

ORDINANCE NO.

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O'Fallon,
Illinois (Development known as
"McDonald's," Parcel Numbers
04-32.0-100-003, -013, and -026)**

WHEREAS, the applicant, Loren Ettinger for H.A.S. Development, Inc./Southview Dev, LLC, proposes to construct a new McDonald's restaurant and re-surface and re-stripe the parking lot at the southwest corner of West Highway 50 and Whitehall Drive 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 B-1 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 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 26, 2007, in accordance with state statute, and recommended to approve the petitioner's request to obtain B-1(P) Planned General Commercial District zoning for the property with a vote of 8-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

WHEREAS on July 9, 2007 and July 23, 2007 the Community Development Committee of the City Council reviewed and recommended the rezoning for approval.

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

1. A cross-access and shared parking easement and a shared parking and joint maintenance agreement among all three lots must be recorded and approved by the City as part of the final subdivision plat
2. The building elevations and colors shall be as attached to this report.
3. A 10' easement shall be granted along the E. Hwy 50 frontage of the lot for a City watermain.
4. Two freestanding signs shall be allowed on the same lot for both the McDonalds restaurant and the balance of the shopping center, including Ace Hardware. The tenant sign for Ace Hardware is recommended to be as proposed (with the pole covering being 1/3 the width of the sign face), with a maximum height of 20 ft and maximum width of 10 ft. The McDonald's sign is recommended to be as proposed, being monument in style with a maximum height of 10 ft and a maximum width of 10 ft 1-3/4 inches. The materials for the base of the sign are to be brick, which is compatible with the main building. No signage shall be located within the 30' sight distance triangle for safety reasons.
5. The entrance on Whitehall will be reconstructed as shown on the attached plans, landscaped islands will be provided on both the McDonalds and shopping center sites, and the parking lot for the shopping center will be re-stripped consistent with the plans.

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 August 2007.

ATTEST:
(seal)

Approved by the Mayor this ____ ay
of August 2007.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

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

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