

ORDINANCE NO.

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O’Fallon,
Illinois (Development known as
“The Handlebar Grill,”
Parcel Number 03-26.0-200-033)**

WHEREAS, the applicant, Anthony Coleman for Handlebar Inc., LLC, is requesting to provide a restaurant for the Handlebar Grill located at 1600 W. Highway 50 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 Sketch (Exhibit B); 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 June 10, 2008, 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 B); and

WHEREAS on June 23, 2008 and July 14, 2008 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 "The Handlebar Grill", be henceforth classified as zoning district B-1(P)

Planned General Business District as shown on the attached Exhibit A and with the conditions as listed below:

1. Six-inch concrete wheel stops shall be installed with 4 ft spacing from the fence, with the 4 ft spacing filled with landscaping between the new wheel stops and outside dining area fence.
2. No liquor sales shall be made at the drive-up window. Any violation of this condition shall be an immediate suspension of the liquor license and revocation of the drive-up window services for a period of time to be determined by the Liquor Commissioner.
3. The site will be permitted to have outdoor alcohol consumption only within the enclosed outdoor seating area, provided that the applicant obtains the required liquor permit. This outdoor seating area will be completely enclosed with a 6' high decorative vinyl fence.

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 ____ 2008.

ATTEST:
(seal)

Approved by the Mayor this ____ day
of ____ 2008.

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									