



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

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

Date: December 17, 2007

Subject: Ordinance No._____: An Ordinance Amending Ordinance 623, Zoning Districts of the City of O'Fallon, Illinois (Planned Development known as "Teen Center") – **Second Reading (as amended)**

List of committees that have reviewed: At its meeting on December 10, 2007, the Community Development Committee recommended approval of the Planned Use rezoning for Teen Center on Second Reading (as amended).

Background:

The applicant, Craig Alford, has filed an application requesting approximately 1.52 acres of land to be rezoned from B-1, Community Business, to B-1(P), Planned Community Business for the proposed use of a Teen Center. The subject property is located at 5702 Old Collinsville Road. The applicant intends to convert the existing 8,000 of the existing 10,000 sq. ft. gym into a new teen recreational center with a dance theme. The remaining 2,000 sq. ft. will be designed for office use.

The Teen Center will include a dance floor, a DJ – band booth area, video games, pool table, and air hockey games. Mr. Alford will be selling soda, candy, chips, and other snack foods to his customers. The applicant has provided a business plan, which outlines the services to be provided. The Teen Center is targeting customers between the ages of 12 to 17.

Update:

Prior to the Community Development Committee meeting, staff made an on-site inspection of the existing primary building. This inspection allowed staff to confirm and determine the potential occupant load of the building.

Following the inspection, staff met with the City Attorney Dan Vogel to draft additional conditions to address code enforcement and occupancy permit issues. The City Attorney also tweaked other conditions in the ordinance for clarification purposes. 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 list of conditions below.

At the Community Development Committee meeting, a number of key issues were discussed:

1. Occupant load

2. Automatic sprinkler system vs. fire alarm system
3. Proof of identification
4. Ages of customers

Staff expressed concern over the potential to increase the occupant load for the site. 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 revised condition is noted in the conditions listed below.

The Committee recommended approval with a consensus as noted.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation: Staff recommends approval of the Planned Use rezoning for Teen Center with the following conditions:

1. Sound attenuation shall be provided within the primary building and verified to the City upon request by a design professional to be less than 65 decibels at the property line and additionally shall not exceed the limitations of 94.01(ab) of the City code. The hours of operation shall be 4PM to 11PM on Friday through Saturday and Holidays during the school year and Thursday through Saturday during the summer break. In addition to such other remedies provided in this Ordinance or elsewhere, in the event of a violation of the conditions of this ordinance, the code enforcement officer may issue an order reducing the hours of operation in lieu of revocation of occupancy if the code enforcement officer determines that continued operation may be undertaken lawfully if such hours are reduced or otherwise qualified.
2. If O'Fallon police officers are needed, in the judgment of the City's Police Chief, for managing traffic on a case by case basis for the teen center, then the City shall be reimbursed for all expenses incurred by the City within 30 days of receiving invoice from the City.
3. No customer under the age of 13 or over the age of 18 is allowed at the Teen Center during business hours and proof of identification and age shall be required for entry.
4. A Structural "A" buffer, ten feet in width, along the east property line shall be installed. The buffer shall include one evergreen shrub planted every ten feet, at least one evergreen tree planted every 25 feet, and it least one deciduous tree planted every 50 feet.
5. A 4-ft sidewalk along Old Collinsville Road shall be installed by May 2008.
6. The trash enclosure shall be constructed with vinyl fence and gate.
7. A minimum 5-ft tall vinyl fence shall be constructed to screen the AC unit from Old Collinsville Road.

8. All parallel parking spaces shall be removed from the site plan.
9. A variance is granted to allow a minimum of 86 parking spaces, rather than the required 89 spaces.
10. A variance is granted to allow the eastern side of the property to maintain a width of 7 feet from the edge of the parking lot curb to the property line for a landscape buffer, rather than the required 10 feet.
11. A variance is granted to allow the southern side of the property to maintain a width of 3 feet from the edge of the parking spaces to the property line for a landscape buffer, rather than the required 7 feet.
12. The site/landscape plan shall be revised to meet the shade tree and parking lot landscape island requirements.
13. A cross-access easement shall be recorded prior to the issuance of a Certificate of Occupancy.
14. Prior to the installation of any commercial signage, sign permits shall be issued.
15. This is a facility intended for use by minor with no alcohol being served or allowed to be present on the premises.
16. The recreational center use authorized by this PUD shall be contained indoors within the existing primary building on the site;
17. The maximum occupancy for the primary building within this PUD shall not exceed 300 persons, unless the building is equipped with automatic sprinkler systems as provided by code; the authorized occupancy shall be posted. If the primary building is not equipped with an approved automatic sprinkler system, then the building shall have 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.
18. All other requirements of the B-1 district, applicable building codes including sealed architectural plans, and other regulations of the City shall apply unless expressly waived herein.
19. Any violation of the conditions of this Ordinance shall be cause for revocation of the certificate of occupancy for this use and shall be deemed a violation of the this PUD zoning ordinance in addition to a violation of any other applicable ordinance and subject to all such additional remedies as may exist for such violations.