



MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
6:00 pm, Monday, December 10, 2007

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held in the Mayor's Conference Room, 255 S. Lincoln, O'Fallon, Illinois on **December 10, 2007**.
CALL TO ORDER: 6:00 p.m.

- I) **Roll Call** –Medford, Schmidt, Albrecht, West. Absent – Mouser . Other Aldermen Present: J. Drolet, N. Drolet, Reckamp. Staff: Ament, Stehman, Shekell, Denton, Sullivan. Visitors: Herb Roach, Nancy Roach, Wayne Barber, Craig Alford, Steve Noles, David Bruce, Eric Bugger.
- II) **Approval of Minutes** – November 26, 2007. All ayes. Motion carried.
- III) **Items Requiring Council Action on** – December 17, 2007
 - A) Kingdom Hall of Jehovah's Witnesses Planned Use Rezoning (2nd READING) – No change. The Committee recommended approval with a unanimous vote.
 - B) Noles Properties Retail Building Planned Use Rezoning (2nd READING) – Alderman Ned Drolet questioned the need to require employee parking in the rear with an internal sidewalk on the west side of the building. Staff stated that Mr. Noles has agreed to restrict employee parking to the rear parking lot and the sidewalk on the west side of the building will be installed. Alderman John Drolet inquired that the width of the Highway 50 access drive was acceptable for a possible extra turn lane. Alderman J. Drolet also commented on the cross access easement between the 17th Street Bar & Grill and the subject property. Mr. Noles stated that they hope to start construction by March 2008. The Committee recommended approval with a unanimous vote.
 - C) Teen Center Planned Use Rezoning (2nd READING) – Staff provided an update on the project. Staff informed the Committee that staff made a recent on-site inspection to determine the potential occupant load for the proposed use. Prior to the Community Development Committee meeting, staff met with the City's land use attorney Dan Vogel to revise and add conditions to address occupancy permits and code enforcement. Staff presented those changes in a revised draft of the ordinance at the Community Development Committee meeting. The major changes, including changes from the 1st Reading, to the conditions of the ordinance are underlined in the recent revised draft ordinance. During the meeting, a number of key issues were discussed, including occupant load, automatic sprinkler system vs. fire alarm system, proof of identification; and ages of customers. Staff expressed concern over the potential to increase the occupant load for the site. Several aldermen expressed apprehension about changes to the occupant load. Staff noted that if the owners keep the occupant load at or below 300, an automatic sprinkler system would not be required. However, staff suggests requiring a fire-alarm system with off-site monitoring, security control of entrances sufficient to verify occupancy at all times, and an approved emergency evacuation plan. Staff believes that these reasonable conditions are necessary to protect the customers and business. The Committee questioned how the business owner could require proof of identification from teens that do not have a driver's license. Staff suggested that the applicant could set-up a program where the parents provide proof of age (i.e. birth certificate) and the business would issue Teen Center-sponsored identification. The applicant requested that the Committee reconsider the age limits for the Teen Center. Although the applicant originally suggested changing the limits to 12 to 17 years of age, the Committee made a motion to revise the age limits to 13 to 18 years of age. The Committee recommended approval with a consensus as noted.
 - D) Annexation Agreement for Gary and Kathy Bathon (MOTION) – Staff provided an overview of the pre-annexation agreement. The Bathon's well is nearly dry and they are in need of an immediate tap to City water which is located in front of their home. Since the property is not contiguous with O'Fallon's city limits, several

aldermen inquired the distance to the nearest O'Fallon incorporated property. Staff stated that a minimum of two properties to the southwest separate the subject property to the nearest O'Fallon incorporated property. The Committee unanimously approved a motion out of Committee at the Dec. 17 Council meeting to allow the emergency tap, with the tap and required annexation agreement to be ratified by the Council after public hearing on Jan. 7, 2008.

- E) AT&T Cable Ordinance Revisions – Staff gave a brief presentation on the recent revisions to the AT&T cable ordinance. The ordinance addresses three main objectives. First, it establishes a five (5%) percent “service provider fee” and a one (1%) percent “public, educational, and governmental access support fee” on franchise holders. Second, it incorporates the customer service and privacy protection standards and amends the City's existing franchise with Charter Communications to impose the same customer service and privacy protection standards on Charter. Finally, it establishes how the franchise holders are subject to the same construction and technical standards set forth in the City's current franchise with Charter. Alderman Albrecht stated that the competition should increase competition and lower fees to customers. The Committee recommended approval with a unanimous vote.

IV) Other Business

- A) ZHO2007-31 – 719 S. Vine Zoning Variance – Staff gave a brief presentation of the Zoning Hearing Officer's decision of approval for the Zoning Variance to the City's definition of a kennel at 719 S. Vine. Staff suggested that the definition of “kennel” be removed of the Zoning Code and relocated to the Nuisance Ordinance to prevent any future variance requests. Alderman Albrecht made a motion that staff draft the ordinance change as suggested by staff. Alderman West seconded the motion. The City Council has 21 days right-of-review on the decision, which would end on December 28, 2007. The Committee voted 4-0 to recommend the full Council to reconsider the Zoning Hearing Officer's decision.
- B. ZHO2007-33 – 622 South Lincoln Zoning Variance – Staff gave a brief presentation of the Zoning Hearing Officer's decision of approval for the Zoning Variance to the landscaping and parking variances for the subject property at 622 South Lincoln. Alderman Albrecht made a motion to confirm the ZHO's decision. Alderman West seconded the motion. The City Council has 21 days right-of-review on the decision, which would end on December 28, 2007.
- C. Sign Ordinance – status update – Staff gave a brief status update on the Sign Ordinance. The Planning Commission recently recommended approval of the draft ordinance. Staff is in the process of making some minor changes and plans to schedule a special meeting for additional discussion with the Committee in January 2008.

MEETING ADJOURNED: 7:07 P.M.

Next Meeting: January 14, 2008 – 6:00 P.M. – Mayor's Conference Room

Prepared by: Matt Ament, Senior Planner