

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

**SEPTEMBER 21, 2016**

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

**PUBLIC HEARING – 7:00PM**

**PC 16-08 –Rezoning of 515 West Church Street from RS-5, Single-Family Residential to GC, General Commercial.**

Building Commissioner Danny Schrempp explained that the applicant, Jessica Iler-Smith, is under contract for the property at 515 W. Church Street. The property includes a single-family dwelling, the property is two lots (35'X90" and 50'X100') with frontage on W. Church and N. 6<sup>th</sup> Street. The applicant desires to use the structure for a beauty shop/salon and use both lots for future access and parking for the property.

Schrempp stated that the City's Zoning Code does not allow requests for use variances or exceptions. The only option the applicants may pursue is to request rezoning the property to a zoning district which allows for a beauty shop/salon. Therefore, the applicant is requesting to rezone the property from RS-5, Single-Family Residential, to GC, General Commercial. The GC zoning district would allow the property to be used as a beauty shop/salon.

The applicant explained that she is planning on making the outside appearance better and does not see a problem with parking. She stated that she will only have at the most three cars on the street outside the shop at one time.

The subject property is depicted as Medium Density Residential on the Land Use Map in the City's Comprehensive Plan. Land to the north, east and west of the subject property is zoned RS-5, RS-10, Single-Family Residential and is currently used for single-family housing. Land to the south is zoned General Commercial and is used by Quick Stop (Gas Station).

Spot zoning has been raised and what constitutes "spot zoning." The courts have stated in defining spot zoning the following:

*"For an ordinance to constitute spot zoning, two requisites must coexist: First, a change of zone applicable only to a small area and, second, a change which is out of harmony with comprehensive planning for the good of the community."*

Review of case law is clear that the important factors to be considered are the surrounding uses and the relationship of the change of zoning to the comprehensive plan for the community. Rezoning the subject property to a commercial zoning district would not conflict with surrounding land use and single-family residential zoning. Land zoned General Commercial is directly south of the property so "spot zoning" is not as issue. The City's present code does not include a minimum district size in the GC zoning district.

The use of the subject property for commercial purposes will likely increase traffic on W. Church Street. Parking is not restricted on W. Church, so limited on-street parking is available for the subject property.

Staff sent notices to 27 property owners within 250' of the subject property. As of the date of this report, staff received no calls about this request.

Chairman Zacharski had concerns about parking, but after some discussion with the Commission and applicant they felt that the parking would not be a problem and if it ever would the owner could add a parking lot.

Planning Commission thought that the beauty shop/salon would be a welcome addition to that location.

There was no further discussion.

### **PUBLIC HEARING ADJOURNED at 7:17 PM**

### **CALL TO ORDER at 7:18PM**

Chairman Ken Zacharski called the meeting to order.

### **PRESENT**

Commission members Charles Lee, Jack Klopmeier, Glenn Shelley, Bruce Jung, Jim Connor and Chairman Ken Zacharski were present.

**ABSENT** – Rich Thompson

### **ALSO PRESENT**

Administrative Assistant Melissa Schanz, Building Commissioner Danny Schrempp, Assistant City Manager Mike Bolt and applicant Jessica Iler Smith.

### **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 Conner, to approve the minutes of the June 15, 2016 Planning Commission Meeting.

### **THE MOTION BY ROLL CALL**

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye

6-ayes, 0-nays

**PC 16-08 –Rezoning of 515 West Church Street from RS-5, Single-Family Residential to GC, General Commercial.**

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

**MOTION:**

Lee moved, seconded by Klopmeier that the Planning Commission approves the rezoning request for 515 W. Church Street from RS-5, Single-Family Residential, to GC, General Commercial, subject to the Findings Attached.

**FINDINGS FOR APPROVAL – Planning Commission Version**

**ZONE CHANGE:** 515 W. Church Street  
from RS-5 TO GC

**DATE:** September 21, 2016

**FINDINGS:** The Mascoutah Planning Commission, pursuant to the applicant's initiated Zone Change for the tract of 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 proposed zone change of the site is appropriate, in terms of land patterns in the entire City and the City's Zoning Code requirements.
2. The proposed zone change is compatible with surrounding commercial and residential uses nearby property.
3. The rezoning application is consistent with good general planning.
4. The proposed zone change does encourage land use compatibility with adjacent uses.
5. The proposed zone change is deemed desirable to promote the general welfare of the City.

**THE MOTION BY ROLL CALL**

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye

6-ayes, 0-nays

**PC 16-10 – Final Plat for Legacy Place.**

Building Commissioner Danny Schrempp presented report explaining that the applicant, Mascoutah Development LLC, represented by Dave Kunkel, has submitted a final plat for Legacy Place an assisted living and memory care center operated on 8.32 acres located north of Moorland Circle Drive and Prairie View Estates residential development.

Chairman Zacharski stated that this development has been reviewed during previous Planning Commission meetings and if there were no questions by the Commission he would entertain a motion.

**MOTION:**

Klopmeyer moved, seconded by Lee that the Planning Commission approves the Final Plat for Legacy Place Subdivision, subject to attached Findings and forward to the City Council with a recommendation of approval.

**MISCELLANEOUS** – None

**ADJOURNMENT**

Lee moved, seconded by Conner, to adjourn at 7:30 p.m. All were in favor.