

ORDINANCE NO.

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O’Fallon,
Illinois (Development known as
“Teen Center,”
Parcel Number 03-35.0-100-020)**

WHEREAS, the applicant, Craig Alford, Teen Center, is requesting to provide a teen recreational center located at 5702 Old Collinsville Road and the applicant proposes to rezone the property from B-1 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 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 3471, “Planned Uses”; and

WHEREAS, said Planning Commission of the City of O’Fallon, Illinois held a public hearing on November 12, 2007, in accordance with state statute, and recommended to approve the petitioner’s request to obtain B-1(P) Planned Community Business 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 A); and

WHEREAS on November 26, 2007 and December 10, 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 “Teen Center”, be henceforth classified as zoning district B-1(P) Planned Community Business District as shown on the attached Exhibit A and with the additional conditions as listed below:

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 17 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 at 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.

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 17th day of December 2007.

ATTEST:
(seal)

Approved by the Mayor this 17th day
of December 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									