



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: October 15, 2007

Subject: Ordinance No. _____: An Ordinance Amending Ordinance 623, Zoning Districts of the City of O'Fallon, Illinois (Planned Development known as "Full Circle Services & Supply") – **First Reading**

List of committees that have reviewed: The Community Development Committee reviewed and unanimously recommended to approve the Zoning Amendment on this development at its October 8, 2007 meeting. Staff presented a recommendation of approval with the conditions listed below.

Background:

The applicants, Carlos and Carlotta Perez, have filed an application requesting approximately 24,500 sq. ft. of land located at 510 S. Lincoln Avenue, be rezoned from B-1, Community Business District to B-1(P), Planned Community Business District to allow for limited automotive repair.

The Community Development Committee held public meetings on the above referenced application at their August 13, 2007 and August 30, 2007 meetings.

The committee discussed what would qualify as B-1 vs. B-2 automotive repair, and Mr. Perez was not clear on what he would be able to do at his business, although he stated that he would do work that the committee felt would be classified as a B-2 use. The committee expressed concern that Mr. Perez may provide automotive repair exceeding the definition of "automotive service station", which is not allowed under the permitted uses of B-1(P) zoning district. He was also reluctant at that time to agree to remove some of the nuisance items on the property, such as the large metal storage bin and the greenhouse frame. As a result, the Committee voted unanimously to deny the project report and recommended the rezoning for denial.

The City Council considered his zoning request at their September 4, 2007, meeting, at which the Council voted to reject his zoning request. At the following Council meeting on September 17, 2007, the City Council voted to reconsider their vote and forward the application back to the Community Development Committee for reconsideration and recommendation.

On September 26, planning staff and the City Attorney met with the applicant and his attorney. The City discussed the applicant's legal situation and the City Council's decision to reconsider the rezoning request. Staff requested that the applicant provide a letter to the City Council providing assurance that he understood the definitions of the zoning code regarding his project, and that he would abide by the city's zoning ordinance and the project's conditions. He agreed to do this, and has provided the City with two letters stating he would remove the greenhouse frame and metal storage bin, along with a letter stating he understands the requirements of the zoning code and the conditions of his project approval, and he agrees to abide by these requirements. These two letters are attached.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation: Approval of the Rezoning from B-1 to B-1(P) with conditions outlined in the project report and listed below:

1. A concrete wheel stop shall be provided for each of the required 12 parking spaces.
2. One handicap parking space shall be provided near the main entrance of the building in compliance with the Illinois Accessibility Code.
3. The existing storage bin shall be removed from the site.
4. All existing and proposed signage shall be subject to review and approval through the sign permit process.
5. No freestanding signage shall be allowed.
6. No repair work shall be allowed that requires vehicles to remain on the site overnight.
7. All outside storage shall be prohibited from the site. Also, no derelict vehicles shall be stored on the subject property.
8. No fuel shall be dispensed on site.
9. Only automotive service and repairs as identified in this Ordinance shall be permitted on site. No general automotive repairs as defined by the code are permitted.
10. The existing greenhouse shall be removed from the subject property.
11. Approval of the proposed zoning change does not waive the requirements for all Special Use or Special Event permits to be obtained as required by law for the subject property.