

ORDINANCE NO.

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O'Fallon,
Illinois (Development known as "Creekside
Promenade," Parcel Number 03-25.0-101-
042)**

WHEREAS, the applicant, Gerard Grewe for Lincoln & Kyle, LLC, proposes to develop a retail center on 8 acres of land located at the northwest corner of Kyle Road and Lincoln Avenue in O'Fallon; and

WHEREAS, the applicant has requested and heretofore filed a petition with the City of O'Fallon for a zoning change from A Agricultural District to B-1(P) Planned Community Business District and A(P) Planned Agricultural District, pursuant to the proposed development shown on the attached Preliminary Site Plan (Exhibit A); 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 June 12, 2007, in accordance with state statute, and recommended to approve the petitioner's request to obtain B-1(P) Planned Community Business District and A(P) Planned Agricultural District zoning for the property with a vote of 6-ayes to 0-nays subject to conditions as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit B) and subject to further determination by the Council on issues of concern identified at the hearing; and

WHEREAS, Community Development Committee held a public meeting on June 25, 2007, where it reviewed additional facts regarding the application, including issues specifically left open by the Planning Commission recommendation or requiring variance of Code or Comprehensive Plan provisions, including but not limited to:

1. The B-1(P) plan would include building and parking area encroachment into the riparian corridor in violation 13.140 of the City Code;
2. The applicants' proposed use seeks authority for 24-hour operation for a drugstore, banking and medical uses, which an intensity of use that is not characteristic of residential areas nor consistent with the requirements of the Neighborhood Commercial requirements of the Comprehensive Plan due to traffic, lighting and noise during hours that are inconsistent with residential areas and the Planning Department specifically opposed such hours of operation;
3. The B-1(P) plan calls for 40,000 square feet of total commercial floor area on 8 acres which violates the requirements of the Neighborhood Commercial district in the Comprehensive Plan in that "The maximum development in any one quadrant is 4 acres and/or 15,000 s.f. of total floor area."
4. The B-1(P) plan fails to comply with the Buffer yard requirements of Section

- 13.070 of the City Code which requires a structural buffer between commercial and residential zones which is not being provided under this Plan;
5. The public hearings and meetings on this development have included testimony by large numbers of residents testifying overwhelmingly as to the negative impact this development would have as proposed on the character of the neighborhood and the use of the properties; all of which weighs against the following required findings for approval of a Planned use District pursuant to Section 9.050 of the City Code, including but not limited to (1) the conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations; and whether (2) the use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected; (3) the proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties;

WHEREAS, in light of the all of the applicable considerations, on June 25, 2007 the Community Development Committee of the City Council reviewed and recommended denying the rezoning by a vote of 3-1.

WHEREAS, the applicant requested that the City Council proceed to vote on the zoning ordinance based on the Plan as proposed by the applicant without modification, irrespective of the deficiencies and issues identified above and therefore staff has prepared this ordinance as would be necessary for the Council to approve the plan in light of the non-conformance with all applicable codes and Comprehensive Plan provisions;

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 "Creekside Promenade", be henceforth classified as zoning district B-1(P) Planned Community Business District and A(P) Planned Agricultural District as shown on the attached Exhibit A and with the conditions as listed below:

1. A fence shall be installed and dense evergreens shall be planted behind the large retail center.
2. Development shall be limited to a total of 8 acres, with the remaining 13 acres to be kept as open space.
3. There will be 2 access points off of Kyle Road and 1 access point off of Lincoln Avenue as shown on the site plan.
4. Parking will be shared for the entire site, as there is one owner for all of the buildings and the property.
5. Development shall not encroach into the existing tree line other than the small portion shown on the southwest corner of the site, where the small retail building is located. All construction activities must stay clear of this area to protect the existing vegetation.
6. Stormwater detention and utilities will be as shown on the plans and described in this report.
7. Landscaping shall be as shown on the site plan, with the exception that the trees under the power lines shall not interfere with the overhead power lines. A minimum of 1 deciduous tree every 50 ft. is required around the parking lot and drive aisles.
8. No less than seven (7) pieces of public sculpture shall be installed around the site. This must be coordinated with the O'Fallon Arts Commission.

9. Building elevations shall include the features detailed in the staff report, including brick, cultured stone veneer, mullioned windows, architectural shingles, wood shutters, and wood brackets.
10. The dimensions of the two entrance signs shall be monument in style, having approximately 80 sq. ft., and shall otherwise meet the requirements of the City's Sign Ordinance and must not interfere with the sight distance triangle. All other buildings shall be permitted to have wall signage with dimensions in accordance with the City's Sign Ordinance. No LED electronic reader boards will be permitted for this project.
11. The dumpster enclosure shall have a cover.
12. Motion sensors shall be installed on the security lighting along the rear of the north and west retail buildings to reduce the time the lights are on at night.
13. The B-1(P) plan hereby authorizes variance to Section 13.140 of the City Code regarding encroachment into the riparian corridor to allow such encroachment as shown on the attached plan;
14. The applicants' proposed use is authorized for 24-hour operation for a drugstore, banking and medical uses, irrespective of any requirement to the contrary;
15. The B-1(P) plan authorizes 40,000 square feet of total commercial floor area on 8 acres without regard to the maximum amount for any quadrant as may be shown in the Neighborhood Commercial district requirements in the Comprehensive Plan.
16. The B-1(P) plan is authorized without a structural buffer as is otherwise required by Section 13.070 of the City Code.

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 2nd day of July 2007.

ATTEST:
(seal)

Approved by the Mayor this 2nd day
of July 2007.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Albrecht	Bennett	J. Drolet	N. Drolet	Grogan	Schmidt	Medford	SUB TOTALS
Aye								
Nay								
Absent								

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

