



CITY OF BELLEVILLE, ILLINOIS
ZONING BOARD OF APPEALS
March 23, 2023 Meeting Minutes

Members:	Deborah Brennan	Excused
	Ryan Moore	Present
	Tim Price	Present
	Don Rockwell	Present
	Steve Zimmerman	Present
	Mitoshia Scott	Excused
	Dan Nollman, Chairman	Present
Staff present:	Cliff Cross, Director of Economic Development, Planning and Zoning	Excused
	Lloyd Cueto, Assistant City Attorney	Present
	Penny Moore, Secretary, Economic Development, Planning and Zoning	Present
Public present:	Zachary Bair, Valerie Seals, Marvell Seals, H F Johnson, Jr., Erin Kennedy, Brian Wort, and Terry E. Heimann.	
Elected Officials present:	Aldерwoman Mary Stiehl and Alderman Raffi Ovian	

The meeting was called to order at 7:00 PM by Chairman Dan Nollman. Roll was called and a quorum declared. The Pledge was made and the applicants and public were sworn in. (7:01 PM)

Chairman Nollman went over Emergency Procedures and meeting outline directions. (7:03 PM)

A motion was made by Steve Zimmerman to approve the minutes from the February 23, 2023 meeting. The motion was seconded by Ryan Moore. The motion carried 5-0 with all present members voting in the affirmative. (7:04 PM)

The following cases were heard:

1. Old Business:

1. **01-JAN23 - IVAN MALPICA:** Request for a Use Variance to establish and operate a mixed-use development containing office space on floors 1 & 2 and a co-living residential use on floors 3 & 4 at the property commonly known as 7 N. High Street (08-21.0-439-028) located in a “C-2” Heavy Commercial District. (Applicable section of the zoning code: 162.247, 162.248, 162.183, 162.570, 162.590) Ward 2 (7:03 PM)

Terry Heimann spoke on behalf of Ivan Malpica, Applicant. Mr. Heimann returned to the Zoning Board of Appeals due to the case being sent back to the Zoning Board of Appeals by the City Council at the March 6, 2023 City Council meeting. Mr. Heimann discussed concerns that were addressed at the previous Zoning Board of Appeals meeting on February 23, 2023 from Zoning Board Members. (7:05 PM)

Mr. Heimann spoke to say, in regards to the dorm-style living concern, one misconception from the last meeting was that unrelated tenants could rent a unit. Mr. Heimann explained that was not the case. Adding, anyone renting a unit will be a family member or somehow associated with each other. Tenant space could include traveling couples from out of town, a single person who is renting a room, a construction worker that is working a six (6) to nine (9) month project or someone who is looking to live downtown. These people may include traveling nurses and among others. Mr. Heimann elaborated regarding traveling nurses. (7:06 PM)

Mr. Heimann discussed the financial impacts that the tenants of the project would have on downtown Belleville. Adding, with conservative numbers per floor, the occupancies are planned to be twenty-eight (28) people per floor. There are fourteen (14) units per floor with potentially two (2) occupants per unit. With the two (2) floors, that is a total of fifty-six (56) tenants. Mr. Heimann shared if twenty-eight (28) tenants ate out twice a week and spent conservatively thirty dollars (\$30.00), that is approximately \$840.00 per week and calculates to \$43,680.00 per year spent at restaurants downtown. Mr. Heimann continued, that does not include anything for shopping, going to the movies, and partaking in ice cream, etc. (7:07 PM)

Mr. Heimann spoke to address the Board's concern of shared/common bathrooms. Mr. Heimann compared the bathrooms to YMCA and Gold's Gym experience, as those businesses have shared bathroom facilities including toilets and shower area. Adding, many people at those businesses workout, take and shower and get dressed in those facilities. The showers are not open, as they will have a curtain or semi-private door, adding urinals and toilets will be no different than a large office. (7:08 PM)

Mr. Heimann addressed the concern of the shared kitchen. He mentioned they do not expect every tenant to come to the kitchen at once to prepare food. Rather, they hope the tenants are spending their money at the local restaurants. Kitchen guidelines and rules will be posted for tenants to follow. (7:09 PM)

Mr. Heimann mentioned there are twenty-one (21) Air BnBs and six (6) of those listed on VRBO in the Belleville area. Mr. Heimann stated that the applicant thought tonight's meeting was on Monday and had to fly out on Wednesday. The applicant is looking to spend twenty-two point one million dollars (\$22,100,000.00) on this building, including improvements. Mr. Heimann added the top two (2) floors will not be used as office space. Therefore, the use was altered to get foot traffic in downtown Belleville. (7:10 PM)

Chairman Nollman asked if there were any questions from the Board. Discussion regarding if the applicant was requesting to be an Air BnB, a hotel, short and/or long-term rentals and to define the specific intent. Mr. Heimann explained it is planned as flex space and it could be used for any of the items mentioned. Ms. Moore asked Mr. Heimann to explain to the board what his title is. Mr. Heimann answered that he has been a real estate broker for more than twenty (20) years, knows the area and has a pulse on the market and is representing Mr. Malpica (applicant/purchaser) and also the seller. (7:11 PM)

Ryan Moore requested clarification input from City Staff regarding the usage and how it would be handled. Mr. Moore further explained, with rentals there is a lease, with Air BnBs there is a contract, with VRBO there is a contract and with both Air BnBs and VRBOS there is hotel/motel tax. How do we as the city handle this through our ordinances, if they do not exist. (7:12 PM)

Assistant City Attorney, Lloyd Cueto answered, mentioning that he had reviewed the City Council's comments in regard to the applicant's answers of what the City of Belleville was looking for in answers. Mr. Cueto mentioned, the applicant defined the area as a flex space, but that term is not included in our current ordinance. That is an issue that needs clarification with the City of Belleville. Attorney Cueto further explained, the reason is that it is a matter of substance over form. The City of Belleville has a Crime Free Housing occupancy code that applies to rental properties. We have other rental applicants that have other ordinances they must comply with. For example, a hotel will have sales tax implications to it. The Air BnB is a matter that the city is currently working through. Based on the increased number of requests for said permits, the City Council requested that this be sent back to the Zoning Board of Appeals for further clarification. Mr. Cueto offered to meet with the applicant with the Economic Development, Planning and Zoning Department to obtain a definitive answer of any clarifications and changes that may need to be addressed. Mr. Heimann requested feedback to make this a win-win. Mr. Cueto shared with the Board that his reading of the City Council minutes was meant to be constructive to answer the applicant's question of what was requested from the city's ordinances. Discussion of tabling the request to allow time for the applicant to meet with the Assistant City Attorney and Economic Development occurred. Mr. Heimann asked if the project could be an Air BnB with the option of an extended stay. Mr. Cueto answered, that makes a complication of the current application that was submitted. Discussion of previous projects from the applicant occurred. (7:17 PM)

Discussion regarding the term "flex use" occurred, regarding that the City's ordinances do not define that term. Mr. Heimann asked if they were to define the business as a hotel, would that be acceptable. Mr. Zimmerman explained, the current application does not reflect that request and a verbal request to change cannot be accepted by the Board. Discussion of families on the same shared floor occurred regarding the practicality of usage for the families. Mr. Heimann shared his thoughts that the decision of the Board should not be based on the operational decisions of his client. (7:20 PM)

Tim Price shared his thoughts on how the code is currently written, as he sees this use as a dormitory, which would be associated with a college or a university. Mr. Price added, to be considered a hotel room or an apartment, the unit would have to have restroom facilities within each unit. Ms. Moore concurred with Mr. Price's comment, as a dormitory is defined in our code as an involvement with an institution, the issue with this case is the definitions. (7:21 PM)

Don Rockwell answered the request for feedback from the applicant. Mr. Rockwell shared; he understands how adding fourteen (14) bathrooms to the project would be cost prohibitive. Mr. Rockwell added, he would recommend utilizing the space as four (4), three (3) bedroom, nice apartments with full bathrooms. Mr. Rockwell added, or six (6) two (2) bedroom apartments. Mr. Rockwell shared; he is not in approval of the dormitory aspect of the project. Mr. Heimann answered, stating the cost of the project providing apartments was indeed cost prohibitive, as costs would be four hundred thousand dollars (\$400,00.00) for the current project and one million two hundred thousand dollars (\$1,200,000.00) in costs for apartments. (7:24 PM)

Chairman Nollman mentioned concerns including check-in processes, security/cameras/policing of public areas that are open twenty-four (24) hours, and cleaning/sanitation that were discussed with the applicant's representatives at the January 26, 2023 and February 23, 2023 meetings and asked if the concerns had been addressed. Chairman Nollman mentioned the original application had not been updated to reflect any discussed changes, such as the removal of the agreement with Caritas. Mr. Heimann responded that the concerns were operationally related and were irrelevant to the zoning of the property. (7:32 PM)

Ryan Moore shared his thoughts of understanding the project concept, as the shared living space being a traditional hostel. The hold-up is what do we call this, as it could be a hotel, an Air BnB, and apartments. Mr. Moore shared he thinks it is a great idea that is going to bring in a younger demographic and people downtown. The city needs to figure out what it is and how to handle it. (7:34 PM)

Mr. Cueto reminded the Board of the decision-making options available which were to recommend approval to City Council, not recommend to City Council or to table the request to allow the applicant to resubmit the application to specifically apply for identified use in line with our current ordinance. (7:35 PM)

Further discussion occurred regarding cleaning of the units. Discussion occurred regarding the number of restrooms compared to the number of rooms. (7:40 PM)

- No one from the public spoke in favor of the case.
- No one from the public spoke against the case.
- Alderwoman Dr. Mary Stiehl, Ward 6, shared that she is the Chairwoman for the Ordinance and Legal Committee. Together with the Economic Development Director and the Attorney, ordinances are not yet in place this request. A committee has been formed because we need to understand how the residents are going to be vetted through online sites such as Air BnB. Additionally, taxing must be set up for hotel/motel tax. (7:42 PM)
- Alderman Raffi Ovia, Ward 4, shared his concerns of the project regarding there is not a defined area where the people will eat. Zoning Board Members clarified to Alderman Ovia that there is a dining room. Alderman Ovia shared his second concern is the sanitary issue of not having a bathroom for each room, stating you can't survive without it and it will not work. (7:42 PM)

01-JAN23 - IVAN MALPICA: A motion to DENY the Request for a Use Variance to establish and operate a mixed-use development containing office space on floors 1 & 2 and a co-living residential use on floors 3 & 4 at the property commonly known as 7 N. High Street (08-21.0-439-028) located in a "C-2" Heavy Commercial District was made by Steve Zimmerman. Don Rockwell seconded the motion. The motion DID NOT CARRY, due to four (4) votes being required for a motion by the Zoning Board of Appeals to pass. The (3-2) voting went as follows: Tim Price-NO, Ryan Moore-NO, Don Rockwell-AYE, Steve Zimmerman-AYE and Chairman Dan Nollman-AYE. (7:34 PM)

Chairman Nollman explained to the Applicant's representative that the case would proceed to be heard by City Council without a recommendation from the Zoning Board of Appeals. (7:34 PM)

2. New Business:

1. **09-MAR23 VALERIE SEALS: Request for a Special Use Permit for a liquor license at 6500 West Main Street, Building 3, Suite 3-38 (07-12.0-210-041) located in a "C-2" Heavy Commercial District. (Applicable sections of the zoning code: 162.248, 162.515) Ward 8 (7:44 PM)**

Valerie Seals explained her request to obtain a Liquor License for her event space. Ms. Seals reminded the Board that she had been recommended for approval for a Special Use Permit to operate the event space at the November, 2022 Zoning Board of Appeals meeting and was approved by City Council. (7:45 PM)

Steve Zimmerman asked if the event space is currently operating. Ms. Seals said yes. Mr. Zimmerman asked if there would be any changes after the Liquor License was received. Ms. Seals answered yes, as receiving the Liquor License would allow their business to expand from birthday parties and baby shower type of events. Ms. Seals explained she does not feel comfortable offering events with catered alcohol without her own proper licensure. Don Rockwell confirmed with the applicant that she would like to be able to offer events such as wedding receptions where alcohol would be served and managed by Ms. Seals. The applicant answered, yes. Chairman Nollman asked if security would be upgraded if the Liquor License was granted. Ms. Seals explained the property is currently very secure but plans to add exterior cameras to the front door and back door. Ms. Seals said this is necessary because the exits would be monitored because they do not allow smoking. Chairman Nollman asked if liquor would only be consumed inside the building. Ms. Seals answered, correct and they have in their contracts that they have the right to shut down any client's party if their rules are violated. (7:48 PM)

- No one from the public spoke in favor of the case.
- No one from the public spoke against the case.
- Alderman Raffi Ovian, Ward 4, asked the name of Ms. Seal's business and explained that from the pictures displayed the business is right next door to Tim and Joe's. They have been in business for over thirty (30) years. They have two (2) large banquet rooms there and there could be a conflict. (7:49 PM)

Assistant City Attorney, Lloyd Cueto mentioned the Board should consider that this request complies with the zoning ordinances and not the competitive atmosphere. (7:49 PM)

Ms. Seals addressed Alderman Ovian's concern. She mentioned she has been building relationships with her business neighbors and there is no competition, as Tim and Joe's is well established with their patrons. Ms. Seals added they will not impede on that and is not their priority or business model. (7:51 PM)

09-MAR23 VALERIE SEALS: A motion to APPROVE the request for a Special Use Permit for a liquor license at 6500 West Main Street, Building 3, Suite 3-38 (07-12.0-210-041) located in a "C-2" Heavy Commercial District IN THE NAME OF THE APPLICANT ONLY was made by Ryan Moore. It was seconded by Steve Zimmerman. Motion carried by a vote of 5-0 with all present members voting in the affirmative. (7:51 PM)

2. **10-MAR23 ZACHARY BAIR:** Request for a Special Use Permit to operate an Event Center at 316 East Main Street (08-22.0-340-022) located in a "C-2" Heavy Commercial District. (Applicable sections of the zoning code: 162.248, 162.515) Ward 6
3. **11-MAR23 ZACHARY BAIR:** Request for a Special Use Permit for outdoor dining/seating at 316 East Main Street (08-22.0-340-022) located in a "C-2" Heavy Commercial District. (Applicable sections of the city and zoning code: 118.01, 162.400, 162.248, 162.515) Ward 6
4. **12-MAR23 ZACHARY BAIR:** Request for a Special Use Permit for a liquor license at 316 East Main Street (08-22.0-340-022) located in a "C-2" Heavy Commercial District. (Applicable sections of the zoning code: 162.248, 162.515) Ward 6.

Chairman Nollman stated the three (3) cases requested by Mr. Bair would be heard together but voted upon separately. (7:52 PM)

Mr. Bair explained his requests for Special Use Permits to operate an event center, outdoor dining and to obtain a Liquor License. Discussion of security and lighting occurred. Mr. Bair stated the building already has security and the building is already very well lit. The security cameras for said property will be linked with Mr. Bair's current security system for his other two (2) commercial properties at 322 and 324 East Main Street to have all three (3) business' security on the same format. The hours of operation would roughly be 8:00 AM to 1:00 AM. Discussion of utilizing the rear of the building for outdoor dining. Discussion of access to the side of Mr. Bair's neighbor's building occurred. Ms. Moore mentioned that Mr. Bair has applied for Commercial Occupancy and his Business License through the Economic Development, Planning and Zoning Office. (8:02 PM)

- No one from the public spoke in favor of the case.
- No one from the public spoke against the case.
- Alderwoman Dr. Mary Stiehl, Ward 6, shared that she is in support of the Board approving Mr. Bair's requests. (8:02 PM)

10-MAR23 ZACHARY BAIR: A motion to APPROVE the request for a Special Use Permit to operate an Event Center at 316 East Main Street (08-22.0-340-022) located in a "C-2" Heavy Commercial District was made by Don Rockwell. It was seconded by Ryan Moore. Motion carried by a vote of 5-0 with all present members voting in the affirmative.

11-MAR23 ZACHARY BAIR: A motion to APPROVE the request for a Special Use Permit for outdoor dining/seating at 316 East Main Street (08-22.0-340-022) located in a "C-2" Heavy Commercial District was made IN THE NAME OF THE APPLICANT ONLY by Ryan Moore. It was seconded by Steve Zimmerman. Motion carried by a vote of 5-0 with all present members voting in the affirmative.

12-MAR23 ZACHARY BAIR: A motion to APPROVE the request for a Special Use Permit for a Liquor License at 316 East Main Street (08-22.0-340-022) located in a "C-2" Heavy Commercial District was made IN THE NAME OF THE APPLICANT ONLY by Steve Zimmerman. It was seconded by Tim Price. Motion carried by a vote of 5-0 with all present members voting in the affirmative. (8:04 PM)

5. **13-MAR23 VELOCITY METALWORKS: Request for a Use Variance to continue the operation of a light manufacturing operation at 9401 IL RTE 15 (07-03.0-400-001) located in a "C-2" Heavy Commercial District. (Applicable sections of the zoning code: 162.248, 162.474, 162.570) Ward 8 (8:**

Erin Kennedy, representative of the applicant explained the applicant, Brian Wort, Owner of Velocity Metalworks is under contract to purchase said property from The Oblates. The applicant will be purchasing approximately eighteen point five (18.5) acres of a forty-two-acre tract, which includes the sixty-three thousand (63,000) square foot facility to continue light manufacturing as the previous printing company did. Ms. Kennedy continued, the light manufacturing that the applicant will be doing is metal fabrication, tool and die and metal stamping. (8:06 PM)

Mr. Wort explained his company is a contract metal stamper and design and build metal stamping tooling business that is currently located in O'Fallon, Illinois and has outgrown their space. The company employees fourteen (14) full-time and three part-time employees. The company is a business-to-business enterprise and not open to the public. Discussion of outdoor storage, sound, security, and dust occurred. Hours of operation are 6:00 AM to 4:30 PM. (8:12 PM)

- No one from the public spoke in favor of the case.
- No one from the public spoke against the case.
- No one from City Council spoke for or against the case.

13-MAR23 VELOCITY METALWORKS: A motion to APPROVE the request for a Use Variance to continue the operation of a light manufacturing operation at 9401 IL RTE 15 (07-03.0-400-001) located in a "C-2" Heavy Commercial District was made by Ryan Moore. It was seconded by Don Rockwell. Motion carried by a vote of 5-0 with all present members voting in the affirmative. (8:14 PM)

A motion was made to adjourn by Don Rockwell and seconded by Tim Price. Motion carried 5-0 with all present members voting in the affirmative. Chairman Nollman adjourned the meeting at 8:14 PM.

Respectfully submitted,
 Penny Moore
 Secretary
 Economic Development, Planning, & Zoning Department

Approved: Danny Nollman Date: 4-27-23
 Chairman, Dan Nollman