

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

**November 17, 2021**

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

**PUBLIC HEARING – 7:00 PM**

**PC 21-08, Fire-N-Ice – Site Plan and Architectural Review**

Assistant City Manager presented report stating the Mascoutah Development Group LLC and Plocher Construction propose to construct a new building for a Fire-N-Ice restaurant at 640 Legacy Place. This project will include construction of a new building 4,200 square feet in size with drive-thru and parking lot

Assistant City Manager stated that the plan depicts the new front elevation on the east side of the building fronting IL Route 4. There will be two entrances/exits off of Legacy Place. The site plan includes 54 parking spaces, 3 of which are ADA parking spaces.

Assistant City Manager explained that in accordance with Section 34-13-11 of the City Code, a major site plan shall be required for any development that is adding new impermeable surface to a site. The site plan requires review of the Planning Commission and approval by the City Council.

Assistant City Manager informed the commission that the property is designated as Commercial in the Comprehensive Plan and is zoned GC, General Commercial. The GC District allows for a restaurant with a drive-thru. There is no maximum building coverage allowance in the GC District. As depicted in the site plan, the building will meet the front, side and rear yard requirements of the GC District.

Assistant City Manager presented that the abutting properties include commercial property to the north zoned General Commercial; assisted living/memory care center located to the west zoned Single-Family Residential; and Prairie View Estates subdivision property to the south zoned Single-Family Residential. Landscape buffer will be required on the south side of the property where it abuts the single-family residence Prairie View Estates subdivision. Landscape plan was included with submittal.

Parking Requirements, Utilities and Architectural/Design along with Findings and Conditions of Approval was reviewed and approved by city staff explained Assistant City Manager.

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

### **CONDITIONS FOR APPROVAL**

1. A landscape buffer will be required on the south side of the property abutting the Prairie View Estates residential subdivision and final landscape plan with trees and shrubs identified (type and height included) to be approved by staff.
2. A detail of the trash enclosure shall be submitted and approved by staff prior to installation.
3. Material variance will be granted allowing the use of metal siding and metal canopy system.

Art Sylvia of 636 Moorland Circle in Prairie View Estates presented his concerns stating the 2016 commission created conditions for the conditional use permit for Legacy Place before the Brightly construction. As far as the landscape buffer, an occupancy permit was to be issued only if the conditions were met. The same conditions are being presented with this new facility but he is worried that there was no follow through regarding the 2016 conditions being met for Legacy Place. Also, the 2016 minutes stated that once the outlot is developed there would be a turning lane on route 4. No such turn lane has been presented to the area. Jessica Sylvia stated that the landscape buffer planned for Brightly was not put in place. They have car lights that shine into their homes every time there is shift change, resident visitors, etc. The berm was placed with no boundary or border. A border is essential as cars and people can look into windows. She is also concerned that since the business is also listed as a bar, there will be bar hours of operation. The subdivision residents also have retention pond concerns. They currently have a small 2-foot-wide tubing and the pond is always filled. Another concern is road access. At the June 20, 2016 council meeting, TWM reported a traffic study and determined that construction of commercial property requires a turning lane. In those minutes, the city manager stated that a turning lane to Legacy Place is to be constructed. Mrs. Sylvia is concerned that there will be outdoor dining noise issues.

Chairman Zacharski stated that the Fire-N-Ice construction plans include a buffer zone. Assistant City Manager stated that the buffer zone has not been determined just yet but they expect a type of evergreen. It will be reviewed and approved by staff.

Dave Kunkel stated that Steve Edwards is the operator and owns many various restaurants in the surrounding areas. 11am-8pm are the expected hours of operation for this location. Mr. Edwards is not going to run it as a bar but rather a restaurant that serves alcohol. The

commission asked city staff to confirm. Dave Kunkle, the developer, also stated that Brad Myers asked them to rethink/rework a buffer or landscaping down the south and to the west. Kunkel has agreed to review and create a plan to be a good neighbor, even though it is not required. The commission asked if metal is on the building. Assistant City Manager confirmed that the metal is on the front awning at the entrance. Assistant City Manager also explained that outdoor music would require a special permit from the city. Assistant City Manager also stated that she will look into the buffer requirement for Brightly. Several people have planted their own “screen” which are evergreens planted closely together.

Commission members presented concerns: Chairman stated there should be a meeting with developers and the neighborhood to discuss landscaping options. Chairman stated that they need to follow the ordinance. Other members agree but stated there is already a good evergreen “screen”. TWM was the firm that completed the traffic study and reported a turn lane is required. Assistant City Manager stated that IDOT does not have any requirement to review since the entrance is not off of a state highway. Turn lane referenced requires IDOT to construct. There was confusion why a turn lane has not been constructed if it was an engineering requirement. Chairman Zacharski stated they will need to get some answers before they approve the site plan. Chairman Zacharski announced they will postpone a decision until the traffic study and the engineering report are reviewed by council and city management, and reach out to IDOT for their requirements. Assistant City Manager stated she will review the traffic study and the engineering report before presenting it to the city council. Chairman believes the turn lane requirement was notated just in case the entrance would be constructed at route 4 not Legacy Place. The commission will need clarification and confirmation. Per commission and city management, ordinance requirements need to be enforced for the buffer zone.

Assistant City Manager stated that the city’s position recommends the City Council approve the Site Plan and Architectural Elevations for a proposed Fire-N-Ice restaurant on the property located at 640 Legacy Place in a General Commercial Zoning District, with amended condition. The amended condition was confirmed as a landscape buffer will be required on the south side of the property abutting the Prairie View Estates subdivision and final landscape plan with trees and shrubs be identified with height and width included and must comply with existing code, to be approved by city staff.

There was no further discussion.

## **PUBLIC HEARING ADJOURNED at 7:50 PM**

## **CALL TO ORDER at 7:51 PM**

Chairman Ken Zacharski called the meeting to order.

## **PRESENT**

Commission members Rich Thompson, Bruce Jung, Jim Connor, Karen Wobbe, and Chairman Ken Zacharski were present.

**ABSENT** – Jack Klopmeier and Glenn Shelley.

**ALSO PRESENT**

Assistant City Manager Kari Speir, City Clerk Melissa Schanz, Art Sylvia, Jessica Sylvia, and Dave Kunkel of Mascoutah Development Group LLC, Rachelle Lengermann of Plocher Construction were present.

**ESTABLISHMENT OF A QUORUM**

A quorum of Planning Commission members was present.

**GENERAL PUBLIC COMMENT – NONE****AMEND AGENDA – NONE****MINUTES FROM OCTOBER 20, 2021**

Connor moved, seconded by Thompson, to approve the minutes from the October 20, 2021 Planning Commission Meeting.

**THE MOTION BY ROLL CALL**

Rich Thompson aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.  
5-ayes, 0-nays

**PC 21-08- Fire-N-Ice – Site Plan and Architectural Review**

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

**MOTION:**

Thompson moved, seconded by Jung, that the Planning Commission recommend approval to the City Council the Site Plan and Architectural Elevations for a proposed Fire-N-Ice restaurant on property located at 640 Legacy Place in a General Commercial Zoning District, subject to the amended findings and conditions of approval.

**THE MOTION BY ROLL CALL**

Rich Thompson aye, Bruce Jung aye, Jim Connor aye, Karen Wobbe aye, and Chairman Ken Zacharski aye.  
5-ayes, 0-nays

**MISCELLANEOUS – NONE****ADJOURNMENT**

Jung moved, seconded by Thompson, to adjourn at 7:55 p.m. All were in favor.

---

Tiffany Barrows, Executive Assistant