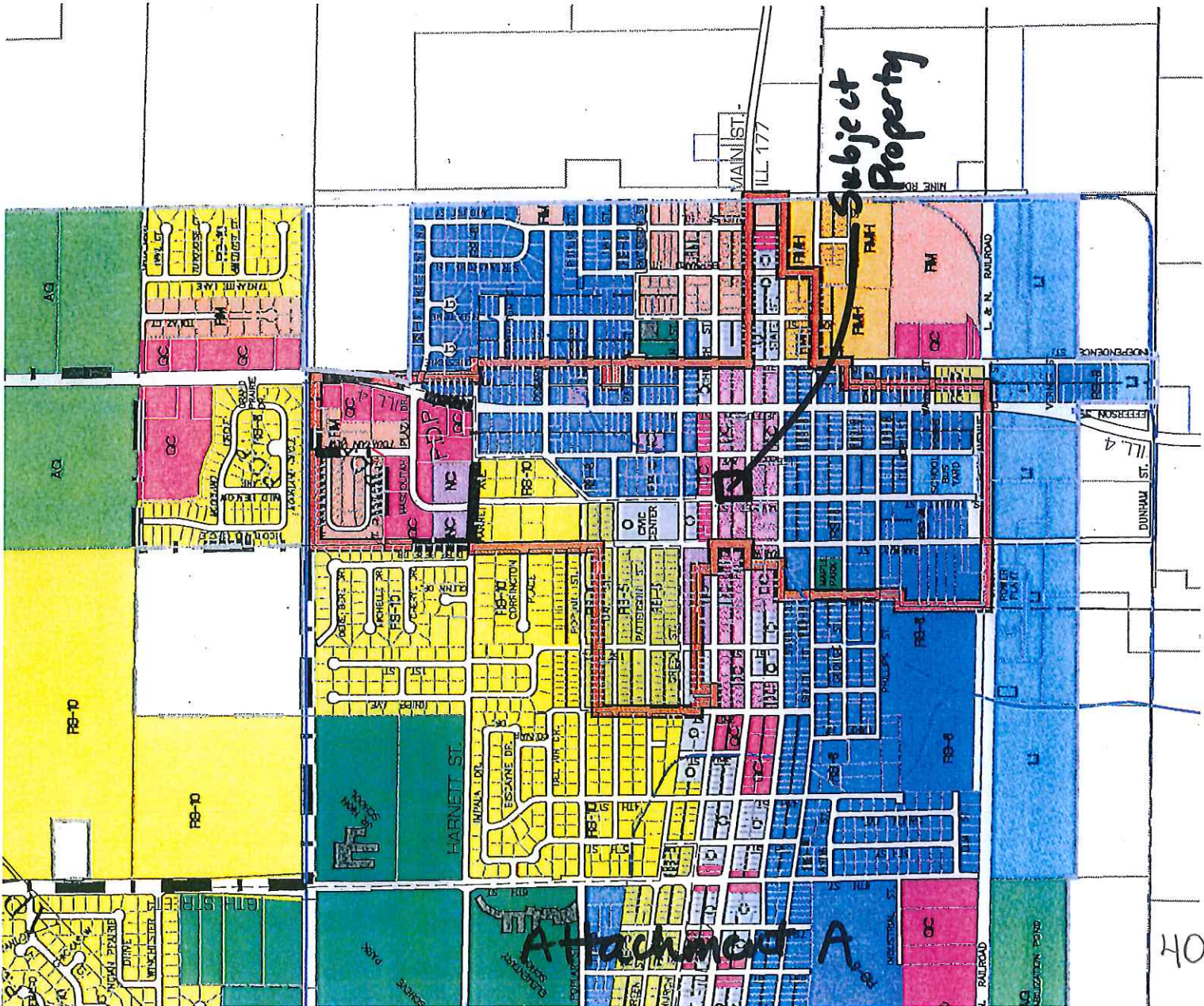
CITY OF MASCOUTAH ST. CLAIR COUNTY, ILLINOIS

MARCH 2014

LEGEND

	AG, AGRICULTURAL
	RS-10, SINGLE-FAMILY RESIDENTIAL
	RS-8, SINGLE-FAMILY RESIDENTIAL
	RS-5, SINGLE-FAMILY RESIDENTIAL
	RT, TWO-FAMILY RESIDENTIAL
	RM, MULTIPLE-FAMILY RESIDENTIAL
	RMH, MOBILE HOME RESIDENTIAL
	O, OFFICE
	NC, NEIGHBORHOOD COMMERCIAL
	DC, DOWNTOWN COMMERCIAL
	GC, GENERAL COMMERCIAL
	LI, LIGHT INDUSTRIAL
	GI, GENERAL INDUSTRIAL
	AP, AIRPORT
	AIRPORT OVERLAY DISTRICT
	COMMUNITY FACILITY DISTRICT
	NOISE IMPACT ZONE
	HEIGHT HAZARD ZONE
	CITY BOUNDARY
	ENTERPRISE ZONE
	TIF BOUNDARY
	MBD, MASCOUTAH BUSINESS DISTRICT

PAVEMENT LENGTHS = 100 MILES
CORPORATE LIMITS AREA = 6,202 ACRES



**CITY OF MASCOUTAH
PLANNING COMMISSION
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

FEBRUARY 18, 2015

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

PUBLIC HEARING – 7:00PM

PC 15-01 –TEXT AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRICT REGULATIONS, DIVISION 3. “RS-8,” SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES. PETITION IS A REQUEST TO ADD “DUPLEX” AS A CONDITIONAL USE IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT

Lisa Koerkenmeier, Assistant City Manager explained that there is a resident of Mascoutah, Ms. Amy Komrska, who is requesting a text amendment to add “duplex” as a conditional use in the RS-8, Single-Family Residential District. The applicant has interest in purchasing property located on N. 6th Street. The property includes a duplex which is a legal non-conforming use since it has been vacant for several years and the utilities were disconnected. The applicant has provided a written statement requesting a text amendment to add “duplex” as a conditional use in a RS-8 District. If the amendment is approved, it is the intent of the applicant to apply for a conditional use permit to reestablish the structure as a duplex.

Koerkenmeier noted that this request needs to be reviewed by the Planning Commission in the context of what is the impact to the entire community and RS-8 neighborhoods if duplexes may be allowed by conditional use in *all areas zoned RS-8*, and not by the specific properties identified in the application or circumstances of the applicant. She then reviewed the request as it relates to the RS-8 District dimensional regulations, setbacks, lot coverage, maximum density and required parking for single-family units and duplexes.

The applicant Amy Komrska along with her dad Steven Thompson and Nancy Larson all spoke in regards to the request to add “Duplex” as a conditional use in a RS-8, Single Family Residential District. They understood the City would not want to approve every request for a duplex in a RS-8 District, but that is why the conditional use permit would be needed. They all explained that the floor plan and structure of the existing duplex would not be realistic to convert to a single family home.

Chairman Ken Zacharski said he understood their reasoning, but it would open up a can of worms. Commission Member Rich Thompson asked what happens if not accepted. Koerkenmeier explained that the house would need to be converted or could be replaced by a single family home. Before closing the hearing the applicant and her dad explained how they have lived in the duplex years ago and that this location is a featured part of town and it would make 6th Street look so much better. They feel it is just “common sense” to approve.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:21 PM

Attachment F

CALL TO ORDER at 7:22 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

Commission members Charles Lee, Rich Thompson, Bruce Jung, and Chairman Ken Zacharski were present.

ABSENT -

Jack Klopmeier & Glenn Shelley

ALSO PRESENT

Administrative Assistant Melissa Schanz, Assistant City Manager Lisa Koerkenmeier, Code Enforcement Official Danny Schrempp, Mayor Daugherty, Representatives for each project.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

None

AMEND AGENDA

There was no need to amend Agenda.

MINUTES

Lee moved, seconded by Jung, to approve the minutes of the December 18, 2014 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

PC 15-01 – TEXT AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRICT REGULATIONS, DIVISION 3. “RS-8,” SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES. PETITION IS A REQUEST TO ADD “DUPLEX” AS A CONDITIONAL USE IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT

Discussion was held during the Public Hearing Process. Please see Public Hearing section of these minutes for details.

MOTION

Lee moved, seconded by Thompson that the Planning Commission deny the request of a text amendment to add “duplex” as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings, and forward the recommendation to the City Council.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung nay, and Chairman Ken Zacharski aye
3-ayes, 1-nay

PC 15-02 –ACE HARDWARE – MAJOR SITE PLAN AND ARCHITECTURAL REVIEW FOR A WAREHOUSE/DISTRIBUTION FACILITY AT THE SOUTHEAST CORNER OF N. MARKET AND E. CHURCH STREEETS (REAR OF 101 E. MAIN STREET)

Lisa Koerkenmeier reviewed Site Plan with Commission explaining that Bill Millikin of Millikins LLC, has initiated the exterior renovation of the former Mascoutah Hardware Building at 101 E. Main Street. This project will include a new roof, tuck pointing of the building, removal of the front awning, replacement or upgrading of the windows, adding handicap access to the retail areas of the building and a complete renovation of the first floor retail space. After the space is renovated, Ace Hardware plans to make a significant investment in the interior store space.

The redevelopment project requires the construction of a new 10,972 square foot warehouse and distribution center at the southeast corner of N. Market and E. Church Streets (the rear of 101 E. Main Street) to be used as an accessory use by the hardware business. The property will provide storage, receiving, and the outdoor lawn and garden portion for Ace Hardware. The project requires extensive site preparation including the removal of all the existing buildings and the relocation of electric and telecommunication utilities. Koerkenmeier also explained that approval of outdoor display area and variance of 5' from maximum height of an accessory structure was included in the conditions of approval

The existing hardware building and the warehouse/distribution facility will be connected by two covered walkways. It will also have a loading dock ramp along E. Church Street and an outdoor sales area and accessibility improvements along N. Market Street.

Commission member Charles Lee questioned the amount of room for trucks to back into loading dock. Member Bruce Jung explained how the trucks would come in and told the commission how perfect it is set up for truck drivers. Storm drainage was discussed and the plan has been reviewed by the Mascoutah Surface Water Protection District. Applicant Bill Millikin stated that they are matching the height of the new building with the existing building and adding masonry to enhance the appearance of the building. The new building will be constructed at ground level with the existing building to make it handicap accessible.

There was no further discussion.

MOTION

Thompson moved, seconded by Jung that the Planning Commission approve the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the Findings and Conditions of Approval included in the staff report.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

PC 15-03 – PRELIMINARY PLAT FOR CHIEF VIEW ESTATES

Lisa Koerkenemeier gave brief overview of the project explaining that the applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential. The property is also located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The preliminary plat depicts the land to be subdivided into one (1) acre single-family residential lots.

Koerkenmeier also stated that the City received determination of the subdivision's compatibility from the Community Base Planner at Scott Air Force Base.

Eric Olson representing AKS and Millennia Professional Services was there to take questions and address any concerns.

There was no further discussion.

MOTION

Lee moved, seconded by Jung that the Planning Commission approve the Preliminary Plat for Chief View Estates, subject to the amended Findings included in the staff report, which adds a condition that the pavement width of the cul-de-sac radius be increased to 42' per code requirements, and forward to the City Council with a recommendation of approval.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

WORK SESSION

Lisa Koerkenmeier explained how she will proceed with the review of permitted, conditional and planned uses in each commercial district. She will forward the matrix to members via email for review and at the next meeting those uses on the matrix which have a difference of opinion on how they will be categorized will be discussed by the Commission.

MISCELLANEOUS

None

ADJOURNMENT

Lee moved, seconded by Jung, to adjourn at 8:08 p.m.

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 15-01 - Text Amendment to Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. “RS-8,” Single-Family Residential District, Section 34-5-23. Conditional Uses (First Reading)**

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Approval or denial to amend Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. “RS-8,” Single-Family Residential District, Section 34-5-23. Conditional Uses, specifically to add “duplex” as a Conditional Use in the RS-8 District.

BACKGROUND & STAFF COMMENTS:

On February 18, 2015, the Planning Commission held a public hearing for PC 15-01, a request to amend the zoning code to add “duplex” as a conditional use in the RS-8, Single-Family Residential District. This text amendment is a resident initiated request. Following the public hearing, the Planning Commission voted 3-ayes and 1-nays to deny the text amendment. The Planning Commission meeting minutes are attached. The applicant and two persons spoke in favor of approving the text amendment and no one spoke in opposition.

The applicant has interest in purchasing property located on N. 6th Street which includes a duplex that lost its legal non-conforming status. The property is zoned RS-8, Single-Family Residential District. In accordance with Section 34-3-7(f), Cessation of nonconformities, “*all nonconformities shall be considered terminated and shall not thereafter be reestablished if any nonconforming use of land or structure or establishment having a site-related nonconformity ceases operation for a continuous period of 180 days or more, or if a nonconforming structure is removed for a continuous period of 180 days or more.*” The duplex has been vacant for several years and the electric, water and sewer utilities disconnected. The duplex lost its nonconforming use and may not be reestablished.

This request to amend the zoning code needs to be reviewed in the context of what is the impact to the community if “duplex” is allowed by conditional use in *all areas zoned RS-8*, and not by the specific properties identified in the application or circumstances of the applicant. The staff report to the Planning Commission reviews the text amendment request in context to potential impacts to the community and its incompatibility with the present RS-8 District requirements and other applicable requirements in Chapter 34, specifically the dimensional regulations including setbacks, building coverage, density, and parking space requirements. The potential effects to neighborhoods zoned RS-8 were evaluated.

Although zoning codes are amended over time and requirements may change, it is staff's opinion that to amend the RS-8 District to include duplexes by conditional use without looking at all of the consequences of other zoning requirements in Chapter 34 would not be prudent.

In accordance with Section 34-15-7 of the Unified Land Development Code, an affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request or to adopt any amendment to the Code.


STAFF RECOMMENDATION:


City Council deny the request of a text amendment to add "duplex" as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings for Denial.

If the City Council desires to approve the text amendment, alternate Findings for Approval and an Ordinance are attached for Council review.

SUGGESTED MOTION:

"I move that the City Council deny the request of a text amendment to add "duplex" as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings for Denial.

Prepared By: 
Lisa Koerkenmeier, AICP
Assistant City Manager

Approved By: 
Cody Hawkins
City Manager

Attachments: A – Findings for Denial
B – Findings for Approval, Ordinance
C – Planning Commission Staff Report
D - Minutes from the Planning Commission Meeting and Public Hearing of February 18, 2015

FINDINGS FOR DENIAL

PC 15-01, Text Amendment to Chapter 34, Article V
District Regulations, Division 3. "RS-8," Single-Family
Residential District, Section 34-5-23. Conditional Uses

DATE: March 2, 2015

FINDINGS: The Mascoutah City Council, pursuant to a resident initiated text amendment to Chapter 34, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed text amendment is not compatible with the present RS-8 District requirements and other applicable requirements of Chapter 34.
2. The proposed text amendment is not appropriate in terms of improving land use regulation as it affects land use patterns.
3. The proposed text amendment will not improve compatibility of allowable uses in single-family residential neighborhoods.
4. The proposed text amendment is not consistent with general planning practices.

Attachment A

FINDINGS FOR APPROVAL

PC 15-01, Text Amendment to Chapter 34, Article V
District Regulations, Division 3. "RS-8," Single-Family
Residential District, Section 34-5-23. Conditional Uses

DATE: March 2, 2015

FINDINGS: The Mascoutah City Council, pursuant to a resident initiated text amendment to Chapter 34, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

5. The proposed text amendment is compatible with the present RS-8 District requirements and other applicable requirements of Chapter 34.
6. The proposed text amendment is appropriate in terms of improving land use regulation as it affects land use patterns.
7. The proposed text amendment will improve compatibility of allowable uses in single-family residential neighborhoods.
8. The proposed text amendment is consistent with general planning practices.

Attachment B

ORDINANCE NO. 15-____

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES,
CHAPTER 34, ARTICLE V. DIVISION 3. "RS-8" SINGLE-FAMILY RESIDENTIAL
DISTRICT, OF THE CITY OF MASCOUTAH, ILLINOIS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MASCOUTAH, IN
ST. CLAIR COUNTY, ILLINOIS, AS FOLLOWS:

SECTION 1: Amending CHAPTER 34, ARTICLE V, DIVISION 3, as attached.

SECTION 2: This ordinance shall be in full force and effect, after passage, approval and
publication as required by law.

PASSED by the Mayor and the City Council of the City of Mascoutah, County of St.
Clair, State of Illinois, upon motion by Councilman _____, seconded by Councilman
_____, adopted on the following roll call vote on the 16th day of March,
2015, and deposited and filed in the Office of the City Clerk in said City on that date.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
Benjamin Grodeon	_____	_____	_____
Paul Schorr	_____	_____	_____
John "Jack" Weyant	_____	_____	_____
Pat McMahan	_____	_____	_____
Gerald Daugherty	_____	_____	_____

APPROVED AND SIGNED by the Mayor of the City of Mascoutah, Illinois, this 16th
day of March, 2015.

ATTEST:

Mayor

City Clerk
(SEAL)

Chapter 34 – Unified Land Development Code
Article V. District Regulations, Division 3. “RS-8” Single-Family Residential District

Sec. 34-5-23. - Conditional uses.

The following uses may be allowed within the "RS-8" district subject to the criteria established in section 34-13-4 et seq.

- (a) Child care centers.
- (b) Public administration including the following:
 - (1) Executive, legislative and other general government support.
 - (2) Police protection.
 - (3) Fire protection.
 - (4) Other justice, public order and safety activities.
- (c) Religious organizations.
- (d) Residential care facilities including the following:
 - (1) Community-integrated living arrangements.
- (e) Arts, entertainment and recreation including the following:
 - (1) Golf courses and country clubs.
 - (2) Parks and playgrounds.
- (f) Utility uses including the following:
 - (1) Minor public and private utilities, including substations, lift stations, water towers and similar uses.
- (g) *Duplex*

CITY OF MASCOUTAH
Staff Report

TO: Planning Commission

FROM: Cody Hawkins, City Manager

SUBJECT: **PC 15-01 - Text Amendment to Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. "RS-8," Single-Family Residential District, Section 34-5-23. Conditional Uses**

MEETING DATE: February 18, 2015

REQUESTED ACTION:

Public hearing by the Planning Commission to review and make recommendation to the City Council to amend Chapter 34, Unified Land Development Code, Article V. District Regulations, Division 3. "RS-8," Single-Family Residential District, Section 34-5-23. Conditional Uses, specifically to add "duplex" as a Conditional Use in the RS-8 District.

BACKGROUND & STAFF COMMENTS:

A resident of Mascoutah, Ms. Amy Komrska, is requesting a text amendment to add "duplex" as a conditional use in the RS-8, Single-Family Residential District. The applicant has interest in purchasing property located on N. 6th Street. The parcels include a single-family dwelling which is located in a RS-5, Single Family Residential District, and a structure that was constructed in 1958 as a duplex which is located in a RS-8, Single-Family Residential District. The duplex was built prior to the City adopting zoning or requiring building permits.

The City adopted zoning in 1969. The parcels and property in the immediate vicinity was zoned single-family residential. With the adoption of zoning, the duplex became a legal nonconforming use and was allowed to continue under the nonconforming provisions of the Code. A nonconforming use is defined as *"a use or activity which was lawful prior to the adoption, revision or amendment of this Code, but which would be prohibited or further restricted under the terms of this Code."*

In accordance with Section 34-3-7(f), Cessation of nonconformities, *"all nonconformities shall be considered terminated and shall not thereafter be reestablished if any nonconforming use of land or structure or establishment having a site-related nonconformity ceases operation for a continuous period of 180 days or more, or if a nonconforming structure is removed for a continuous period of 180 days or more."* Both structures have been vacant for several years and the electric, water and sewer utilities disconnected. The duplex lost its nonconforming use and may not be reestablished.

The applicant has provided a written statement requesting a text amendment to add "duplex" as a conditional use in a RS-8 District. If the amendment is approved, it is the intent of the applicant to apply for a conditional use permit to reestablish the structure at 311-313 N. 6th Street as a duplex.

Attachment C

Staff reviewed the Code for other alternatives than the applicant requesting the text amendment. The parcels combined total one acre, but are under the minimum district size to apply to rezone to a RT, Two-Family Residential District which would permit a duplex. The Code does not include a provision to apply for a use variance. Few communities allow application for a use variance, since it allows any type of use not permitted in a zoning district to be applied for in any zoning district. In theory and normally in practice as well, use variances are difficult to obtain. In order to be entitled to a use variance, the applicant must show that there is an unnecessary hardship which justifies the granting of the variance. A standard typically applied is if there is no economically viable use of the property.

The current property owner of the parcels on N. 6th Street was notified that the duplex had lost its legal nonconforming status, and the notice was given prior to the intent of the owner to sell the property. The seller has an obligation to disclose to a prospective buyer that the property can no longer be used for a duplex. It is staff's opinion that even if the City's zoning code did include a provision to request a use variance, neither the current property owner or a prospective buyer would be able to demonstrate a hardship which would justify granting a variance.

DISCUSSION POINTS / ISSUES:

This request to amend the zoning code needs to be reviewed by the Planning Commission in the context of what is the impact to the community if "duplex" is allowed by conditional use in *all areas zoned RS-8*, and not by the specific properties identified in the application or circumstances of the applicant.

Dimensional Regulations - setbacks and building coverage: Currently, none of the RS, Single-Family Residential Districts permits duplexes by right or by conditional use. The dimensional regulations, i.e. lot size, width, depth, setbacks and building coverage of the RS-5, RS-8 and RS-10, were established based on the assumption that lots in these districts would accommodate single-family residences, not duplexes. The RT, Two-Family Residential District, allows both single-family dwellings and duplexes, and the dimensional regulations were established based on the assumption that both single-family and two-family dwellings may be constructed in the RT District.

If duplexes were permitted by right or by conditional use in the RS-8 District, a duplex would be constructed under dimensional regulations that were established with a single-family dwelling in mind. Thus, a duplex would be more difficult to accommodate on an RS-8 lot than an RT lot and may also require variances from setbacks and building coverage. For example, the minimum front and rear setbacks in the RS-8 District is 25 feet, and the minimum front and rear setbacks in the RT District is only 20 feet, a difference of a total of 10 feet. Another example is the maximum building coverage which is 30% in the RS-8 District, but is 40% in the RT District. As a result, the greater setbacks and lesser maximum building coverage required in the RS-8 District would either mean smaller duplex dwellings would need to be built to stay compliant with the RS-8 dimensional regulations or variances would be needed.

Required Parking Spaces: In accordance with Section 34-9-31, for residential uses, off-street parking requirements for a single-family, or each two-family unit, **must** be met through the use of a garage, and for each multi-family unit it can be met by two paved spaces. Garages are calculated in the building coverage percentage. This means that the maximum building coverage of 30% in the RS-8 District would also need to include garage(s) that would accommodate four

parking spaces, thereby significantly decreasing the amount floor area which could be used for living space for a duplex.

Maximum Density: The maximum density of the RS-8 District is 5.0 dwelling units per gross acre. The maximum density of the RT District is 12 dwelling units per gross acre. If even one duplex is allowed in a one acre area of a RS-8 District, the maximum density of the RS-8 District is exceeded.

Other Considerations: Although the covenants and restrictions of newer subdivisions in Mascoutah would not permit a duplex to be built, or a single-family dwelling to be converted into a duplex, there are many areas throughout the community zoned RS-8 that do not have this protection or restriction. If the request is granted to allow a duplex as a conditional use in the RS-8 District, it may open the door to a request to allow a duplex as a conditional use in the RS-5 or RS-10 Districts.

Staff receives calls and requests weekly from realtors, appraisers and prospective buyers as to the zoning of a parcel and what the zoning district permits by right and by conditional use. It is staff's understanding that the single-family residential districts in Mascoutah have never permitted other residential types; duplexes, triplexes or apartments, either by right or conditional use. Although zoning codes are amended over time and requirements may change, it is staff's opinion that to amend the RS-8 District to include duplexes by conditional use without looking at all of the consequences of other zoning requirements in Chapter 34 would not be prudent.

RECOMMENDATION:

Planning Commission deny the request of a text amendment to add "duplex" as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings, and forward the recommendation to the City Council.

SUGGESTED MOTION:

"I move that the Planning Commission deny the request of a text amendment to add "duplex" as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings, and forward the recommendation to the City Council."

MOTION Lee **SECOND** Thompson

Ayes 3 Nays 1 Abstentions 0

Approved By: _____
Cody Hawkins
City Manager

Prepared By: Lisa Koerkenmeier
Lisa Koerkenmeier, AICP
Assistant City Manager

Attachments: A – Application
B – Current "RS-8" Single-Family Residential District and "RT" Two-Family Residential District Requirements
C – Public Hearing Notice
D – Findings

Timothy and Amy Komrska
922 West Green Street
Mascoutah, IL 62258
(314) 706-6740

My husband and I formally request the addition of duplexes to the list of conditional uses outlined in Section 34-5-23 of the Mascoutah Code of Ordinances, specifically for properties zoned RS-8. We submit our request for the purpose of restoring the duplex located at 311 and 313 North Sixth Street. The property fell vacant several years ago and remained vacant since that time. Our plan to renovate the property both inside and out will fail without approval of our proposed text amendment by both the planning commission and city council.

Tim and I realize the magnitude of the change we propose. Approval of our request provides anyone owning a property zoned RS-8 the opportunity to apply to the planning commission for approval by permit to build or transform a home into a duplex. But the key phrase here is "apply to the planning commission by permit."

Take into consideration that by granting our request for the text amendment, the power to say nay still remains in the hands of the board. According to Section 34-13-6 each time a request for a permit for a conditional use is submitted *"The planning commission shall review the application, hold a public hearing in accordance with the procedures set forth in this section, approve or disapprove the application, and submit a report of its recommendation to the city council within 45 days."* This portion of the code provides a perfect buffer to afford the city the opportunity to approve our proposed text amendment, while still retaining the power to deny permits for such conditional uses they see unfit or not appropriate for our community.

Additionally, Section 34-13-10 provides a long list of criteria used to examine an application for a permit for a conditional use. Said section of Mascoutah's Unified Land Code initially states *"In considering whether or not such application for a conditional use permit should be granted, it shall be the duty of the planning commission and the city council to give consideration to the effect of the requested use on the health, safety, morals, and general welfare of the residents of the area in the vicinity of the property in question and the residents of the city generally."*

Section 34-13-10 goes on to list other criteria used to examine each application for a permit including consistency with the city's Comprehensive Plan, compatibility with surrounding neighborhood, amount of potential traffic generation, added noise levels, and several other factors. Most pertinent to our specific situation would be Section 34-13-10 (h) which states *"The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. **Consideration should also be given to unusual single purpose structures or components of a more temporary nature.**"*

Thank you for the opportunity to submit our request. I look forward to speaking with you and answering any questions you have at the planning commission meeting.

Amy Komrska

DIVISION 3. - "RS-8" SINGLE-FAMILY RESIDENTIAL DISTRICT**Sec. 34-5-20. - Purpose.**

The purpose of the "RS-8", single-family residential district, is to provide areas for single-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to single-family residences. The "RS-8" district is considered consistent with and designed to implement the provisions of the Comprehensive Plan for land designated as low-density residential or medium-density residential on the city's land use plan map.

Although RS-8 is predominantly a residential district, this zone also accommodates recreational, religious, educational, and other community uses as the basic elements of a balanced neighborhood.

(Sec. 5.3.1)

Sec. 34-5-21. - Permitted uses.

Buildings or structures may be erected, altered or used for the following.

(a) Residential uses including the following:

- (1) Single-family dwellings.
- (2) State of Illinois Certified Modular Dwellings.

(b) Additional uses determined to be similar and consistent with those listed above. In each case the development administrator shall consider the "unlisted" use's compatibility in the proposed location. He also may determine the use to be "not permitted" but suitable for conditional use consideration.

(c) Elementary and secondary schools without residential facilities.

Sec. 34-5-22. - Accessory uses and structures.

Uses and structures customarily accessory to a permitted use may be allowed within the "RS-8" district. A communication antenna may be allowed based on the criteria in section 34-7-18.

(Sec. 5.3.3)

Sec. 34-5-23. - Conditional uses.

The following uses may be allowed within the "RS-8" district subject to the criteria established in section 34-13-4 et seq.

(a) Child care centers.

(b) Public administration including the following:

- (1) Executive, legislative and other general government support.
- (2) Police protection.
- (3) Fire protection.
- (4) Other justice, public order and safety activities.

(c) Religious organizations.

- (d) Residential care facilities including the following:
 - (1) Community-integrated living arrangements.
- (e) Arts, entertainment and recreation including the following:
 - (1) Golf courses and country clubs.
 - (2) Parks and playgrounds.
- (f) Utility uses including the following:
 - (1) Minor public and private utilities, including substations, lift stations, water towers and similar uses.

(Sec. 5.3.4)

Sec. 34-5-24. - Planned development procedure.

Developments may be approved based on the planned development procedures in section 34-6-30 et seq.

(Sec. 5.3.5)

Sec. 34-5-25. - Off-street parking and loading requirements.

Off-street parking and loading requirements are specified in article IX.

(Sec. 5.3.6)

Sec. 34-5-26. - RS-8 dimensional regulations.

(a)	Minimum lot size:	8,000 square feet
(b)	Minimum lot width:	70 feet
(c)	Minimum lot depth:	100 feet
(d)	Minimum front yard:	25 feet
(e)	Minimum side yard:	10 feet
(f)	Minimum rear yard:	25 feet
(g)	Maximum building height:	35 feet
(h)	Maximum density:	5.0 dwelling units per gross acre
(i)	Maximum building coverage:	30 percent
(j)	Minimum district size:	5 acres

(Sec. 5.3.7)

Secs. 34-5-27—34-5-29. - Reserved.

DIVISION 5. - "RT" TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 34-5-40. - Purpose.

The purpose of the "RT", two-family residential district, is to provide areas for single-family and two-family residential uses of an urban character. It is further intended to provide for other uses which are customarily found with and are not detrimental to two-family residences. The "RT" district is considered consistent with and designed to implement the provisions of the Comprehensive Plan for land designated as medium-density residential on the city's land use plan map.

Although RT is predominantly a two-family unit residential district, this zone also accommodates recreational, religious, educational, and other community uses as the basic elements of a balanced neighborhood.

(Sec. 5.5.1; Ord. No. 05-18, § 1, 9-6-05)

Sec. 34-5-41. - Permitted uses.

Buildings or structures may be erected, altered or used for the following.

- (a) Residential uses including the following:
 - (1) Single-family dwellings.
 - (2) Duplexes.
- (b) Elementary and secondary schools without residential facilities.
- (c) Additional uses determined to be similar and consistent with those listed above. In each case the development administrator shall consider the "unlisted" use's compatibility in the proposed location. He also may determine the use to be "not permitted" but suitable for conditional use consideration

(Sec. 5.5.2; Ord. No. 05-18, § 1, 9-6-05)

Sec. 34-5-42. - Accessory uses and structures.

Uses and structures customarily accessory to a permitted use may be allowed within the "RT" district. A communication antenna may be allowed based on the criteria in section 34-7-18.

(Sec. 5.5.3; Ord. No. 05-18, § 1, 9-6-05)

Sec. 34-5-43. - Conditional uses.

The following uses may be allowed within the "RT" district subject to the criteria established in section 34-13-4 et seq.

- (a) Child care centers.
- (b) Public administration including the following:
 - (1) Executive, legislative and other general government support.
 - (2) Police protection.
 - (3) Fire protection.
 - (4) Other justice, public order and safety activities.

- (c) Religious organizations.
- (d) Duplexes w/zero lot line design.
- (e) Residential care facilities including the following:
 - (1) Community-integrated living arrangements.
- (f) Arts, entertainment and recreation including the following:
 - (1) Golf courses and country clubs.
 - (2) Parks and playgrounds.
- (g) Utility uses including the following:
 - (1) Minor public and private utilities, including substations, lift stations, water towers and similar uses

(Sec. 5.5.4; Ord. No. 05-18, § 1, 9-6-05)

Sec. 34-5-44. - Planned development procedure.

Developments may be approved based on the Planned Development Procedures in section 34-6-30 et seq.

(Sec. 5.5.5; Ord. No. 05-18, § 1, 9-6-05)

Sec. 34-5-45. - Off-street parking and loading requirements.

Off-street parking and loading requirements are specified in article IX.

(Sec 5.5.6; Ord. No. 05-18, § 1, 9-6-05)

Sec. 34-5-46. - RT dimensional regulations.

(a)	Minimum lot size:	
	Multi-Family (duplexes, condo, town homes, etc.)	6,000 square feet
	Single Family Residences	6,000 square feet
(b)	Minimum Lot Width:	
	Multi-Family (duplexes, condo, town homes, etc.)	60 feet
	Single Family Residences	60 feet
(c)	Minimum Lot Depth:	100 feet
(d)	Minimum Front Yard:	20 feet
(e)	Minimum Side Yard:	
	Multi-Family (duplexes, condo, town homes, etc.)	10 feet

	Single Family residences	10 feet
(f)	Minimum Rear Yard:	20 feet
(g)	Maximum Building Height:	35 feet
(h)	Maximum Density:	12 dwelling units per gross acre
(i)	Maximum Building Coverage:	40 percent
(j)	Minimum District Size:	2 acres

(Sec. 5.5.7; Ord. No. 05-18, § 1, 9-6-05)

Secs. 34-5-47—34-5-49. - Reserved.

LEGAL NOTICE

NOTICE OF PUBLIC HEARING TO WHOM IT MAY CONCERN

The City of Mascoutah Planning Commission will conduct a Public Hearing on Wednesday, February 18, 2015 at 7:00 PM in the City Council Chambers at City Hall, #3 West Main Street, Mascoutah, IL 62258.

The purpose of this hearing is to consider:

- Text Amendment to Unified Land Development Code, Article V. District Regulations, Division 3. "RS-8," Single-Family Residential District, Section 34-5-23. Conditional Uses. Petition is to request a duplex as a Conditional Use in a RS-8, Single-Family Residential District.

Anyone interested in this subject may appear and be heard for or against. Questions or requests for further details can be directed to the City Manager's Office, (618) 566-2964, ext. 102. Comments in writing may be forwarded to the City Manager's Office, #3 West Main St., Mascoutah, IL 62258.

MASCOUTAH PLANNING COMMISSION
Ken Zacharski, Chairman

POSTED: 2/13/15 at 5 PM

FINDINGS FOR DENIAL

PC 15-01, Text Amendment to Chapter 34, Article V
District Regulations, Division 3. "RS-8," Single-Family
Residential District, Section 34-5-23. Conditional Uses

DATE: February 18, 2015

FINDINGS: The Mascoutah Planning Commission, pursuant to a resident initiated text amendment to Chapter 34, and after considering the effect of the requested use on the health, safety, morals and general welfare of the residents in the City, specifically finds:

1. The proposed text amendment is not compatible with the present RS-8 District requirements and other applicable requirements of Chapter 34.
2. The proposed text amendment is not appropriate in terms of improving land use regulation as it affects land use patterns.
3. The proposed text amendment will not improve compatibility of allowable uses in single-family residential neighborhoods.
4. The proposed text amendment is not consistent with general planning practices.

**CITY OF MASCOUTAH
PLANNING COMMISSION
#3 WEST MAIN STREET
MASCOUTAH, IL 62258-2030**

FEBRUARY 18, 2015

The minutes of the Regular Meeting of the Planning Commission of the City of Mascoutah.

PUBLIC HEARING – 7:00PM

PC 15-01 –TEXT AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRICT REGULATIONS, DIVISION 3. “RS-8,” SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES. PETITION IS A REQUEST TO ADD “DUPLEX” AS A CONDITIONAL USE IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT

Lisa Koerkenmeier, Assistant City Manager explained that there is a resident of Mascoutah, Ms. Amy Komrska, who is requesting a text amendment to add “duplex” as a conditional use in the RS-8, Single-Family Residential District. The applicant has interest in purchasing property located on N. 6th Street. The property includes a duplex which is a legal non-conforming use since it has been vacant for several years and the utilities were disconnected. The applicant has provided a written statement requesting a text amendment to add “duplex” as a conditional use in a RS-8 District. If the amendment is approved, it is the intent of the applicant to apply for a conditional use permit to reestablish the structure as a duplex.

Koerkenmeier noted that this request needs to be reviewed by the Planning Commission in the context of what is the impact to the entire community and RS-8 neighborhoods if duplexes may be allowed by conditional use in *all areas zoned RS-8*, and not by the specific properties identified in the application or circumstances of the applicant. She then reviewed the request as it relates to the RS-8 District dimensional regulations, setbacks, lot coverage, maximum density and required parking for single-family units and duplexes.

The applicant Amy Komrska along with her dad Steven Thompson and Nancy Larson all spoke in regards to the request to add “Duplex” as a conditional use in a RS-8, Single Family Residential District. They understood the City would not want to approve every request for a duplex in a RS-8 District, but that is why the conditional use permit would be needed. They all explained that the floor plan and structure of the existing duplex would not be realistic to convert to a single family home.

Chairman Ken Zacharski said he understood their reasoning, but it would open up a can of worms. Commission Member Rich Thompson asked what happens if not accepted. Koerkenmeier explained that the house would need to be converted or could be replaced by a single family home. Before closing the hearing the applicant and her dad explained how they have lived in the duplex years ago and that this location is a featured part of town and it would make 6th Street look so much better. They feel it is just “common sense” to approve.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:21 PM

Attachment D

CALL TO ORDER at 7:22 PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

Commission members Charles Lee, Rich Thompson, Bruce Jung, and Chairman Ken Zacharski were present.

ABSENT -

Jack Klopmeier & Glenn Shelley

ALSO PRESENT

Administrative Assistant Melissa Schanz, Assistant City Manager Lisa Koerkenmeier, Code Enforcement Official Danny Schrempp, Mayor Daugherty, Representatives for each project.

ESTABLISHMENT OF A QUORUM

A quorum of Planning Commission members was present.

GENERAL PUBLIC COMMENT

None

AMEND AGENDA

There was no need to amend Agenda.

MINUTES

Lee moved, seconded by Jung, to approve the minutes of the December 18, 2014 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

PC 15-01 – TEXT AMENDMENT TO UNIFIED LAND DEVELOPMENT CODE, ARTICLE V. DISTRICT REGULATIONS, DIVISION 3. “RS-8,” SINGLE FAMILY RESIDENTIAL DISTRICT, SECTION 34-5-23. CONDITIONAL USES. PETITION IS A REQUEST TO ADD “DUPLEX” AS A CONDITIONAL USE IN A RS-8, SINGLE-FAMILY RESIDENTIAL DISTRICT

Discussion was held during the Public Hearing Process. Please see Public Hearing section of these minutes for details.

MOTION

Lee moved, seconded by Thompson that the Planning Commission deny the request of a text amendment to add “duplex” as a Conditional Use in the RS-8, Single-Family Residential District, subject to the attached Findings, and forward the recommendation to the City Council.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung nay, and Chairman Ken Zacharski aye
3-ayes, 1-nay

PC 15-02 –ACE HARDWARE – MAJOR SITE PLAN AND ARCHITECTURAL REVIEW FOR A WAREHOUSE/DISTRIBUTION FACILITY AT THE SOUTHEAST CORNER OF N. MARKET AND E. CHURCH STREEETS (REAR OF 101 E. MAIN STREET)

Lisa Koerkenmeier reviewed Site Plan with Commission explaining that Bill Millikin of Millikins LLC, has initiated the exterior renovation of the former Mascoutah Hardware Building at 101 E. Main Street. This project will include a new roof, tuck pointing of the building, removal of the front awning, replacement or upgrading of the windows, adding handicap access to the retail areas of the building and a complete renovation of the first floor retail space. After the space is renovated, Ace Hardware plans to make a significant investment in the interior store space.

The redevelopment project requires the construction of a new 10,972 square foot warehouse and distribution center at the southeast corner of N. Market and E. Church Streets (the rear of 101 E. Main Street) to be used as an accessory use by the hardware business. The property will provide storage, receiving, and the outdoor lawn and garden portion for Ace Hardware. The project requires extensive site preparation including the removal of all the existing buildings and the relocation of electric and telecommunication utilities. Koerkenmeier also explained that approval of outdoor display area and variance of 5' from maximum height of an accessory structure was included in the conditions of approval

The existing hardware building and the warehouse/distribution facility will be connected by two covered walkways. It will also have a loading dock ramp along E. Church Street and an outdoor sales area and accessibility improvements along N. Market Street.

Commission member Charles Lee questioned the amount of room for trucks to back into loading dock. Member Bruce Jung explained how the trucks would come in and told the commission how perfect it is set up for truck drivers. Storm drainage was discussed and the plan has been reviewed by the Mascoutah Surface Water Protection District. Applicant Bill Millikin stated that they are matching the height of the new building with the existing building and adding masonry to enhance the appearance of the building. The new building will be constructed at ground level with the existing building to make it handicap accessible.

There was no further discussion.

MOTION

Thompson moved, seconded by Jung that the Planning Commission approve the Site Plan and Architectural Elevations for a new warehouse/distribution facility at the southeast corner of N. Market and E. Church Streets (rear of 101 E. Main Street), subject to the Findings and Conditions of Approval included in the staff report.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

PC 15-03 – PRELIMINARY PLAT FOR CHIEF VIEW ESTATES

Lisa Koerkenmeier gave brief overview of the project explaining that the applicant AKS Development LLC, represented by Tim Kappert, is the property owner of a 6.78 acre parcel located at the southwest corner of Fuesser Road and N. 6th Street. In September 2014, the parcel was rezoned RS-10, Single-Family Residential. The property is also located in the AO-Airport Overlay District, specifically the Accident Potential Zone (APZ-2) which limits single-family residential density to one dwelling unit per acre. The preliminary plat depicts the land to be subdivided into one (1) acre single-family residential lots.

Koerkenmeier also stated that the City received determination of the subdivision's compatibility from the Community Base Planner at Scott Air Force Base.

Eric Olson representing AKS and Millennia Professional Services was there to take questions and address any concerns.

There was no further discussion.

MOTION

Lee moved, seconded by Jung that the Planning Commission approve the Preliminary Plat for Chief View Estates, subject to the amended Findings included in the staff report, which adds a condition that the pavement width of the cul-de-sac radius be increased to 42' per code requirements, and forward to the City Council with a recommendation of approval.

THE MOTION BY ROLL CALL

Charles Lee aye, Rich Thompson aye, Bruce Jung aye, and Chairman Ken Zacharski aye
4-ayes, 0-nays

WORK SESSION

Lisa Koerkenmeier explained how she will proceed with the review of permitted, conditional and planned uses in each commercial district. She will forward the matrix to members via email for review and at the next meeting those uses on the matrix which have a difference of opinion on how they will be categorized will be discussed by the Commission.

MISCELLANEOUS

None

ADJOURNMENT

Lee moved, seconded by Jung, to adjourn at 8:08 p.m.

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: Resolution Opposing LGDF Reduction

MEETING DATE: March 2, 2015

REQUESTED ACTION:

Approval of a resolution urging the Governor and General Assembly to protect full funding of Local Government Distributive Fund reserves.

BACKGROUND & STAFF COMMENTS:

In response to the Governor's recent state budget address, now is the time that all community leaders must come together to support full funding of the municipal share of state income taxes (known as LGDF, the Local Government Distributive Fund). The Illinois Municipal League (IML) is aggressively working inside the capitol to protect full funding of local services and we need your help to generate grassroots support with legislators. The IML provided this resolution for adoption by municipalities. Once adopted, this resolution will be sent to the Governor and the General Assembly.


RECOMMENDATION:

Council approval of Resolution, as attached.

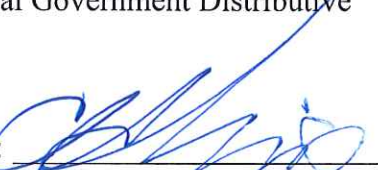
SUGGESTED MOTION:

I move that the City Council approve and adopt Resolution No. 14-15-____, a resolution urging the Governor and General Assembly to protect full funding of Local Government Distributive Fund reserves.

Prepared By:


Kari D. Haas
City Clerk

Approved By:


Cody Hawkins
City Manager

Attachments: A – Resolution

RESOLUTION NO. 14-15-__

URGING THE GOVERNOR AND GENERAL ASSEMBLY TO PROTECT FULL FUNDING OF LOCAL GOVERNMENT DISTRIBUTIVE FUND REVENUES

WHEREAS, municipalities are front-line providers of government services to citizens and these services include police and fire protection, parks, infrastructure, water, sewer and utility services, and snow removal; and

WHEREAS, the State of Illinois has a long-standing tradition of collecting tax revenues on behalf of municipal governments and municipalities have relied on shared income tax revenue to provide services to taxpayers; and

WHEREAS, municipalities have fewer options to raise significant revenue and rely on the full amount of revenue that the State collects on their behalf in order to fund the essential quality-of-life services expected and relied upon by community residents; and

WHEREAS, the General Assembly increased the State income tax without providing any of the new revenues to municipalities and this loss of revenue has left the municipal share at levels collected during the Great Recession; and

WHEREAS, the Governor proposed a 50 percent reduction in the local share of the income tax during his FY2016 Budget Address, reducing local revenues by over \$600 million; and

WHEREAS, the loss of this state-shared income tax revenue would result in elimination of countless jobs, local tax increases, program and service cuts, and could increase debt burdens that would be felt by all citizens.

WHEREAS, the City of Mascoutah would lose \$370,408.50; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MASCOUTAH, ST. CLAIR COUNTY, ILLINOIS that the City of Mascoutah urges the Governor and the General Assembly to protect full funding of the Local Government Distributive Fund and other revenue sources that allow local governments to provide for the health, safety and general welfare of their residents.

PASSED and APPROVED by the Mascoutah Mayor and City Council this 2nd day of March, 2015.

AYE's	—	.
NAY's	—	.
ABSENT	—	.

ATTEST:

Mayor

City Clerk

(SEAL)

Attachment A

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