

Plan Commission Minutes February 4, 2010

CALL TO ORDER

The meeting of the Plan Commission was called to Order on February 4, 2010 at 7:00 PM.

PLEDGE and SWEAR-IN

Chair Ryan swore in those present and explained the Plan Commission is a recommending body to the City Council and the Council will make the final determination at the next City Council meeting.

ATTENDANCE/ROLL CALL

Members Present: Sharon Ryan, Sandy Crites, Mary Jo Akeman, Mark Davis, Jack Taylor, Nick Ryan, Don Luddeke and John Janek. Excused were: Frank Greathouse and Shirley Howard.

Also present were: Alderman Dan McDowell, Alderman Jim Smith and Assistant City Attorney Laura Andrews.

APPROVAL OF MINUTES & AGENDA

A motion to approve the Minutes from the previous meeting (January 7, 2010) and this evening's Agenda was made by John Janek and seconded by Nick Ryan. Motion carried by unanimous consent.

Chair Ryan began with the statement, regardless of the emotions that might come about tonight, we (the Commission) are still bound by the Ordinances of the City.

PETITIONER: Alfresco Productions, 825 Niedringhaus Avenue

Ms. Anne Early, representative of Alfresco Productions introduced herself and stated her address is: 107 Crystal Gate, Glen Carbon, Illinois. She distributed a brochure stating the organization's intent, as well as pictures of the enchanted cottage featuring special holiday photo shoots with favored seasonal characters. She explained they are a non-profit organization created to promote the arts by offering projects such as movies, concerts and outdoor stage performances.

The Chair asked her to explain the request for a special use permit to allow a fund raising facility with construction of a stage area. Upon approval of the petition, Ms. Early explained a three-phase proposal with completion of the project within 12 months:

- 1). Reposition the enchanted cottage
- 2). Construct decorative fence along Niedringhaus and Maple Avenues
- 3). Construct the stage area

The cottage will serve as a multi-purpose structure. During a seasonal holiday it will serve as a fund-raising location where the young, and young at heart, may have photos taken with the seasonal character. The cottage will also be used for set designs and storage during off seasons.

Discussion followed. John Janek questioned ownership and was informed the lot is presently city owned and a resolution was to be heard at the Council meeting two days ago to allow the sale of the vacant lot to Alfresco Productions; however, the issue was tabled (deferred) due to a motion and a second on the Council Floor.

Assistant City Attorney, Laura Andrews, responded by stating an application for a Special Use Permit can be completed and presented before the Plan Commission, while the sale of property is pending, or contingent, upon the approval of the Special Use Permit and quoted an example of past practice (2130 Johnson Road: Hodshire to Johnson, for continued use as dental office in a Residential zoned district).

Sandy Crites stated all construction permits would be purchased from the Building & Zoning office. Compliance would be adhered to by city ordinances, the Zoning Administrator would assure that building, fencing, setbacks and electrical requirements are met.

Laura Andrews stated according to the Zoning Code, Section 10-5, a Special Use Permit is good for 6 months only and questioned if this is ample time for Alfresco to purchase the property from the city and do the work needed. Alderman Dan McDowell stated there is enough time for the sale and John Janek mentioned Alfresco would be required to return to the Plan Commission for a 6 month progress review.

The Chair questioned the type of proposed stage and Ms. Early referred that question to Brenda Whitaker. Brenda stated the stage will be a permanent structure similar to the High School Performing Arts, or like a small Muni Opera.

No further discussion. No response from the audience either for or against the Petition.

Sandy Crites reviewed the **Checklist** for Special and Non-Conforming use in a C-6 corridor:

- a). Hours of Operation: 10:00 AM – 11:00 PM
- b). Days of Operation: Seven days a week
- c). Signage limited to: Flush mounted (to fence)
- d). Screening Required: No
- e). Additional Parking required: No
- f). Any additional exterior lighting permitted: Away from residential area and approved by Zoning Administrator
- g). Is there a need to address storm water run-off ? No
- h). Does permit expire with change of ownership and/or use? Yes
- i). Is re-application necessary to intensify use? Yes
- j). Shall the Zoning Administrator have the right to bring back the permit for review if, at any time, he finds the stated intent of the permit has not been followed, or the business has become a nuisance? Yes
- k). Additional Requirements: Contingent upon the purchase of the property

Jack Taylor inquired about trash dumpsters and was told there is one on site.

MOTION by John Janek and seconded by Nick Ryan to allow Alfresco Productions a Special Use Permit for a fund raising facility and stage area for outdoor performances. Roll Call vote. All ayes. Motion carried by unanimous consent.

PETITIONER: The Mill Skatepark, 1735 Grand Avenue

Mr. Ben Ritz, 1600 Garfield Avenue, Pastor and spokesperson for the Mill Skatepark, introduced himself and presented his request for intensification of use from a faith based sports organization to a Church with Church services.

A letter presented by him to the Commission was distributed prior to the meeting (copy attached). He requested the Plan Commission's guidance concerning the zoning issue (and the permitted uses) and wanted to know what he could do to allow the Church services because that would benefit the Skatepark.

Chair, Sharon Ryan, stated that per City Ordinance, permitted uses at the location of the Mill Skatepark in the P.U.D area does not include Churches; that in the past other Petitioners have been denied. She recalled the first time JSAW (a/k/a Mill Skatepark) came before this Board and was given a permit, a part of the discussion was that a Church is

not an allowable use; however, the commission was happy to allow a faith based (sports) activity. The assistant City Attorney stated the City adheres to the list of approved uses in P.U.D. and Mr. Ritz was given a copy of the list. Discussion followed. John Janek commented this is the third time the "Church issue" has come up and the Commission has to have some kind of control. He added he has not had time to digest the letter that was presented.

Ben Ritz stated the ministry of the Skatepark has expanded to include a Church because the mission is better fulfilled as such. Their mission continues to be (a) to preach the gospel, (b) to help youth who are troubled, with the help of Jesus Christ, is absolutely their purpose...and the church is an outgrowth of that. He stated some of the City's main concerns with the maintenance of the property would be met if it were allowed to be a church. The location would be cleaned up and improved because of the combined resources.

The Petitioner asked if the zoning code could be changed. The Assistant City Attorney responded with an opinion that, if a new use was to be added, the zoning code itself would have to be changed.

Mary Jo Akeman asked the Petitioner if, when he acquired the property, were Church services already going on? His reply was no, not Grace Christian Church. That was formed by some people who were involved with the Skatepark because they felt it needed to be done. The Bible teaching aspect has always been in place. He explained he would walk out to where the kids were skating, call them together and he would stand on the ramp for Bible study. The City Attorney stated that is not the problem. The problem is that it has become an organized Church (congregation).

The Chair asked for comments from the audience. Ms. Vickie Houser asked for permission to speak and was sworn in (she was not present at the opening of the meeting). She stated she is the owner of Gabby's Bar & Grill located at 1800 State Street. She stated her belief is the Illinois Liquor Commission does not permit a bar to open within 700 ft. of a church. Her establishment is less than 50 ft. from the Skatepark. Her concern is she may wish to sell the business at some point and would not be able to because it is a bar. She believes to allow for the Church would decrease the value of the property significantly.

Ms. Houser requested her Parcel be grandfathered in to continue as a bar should the Skatepark petition be allowed. The Chair stated the issue (grandfathering) is not on this evenings agenda.

Chair Ryan called for additional comments in favor or against the petition. None voiced.

MOTION by John Janek and seconded by Don Luddeke to approve the Petition to change the intensification of the youth faith based organization to include Church services. Roll call vote. All nays. Motion denied.

Mr. Ritz was advised he could appeal this decision by obtaining an application from the City Clerk to address the City Council at the next meeting. He would be given three minutes to present his case.

NEW BUSINESS

Chair Ryan read a letter received from Ben Ward notifying the Plan Commission that he is resigning from the Board for health reasons. He expressed his joy in serving on such a vital committee for the City.

MOTION by Sandy Crites and seconded by Mary Jo Akeman to place on file the letter, with the Commission's regrets; and for the letter to be included in the Agenda Packet for the City Council.

NEW BUSINESS

(1). Zoning Code #3818 Article 10

The Assistant City Attorney presented the draft of Article 10, Special Use Permits for Residential and Agricultural Districts. The edits / changes were mostly grammatical and corrections/deletions to legal language.

MOTION by Mary Jo Akeman and seconded by Jack Taylor to accept the revised edition of Article 10. Voice vote. All ayes. Motion carried.

(2). Zoning Code #3818 Article 11

The Assistant City Attorney presented a draft of Article 11, Madison Avenue Business District with edits.

MOTION by John Janek and seconded by Jack Taylor to accept the revised draft of Article 11. Voice vote. All ayes. Motion carried.

(3). Section 10-600 Pre-Engineered Metal Buildings in C-3, C-4 & C-5

MOTION by Mark Davis and seconded by Mary Jo Akeman to move Article 10, Section 600 to Article 5, Section 1200. Voice vote. All Ayes. Motion carried.