

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 Council desires to allow a modification to allow for an increase from the permitted 60 sq. ft. sign area for one monument sign, such sign area to be up to 96 sq. ft., and a modification 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 modification is not prohibited by the Annexation Agreement and that such modifications are reasonable in this circumstance; 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; and

WHEREAS, the Council has determined that proposal for the retail portion of the development has not met the requirements and conditions for approval due to design and implementation issues, and therefore the Council desires to approve this PUD to authorize the office uses which shall allow the applicant to submit a new request, if any, for retail uses that would meet the requirements of Article 9 of the Zoning Code for application of a PUD to the specific aspects of this site,

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 shall authorize in this PUD District only the following uses: office building uses, including buildings in excess of 20,000 square feet for each such building, 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 and approved by the City as part of the final subdivision plat.
2. 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.
3. A Sign Variance to allow for an increase from the permitted 60 sq. ft. sign area for one monument signs, to allow a sign area of 96 sq. ft. (8 ft. high by 12 ft. wide).
4. 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.
5. 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.
6. The office buildings authorized herein shall not exceed 60,000 total square feet of building space. Location of the building shall be as shown on the Preliminary Site Plan, provided that such location may be modified, or additional buildings added, in conformance with all other applicable requirements by amendment or approval of the Preliminary and/or Final Site Plan.
7. 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.
8. Building materials and design shall be consistent with the architectural elevations attached hereto as Exhibit B.
9. Landscaping shall be as approved on a separate landscape plan approved as a condition of the Final Site Plan.
10. 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.

Section 2. Filing. A Certified Copy of this ordinance, with all referenced attachments, shall be filed with the City Clerk’s office of the City of O’Fallon, Illinois.

Section 3. Passage. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed by the City Council this _____ day of _____.

ATTEST:
(seal)

Approved by the Mayor this _____ day
of _____.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	Bequette	Drolet	Grogan	Schmidt	Medford	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Boone	Mouser	Reckamp	Polites	Renner	True	West	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									