

ORDINANCE NO. _____

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O’Fallon,
Illinois (Development known as “Lots 5
& 6 of The Shoppes at Green Mount,”
Parcel Numbers 03-36.0-203-009 and
03-36.0-203-007)**

WHEREAS, the applicant, Loren Ettinger for Walpert Properties, Inc., proposes to construct a shopping center and office building on 7.66 acres of land south of Regency Park Drive and west of North Green Mount Road; and

WHEREAS, the applicant has requested and heretofore filed a petition with the City of O’Fallon for a zoning change from B-1(P) Planned Community Business District to B-1(P) Planned Community Business District, pursuant to the proposed development shown on the attached Preliminary Site Plan (Exhibit A); and

WHEREAS, the applicant has requested that a variance be granted by the City Council to allow for an increase to the permitted 60 sq. ft. sign area for two monument signs, each with a sign area of 96 sq. ft., and a variance to allow two freestanding signs on Lot 5, one 15 ft. high sign on Green Mount Road and one internal monument sign, as indicated on the attached preliminary site plan (Exhibit A), and the City Council has determined that such a variance to the Annexation Agreement is reasonable; and

WHEREAS, the applicant has requested that a variance be granted by the City Council to allow for relief from the requirement that for every five parking modules, a 7 ft. wide landscaped median with a deciduous tree planted at intervals of 50 ft. must be constructed, and the applicant will plant a tree at intervals of 50 ft. in curbed diamonds, and the City Council has determined that such a variance to the parking requirements is reasonable; and

WHEREAS, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws, including City Ordinance 2052, “Planned Uses”; and

WHEREAS, said Planning Commission of the City of O’Fallon, Illinois held a public hearing on December 12, 2006, in accordance with state statute, and recommended to approve the applicant’s request to obtain B-1(P) Planned Community Business District zoning for the property with a vote of 8-ayes to 0-nay subject to conditions as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit B); and

WHEREAS on December 14, 2006 and January 8, 2007 the Community Development Committee of the City Council reviewed and recommended the rezoning for approval with a vote of 4-ayes and 1-abstain.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section 1. Approval of the Zoning Amendment. That upon the effective date of this Ordinance, the described property, known as "Lots 5 & 6 of The Shoppes at Green Mount," be henceforth classified as zoning district B-1(P) Planned Community Business District as shown on the attached Exhibit A (Preliminary SitePlan) and subject to the conditions as listed below:

1. A cross-access and shared parking easement and a shared parking and joint maintenance agreement between Lots 5 & 6 must be recorded.
2. Relief from the requirement for a 7 ft. landscaped median in front of Building C with a tree planted every 50 ft. The applicant proposes removing the 7 ft landscaped median but still planting a tree every 50 ft in curbed diamonds.
3. A Sign Variance to allow two freestanding signs on Lot 5, one 15 ft high sign on Green Mount Rd and one internal monument sign
4. A Sign Variance to allow for an increase to the permitted 60 sq. ft. sign area for two monument signs, each with a sign area of 96 sq. ft. (8 ft. high by 12 ft. wide).
5. All signage shall be subject to compliance with an approved sign plan, as part of the Final Site Plan, which shall be submitted to City for approval prior to erection of any signage; the sign plan shall show color, design, size, lighting, location and number, and materials of all signage and shall be reviewed to ensure consistency throughout the development and with color, design, size, lighting, location and number, and materials that complement the required architecture and site design and otherwise comply with City regulations. Each tenant space in Buildings A-E, inclusive, and Building F shall be permitted one wall-mounted sign facing parking areas, unless otherwise specifically approved in the sign plan.
6. A master plan for the streetscape, lighting and signage will be created by the key developers involved with the Regency Park development. This master plan will be reviewed by the City before final approval of the streetscape, lighting and signage. The City Council reserves the right to provide final approval of the master plan for the streetscape, lighting and signage for the parcels along Regency Park Drive.
7. Changes to the building or tenant sizes or configuration shall require approval by the City Council as part of an amended Final Site Plan, provided that minor changes may be approved by the Director as provided for in Article 3 of the Zoning Code.
8. No drive-through facilities shall be permitted by this Planned Development ordinance, and any future request for such facilities shall require amendment of this Ordinance in conjunction with Submission of a revised Preliminary Site Plan.
9. Building materials and design shall be consistent with the architectural elevations attached hereto as Exhibit B.
10. Landscaping shall be as approved on a separate landscape plan approved as a condition of the Final Site Plan.
11. Prior to the issuance of any building permit within this PUD District, Owner or Developer within this District shall pay \$20,000 in non-refundable funds to the City to be held by the City in escrow and withdrawn by the City to pay for installation of period street lights and ornamental planters along Regency Drive along the length of the property line adjacent thereto, and for such other related costs as the City may construct or, at its option, elect to contribute to in conjunction with future development of adjacent and nearby properties. Nothing herein shall relieve the Developer of obligations as may otherwise exist for landscaping or other improvements required in conjunction with this PUD or the underlying subdivision.

