

ORDINANCE NO.

**An Ordinance Amending Ordinance 3408,
Planned Development known as “Market
Basket,” Parcel Numbers 04-33.0-202-011,
012, and -013)**

WHEREAS, the applicant, Jason Stevens for GEM Properties, proposes to amend the approved Planned Development Ordinance No. 3408, known as “Market Basket,” located at 1700 East Highway 50 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-2(P) Planned General Commercial District to B-2(P) Planned General Commercial District, pursuant to the proposed amended 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 August 14, 2007, in accordance with state statute, and recommended to approve the petitioner’s request to obtain B-2(P) Planned General Commercial District zoning for the property with a vote of 7-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 November 12, 2007 and November 26, 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 “Market Basket”, be henceforth classified as zoning district B-2(P) Planned General Commercial District as shown on the attached Exhibit A and with the conditions as listed below:

1. The concrete apron of the access driveway off of Arbor Parkway must be constructed up to the right-of-way line.
2. An asphalt driveway must be constructed on the Gerardi site to provide access to require parking spaces.
3. Provide 4 employee parking spaces on the Gerardi site. These spaces must be a minimum of 20 feet from the property line.
4. All outdoor hardscape storage must be completely concealed from view from Corporate Crossing and Arbor Parkway by a fence at least 6 ft. in height. This applies to both the Market Basket site and Gerardi Landscaping site.
5. Storage is limited to those areas screened from exterior view.
6. Landscaping shall be installed at 10 ft. intervals along the exterior side of the fence surrounding the storage areas.
7. All temporary structures currently on site must be maintained in good repair. Any future structures, temporary or permanent, will require a building permit.
8. All light standards must be located within landscaped islands, with the exception of the light standard that is proposed to be located within the expanded storage area.
9. The triangular area on the west side of the customer parking field must be striped to discourage use as a parking space. This area was created as a result of incorrect installation of the concrete curbing surrounding the customer parking field.
10. Waive the concrete curbing requirement along the access driveway and separating the customer parking from the storage area. The access driveway will be required to have curbing on both sides as part of Phase II construction.
11. Approve the change in the sidewalk configuration and fencing on the north portion of the site.
12. Provide an easement plat that shows a public access easement along the portion of the sidewalk along Highway 50 that is on private property.
13. The 6 ft tall screening fence on both the Market Basket and Gerardi site shall be of the same material as the existing screening fence.
14. Upon termination of the lease with Gerardi Landscaping, the access driveway must be constructed to connect with the existing Market Basket site to serve as a secondary access as shown on the site plan.
15. Seasonal displays outside of the approved display areas identified in this Planned Use Amendment will require a Special Event Permit.
16. All site improvements must be completed by January 4, 2008 or at a later date as determined by the Planning Director. The Irrevocable Letter of Credit may need to be renewed to a later date as determined by the Planning Director.

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 December 2007.

ATTEST:
(seal)

Approved by the Mayor this ____ day
of December 2007.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

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

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