

Mascoutah City Council

May 2, 2016

REGULAR MEETING AGENDA

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, April 18, 2016 City Council Meeting (Page 1 to Page 5)

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

7. REPORTS AND COMMUNICATIONS

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

8. COUNCIL BUSINESS

A. Council Items for Action:

1. Appointments, Reappointments, and Ratifications

(Page 6 to Page 8)

Description: Council acceptance of various appointments, reappointments and ratifications.

Recommendation: Council Approval.

2. Code Change – No Parking, Tenth Street (second reading)

(Page 9 to Page 10)

Description: Council approval of an Ordinance to amend the Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.

Recommendation: Council Approval and Adoption of Ordinance.

3. **Poplar Street Reconstruction – Bid Award** (Page 11 to Page 12)
Description: Council approval and authorization of bids for furnishing all labor, materials and equipment for the Poplar Street Reconstruction Project.

Recommendation: Council Approval.

4. **PC 16-03 – Rezoning of 608 S. Jefferson Street from Light Industrial (LI) to General Commercial (GC) (first reading)** (Page 13 to Page 28)
Description: Council review and approval of a rezoning application for 608 S. Jefferson Street from LI, Light Industrial to GC, General Commercial.

Recommendation: First Reading.

5. **PC 16-04 – Rezoning of 8.32 acres +/-, north of Moorland Circle Drive from General Commercial (GC) to RS-8, Single-Family Residential (first reading)** (Page 29 to Page 39)
Description: Council review and approval of a rezoning application for 8.32 acres +/-, north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential.

Recommendation: First Reading.

6. **PC 16-05, Conditional Use Permit for a Residential Care Facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive** (Page 40 to Page 49)
Description: Council review and approval of a Conditional Use Permit (CUP) for a Residential Care Facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive.

Recommendation: Council Approval.

7. **PC 16-06, Conditional Use Permit for Outdoor Storage in a GC, General Commercial District for property located at East Church and North Lebanon Streets** (Page 50 to Page 57)
Description: Council review and approval of a Conditional Use Permit (CUP) for Outdoor Storage in a GC, General Commercial District for property located at East Church and North Lebanon Streets.

Recommendation: Council Approval.

B. Council – Miscellaneous Items

C. City Manager

- Church signs in park

10. PUBLIC COMMENTS (3 MINUTES)

11. ADJOURNMENT TO EXECUTIVE SESSION

- A. Sale/Lease of Public Property – Section 2(c)(6)

10. MISCELLANEOUS OR FINAL ACTIONS

11. ADJOURNMENT

POSTED 4/29/16 at 5:00 PM

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

APRIL 18, 2016

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, Assistant City Manager Lisa Koerkenmeier, Police Chief Bruce Fleshren, Fire Chief Joe Zinck, and Finance Coordinator Lynn Weidenbenner.

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

AMEND AGENDA

None.

MINUTES

The minutes of the April 4, 2016 regular City Council meeting were presented and approved as presented. The minutes of the April 4, 2016 Executive Session meeting were presented and approved as presented.

Motion passed. Passed by unanimous yes voice vote.

PUBLIC COMMENTS

None.

DEPARTMENT REPORTS

Fire Chief Joe Zinck – March 2016 report was provided.

Police Chief Bruce Fleshren – March 2016 report was provided.

Finance Coordinator Lynn Weidenbenner – Monthly financials provided. Mayor asked about the purchase power account being well below budget. Finance Coordinator stated that the ratio used to figure the budgeted amount still had the credit that the City used to receive when we generated factored in but has been corrected this upcoming fiscal year so the budgeted amount will be lower.

City Engineer/Director of Public Works Ron Yeager – Absent – Status report on public projects and monthly building permits report provided. Councilman Schorr asked about Poplar Street reconstruction and asked if the sidewalk easements were received. City Manager stated that we have all but one or two of them but they will be signed soon. Mayor asked about the final punch list for Fuesser Road. City Manager stated that has already been done, it's just not noted in the report.

REPORTS AND COMMUNICATIONS

Mayor

Attended the following meetings and functions: Military Affairs committee meeting, volunteered at the Visitor's Center, school board meeting regarding proposed sales tax, Leadership Council awards dinner.

City Council

Grodeon – Nothing to report.

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

Weyant – Nothing to report.

McMahan – Attended the following meetings and functions: Chamber meeting, Go St. Louis marathon.

City Manager – Nothing to report.

City Attorney – Nothing to report.

City Clerk – Nothing to report.

COUNCIL BUSINESS

CONSENT CALENDAR (OMNIBUS)

The March 2016 Fund Balance Report and Claims & Salaries Report were provided under the omnibus consideration.

Councilman Grodeon asked what the current loan status was on the road project. Finance Coordinator stated that around \$60,000 was left on the line of credit. Finance Coordinator stated that she would have to look at what the final loan amount totaled.

Councilman Grodeon asked about the consulting services paid to Baugher Financial. City Manager stated that is the quarterly fee paid to the City's insurance broker.

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

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

BUDGET 16/17 – ADOPTION OF ORDINANCE (SECOND READING)

City Manager report for Council consideration of approval and adoption of the City's FY16/17 Budget.

McMahan moved, seconded by Grodeon, to approve and adopt Ordinance No. 16-06, thereby establishing the City's FY16/17 Budget.

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

CODE CHANGE – ELECTRIC, WATER & SEWER RATES (SECOND READING)

City Manager presented report for Council consideration of approval of revisions to Chapter 11 – Electric System and Chapter 38 – Water and Sewer Rates of the City Code by adoption of Ordinance.

Weyant moved, seconded by McMahan, to approve and adopt Ordinance No. 16-07, thereby modifying Chapter 11, Electric System, Article 1, General Regulations, Section 1; and approve and adopt Ordinance No. 16-08, thereby modifying Chapter 38, Article 4 Division 2 Water Rates, Section 12 and Division 3 Sewer Rates, Section 31.

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

CHARTER FRANCHISE AGREEMENT AND AGREEMENT FOR JOINT USE OF POLES AND RIGHT-OF-WAY (SECOND READING)

City Manager presented report for Council consideration of approval of a Franchise Agreement and an Agreement for Joint Use of Poles and Right-of-Way between the City of Mascoutah and Charter Communications by adoption of Ordinance.

Schorr moved, seconded by Grodeon, to approve and adopt Ordinance No. 16-09, approving a Franchise Agreement and an Agreement for Joint Use of Poles and Right-of-Way with Charter Communications Entertainment I, LLC, and authorize the appropriate officials to execute the necessary documents.

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

CODE CHANGE – NO PARKING, TENTH STREET (FIRST READING)

City Manager presented report for Council consideration of approval of an Ordinance to amend Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.

Councilman Schorr asked about the resident discussed at the last meeting that parks on that side of the street. City Manager stated they looked at that and thought the house in question was located on the north side of Winchester but will review it again and talk to the homeowner before second reading.

First reading. No action required.

RESOLUTION OF AUTHORIZATION FOR SIGNING OF LOAN DOCUMENTS – ELECTRIC PHASE II PROJECT

City Manager presented report for Council consideration of approval of a Resolution authorizing the Mayor to sign the loan documents for the Electric Phase II Project.

Councilman Grodeon commented that the Finance Committee had recommended this funding option. City Manager stated that yes they did.

McMahan moved, seconded by Schorr, to approve and adopt Resolution No. 15-16-21, Resolution of Authorization for Signing of Loan Documents for the Electric Phase II Project.

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

TRANSFER AGREEMENT OF TOWER LEASE

City Manager presented report for Council consideration of approval of agreement to accept transfers and assigns from HTC Technologies Co. to Wisper ISP, Inc.

Councilman Grodeon commented on letting HTC Technologies get two years in default. City Attorney stated that the City could have taken them to court but we also knew that Wisper ISP was in the process of buying them out so let it go knowing that the City was going to require Wisper ISP pay any amounts in default before the lease transfer agreement was going to be granted.

Weyant moved, seconded by Grodeon, to approve the lease transfer agreement from HTC Technologies Co. to Wisper ISP, Inc. and the City of Mascoutah and authorize appropriate officials to execute the required documents.

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

CROWN CASTLE PERPETUAL EASEMENT

City Manager presented report for Council consideration of approval of a Perpetual Easement between the City of Mascoutah and Crown Castle.

Councilman Grodeon asked for clarification and how this is a better option for the City. City Manager explained that under the current agreement there is no guarantee that they will stay here and with the current rent, it would take 12-13 years for the City to receive

the amount they are proposing, but there is also no guarantee on what the cell market is going to be in 10-15 years. City Attorney explained that the cell companies are doing these types of agreements to ensure that they maintain the current location. City Attorney explained that if the City does not approve this, Crown Castle will probably purchase a new location and move and the City will lose all revenue.

McMahan moved, seconded by Schorr, to approve the Grant of Easement and Assignment of Lease between the City of Mascoutah and Crown Castle Towers 09 LLC and authorize appropriate officials to execute the necessary documents.

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

COUNCIL – MISCELLANEOUS ITEMS

None.

CITY MANAGER – MISCELLANEOUS ITEMS

City Manager provided information regarding the proposed new phone system from our current phone system provider CTS to upgrade to a voice over IP hosted wireless phone system. City Manager explained the technology upgrades and the increases in efficiency. City Manager explained that the City will have savings on the phone line side but there are increases in costs related to the new hardware and software needed for the new phone system. Councilman Grodeon and Councilman Schorr questioned the increased cost. Mayor, Councilman Weyant and Councilman McMahan expressed their support for the new phone system.

City Manager provided information regarding the health insurance renewal and provided information he received from the three unions regarding the plan and the deductible. Council discussed the insurance renewal and was in agreement that the deductible reimbursement will be removed during the next union contract negotiations.

PUBLIC COMMENTS

None.

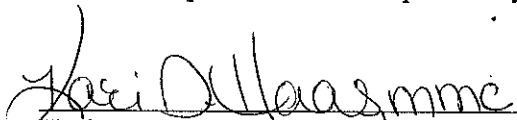
MISCELLANEOUS OR FINAL ACTIONS

None.

ADJOURNMENT

McMahan moved, seconded by Schorr, to **adjourn at 7:59 p.m.**

Motion passed. Motion passed by unanimous yes voice vote.


Kari D. Haas, City Clerk

**CITY OF MASCOUTAH
Staff Report**

TO: Honorable Mayor and City Council

FROM: Cody Hawkins, City Manager

SUBJECT: **Appointments, Reappointments, and Ratifications**

MEETING DATE: May 2, 2016

REQUESTED ACTION:

Council acceptance of various appointments, reappointments and ratifications.

BACKGROUND:

Staff and Professional Services appointments/reappointments

City Attorney – Al Paulson (Becker, Paulson, Hoerner & Thompson, P.C.), 1 year

Engineer Services – Thouvenot, Wade & Moerchen, Inc., 1 year

Engineer Services (Electric) – Barnes, Henry, Meisenheimer, & Gende, Inc., 1 year

Boards and Commission appointments/reappointments

Planning Commission

Rich Thompson (reappointment – 4 years)

Parks & Recreation Commission

Adam Kasper (reappointment – 4 years)

Fire and Police Commission

Gene Isbell (reappointment – 3 years)

Finance Committee

Terry Twenhafel (reappointment – 4 years)

Police Pension Board

Becky Douglas (appointment – 2 years, replaces Dave Lembke)

Library Board

Linda Tribout (reappointment – 3 years)

Roger Grodeon (reappointment – 3 years)

Nancy Larson (reappointment – 3 years)

Economic Development Commission

Ken McQuiston (reappointment – 4 years)

Donna Mae Schlueter (reappointment – 4 years)

Mike Baker (reappointment – 4 years)

Cemetery Board

Bob Moll (reappointment – 4 years)

Zoning Board of Appeals

Robert Scott (reappointment – 5 years)

Timothy Friederich (appointment – 5 years, replace Gene Haege)

Board Ratifications: Must be done each year in order for the City to provide property and liability insurance to the City-owned buildings.

Leu Civic Center

Trisha Petroskus (President)

Greg Scharine (Vice President)

Marty Stout (Secretary)

Erica Hodge (Treasurer)

Patricia Peek (Executive Director)

Board members: Elizabeth Peterson, Charles Carnahan, Mike Hoercher, Mark Laquet, Gretchen Morio, Mildred Bass, Tricia Vineyard, Mary Alice Koriath, and Patrick Miller

Senior Center

Lloyd Cauley (President)

Lionel Timmerman (Parliamentarian)

Sandra Hakanson (Director)

Mary Erwin (Secretary)

Ray Kueker (Treasurer)

Board members: Alvin Renth and Rosemary Cooper

Mascoutah Improvement Association

Harold Knoth (President)

Steve Heizer (Vice President)

Pat McMahan (Treasurer)

Kathy LaQuet (Secretary)

Board members: Herb Knobloch, Jack Weyant, Greg Hoskins, and Don Karpel

Mascoutah Cemetery Chapel Committee

Jeanne Bullard (President)

Leanne Funk (Vice President)

Shirley Hausmann (Treasurer)

Amy Sand (Secretary)

Board members: Keith Hinton, Marian Krausz, Clarence Richards, Marjorie Worms, Opal Riely, Troy Bullard, Nathan Bullard, Clyde Lembke, Carol Lembke, and Dave Hausmann

Mascoutah Historical Society

Jack Klopmeier (President)

Kathy Bell (Vice President/Curator)

Colleen Hoercher (Secretary)

Dorris Mays (Treasurer)

Board members: Eugene Schnurr, Roger Grodeon, and Marilyn Welch

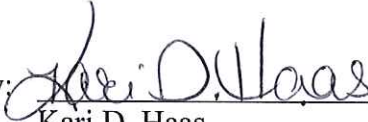
RECOMMENDATION:

Council acceptance of various appointments, reappointments and ratifications.

SUGGESTED MOTION:

I move that the Council accept the appointments, reappointments and ratifications as identified.

Prepared By:


Kari D. Haas
City Clerk

Approved By:


Cody Hawkins
City Manager

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & City Council
FROM: Cody Hawkins – City Manager
SUBJECT: Code Change – No Parking, Tenth Street (Second Reading)
MEETING DATE: May 2, 2016

REQUESTED ACTION:

Council approval of an Ordinance to amend the Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.

BACKGROUND & STAFF COMMENTS:

Below are the recommendations from staff for no parking along the newly improved North Tenth Street.

Street – Side
Tenth St. (Both)

Location
Hackberry St. to Winchester St.

The Street Department will receive a work order to place no parking signs at these locations after passage of the attached Ordinance.

FUNDING:

N/A

RECOMMENDATION:

Council approval and adoption of ordinance amending Schedule E – No Parking Streets to add no parking on sections of North Tenth Street.

SUGGESTED MOTION:

I move that the Council approve and adopt Ordinance No. 16-___, amending Chapter 24, Schedule “E” – No Parking Streets to add no parking on sections of North Tenth Street.

Prepared By: Kari D. Haas
Kari D. Haas, City Clerk

Approved By: Cody Hawkins
Cody Hawkins, City Manager

Attachments: A – Ordinance

ORDINANCE NO. 16-__

**AN ORDINANCE AMENDING CHAPTER 24, SCHEDULE "E" – NO PARKING
STREETS OF THE CITY OF MASCOUTAH CODE OF ORDINANCES**

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

SECTION 1: That CHAPTER 24, ARTICLE IV – ILLINOIS VEHICLE CODE
(Schedule "E" – No Parking Streets) be amended to add the following:

SCHEDULE "E" – NO PARKING STREETS

Street – Side

Tenth St. (both)

Location

Hackberry St. to Winchester St.

SECTION 2: That the Ordinance shall be in full force and effect from after its passage
and approval as provided 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 May, 2016, 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 by the Mayor of the City of Mascoutah, Illinois, this 2nd day of May, 2016.

ATTEST:

Mayor

City Clerk
(SEAL)

Attachment A

CITY OF MASCOUTAH

Staff Report

TO: Honorable Mayor & Council
FROM: Cody Hawkins – City Manager
SUBJECT: Poplar Street Reconstruction - Bid Award

MEETING DATE: May 2, 2016

REQUESTED ACTION:

Approval and authorization of bids for furnishing all labor, materials and equipment for the Poplar Street Reconstruction Project.

BACKGROUND & STAFF COMMENTS:

Bids for the *Poplar Street Reconstruction Project* were opened on Thursday, April 28, 2016. There were 4 bidders total. Lowest qualified bid was submitted by DMS Contracting Inc. for a total amount of \$418,686.25. This project consists of reconstructing Poplar Street from 6th Street to 10th Street and will include a 5' wide concrete sidewalk to replace the existing sidewalk on the north side of the street. The School District has agreed to pay half of the cost of replacing the sidewalk adjacent to their property which amounts to approximately \$20,000. See Bid Tab, Attachment A.

FUNDING:

This project will be paid for with General Funds.


RECOMMENDATION:

Approval of low bid for furnishing all labor, materials and equipment for the *Poplar Street Reconstruction Project* to DMS Contracting Inc. for the total bid of \$418,686.25.

SUGGESTED MOTION:

I move that the Council approve the low bid of \$418,686.25 to DMS Contracting Inc. of Mascoutah, IL for furnishing all labor, materials and equipment for the *Poplar Street Reconstruction Project* and authorize appropriate officials to execute the necessary documents.

Prepared By:


Ron Yeager
City Engineer

Approved By:


Cody Hawkins
City Manager

Attachment: A – Bid Tab

**CITY OF MASCOUTAH
Staff Report**

TO: City Council

FROM: Cody Hawkins, City Manager

SUBJECT: PC 16-03 – Rezoning of 608 S. Jefferson Street from Light Industrial (LI) to General Commercial (GC) (first reading)

MEETING DATE: May 2, 2016

REQUESTED ACTION:

Review and approval of a rezoning application for 608 S. Jefferson Street from LI, Light Industrial to GC, General Commercial.

BACKGROUND & STAFF COMMENTS:

The applicant, Bail-Co Properties, represented by John Bailey, redeveloped the property at 608 S. Jefferson Street (Erwin Plaza) and converted the former auto dealership property into office/retail space ten years ago. The original auto dealership building was remodeled and a 5,500 square foot addition was constructed which provided for approximately 13,700 square feet of office/retail space. Over the years, the owner has leased to tenants but the property is presently vacant. Although the LI District does allow for a variety of administrative and support services, professional services and miscellaneous store retailers, other uses such as restaurants, medical and dental clinics are allowed by special use in the LI District. The General Commercial District would allow restaurants and medical and dental clinics by right. The types of retail and office uses this property would be marketed to are better suited with General Commercial zoning than Light Industrial zoning. The parcel has approximately 490' of frontage along Illinois Route 4. The size of the site is approximately 1.57 acres or 68,600 square feet, roughly measuring 490' x 140.'

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: The property is depicted as Commercial on the Land Use Map in the City's Comprehensive Plan. The property is not impacted by the Airport Overlay District. Land to the north and south is zoned RS-5 and RS-8, Single Family Residential and land to the west and east is zoned Light Industrial. The land contiguous to the subject property north and south is currently used for residential and the land east and west is used for warehouse and storage.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Commercial	Light Industrial	Office
North:	Residential	RS-5, SF Residential	Residential
South:	Industrial	RS-8, SF Residential	Residential
East:	Industrial	Light Industrial	Warehousing
West:	Industrial	Light Industrial	Storage/Vacant

No minimum district size is required for General Commercial zoning. If the property was rezoned to General Commercial, any further additions to the building would have to comply with the GC dimensional regulations which include a minimum front yard of 25 feet; a minimum side yard of 0 feet, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 10 feet; and a minimum rear yard of 20 feet.

In the LI District, the minimum front yard is 30 feet; the minimum side yard is 5 feet, unless the side of the lot abuts land zoned residential in which case there shall be a side yard of at least 25 feet; and a minimum rear yard of 10 feet, unless the rear of the lot abuts land zoned residential in which case there shall be a rear yard of at least 25 feet. There is no maximum building coverage in either the GC or LI Districts.

Utilities: The subject property is served by a municipal 8" water main and an 8" gravity sewer main located along Illinois State Route 4. The property is served by municipal electric services and Ameren natural gas services. These utilities would be adequate if the property was occupied by commercial uses.

Traffic/Parking Improvements: There are three existing access points for the development; one along Illinois Route 4; one along the vacated right-of-way of the former L&N Railroad and one along Verner Street. The access along Illinois Route 4 was approved by IDOT when the property was redeveloped several years ago. The access points, internal circulation and available parking have been reviewed by staff and determined to be sufficient for commercial uses. The distance maintained between parking aisles and buildings accommodates two-way traffic flow throughout the site. The existing 75 parking spaces are sufficient for the office/retail complex, as 69 spaces are required. Several landscaped areas and screening were constructed as part of the site plan process and are in good condition.

Public Notice: A request to rezone property requires a public hearing before the Planning Commission. The legal notice for the public hearing was published and notices were sent to 17 property owners within 250' of the subject property. As of the date of this report, staff received one phone call inquiring about the rezoning, but did not have objection to the rezoning petition.

Zoning Amendment Review: In accordance with Sections 34-15-4 and 34-15-7, any proposed rezoning/map amendment shall be reviewed by the Planning Commission and a public hearing held to review the application. The Planning Commission reviewed the rezoning request at the April 20, 2016 meeting and recommends that the City Council approve the rezoning request. An affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request.

REVIEW AND APPROVAL CRITERIA: The current Unified Land Development Code does not list specific review criteria to consider for rezoning requests. However the following criteria are typically the key factors used by the courts when considering whether a property should be rezoned.

- The existing use and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restriction.
- The extent to which the diminution of property values of the subject property promotes the health, safety, morals and general welfare of the public.
- The relative gain to the public vis-à-vis the hardship imposed upon the individual property owner.
- The suitability of the subject property for zoned purposes.
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- The care with the City has undertaken to plan its land use development.
- The evidence or lack thereof of the City's need for the proposed use.

RECOMMENDATION:

Staff recommends approval of 608 S. Jefferson Street from LI, Light Industrial, to GC, General Commercial, subject to the Findings attached.

MOTION:

I move that the City Council approve and adopt Ordinance No. 16-____, approving the rezoning request for 608 S. Jefferson Street from LI, Light Industrial, to GC, General Commercial, subject to the Findings attached.

Approved By: 

Cody Hawkins
City Manager

Attachments: A – Findings
B – Location/Zoning Map
C – Ordinance
D – Planning Commission Draft Meeting Minutes, 4-20-16

FINDINGS FOR APPROVAL

ZONE CHANGE:
608 S. Jefferson Street

DATE: May 2, 2016

FINDINGS: The Mascoutah City Council, 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 in accordance with the City's Comprehensive Plan Land Use Map.
3. The rezoning application is consistent with good general planning.
4. The proposed zone change encourages land use compatibility with adjacent uses.
5. The proposed zone change is deemed desirable to promote the general welfare of the City.


















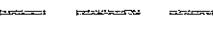

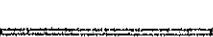


Attachment A

ZONING MAP

CITY OF MASCOUTAH

ST. CLAIR COUNTY, ILLINOIS

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

PC 16-03, Subject Property
608 S. Jefferson Street
Rezoning from LI to GC

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

ORDINANCE NO. 16-__

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, OFFICIAL CHANGE TO THE ZONING MAP PER ARTICLE XV OF THE CITY OF MASCOUTAH CODES, COMMONLY REFERRED TO AS THE UNIFIED LAND DEVELOPMENT CODE.

WHEREAS, The City now desires to officially change the City's Zoning Map from Light Industrial (LI) to General Commercial (GC) for subject property described Lots 2, 3, 6, 7, 10, 11, 14, 15 and 18 of "Foster's Addition to the Town now City of Mascoutah"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, excepting from said Lot Numbered 2, the right of way of the Louisville and Nashville Railroad Company formerly the Southeast and St. Louis Railway Company as found in Indenture recorded November 16, 1930, in Book 760, page 465 as Doc. No. 191595, and known as Parcel No. 10-32-0-316-026 and 10-32-0-316-023; commonly referred to as 608 South Jefferson Street; and

WHEREAS, City staff and the Planning Commission have processed and recommended approval for this Zone Map change per City regulations; and

WHEREAS, the Planning Commission's official "Report to Council" is represented by a complete report attached hereto and has been forwarded to the City Council for deliberation, approval and adoption of this Zone Map change.

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

SECTION 1: That Chapter 34 "Unified Land Development Code," Article IV – Official Map, is hereby amended to officially change the property described Lots 2, 3, 6, 7, 10, 11, 14, 15 and 18 of "Foster's Addition to the Town now City of Mascoutah"; reference being had to the plat thereof recorded in the Recorder's Office of St. Clair County, Illinois, excepting from said Lot Numbered 2, the right of way of the Louisville and Nashville Railroad Company formerly the Southeast and St. Louis Railway Company as found in Indenture recorded November 16, 1930, in Book 760, page 465 as Doc. No. 191595, and known as Parcel No. 10-32-0-316-026 and 10-32-0-316-023; commonly referred to as 608 South Jefferson Street; as depicted in Exhibit A, from Light Industrial (LI) to General Commercial (GC).

SECTION 2: That the Ordinance shall be in full force and effect from after its passage and approval as provided by law.

Attachment C

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 May, 2016, 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>	<u>Abstain</u>
Benjamin Grodeon	_____	_____	_____	_____
Paul Schorr	_____	_____	_____	_____
John Weyant	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____
Gerald Daugherty	_____	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 16th day of May, 2016.

Mayor

ATTEST:

City Clerk

(SEAL)

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

APRIL 20, 2016

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

PUBLIC HEARING – 7:00PM

PC 16-03 –Rezoning of 608 S. Jefferson Street from Light Industrial (LI) to General Commercial (GC).

Assistant City Manager Lisa Koerkenmeier explained that the applicant, Bail-Co Properties, represented by John Bailey, redeveloped the property at 608 S. Jefferson Street (Erwin Plaza) and converted the former auto dealership property into office/retail space ten years ago. The original auto dealership building was remodeled and a 5,500 square foot addition was constructed which provided for approximately 13,700 square feet of office/retail space. Over the years, the owner has leased to tenants but the property is presently vacant. Lisa explained how the LI District does allow for a variety of administrative and support services, professional services and miscellaneous store retailers, other uses such as restaurants, medical and dental clinics are allowed by special use in the LI District. The General Commercial District would allow restaurants and medical and dental clinics by right. The types of retail and office uses this property would be marketed to are better suited with General Commercial zoning than Light Industrial zoning. Lisa also stated that Linda Bailey representing Bail-Co Properties was here to answer any questions. There were no comments or questions about the requested change.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:09 PM

PUBLIC HEARING – 7:10PM

PC 16-04 –Rezoning of 8.32 acres +/-, north of Moorland Circle Drive from General Commercial (GC) to RS-*, Single-Family Residential (RS-8).

Assistant City Manager Lisa Koerkenmeier explained that the applicant, Mascoutah Development Group, LLC, represented by Dave Kunkel, has a contract to purchase the subject property contingent upon the rezoning of a portion of this property to RS-8, Single-Family Residential and receiving Conditional Use Permit approval to construct a residential care facility. This petition includes the request to rezone the property which must precede the petition to request a conditional use permit for the residential care facility in a RS-8 District.

Lisa stated that the subject property is currently zoned GC, General Commercial and includes a total of 11 acres +/- . The rezoning petition to RS-8, Single-Family Residential is for approximately 8.32 acres of the 11 acre parcel which is located in the western portion of the 11 acre parcel. The balance of the parcel located along Illinois Route 4 will remain General

Commercial. The applicant is requesting the RS-8 zoning to allow him to apply for a conditional use permit to construct an assisted living center and a memory care center on the property.

It was also discussed that Prairie View Estates residential development south and west of the subject property is zoned Res. PDP 8.1. Although the Res. PDP provided some additional development requirements, the minimum lot size applied to this development is 8,000 square feet. Therefore, the developer is requesting the RS-8 zoning which is most similar to the zoning of neighboring properties. It should also be noted that the subject property has been for sale and marketed for commercial purposes, but has remained undeveloped for ten years.

Steve Wilke was present and was concerned about access to his land just north and west of the property that is being looked at for rezoning. He has no objections but wanted to make sure he would not be landlocked.

Larry Merriman, Norm Dunson, Christa Engel & Jessica Sylvia were in attendance and expressed their concerns on the traffic, property values, noise & drainage. They also asked the City about sidewalks to connect this facility with Harnett. These homeowners feel the location for this assisted living center and memory care center should not be allowed. They think there is a better location somewhere else in the community for this project.

Staff along with Mr. Kunkel explained the type of facility that would be built and the minimal impact it would have on any homeowner in the Prairie View Estates subdivision. Staff does not see any issues with drainage or traffic problems but IDOT will also be reviewing the plans. It was also stated that a berm between the properties was planned.

Commission members expanded on the questions asked by some of the neighboring homeowners and felt all concerns were covered for what they were approving tonight.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 7:55 PM

PUBLIC HEARING – 7:56PM

PC 16-05 – Conditional Use Permit for a Residential Care Facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive.

Assistant City Manager Lisa Koerkenmeier explained that the applicant, Mascoutah Development LLC, represented by Dave Kunkel, has submitted a Conditional Use Permit (CUP) application to develop an assisted living and memory care center operated by Legacy Place on 8.32 acres located north of Moorland Circle Drive and Prairie View Estates residential development. The applicant has the subject property under contract to purchase the real estate with a condition that the City of Mascoutah approves this CUP. In order for the petitioner to apply for the CUP for a residential care facility, the subject property must first be rezoned to RS-8, Single-Family Residential. Hence, the applicant's rezoning petition preceded the CUP application.

Lisa stated that the applicant desires to construct a one-story building, approximately 52,000 square feet in size, consisting of 60 units of which 36 would be assisted living (mostly 1-bedroom, but some 2-bedroom and studios) and 24 memory care units. The facility's exterior would consist of brick, stone and hardi board. The preliminary site plan includes a total of 43 parking spaces and areas of green space and landscaping. Access to the property would be provided by a street constructed from Illinois State Route 4. Illinois Department of Transportation (IDOT) will have to approve an Intersection Design Study and an access permit. The land area to be utilized for the facility is great enough to accommodate expansions of both the assisted living center and memory care center. The applicant has constructed similar facilities in Highland, Waterloo and Breese.

Residence in attendance from Prairie View Estates once again stated their concerns.

Mr. Kunkel explained again what he was proposing and Mr. Kunkel along with staff explained to the residence that this property is currently zoned General Commercial and the residence should be glad they are not getting something much larger in their back yards.

There was no further Discussion.

PUBLIC HEARING ADJOURNED at 8:39 PM

PUBLIC HEARING – 8:40PM

PC 16-06 –Conditional Use Permit for Outdoor Storage in a GC, General Commercial District for property located at East Church and North Lebanon Streets.

Assistant City Manager Lisa Koerkenmeier explained that the applicant, Millikin LLC, represented by Bill Millikin, has submitted a Conditional Use Permit (CUP) application to allow outdoor storage on property he owns at the northwest corner of East Church and North Lebanon Streets. Outdoor storage is permitted by conditional use in the GC, General Commercial District. Mr. Millikin recently renovated the former Mascoutah Hardware store which is situated across the street at 101 E. Main Street and now operates the store as Ace Hardware. The redevelopment project also included constructing a new 10,972 square foot warehouse which fronts N. Market and E. Church Streets. An outdoor sales area along N. Market Street was approved for the project as part of the site plan review process.

Lisa stated that the applicant is requesting outdoor storage across the street from Ace Hardware on property he owns at E. Church and N. Lebanon Streets. The subject property is an irregular shape, and although most of the parcel is zoned GC, there is a small portion of the property located north of the alley right-of-way which is triangular shaped and is zoned RS-8, Single-Family Residential. This CUP request is only for the portion of the property with frontage along E. Church Street and zoned GC. Mr. Millikin desires to expand the existing gravel lot for the purpose of storing and servicing materials related to the hardware business and to construct a propane filling station. He also stated his desire to use the property for employee parking. However, staff informed him that if the property was used for off-street parking, the lot would need to be improved to meet the parking design and maintenance standards in accordance with Article IX. Off-Street Parking and Loading. At this time, the applicant does not want to upgrade

the lot to meet the parking standards and will only use the lot for inventory storage and the propane filling station.

Mr. Millikin was in attendance and answered many questions and concerns that residence and commission members had.

John Hinkle a neighbor to the property stated some concerns about semi's parking overnight at the location off of Church Street. He also would like to see the Green storage container removed from the property or fenced in. Mr. Hinkle explained how the property looks like an industrial overload and we need to be concerned about the sidewalks and how the City needs to look at having safe sidewalks for our kids to get back and forth to school.

Stacy Stein who is also a neighboring business expressed concerns about noise, appearance and parking issues. She is a mental health and substance abuse counselor and needs to provide a calm place for her patience.

Commission members had varying thoughts on this proposal. Some members thought that it is not a good location for such a business. Other members thought that as long as Mr. Millikin follows the conditions they do not see a problem since this is a piece of property zoned General Commercial.

There was no further discussion.

PUBLIC HEARING ADJOURNED at 9:44 PM

CALL TO ORDER at 9:45PM

Chairman Ken Zacharski called the meeting to order.

PRESENT

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

ABSENT – None

ALSO PRESENT

Administrative Assistant Melissa Schanz, Assistant City Manager Lisa Koerkenmeier, City Manager Cody Hawkins, Danny Schrempp.

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 Klopmeier, to approve the minutes of the March 16, 2016 Planning Commission Meeting.

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
7-ayes, 0-nays

PC 16-03 –Rezoning of 608 S. Jefferson Street from Light Industrial (LI) to General Commercial (GC).

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

MOTION

Jung moved, seconded by Lee that the Planning Commission approve the rezoning request for 608 S. Jefferson Street from LI, Light Industrial, to GC, General Commercial, subject to the Findings below.

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 in accordance with the City's Comprehensive Plan Land Use Map.
3. The rezoning application is consistent with good general planning.
4. The proposed zone change encourages 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, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
7-ayes, 0-nays

PC 16-04 –Rezoning of 8.32 acres +/-, north of Moorland Circle Drive from General Commercial (GC) to RS-*, Single-Family Residential (RS-8).

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

MOTION

Thompson moved, seconded by Shelley that the Planning Commission approve the rezoning request for 8.32 acres +/-, located north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential, subject to the Findings below.

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 residential and commercial uses and the GC, General Commercial, and RS-8, Single-Family Residential zoning of nearby property.
3. The rezoning application is consistent with good general planning.
4. The proposed zone change encourages 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, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye

7-ayes, 0-nays

PC 16-05 – Conditional Use Permit for a Residential Care Facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive.

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 approve the Conditional Use Permit for a residential care facility for the 8.32 acres in a RS-8, Single-Family Residential District, located north of Moorland Circle Drive and Prairie View Estates, subject to the Findings and Conditions of Approval as amended

Findings:

1. The proposed conditional use permit is appropriate, in terms of land patterns in the entire City and its comprehensive plan.
2. The proposed conditional use permit is compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the use proposed in the RS-8 Single-Family Residential Zoning District.
4. The proposed conditional use permit is consistent with good general planning.

Conditions:

1. The conditional use permit shall be granted to Mascoutah Development Group, LLC, to construct Legacy Place, an assisted living center and memory care center.
2. The conditional use permit may be transferred or conveyed to another entity to continue to operate an assisted living center and memory care center following construction of the facility.
3. The conditional use permit shall allow the future expansion of the assisted living center and memory care center provided that all present and future amendments to site plan, building code and zoning ordinance requirements are met.

4. The project shall receive Intersection Design Study (IDS) and access permit approval from the Illinois Department of Transportation (IDOT).
5. Any road access from Illinois State Route 4 to the east or north property lines of the lot to be created for the assisted living center and memory care center shall be located in a public right-of-way and constructed in a manner acceptable to the City Engineer that will allow further expansion of these access roads into full urban street sections when land adjacent to the lot created for the assisted living center and memory care center develops.
6. The 30 foot wide strip of land along the north property line and an additional 5 feet of right-of-way along Illinois State Route 4 of the 11 +/- acre tract, shall be dedicated as public right-of-way when the property is subdivided and a lot created to accommodate the Legacy Place development.
7. The 25 foot wide landscape buffer easement between the 11 +/- acre tract and the Prairie View Estates single-family residential development, which was required as the PDP approval for the Prairie View Estates residential development, shall be constructed and completed in accordance with Ordinance No. 05-26, Section 34-5-148 Landscape Requirements, prior to issuing an occupancy permit to Legacy Place.
8. The 25 foot wide landscape buffer out lots along Illinois State Route 4 shall be created when the property is subdivided and a lot created to accommodate the Legacy Place development.
9. All trash dumpsters shall be fully screened from view and located within a trash enclosure constructed of similar building materials used for the assisted living center facility.
10. The exterior building materials for the assisted living center and memory care center shall consist of brick, stone and hardi board and closely resemble the architectural elevations submitted with the conditional use permit application.
11. **Notice of Planning Commission Meeting to review site plan and architectural elevations for Legacy Place shall be given to property owners within 250' of the subject property.**

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Rich Thompson aye, Bruce Jung aye, Jim Connor aye and Chairman Ken Zacharski aye
7-ayes, 0-nays

PC 16-06 –Conditional Use Permit for Outdoor Storage in a GC, General Commercial District for property located at East Church and North Lebanon Streets.

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

MOTION

Klopmeier moved, seconded by Lee that the Planning Commission approve the Conditional Use Permit for outdoor storage for property zoned GC, General Commercial and located at the northwest corner of E. Church and N. Lebanon Streets, subject to the Findings and Conditions of Approval as amended.

Findings:

1. The proposed conditional use permit is appropriate, in terms of land patterns in the entire City and its comprehensive plan.
2. The proposed conditional use permit is compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the use proposed in the GC, General Commercial Zoning District.
4. The proposed conditional use permit is consistent with good general planning.

Conditions:

1. The Conditional Use Permit for outdoor storage shall be granted to Millikin LLC and is not transferrable to subsequent owners of the property or **The Conditional Use Permit for outdoor storage shall be granted to Millikin LLC and is transferrable to subsequent owners of the property if accessory to a hardware business conducted at 101 E. Main Street.**
2. Concrete bumpers (or a similar material) shall be installed to identify the easement boundaries. The drainage easement and alley right-of-way shall be kept free from any encumbrances.
3. Landscape planters and/or plantings, at a height not to interfere with lateral vision between 30 inches and ten feet, shall be installed within the site distance triangle at the northwest corner of E. Church and N. Lebanon Streets to discourage any materials or vehicles from encroaching into this area and creating an obstruction.
4. No debris fill material, bulk materials or debris may be stored on the premises. **Bulk and fill materials shall be stored in three sided retention systems.**
5. During the period of the Conditional Use Permit, if safety concerns arise, the City shall reserve the right to review the need to require the applicant to install curb cuts and make sidewalk repairs along E. Church and N. Lebanon Streets to address concerns.
6. Outdoor storage/display of materials in public right-of-way in conjunction with Ace Hardware/Millikin LLC shall not be permitted.
7. **A plan to create a visual barrier around the perimeter of the property shall be approved by staff and adjoining property owners and shall be installed within 6 months of Conditional Use Permit approval.**

THE MOTION BY ROLL CALL

Charles Lee aye, Jack Klopmeier aye, Glenn Shelley aye, Rich Thompson nay, Bruce Jung aye, Jim Connor nay and Chairman Ken Zacharski aye
5-ayes, 2-nays

MISCELLANEOUS - Lisa Koerkenmeier announced that she is leaving the City of Mascoutah. She stated that she has taken a job with the City of Brentwood.

ADJOURNMENT

Lee moved, seconded by Jung, to adjourn at 9:52 p.m. All were in favor.

DRAFT

**CITY OF MASCOUTAH
Staff Report**

TO: City Council

FROM: Cody Hawkins, City Manager

SUBJECT: **PC 16-04 – Rezoning of 8.32 acres +/-, north of Moorland Circle Drive from General Commercial (GC) to RS-8, Single-Family Residential (RS-8) (first reading)**

MEETING DATE: May 2, 2016

REQUESTED ACTION:

Review and approval of a rezoning application for 8.32 acres +/-, north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential.

BACKGROUND & STAFF COMMENTS:

The applicant, Mascoutah Development Group, LLC, represented by Dave Kunkel, has a contract to purchase the subject property contingent upon the rezoning of a portion of this property to RS-8, Single-Family Residential and receiving Conditional Use Permit approval to construct a residential care facility. This petition includes the request to rezone the property which must precede the petition to request a conditional use permit for the residential care facility in a RS-8 District.

The subject property is currently zoned GC, General Commercial and includes a total of 11 acres +/- . The rezoning petition to RS-8, Single-Family Residential is for approximately 8.32 acres of the 11 acre parcel which is located in the western portion of the 11 acre parcel. The balance of the parcel located along Illinois Route 4 will remain General Commercial. The applicant is requesting the RS-8 zoning to allow him to apply for a conditional use permit to construct an assisted living center and a memory care center on the property.

The Prairie View Estates residential development south and west of the subject property is zoned Res. PDP 8.1. Although the Res. PDP provided some additional development requirements, the minimum lot size applied to this development is 8,000 square feet. Therefore, the developer is requesting the RS-8 zoning which is most similar to the zoning of neighboring properties. It should also be noted that the subject property has been for sale and marketed for commercial purposes, but has remained undeveloped for ten years.

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: The eastern portion of the subject property along Illinois Route 4 is depicted as Commercial, and the western portion of the property is depicted as Residential on the Land Use Map in the City's Comprehensive Plan. The property is not impacted by the Airport Overlay District.

Land to the north is zoned Agriculture and is currently used for agriculture. Land to the east is zoned General Commercial and is either used for commercial purposes or remains undeveloped. Land to the south and west is zoned Res. PDP 8.1, Single-Family Residential and is used for residential.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Res./Comm.	General Commercial	Undeveloped
North:	Res./Comm.	Agriculture	Agriculture
South:	Res./Comm.	Res. PDP 8.1 Residential	Residential
East:	Res./Comm.	General Commercial	Commercial/Undeveloped
West:	Residential	Res. PDP 8.1 Residential	Residential

Utilities: The subject property is served by a municipal 10" water main and an 18" gravity sewer main located along Illinois State Route 4. The property is served by municipal electric services and Ameren natural gas services. These utilities would be adequate if the property was developed for commercial or residential purposes. Specific details for utilities and drainage would be designed when the property is platted and developed.

Traffic Study/Improvements: A traffic study was conducted by Crawford, Bunte, Brammeier (CBB) in 2006 which studied future traffic scenarios for the eventual build-out of the 37 acres comprising the Prairie View Estates development on the west side of Illinois Route 4 and the 40 acres comprising the Crown Pointe development on the east side of Illinois Route 4. The traffic study concluded that the 37 acres on the west would eventually include three (3) access points; Grand Prairie Drive serving the Prairie View Estates residential development, an access for the 11 acre tract zoned GC, and a third access point which must align with Onyx Drive located to the east of Illinois Route 4. This roadway would become an east/west minor collector street continuing westerly to N. 6th Street. When the subject property is platted and developed, the access from Illinois State Route 4 would have to be approved by Illinois Department of Transportation (IDOT).

All of the development scenarios created for the modeling in the traffic study included 40,000 square feet of commercial retail space occupying the 8.32 acres. The study recommended that upon completion of the commercial development, a southbound right turn lane into the commercial development and two exit lanes to provide separate left and right turn lanes onto Illinois Route 4, similar to the separate left and right turn lanes from Onyx Drive onto Illinois Route 4, should be constructed. It is assumed that the assisted living center and memory care center will create much less traffic the 40,000 square feet of the commercial space. IDOT will determine if any traffic improvements are warranted. Specific details for any traffic improvements would be designed when the property is platted and developed.

It should also be noted that if the rezoning is approved, but the conditional use permit for the residential care facility is not, then any use permitted in the RS-8 District would be allowed by right, which may also affect any traffic improvements required by IDOT.

In 2005, as part of the Res. PDP 8.1 requirements, the developer of Prairie View Estates dedicated a 30 foot strip of right-of-way along the northern property line for the future east-west collector roadway which is to align with Onyx Drive. The staff report prepared for the Res. PDP

8.1 development indicated that subsequent development of the 40 acres to the north of this 30 foot strip of land will require an additional 30 feet of right-of-way dedication from the property owner/developer to the north in order to construct the future roadway. Therefore the construction of the new roadway along the north property line is not required at this time.

Public Notice: A request to rezone property requires a public hearing before the Planning Commission. The legal notice for the public hearing was published and notices were sent to 48 property owners within 250' of the subject property. As of the date of this report, staff has heard concerns from two persons regarding the development of a residential care facility, but not specifically to the rezoning petition. At the Public Hearing five (5) persons spoke with concerns mostly about site issue (drainage, traffic, noise) that will be discussed during the Site Plan Review.

Zoning Amendment Review: In accordance with Sections 34-15-4 and 34-15-7, any proposed rezoning/map amendment shall be reviewed by the Planning Commission and a public hearing held to review the application. The Planning Commission reviewed the rezoning request at the April 20, 2016 meeting and recommends that the City Council approve the rezoning request. An affirmative vote of two-thirds of the members of the City Council shall be required to approve any rezoning request.

REVIEW AND APPROVAL CRITERIA: The current Unified Land Development Code does not list specific review criteria to consider for rezoning requests. However the following criteria are typically the key factors used by the courts when considering whether a property should be rezoned.

- The existing use and zoning of nearby property.
- The extent to which property values are diminished by the particular zoning restriction.
- The extent to which the diminution of property values of the subject property promotes the health, safety, morals and general welfare of the public.
- The relative gain to the public vis-à-vis the hardship imposed upon the individual property owner.
- The suitability of the subject property for zoned purposes.
- The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property.
- The care with the City has undertaken to plan its land use development.
- The evidence or lack thereof of the City's need for the proposed use.

RECOMMENDATION:

Staff recommends approval of the rezoning of 8.32 acres +/-, north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential, subject to the Findings attached.

MOTION:

I move that the City Council approve and adopt Ordinance No. 16-____, approving the rezoning request for 8.32 acres +/-, located north of Moorland Circle Drive from GC, General Commercial, to RS-8, Single-Family Residential, subject to the Findings attached.

Approved By: _____


Cody Hawkins
City Manager

Attachments: A – Findings
B – Location/Zoning Map
C – Ordinance

FINDINGS FOR APPROVAL

ZONE CHANGE:

8.32 acres +/-, north of Moorland Circle Drive

DATE: May 2, 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 residential and commercial uses and the GC, General Commercial, and RS-8, Single-Family Residential zoning of nearby property.
3. The rezoning application is consistent with good general planning.
4. The proposed zone change encourages land use compatibility with adjacent uses.
5. The proposed zone change is deemed desirable to promote the general welfare of the City.

Attachment A


















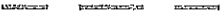




PC 16-04, Subject Property
N of Moorland Circle
Rezoning GC to RS-8

ZONING MAP

CITY OF MASCOUTAH

ST. CLAIR COUNTY, ILLINOIS

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

Attachment B



Via Email: lkoerkenmeier@mascoutah.com

March 12, 2016

Lisa Koerkenmeier, Assistant City Manager
City of Mascoutah
3 West Main Street
Mascoutah, IL 62258

Re: Legacy Place

Dear Lisa:

Legacy Place (Mascoutah Development Group, LLC) is currently under contract to purchase approx 12.62 acres located just north of Prairie View Estates along Route 4.

Although each of our previous four (4) Legacy Places are unique to each site, we envision the building in Mascoutah to look similar to the one in Breese that was completed in 2014. The one-story building would be approximately 52,000 sf and would consist of 56 units of which 36 would be assisted living (mostly 1-bedroom but some 2-bedroom and studios) and 24 memory care units.

Plocher Construction, a union general contractor from Highland, would use brick, stone and hardy board to create a very attractive and functional building. Estimated total budget for the project is \$7.1M and it will create approximately 30 jobs.



Legacy Place in Breese

We are very proud that we provide all-inclusive rents and our apartments offer an open floor plan with a well-appointed kitchen, full-sized appliances, large bedrooms, walk-in closets, private patios and spacious bathrooms with low profile, step-in showers and all the necessary safety features.

Below are some more features that Legacy Place offers to assisted living and memory care residents.

All-inclusive luxuries at Legacy Place Breese:

- Home-cooked meals **with table service**
- Full-service housekeeping
- Linen and laundry service
- Assistance with activities of daily living
- In-house beauty salon
- All utilities, including cable and Internet
- Local transportation with specialized van
- Healthy Neighbors Program
- 24/7 emergency call system
- Medication management
- Expansive activity calendar
- And pet friendly

Memory Care Services:

- Assistance with bathing & dressing
- 24/7 secured and monitored community
- Personal hygiene assistance
- Incontinence care
- Medication management
- Full-time nurse on staff
- 24/7 emergency call system
- Home-cooked meals with table service
- Full-service housekeeping
- Linen and laundry service
- In-house beauty salon
- All utilities, including cable and Internet and Wifi
- Local transportation with specialized van
- Expansive activity calendar
- Beautiful courtyards with walking paths

Based on our site plan we plan to retain the front two (2) commercial lots for future development.

As we move forward with architectural and engineering, I would like to offer you and anyone from the City to tour our development in Breese. I think that would help to solidify what we plan to build in Mascoutah. Please let me know if you would like to schedule a day and time.

Attached is some additional information:

- Proposed Site Plan
- Renderings of Breese (Mascoutah will be very similar in design)
- More information on Memory care and Assisted Living, including floor plans
- Typical Monthly Activity and Menu Schedules

Please let me know if you have any questions.

Sincerely,

Dave Kunkel

Dave Kunkel
Legacy Place

ORDINANCE NO. 16-__

AN ORDINANCE AMENDING CHAPTER 34, ARTICLE IV, OFFICIAL CHANGE TO THE ZONING MAP PER ARTICLE XV OF THE CITY OF MASCOUTAH CODES, COMMONLY REFERRED TO AS THE UNIFIED LAND DEVELOPMENT CODE.

WHEREAS, The City now desires to officially change the City's Zoning Map from General Commercial (GC) to RS-8 Single-Family Residential (RS-8) for subject property described as:

A tract of land being part of the Northwest Quarter of the Southeast Quarter of Section 29, Township 1 North, Range 6 West of the Third Principal Meridian, City of Mascoutah, County of St. Clair, State of Illinois and more particularly described as follows:

Commencing at the northeast corner of said Northwest Quarter of the Southwest Quarter of Section 29; thence North 89 degrees 08 minutes 44 seconds West, on the north line of said Northwest Quarter of the Southwest Quarter of Section 29, a distance of 310.12 feet to the Point of Beginning.

From said Point of Beginning; thence South 00 degrees 43 minutes 56 seconds East, 310.00 feet westerly of and parallel with the east line of said Northwest Quarter of the Southwest Quarter of Section 29, a distance of 599.93 feet to the northerly line of Prairie View Estates Phase 1, reference being had to the plat thereof in the St. Clair County Recorder's Office in Document Number A02008629; thence the following six courses on the northerly and easterly lines of said Prairie View Estates Phase 1 and Prairie View Estates Phase 2, reference being had to the plat thereof in the St. Clair County Recorder's Office in Document Number A02023219; 1.) North 89 degrees 08 minutes 44 seconds West, 203.68 feet; 2.) North 63 degrees 22 minutes 38 seconds West, 131.84 feet; 3.) North 74 degrees 38 minutes 46 seconds West, 163.65 feet; 4.) South 89 degrees 17 minutes 21 seconds West, 153.77 feet; 5.) North 12 degrees 35 minutes 40 seconds West, 177.11 feet; 6.) North 00 degrees 51 minutes 16 seconds East, 333.35 feet to said north line of the Northwest Quarter of the Southwest Quarter of Section 29; thence South 89 degrees 08 minutes 44 seconds East, on said north line of the Northwest Quarter of the Southwest Quarter of Section 29, a distance of 659.14 feet to the Point of Beginning. Said tract contains 8.32 acres, more or less.

and identified as a portion of Parcel No. 10-29-0-303-025; located north of Moorland Circle Drive; and

WHEREAS, City staff and the Planning Commission have processed and recommended approval for this Zone Map change per City regulations; and

Attachment C

WHEREAS, the Planning Commission's official "Report to Council" is represented by a complete report attached hereto and has been forwarded to the City Council for deliberation, approval and adoption of this Zone Map change.

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

SECTION 1: That Chapter 34 "Unified Land Development Code," Article IV – Official Map, is hereby amended to officially change the property described as:

A tract of land being part of the Northwest Quarter of the Southeast Quarter of Section 29, Township 1 North, Range 6 West of the Third Principal Meridian, City of Mascoutah, County of St. Clair, State of Illinois and more particularly described as follows:

Commencing at the northeast corner of said Northwest Quarter of the Southwest Quarter of Section 29; thence North 89 degrees 08 minutes 44 seconds West, on the north line of said Northwest Quarter of the Southwest Quarter of Section 29, a distance of 310.12 feet to the Point of Beginning.

From said Point of Beginning; thence South 00 degrees 43 minutes 56 seconds East, 310.00 feet westerly of and parallel with the east line of said Northwest Quarter of the Southwest Quarter of Section 29, a distance of 599.93 feet to the northerly line of Prairie View Estates Phase 1, reference being had to the plat thereof in the St. Clair County Recorder's Office in Document Number A02008629; thence the following six courses on the northerly and easterly lines of said Prairie View Estates Phase 1 and Prairie View Estates Phase 2, reference being had to the plat thereof in the St. Clair County Recorder's Office in Document Number A02023219; 1.) North 89 degrees 08 minutes 44 seconds West, 203.68 feet; 2.) North 63 degrees 22 minutes 38 seconds West, 131.84 feet; 3.) North 74 degrees 38 minutes 46 seconds West, 163.65 feet; 4.) South 89 degrees 17 minutes 21 seconds West, 153.77 feet; 5.) North 12 degrees 35 minutes 40 seconds West, 177.11 feet; 6.) North 00 degrees 51 minutes 16 seconds East, 333.35 feet to said north line of the Northwest Quarter of the Southwest Quarter of Section 29; thence South 89 degrees 08 minutes 44 seconds East, on said north line of the Northwest Quarter of the Southwest Quarter of Section 29, a distance of 659.14 feet to the Point of Beginning. Said tract contains 8.32 acres, more or less.

and identified as a portion of Parcel No. 10-29-0-303-025; located north of Moorland Circle Drive; as depicted in Exhibit A, from General Commercial (GC) to RS-8 Single-Family Residential (RS-8).

SECTION 2: That the Ordinance shall be in full force and effect from after its passage and approval as provided 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 May, 2016, 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>	<u>Abstain</u>
Benjamin Grodeon	_____	_____	_____	_____
Paul Schorr	_____	_____	_____	_____
John Weyant	_____	_____	_____	_____
Pat McMahan	_____	_____	_____	_____
Gerald Daugherty	_____	_____	_____	_____

APPROVED by the Mayor of the City of Mascoutah, Illinois, this 16th day of May, 2016.

Mayor

ATTEST:

City Clerk

(SEAL)

**CITY OF MASCOUTAH
Staff Report**

TO: City Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 16-05, Conditional Use Permit for a Residential Care Facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive**

MEETING DATE: May 2, 2016

REQUESTED ACTION:

Review and approval of a Conditional Use Permit (CUP) for a Residential Care Facility in a RS-8, Single-Family Residential District for property located north of Moorland Circle Drive.

BACKGROUND & STAFF COMMENTS:

The applicant, Mascoutah Development LLC, represented by Dave Kunkel, has submitted a Conditional Use Permit (CUP) application to develop an assisted living and memory care center operated by Legacy Place on 8.32 acres located north of Moorland Circle Drive and Prairie View Estates residential development. The applicant has the subject property under contract to purchase the real estate with a condition that the City of Mascoutah approves this CUP. In order for the petitioner to apply for the CUP for a residential care facility, the subject property must first be rezoned to RS-8, Single-Family Residential. Hence, the applicant's rezoning petition preceded the CUP application.

The applicant desires to construct a one-story building, approximately 52,000 square feet in size, consisting of 60 units of which 36 would be assisted living (mostly 1-bedroom, but some 2-bedroom and studios) and 24 memory care units. The facility's exterior would consist of brick, stone and hardi board. The preliminary site plan includes a total of 43 parking spaces and areas of green space and landscaping. Access to the property would be provided by a street constructed from Illinois State Route 4. Illinois Department of Transportation (IDOT) will have to approve an Intersection Design Study and an access permit. The land area to be utilized for the facility is great enough to accommodate expansions of both the assisted living center and memory care center. The applicant has constructed similar facilities in Highland, Waterloo and Breese.

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: The eastern portion of the subject property along Illinois Route 4 is depicted as Commercial, and the western portion of the property is depicted as Residential on the Land Use Map in the City's Comprehensive Plan. The property is not impacted by the Airport Overlay District.

Land to the north is zoned Agriculture and is currently used for agriculture. Land to the east is zoned General Commercial and is either used for commercial purposes or remains undeveloped. Land to the south and west is zoned Res. PDP 8.1, Single-Family Residential and is used for residential.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Res./Comm.	General Commercial	Undeveloped
North:	Res./Comm.	Agriculture	Agriculture
South:	Res./Comm.	Res. PDP 8.1 Residential	Residential
East:	Res./Comm.	General Commercial	Commercial/Undeveloped
West:	Residential	Res. PDP 8.1 Residential	Residential

Utilities: The subject property is served by a municipal 10" water main and an 18" gravity sewer main located along Illinois State Route 4. The property is served by municipal electric services and Ameren natural gas services. These utilities would be adequate if the property was developed for commercial or residential purposes. Specific details for utilities and drainage would be designed when the subject property is platted and developed.

Traffic Study/Improvements: A traffic study conducted by Crawford, Bunte, Brammeier (CBB) in 2006 studied future traffic scenarios for the eventual build-out of the 37 acres comprising the Prairie View Estates development on the west side of Illinois Route 4 and the 40 acres comprising the Crown Pointe development on the east side of Illinois Route 4. The traffic study concluded that the 37 acres on the west would eventually include three (3) access points; Grand Prairie Drive serving the Prairie View Estates residential development, an access for the 11 acre tract zoned GC, and a third access point which must align with Onyx Drive located to the east of Illinois Route 4. This roadway would become an east/west minor collector street continuing westerly to N. 6th Street. When the subject property is platted and developed, the access from Illinois State Route 4 would have to be approved by Illinois Department of Transportation (IDOT).

All of the development scenarios created for the modeling in the traffic study included 40,000 square feet of commercial retail space occupying the 8.32 acres and two (2) commercial out lots with frontage along Illinois State Route 4 created from the balance of the 11 +/- acres. The study recommended that upon completion of the commercial development, a southbound right turn lane into the commercial development and two exit lanes to provide separate left and right turn lanes onto Illinois Route 4, similar to the separate left and right turn lanes from Onyx Drive onto Illinois Route 4, should be constructed. It is assumed that the assisted living center and memory care center will create much less traffic the 40,000 square feet of the commercial space. IDOT will determine if any traffic improvements are warranted. Specific details for any traffic improvements would be designed when the subject property is platted and developed.

Approval of Prairie View Estates Planned Residential Development: In 2005, the Prairie View Estates Planned Residential Development was approved by Ordinance No. 05-26 utilizing the City's Planned Development Procedure (PDP). This explains the present Res. PDP 8.1 zoning assigned to the Prairie View Estates residential development. Although the Res. PDP provided some additional development requirements, the minimum lot size applied to this development is 8,000 square feet.

As part of the Res. PDP 8.1 requirements, the developer of Prairie View Estates dedicated a 30 foot strip of land along the northern property line of the development for a future east-west collector roadway which is to align with Onyx Drive located east of Illinois State Route 4. The staff report prepared for the Res. PDP 8.1 development indicated that subsequent development of the 40 acres to the north of this 30 foot strip of land will require an additional 30 feet of right-of-

way dedication from the property owner/developer to the north in order to construct the future roadway. Therefore the construction of the new roadway along the north property line is not required at this time.

The PDP approval for Prairie View Estates also required the dedication of an additional five (5) feet of right-of-way along Illinois State Route 4. The dedication of the additional right-of-way will be required when the 11 +/- acre tract is subdivided. It is anticipated that if the applicant receives CUP approval for the residential care facility, the property will be subdivided to create the 8.32 acre parcel for the assisted living center and memory care center. The applicant's concept plan for all 11 acres would include the creation of two (2) commercial out lots (Lots 1 and 2) along Illinois State Route 4 in the area zoned General Commercial and the creation of Lot 3 for the assisted living center and memory care center in the area zoned RS-8, Single-Family Residential. All three lots would access the new street constructed by Legacy Place, meaning Lots 1 and 2 would not have direct access points from Illinois State Route 4.

Additionally, the PDP approval for Prairie View Estates included landscape requirements which consisted of providing a 25 foot wide landscape buffer easement between the commercial development and the residential development and also a 25 foot wide landscape buffer out lot along Illinois State Route 4.

Parking Requirements: Nursing and personal care facilities require one parking space per two patient beds. The 43 parking spaces indicated on the site plan would provide for 86 patient or resident beds. There is adequate land available for both the expansion of the building and the additional required parking.

Architectural/Design Review: The applicant included architectural elevations for the Mascoutah facility and photos of their facilities in other communities. As noted, the building's exterior would consist of brick, stone and hardi board. The development will include significant green space and landscaping. A 25 foot wide landscape buffer easement between the subject property and the single-family residential development is a requirement of the PDP approval granted in 2005.

Public Notice: The CUP process requires a public hearing before the Planning Commission. The legal notice was published and notices were sent to 48 property owners within 250' of the subject property. As of the date of this report, staff has heard concerns from five persons regarding the development of a residential care facility. Their concerns included increase in traffic, the speed limit on Illinois Route 4 in the immediate area, and how trash and waste from the facility would be handled.

Conditional Use Permit Review: There are several criteria for reviewing CUP applications (listed below). Certain criteria involves consistency with the City's Comprehensive Plan, encouraging normal, orderly development of the neighborhood and that the proposed use is compatible with the surrounding uses, which are especially pertinent in evaluating a conditional use and its impact on surrounding properties. It is reasonable to question if the applicant has introduced evidence sufficient to satisfy the conditional use criteria and its potential impact on surrounding properties. If any criteria, such as neighborhood compatibility, are an issue the Commission must consider if the Conditions resolve the problems anticipated. In this case, the adjacent uses are residential and compatibility should be weighed considerably.

REVIEW AND APPROVAL CRITERIA: Section 34-13-10 of the Unified Land Development Code lists several criteria for generally evaluating Conditional Use Permit applications. The Council should consider the following criteria as it evaluates the proposed assisted living center and memory care center:

- (a) **Criteria:** Whether the proposed conditional use is consistent with the City's Comprehensive Plan and will not impede normal, orderly development of the neighborhood. **Staff's response:** *The proposal for the assisted living center and memory care center on the 8.32 acres is an area depicted to be used for residential land use in the City's Comprehensive Plan.*
- (b) **Criteria:** The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including any substantial impact on property values. **Staff's response:** *The assisted living center and memory care center would serve as a reasonable buffer between commercial development and the Prairie View Estates single-family residential development.*
- (c) **Criteria:** The comparative size, floor area, mass, and general appearance of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood. **Staff's response:** *The facility will be constructed of brick, stone and hardi board which are similar building materials used in the adjacent single-family development. The architectural elevations submitted for the facility includes several fenestrations and roof pitches which adds interest to the design. The grounds comprise a significant amount of lawn and landscaping.*
- (d) **Criteria:** The amount of traffic movements generated by the proposed use and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels. **Staff's response:** *The property was included in a traffic study conducted several years ago. The development will include an access to Illinois Route 4 which will require an Intersection Design Study and access permit approval from the Illinois Department of Transportation (IDOT).*
- (e) **Criteria:** The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood. **Staff's response:** *The proposed use and occupancy of an assisted living center and memory care center will not generate additional noise or impact the ambient noise level of the neighborhood. This use will likely create significantly less noise than commercial uses which would be permitted by right in the General Commercial zoning district.*
- (f) **Criteria:** The impact of night lighting in terms of intensity, duration, and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood. **Staff's response:** *Any additional night lighting required for the project may be designed to direct lighting down on parking lots and sidewalks to avoid light glare onto adjoining properties.*
- (g) **Criteria:** The impact of the landscaping of the proposed use in terms of landscaped area, buffers, and screens. **Staff's response:** *Additional landscaping, buffering or screening is required for the proposed use, including a 25 foot wide landscape buffer easement along the west and south property lines of the development which was a condition imposed from the PDP approval of Prairie View Estates development.*

- (h) **Criteria:** 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. **Staff's response:** *The applicant owns and operates three similar assisted living and memory care facilities in nearby communities. These facilities have been maintained well and are fully occupied. Assisted living center, and particularly a memory care center, would be of great public interest and welfare to the Mascoutah community.*
- (i) **Criteria:** Whether there are any facilities near the proposed use (such as schools or hospitals) that require special protection. **Staff's response:** *There are no facilities near the proposed use which would require special protection.*

The above criteria may be addressed by stipulating conditions on the conditional use permit request and should be considered in order to ensure public health, safety, and welfare.

RECOMMENDATION:

Staff recommends approval of a Conditional Use Permit for a residential care facility for the 8.32 acres in a RS-8, Single-Family Residential District, located north of Moorland Circle Drive and Prairie View Estates with the following conditions:

- 1) The conditional use permit shall be granted to Mascoutah Development Group, LLC, to construct Legacy Place, an assisted living center and memory care center.
- 2) The conditional use permit may be transferred or conveyed to another entity to continue to operate an assisted living center and memory care center following construction of the facility.
- 3) The conditional use permit shall allow the future expansion of the assisted living center and memory care center provided that all present and future amendments to site plan, building code and zoning ordinance requirements are met.
- 4) The project shall receive Intersection Design Study (IDS) and access permit approval from the Illinois Department of Transportation (IDOT).
- 5) Any road access from Illinois State Route 4 to the east or north property lines of the lot to be created for the assisted living center and memory care center shall be located in a public right-of-way and constructed in a manner acceptable to the City Engineer that will allow further expansion of these access roads into full urban street sections when land adjacent to the lot created for the assisted living center and memory care center develops.
- 6) The 30 foot wide strip of land along the north property line and an additional 5 feet of right-of-way along Illinois State Route 4 of the 11 +/- acre tract, shall be dedicated as public right-of-way when the property is subdivided and a lot created to accommodate the Legacy Place development.
- 7) The 25 foot wide landscape buffer easement between the 11 +/- acre tract and the Prairie View Estates single-family residential development, which was required as the PDP approval for the Prairie View Estates residential development, shall be constructed and completed in accordance with Ordinance No. 05-26, Section 34-5-148 Landscape Requirements, prior to issuing an occupancy permit to Legacy Place.

- 8) The 25 foot wide landscape buffer out lots along Illinois State Route 4 shall be created when the property is subdivided and a lot created to accommodate the Legacy Place development.
- 9) All trash dumpsters shall be fully screened from view and located within a trash enclosure constructed of similar building materials used for the assisted living center facility.
- 10) The exterior building materials for the assisted living center and memory care center shall consist of brick, stone and hardi board and closely resemble the architectural elevations submitted with the conditional use permit application.

MOTION:

I move that the City Council approve the Conditional Use Permit for a residential care facility for the 8.32 acres in a RS-8, Single-Family Residential District, located north of Moorland Circle Drive and Prairie View Estates, subject to the Findings and Conditions of Approval attached.

Approved By: 

Cody Hawkins
City Manager

Attachments: A – Findings
B – Conditions
C – Location/Zoning Map

FINDINGS FOR APPROVAL

Conditional Use Permit:

Residential Care Facility

8.32 acres north of Moorland Circle Drive

DATE: May 2, 2016

FINDINGS: The Mascoutah City Council, pursuant to the applicant's proposed Conditional Use Permit for the property 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 conditional use permit is appropriate, in terms of land patterns in the entire City and its comprehensive plan.
2. The proposed conditional use permit is compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the use proposed in the RS-8 Single-Family Residential Zoning District.
4. The proposed conditional use permit is consistent with good general planning.

Attachment A

CONDITIONS OF APPROVAL

Conditional Use Permit:

Residential Care Facility

8.32 acres north of Moorland Circle Drive

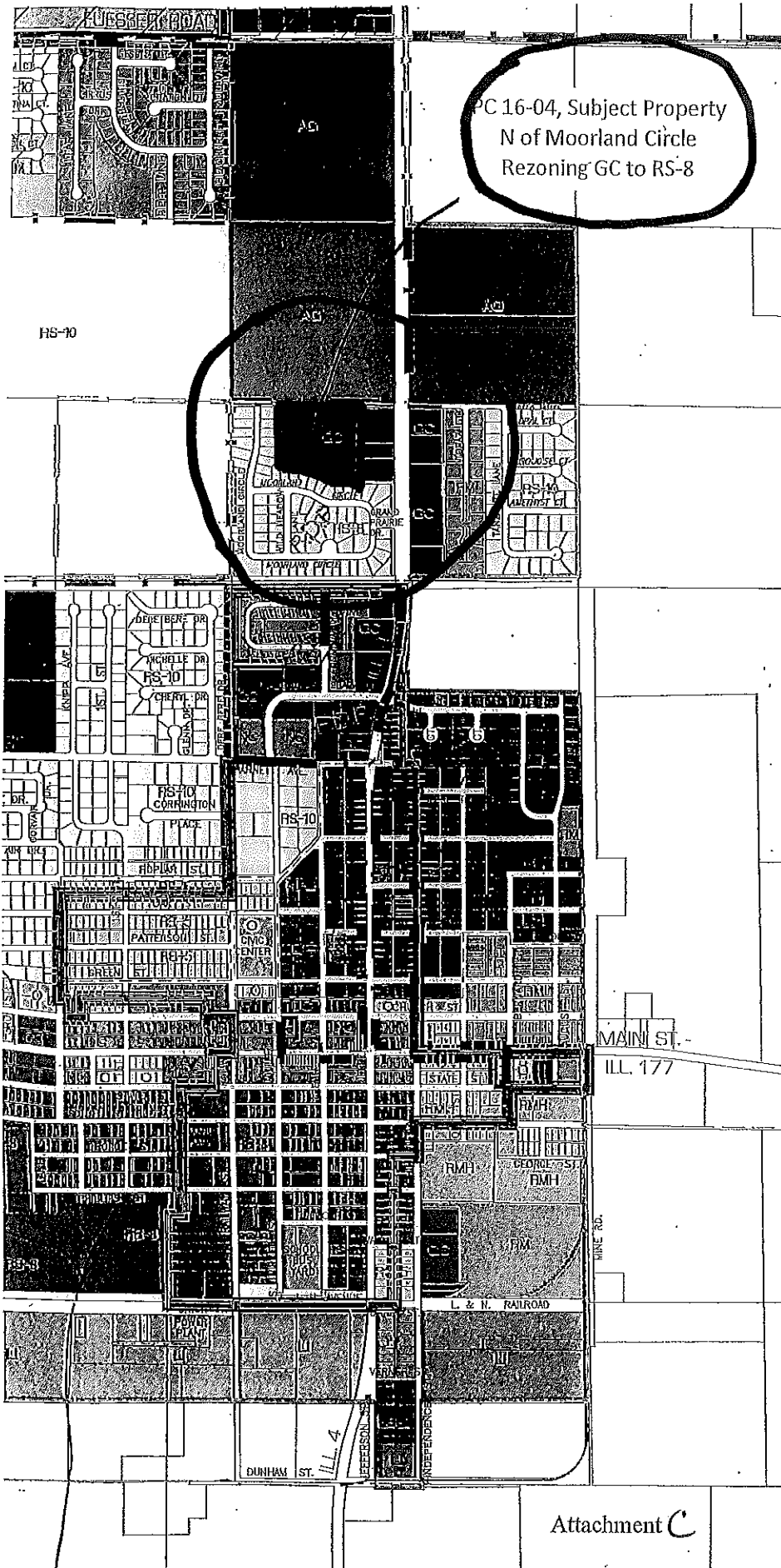
DATE: May 2, 2016

The City Council recommends approval of a Conditional Use Permit for a residential care facility for the 8.32 acres in a RS-8, Single-Family Residential District, located north of Moorland Circle Drive and Prairie View Estates with the following conditions:

- 1) The conditional use permit shall be granted to Mascoutah Development Group, LLC, to construct Legacy Place, an assisted living center and memory care center.
- 2) The conditional use permit may be transferred or conveyed to another entity to continue to operate an assisted living center and memory care center following construction of the facility.
- 3) The conditional use permit shall allow the future expansion of the assisted living center and memory care center provided that all present and future amendments to site plan, building code and zoning ordinance requirements are met.
- 4) The project shall receive Intersection Design Study (IDS) and access permit approval from the Illinois Department of Transportation (IDOT).
- 5) Any road access from Illinois State Route 4 to the east or north property lines of the lot to be created for the assisted living center and memory care center shall be located in a public right-of-way and constructed in a manner acceptable to the City Engineer that will allow further expansion of these access roads into full urban street sections when land adjacent to the lot created for the assisted living center and memory care center develops.
- 6) The 30 foot wide strip of land along the north property line and an additional 5 feet of right-of-way along Illinois State Route 4 of the 11 +/- acre tract, shall be dedicated as public right-of-way when the property is subdivided and a lot created to accommodate the Legacy Place development.
- 7) The 25 foot wide landscape buffer easement between the 11 +/- acre tract and the Prairie View Estates single-family residential development, which was required as the PDP approval for the Prairie View Estates residential development, shall be constructed and completed in accordance with Ordinance No. 05-26, Section 34-5-148 Landscape Requirements, prior to issuing an occupancy permit to Legacy Place.
- 8) The 25 foot wide landscape buffer out lots along Illinois State Route 4 shall be created when the property is subdivided and a lot created to accommodate the Legacy Place development.
- 9) All trash dumpsters shall be fully screened from view and located within a trash enclosure constructed of similar building materials used for the assisted living center facility.
- 10) The exterior building materials for the assisted living center and memory care center shall consist of brick, stone and hardi board and closely resemble the architectural elevations submitted with the conditional use permit application.

- 11) **Notice of Planning Commission Meeting to review site plan and architectural elevations for Legacy Place shall be given to property owners within 250' of the subject property.**

Attachment B



ZONING MAP

CITY OF MASCOUTAH

ST. CLAIR COUNTY, ILLINOIS

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

Attachment C

**CITY OF MASCOUTAH
Staff Report**

TO: City Council

FROM: Cody Hawkins – City Manager

SUBJECT: **PC 16-06, Conditional Use Permit for Outdoor Storage in a GC, General Commercial District for property located at East Church and North Lebanon Streets**

MEETING DATE: May 2, 2016

REQUESTED ACTION:

Review of a Conditional Use Permit (CUP) for Outdoor Storage in a GC, General Commercial District for property located at East Church and North Lebanon Streets.

BACKGROUND & STAFF COMMENTS:

The applicant, Millikin LLC, represented by Bill Millikin, has submitted a Conditional Use Permit (CUP) application to allow outdoor storage on property he owns at the northwest corner of East Church and North Lebanon Streets. Outdoor storage is permitted by conditional use in the GC, General Commercial District. Mr. Millikin recently renovated the former Mascoutah Hardware store which is situated across the street at 101 E. Main Street and now operates the store as Ace Hardware. The redevelopment project also included constructing a new 10,972 square foot warehouse which fronts N. Market and E. Church Streets. An outdoor sales area along N. Market Street was approved for the project as part of the site plan review process.

The applicant is requesting outdoor storage across the street from Ace Hardware on property he owns at E. Church and N. Lebanon Streets. The subject property is an irregular shape, and although most of the parcel is zoned GC, there is a small portion of the property located north of the alley right-of-way which is triangular shaped and is zoned RS-8, Single-Family Residential. This CUP request is only for the portion of the property with frontage along E. Church Street and zoned GC. Mr. Millikin desires to expand the existing gravel lot for the purpose of storing and servicing materials related to the hardware business and to construct a propane filling station. He also stated his desire to use the property for employee parking. However, staff informed him that if the property was used for off-street parking, the lot would need to be improved to meet the parking design and maintenance standards in accordance with Article IX. Off-Street Parking and Loading. At this time, the applicant does not want to upgrade the lot to meet the parking standards and will only use the lot for inventory storage and the propane filling station.

DISCUSSION POINTS / ISSUES:

Land Use and Zoning Requirements: The property is depicted as Residential on the Land Use Map in the City's Comprehensive Plan as is several adjoining properties north of E. Church Street. The property is not impacted by the Airport Overlay District. Land to the north is zoned RS-8, Single-Family Residential and is currently used for residential. Land to the east and west

is zoned General Commercial and includes a mix of commercial and residential uses. Land to the south is zoned Downtown Commercial and is used for commercial.

<u>Property</u>	<u>Comp. Plan</u>	<u>Zoning</u>	<u>Existing Land Use</u>
Site	Residential	General Commercial	Undeveloped
North:	Residential	RS-8, SF Residential	Residential
South:	Downtown	Downtown Commercial	Commercial
East:	Residential	General Commercial	Residential
West:	Residential	General Commercial	Commercial

Mascoutah Surface Water Protection District Easement/Public Right-of-Way: A drainage ditch maintained by the Mascoutah Surface Water Protection District traverses the subject property. This ditch is located in a 30 foot wide easement. The subject property is also split by a 12 foot alley right-of-way. The ROW is the access to the drainage easement. Both the ROW and the drainage easement should be kept free from any encumbrances.

Conditional Use Permit Review: There are several criteria for reviewing CUP applications (listed below). Certain criteria involves consistency with the City's Comprehensive Plan, encouraging normal, orderly development of the neighborhood and that the proposed use is compatible with the surrounding uses, which are especially pertinent in evaluating a conditional use and its impact on surrounding properties. It is reasonable to question if the applicant has introduced evidence sufficient to satisfy the conditional use criteria and its potential impact on surrounding properties.

If any criteria, such as neighborhood compatibility, are an issue the Council must consider if the Conditions resolve the problems anticipated. In this case, adjacent uses include residential properties and compatibility should be weighed considerably.

Public Notice: The CUP process requires a public hearing before the Planning Commission. The legal notice was published and notices were sent to 21 property owners within 250' of the subject property. As of the date of this report, no calls were received in opposition or support of this CUP request. Two adjacent property owners did speak at the Public Hearing with concerns about noise and the visual appearance of the property.

REVIEW AND APPROVAL CRITERIA: Section 34-13-10 of the Unified Land Development Code lists several criteria for generally evaluating Conditional Use Permit applications. The Commission should consider the following criteria as it evaluates the proposed use:

- (a) **Criteria:** Whether the proposed conditional use is consistent with the City's Comprehensive Plan and will not impede normal, orderly development of the neighborhood. **Staff's response:** *The subject property is depicted as residential in the City's Comprehensive Plan but presently zoned GC, General Commercial. Outdoor storage may be applied for and approved by conditional use. As such, approval may be granted with conditions to mitigate any potential impacts to surrounding properties.*
- (b) **Criteria:** The compatibility with surrounding uses and compatibility with the surrounding neighborhood, including any substantial impact on property values. **Staff's**

response: *Any impact to surrounding residential uses should be considered as part of the conditional use permit review. Outdoor storage "may" impact surrounding properties if not maintained in an orderly manner and/or debris accumulates on the property.*

- (c) **Criteria:** The comparative size, floor area, mass, and general appearance of the proposed structure in relationship to adjacent structures and buildings in the surrounding properties and neighborhood. **Staff's response:** *The appearance and condition of the outdoor storage should be taken in consideration and proper controls placed on the approval to maintain the appearance and condition of the property.*
- (d) **Criteria:** The amount of traffic movements generated by the proposed use and the relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood in terms of the street's capacity to absorb the additional traffic and any significant increase in hourly or daily traffic levels. **Staff's response:** *Conditions may be added to direct and control traffic movements to and from the property and on to adjoining streets. The site distance triangle at the intersection of E. Church and N. Lebanon Streets should be maintained at all times.*
- (e) **Criteria:** The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood. **Staff's response:** *Conditions may be added to limit hours of loading and unloading or other activities which may involve equipment that would generate additional noise or impact the ambient noise level of the neighborhood.*
- (f) **Criteria:** The impact of night lighting in terms of intensity, duration, and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood. **Staff's response:** *No additional night lighting is required, nor proposed by the applicant, that would impact the night lighting in the neighborhood.*
- (g) **Criteria:** The impact of the landscaping of the proposed use in terms of landscaped area, buffers, and screens. **Staff's response:** *Buffering or screening may be required along adjacent properties zoned residential. Adding low plantings/landscaping within the site distance triangle may mitigate any materials or vehicles from encroaching into this area and creating an obstruction.*
- (h) **Criteria:** 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. **Staff's response:** *The ditch and the Mascoutah Surface Water Protection District easement which runs through the subject property effects the lands utility. The propane filing station and inventory storage allows the property to be used for commercial purposes.*
- (i) **Criteria:** Whether there are any facilities near the proposed use (such as schools or hospitals) that require special protection. **Staff's response:** *There are no facilities near the proposed use which would require special protection.*

The above criteria may be addressed by stipulating conditions on the conditional use permit request and should be considered in order to ensure public health, safety, and welfare.

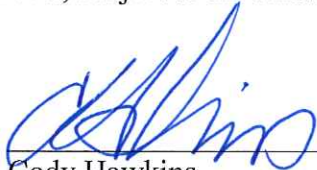
RECOMMENDATION:

Staff recommends approval of the Conditional Use Permit for outdoor storage for property zoned GC, General Commercial and located at the northwest corner of E. Church and N. Lebanon Streets subject to the attached Finding for Approval and Conditions of Approval.

MOTION:

I move that the City Council approve/deny the Conditional Use Permit for outdoor storage for property zoned GC, General Commercial and located at the northwest corner of E. Church and N. Lebanon Streets, subject to the Findings and Conditions of Approval attached.

Approved By: _____


Cody Hawkins
City Manager

Attachments: A – Findings
B – Conditions
C – Location/Zoning Map

FINDINGS FOR APPROVAL

Conditional Use Permit:

DATE: May 2, 2016

Outdoor Storage

Northwest corner of E. Church and N. Lebanon Streets

FINDINGS: The Mascoutah City Council, pursuant to the applicant's proposed Conditional Use Permit for the property 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 conditional use permit is appropriate, in terms of land patterns in the entire City and its comprehensive plan.
2. The proposed conditional use permit is compatible with surrounding uses and the zoning of nearby property.
3. The land is suitable for the use proposed in the GC, General Commercial Zoning District.
4. The proposed conditional use permit is consistent with good general planning.

Attachment A

CONDITIONS OF APPROVAL

Conditional Use Permit:

DATE: May 2, 2016

Outdoor Storage

Northwest corner of E. Church and N. Lebanon Streets

- 1) The Conditional Use Permit for outdoor storage shall be granted to Millikin LLC and is not transferrable to subsequent owners of the property or **The Conditional Use Permit for outdoor storage shall be granted to Millikin LLC and is transferrable to subsequent owners of the property if accessory to a hardware business conducted at 101 E. Main Street.**
- 2) Concrete bumpers (or a similar material) shall be installed to identify the easement boundaries. The drainage easement and alley right-of-way shall be kept free from any encumbrances.
- 3) Landscape planters and/or plantings, at a height not to interfere with lateral vision between 30 inches and ten feet, shall be installed within the site distance triangle at the northwest corner of E. Church and N. Lebanon Streets to discourage any materials or vehicles from encroaching into this area and creating an obstruction.
- 4) No debris fill material, ~~bulk materials or debris~~ may be stored on the premises. **Bulk and fill materials shall be stored in three sided retention systems.**
- 5) During the period of the Conditional Use Permit, if safety concerns arise, the City shall reserve the right to review the need to require the applicant to install curb cuts and make sidewalk repairs along E. Church and N. Lebanon Streets to address concerns.
- 6) Outdoor storage/display of materials in public right-of-way in conjunction with Ace Hardware/Millikin LLC shall not be permitted.
- 7) **A plan to create a visual barrier around the perimeter of the property shall be approved by staff and adjoining property owners and shall be installed within 6 months of Conditional Use Permit approval.**

















Attachment B

PC 16-06, Subject Property
Northwest corner of E Church/N Lebanon
CUP, Outdoor Storage

ZONING MAP

CITY OF MASCOUTAH
ST. CLAIR COUNTY, ILLINOIS

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

