

**ORDINANCE NO. 1576**

**ORDINANCE APPROVING REAL ESTATE REZONING FOR PARCELS  
#05190337028 AND #05300100018 (NEAR 651 SOUTH MADISON STREET), FROM  
“MR-1” MULTI-RESIDENTIAL TO “C-1” COMMERCIAL**

WHEREAS, the City of Lebanon, St. Clair County, Illinois (hereinafter “City”), is a non-home rule municipality duly established, existing and operating in accordance with the provisions of the Illinois Municipal Code (Section 5/1-1-1 et seq. of Chapter 65 of the Illinois Compiled Statutes); and

WHEREAS, the City, pursuant to §36-790 of the *Code of Ordinances, City of Lebanon*, has submitted an application requesting a real estate zoning map amendment to the City of Lebanon Official Zoning Map, concerning:

1. PPN# - 05190337028
2. PPN# - 05300100018

(hereinafter “Land”) (*See* Zoning Map Amendment Rezoning Application attached hereto as **Exhibit A**; and *see* Clerk’s Statement attached hereto as **Exhibit B**); and

WHEREAS, the City’s application requests that the Land be rezoned from “MR-1” Multi-Residential to “C-1” Commercial, and that the City of Lebanon Official Zoning Map be amended to indicate that change in zoning classification; and

WHEREAS, the Planning Commission held a properly noticed public hearing on March 7, 2024, and has submitted its advisory report, attached hereto as **Exhibit C**; and

WHEREAS, the Planning Commission’s advisory report advises the City Council to approve the City’s rezoning request for the Land (*see* **Exhibit C**); and

WHEREAS, City has determined it should approve the Land being rezoned as stated herein; and

WHEREAS, City has determined it is in the best interests of public health, safety, general welfare, and economic welfare to approve the Land being rezoned as stated herein; and

WHEREAS, the Mayor is authorized and directed to execute any documents required to rezone the Land as stated herein.

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lebanon as follows:**

*Section 1.* The foregoing recitals are incorporated herein as findings of the City Council of the City of Lebanon, Illinois.

*Section 2.* Pursuant to §36-789 of the Zoning Code of the *Code of Ordinances, City of Lebanon*, the Land shall be rezoned from “MR-1” to “C-1”.

*Section 3.* The City of Lebanon Official Zoning Map is hereby amended to indicate that change in zoning classification – from “MR-1” to “C-1” – with respect to the Land in question.

*Section 4.* This Ordinance shall be known as Ordinance No. 1576 and shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

Passed by the City Council of the City of Lebanon and deposited and filed in the Office of the City Clerk, on the 22<sup>nd</sup> day of April, 2024, the vote being taken by ayes and noes entered on the legislative record as follows:

AYES: 7 Alderperson Bennett, Davis, Fero, Trinka, Washington, Wilkins and Witty

NOES: 0

ABSENT: 1 Alderperson Branch



Cheri Wright  
Mayor  
City of Lebanon  
St. Clair County, Illinois

Luanne Holper  
City Clerk  
City of Lebanon  
St. Clair County, Illinois

**ORDINANCE 1576**

***Exhibit A***

**CITY OF LEBANON'S  
REZONING REQUEST  
OF PARCELS**

**#05190337028 AND #05300100018**

**FROM**

**"MR-1"MULTI-RESIDENTIAL TO "C-1" COMMERCIAL**

# Petition For Zoning Amendment

City of Lebanon, Illinois

Amendment Request No. 1-2024

Date: 2/1/24

**Instructions to Applicants:** All information required by this Application must be completed and submitted herewith. The burden of providing information rests with the applicant. Applicants are encouraged to contact the City Administrator for assistance needed in filling out this form.

Name of Applicant: CITY OF LEBANON  
Address of Applicant: 312 W. ST LOUIS  
Name of Owner (if different): ELBE, MICHAEL  
Address of Owner: \_\_\_\_\_  
Parcel Number of Property: 05190337028 & 05300100015  
Legal Description of Property (including address if applicable): 651 S. MADISON

Present Zoning of Property: MR-1 Proposed Zoning of Property: C-1  
Nature of the proposed use, including type of activity, manner of operation, number of occupants or employees, and similar matters: EMPTY LOTS

Location (Address) of the proposed use or structure and its relationship to existing uses or structures on adjacent lots: THESE PARCELS ARE CONTIGUOUS TO C-1 PROPERTY AND ARE PART PARKING LOTS AND COMMERCIAL BUILDING  
Relationship to existing uses or structures on adjacent lots: SEE ABOVE

Area and dimensions of site for proposed structure or uses: N/A  
Existing topography of site and proposed finished grade: EXISTING

Existing and proposed screening, landscaping, and erosion control features on the site, including parking areas: N/A

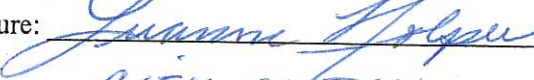
Number of proposed dwellings, if any: N/A Size: \_\_\_\_\_  
Height of proposed structure(s): N/A  
Setbacks of proposed structure(s): Front: 5 Back: 5 Each Side: 5

Number of proposed parking/loading spaces: N/A Access ways: N/A

Location: 651 S. MADISON

Identification and locations of all existing or proposed utilities, whether public or private: \_\_\_\_\_

Any other pertinent information that may be required or helpful: \_\_\_\_\_

Signature:   
CITY CLERK

Date: 2/2/24

(Do not write in this space – for office use only)

Date set for hearing 3/7/24

Date hearing held \_\_\_\_\_

Notice published 2/5/24

Newspaper: BELLEVILLE NEWS

Recommendation of Plan Commission:

☐ Denied

☒ Approved

☐ Approved with Modification

☐ Other

Fee paid to City Treasurer

\$ N/A Date: \_\_\_\_\_

Action by City Council:

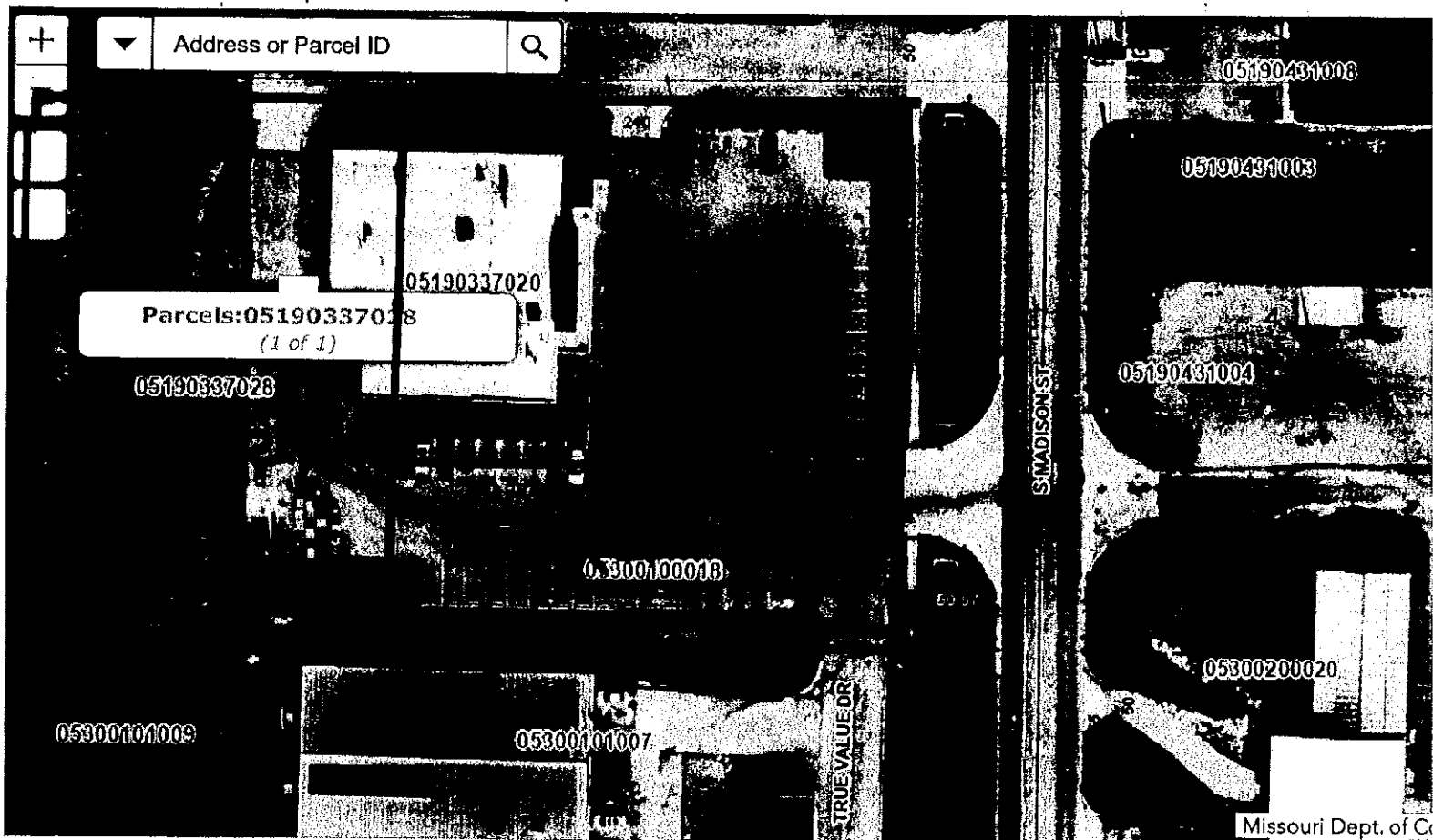
☐ Denied

☒ Approved

☐ Approved with Modification

Ordinance No. 1576

Date: 4/22/, 20 24



## REZONING REQUEST FROM CITY OF LEBANON

Parcel # 05190337020 is already zoned C-1

Parcel # 05190337028 has part of the IGA on it so it needs to be C-1 instead of MR-1

Parcel # 05300100018 is listed at MR-1 but needs to be C-1 for the new business that will be opening later this year. This lot will eventually be divided per agreement between buyer and seller.

80ft

-89.808 38.598 Degrees

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***Exhibit B***

**CITY CLERKS STATEMENT CONCERNING  
THE FACTS FOR CHANGING THE ZONING  
OF PARCELS**

**#05190337028 AND #05300100018**

**FROM**

**“MR-1”MULTI-RESIDENTIAL TO “C-1” COMMERCIAL**

City Clerks statement to Plan Commission on 3/7/2024

1. There are three parcels that make up the area containing the IGA property and it's parking lots. The parcel (that has the store and front parking lot is registered as being a C-1. The other two parcels (number 05-30.0-100-018 and parcel number 05-19.0-337-028) are zoned MR-3 (multi-residential) and the City of Lebanon is requesting that the two parcels be changed to C-1 (commercial). All three of these parcels need to be C-1. Parcel (05-30.0-100-018) is part of the IGA parking lot and hoping to be developed into another commercial business. The City is requesting the change to C-1 for future development and to correct the overlooked misclassification.
2. The subject about the sidewalks not being ADA safety compliant has been discussed by city hall and the street/alleys department. The city requested an ordinance be written to address this safety concern. The first attempt was eventually voted not to approve that ordinance. The city has return to to square one and is asking for your input and recommendations on this topic, as it must be addressed. OSHA has been to the City of Lebanon and will return in the future. We want to be proactive and have an ordinance or statement that we are aware and have directions to solve this problem.

Luanne Holper  
Lebanon City Clerk



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***Exhibit C***

**PLAN COMMISSION ADVISORY REPORT**

**WITH RECOMMENDATION**

**PRESENTED TO THE COUNCIL**

**CONCERNING REZONING OF PARCELS**

**#05190337028 AND #05300100018**

**FROM**

**“MR-1”MULTI-RESIDENTIAL TO “C-1” COMMERCIAL**

## Lebanon Plan Commission Report to the Council

March 11, 2024

The Lebanon Plan Commission met on March 7, 2024, to address the March agenda items.

- 1) The City of Lebanon requested a hearing for the purpose of rezoning parcels #05190337028 and #05300100018 from MR-1 to C-1 (commercial). The adjoining parcel #05190337020 (IGA partially located on this parcel) on South Madison is zoned C-1 and rezoning the two subject parcels to C-1 would both conform the area to its current use and allow for future commercial development. These parcels were zoned years ago with MR-1 in mind. The comprehensive plan adopted in 2015 envisioned this area being commercial but it was decided to leave it alone until someone had a reason to rezone it C-1 commercial. There was very little discussion, and the only visitor was Sloan Kessinger, potential proprietor of a coffee shop that will be located on these parcels. There were no other visitors present, and no one spoke in opposition. The Plan Commission recommended unanimously to approve the rezoning.
- 2) Discussion: There was a request by the City to discuss restrictions on placement of items on the sidewalks in the C-2 Historic District. There was a proposed ordinance on this issue earlier and it did not pass the council. The City Council has asked the Plan Commission for recommendations. There was extensive discussion about what should or shouldn't be allowed. The opposition to the ordinance previously proposed was twofold. First, it would prohibit nearly all displays of merchandise on the sidewalks, which can be quite appropriate in an historic district if done properly. Second, it would have prohibited the current public concrete benches.

There was extensive discussion about a bigger issue and that is some tenants put lawn chairs and other items on the sidewalks that are not related to the retail business, and they present a danger to safety from tripping and falling. It was also noted that the sign ordinance section that pertains to the C-2 historic district addresses sidewalk signs placed outside a business, and this is adequate for signs. The real issue is blocking sidewalks with chairs and/or merchandise.

The Plan Commission recommends **against** an ordinance on this issue based on 1) The problems are addressed in the ADA (Americans with Disabilities Act addressing ingress, egress, and pedestrian flow, and 2) retail merchandise on the sidewalks in an historic district seem to be acceptable. The Plan Commission recommends not having a separate ordinance.

If the Council is so inclined to do something, then it would be to place a statement in the C-2 Historic District that requires compliance with ADA on the public sidewalks. ADA requires a minimum of 3 feet; no drops; no vertical obstacles. As long as you can walk a straight distance of the width 36 inches between the sales area in front of the property, there shouldn't be any difficulty.

Respectfully Submitted

AJ Dontigney  
Chairperson