



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: July 16, 2007
Subject: Ordinance No. _____: An Ordinance Amending Ordinance 623, Zoning Districts of the City of O'Fallon, Illinois (Planned Development known as "Creekside Promenade") – **Second Reading, As Amended**

List of committees that have reviewed: The Community Development Committee reviewed the project on July 9 and voted 3-2 to leave the project as currently configured.

Update: The attached ordinance was revised to reflect a restriction of the hours of operation from 6am to 10pm as approved by the Council on First Reading, and to require a sight-proof evergreen landscape buffer along the north and west sides of the proposed commercial development in lieu of a structural buffer or fence. The revised text is shown in a strike-through format in the ordinance.

1) Several other questions were asked at the July 9 Community Development Committee meeting regarding restricting the development to a maximum of 15,000 square feet and four acres to be consistent with the Comp Plan. Concerns were expressed about 40,000 sq. ft. possibly being excessive for the site, particularly since the Comp Plan restricts the amount of building and site area that could be devoted to Neighborhood Commercial. A motion was made by Alderman West to restrict the sq. ft and acreage to comply with the Comp Plan. The vote on the motion failed 3-2. If this or a similar motion is made again on the Council floor, Staff recommends that specific language be considered to more clearly detail the extent of the change in the project and what approvals would be required in the future by the Council, such as requiring the developer to provide for Council consideration an amended site plan actually showing the reduced amount of sq. ft. and acreage, and any other modified aspects of the plan.

2) Concerns were also expressed about ensuring the 13 acres of open space can be restricted as such through either conservation easements or dedication in fee simple to the City. Staff recommends additional language be considered in the ordinance to further restrict the 13 acres, with proposed language being "All areas designated as open space shall be, subject to approval of the City, subject to a conservation easement designating the City as beneficiary in maintaining the area as undisturbed and preserved as open space in perpetuity or dedicated to the City for such purpose if so accepted by the City."

3) There was also a discussion of the economic viability of restricting proposed uses in the B-1 (P) district and how the mix of uses would change over time. The Committee determined that restricting the permissible by-right uses in the current B-1 district would not be warranted at this time, realizing that a number of uses would not be permitting by-right because they are considered planned or special uses in the code, thus needing additional approvals by the City Council.