

ORDINANCE NO. 3577

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O'Fallon,
Illinois (Development known as
"Rock Springs Townhome Apartments,"
Parcel Number 04-27.0-300-021)**

WHEREAS, the applicant, Tyler Kratrochwill for Rock Springs, LLC, is requesting to provide a 237-unit multi-family residential development for Rock Springs Townhome Apartments located near the northeast corner of E. Hwy 50 and Scott-Troy Road and the applicant proposes to rezone the property from MR-2 to MR-2(P), Planned Multi-family Residential Dwelling District, pursuant to the proposed development shown on the attached Preliminary Site Plan ("Preliminary Site Plan") included within the Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit A)

WHEREAS, the applicant has requested and heretofore filed a petition with the City of O'Fallon for a zoning change from MR-2 Multi-family Residential Dwelling District to MR-2(P) Planned Multi-family Residential Dwelling District, pursuant to the proposed development shown on the attached Preliminary Site Plan); 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 August 12, 2008, in accordance with state statute, and recommended to approve the petitioner's request to obtain MR-2(P) Planned Multi-family Residential Dwelling District zoning for the property with a vote of 4-ayes to 2-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 October 13, 2008 the Community Development Committee of the City Council reviewed and recommended the rezoning be considered by the full Council, although without a positive or negative recommendation from the Committee; and

WHEREAS on October 27, 2008 the Community Development Committee of the City Council reviewed and recommended approval of the rezoning with a vote of 3-1.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS AS FOLLOWS:

Section One. The Zoning Ordinances of the City of O'Fallon, including the accompanying Official Zoning Map, made a part thereof are hereby amended to change the

Deleted: H:\O'Fallon\Rock Springs
Mobile Home park\Rock Springs
Ordinance 12-1-08 v.4.doc

zoning district classification from MR-2 to MR-2(P), Planned Multi-family Residential Dwelling District as the zoning, **thereby authorizing a multi-family apartment building use within this PUD district only as shown on the Preliminary Site Plan, and authorized accessory uses, all** subject to the additional conditions set forth in this ordinance, for the following land within the City of O’Fallon, St. Clair County:

“Rock Springs Townhome Apartments,” Parcel Number 04-27.0-300-021

Section Two. The zoning authority and approval embodied in this Ordinance is granted subject to compliance with the ordinance regulations of the City, including the Zoning Ordinance, subdivision and development regulations and all other applicable City ordinances, rules and regulations and the conditions of this ordinance and the attached Preliminary Site Plan and Planning Commission Report, except as may be expressly modified herein, upon the requirement that the development and plan are carried out in accordance with the recommendation forwarded to the City Council by the Planning Commission and any conditions set forth by the City Council as follows:

1. The entire development shall be constructed in one phase. The permitted uses in this PUD district shall be limited not more than 237 multi-family units contained within buildings and amenities substantially as shown on the Preliminary Site Plan. Prior to the issuance of any building permit, the PUD shall be platted as subdivision of one parcel containing all required easements and dedications, but no further resubdivision shall be permitted within this PUD.
2. An easement plat shall be recorded to vacate the existing IL Power easements throughout the property and establish a new easement along Scott-Troy Road to the City of O’Fallon for public use, including but not limited to sidewalks or other improvements. Developer shall install such sidewalk and other improvements as requirements on the approved improvement plans approved by the City.
3. The developer shall adhere to and be responsible for compliance with all recommendations in the CBB traffic study dated June 24, 2008 on file with the City clerk and incorporated herein and as such recommendations are shown the approved improvements and Final Site Plan.
4. If required by the St. Clair County Highway Department, a southbound turn lane on Scott-Troy Road shall be required to be constructed by the developer for the northern entrance per the recommendation of the CBB transportation study.
5. Fire hydrants shall be installed and spaced at maximum of 400 ft. intervals.
6. No parking shall be allowed outside designated striped parking spaces. Parking shall be prohibited on all remaining paved drives with posted “No Parking” signage and striped fire lanes as approved by the City on the Final Site Plan.
7. All buildings shall be sound attenuated per the requirements of the City’s Airport overlay Zoning Ordinance.
8. A fee of \$537.51 per residential unit will be collected as a fee in-lieu of park space at the time of the issuance of each building permit.
9. The developer shall construct the gates for the dumpster enclosures with vinyl instead of wood. Also, the concrete blocks should be dyed, not painted, of a color compatible to the adjacent building color.
10. The developer should provide a six-foot tall beam with a not greater than 3:1 slope. Landscaping shall be consistent with the Subdivision and Development control Ordinance and further shall minimally include all such landscaping as shown on Exhibit A, unless equivalent or superior landscaping is otherwise approved on a Final Landscaping Plan.
11. The number, locations and types of playground equipment, picnic tables, trails and related recreational amenities to be installed by developer within the common ground in this Planned

Deleted: H:\O’Fallon\Rock Springs
Mobile Home park\Rock Springs
Ordinance 12-1-08 v.4.doc

Development shall be as approved and required by the City on the preliminary improvement plans and a Revised preliminary Site Plan, and thereafter on Final Site Plan, which amenities shall minimally meet national park association standards for recreational facilities needed to address the use and density proposed, except as otherwise approved by the City.

12. Both proposed freestanding signs shall be constructed on the subject property with an approved sign permits.
13. All buildings shall be constructed in design and material in conformance with the architectural design elevations attached to this Ordinance, unless a superior elevation is submitted and approved by the City Council.
14. The developer shall construct a pool and club house complex, playground and related amenities ("pool facilities") substantially as shown within Exhibit A. Details of amenity design shall be submitted for review and approval by City on the final improvement Plans and Revised Preliminary Site Plan as well as Final Site Plan. Commencement of construction of the Pool Facilities shall commence not later than issuance of the building permit for the second multi-family building and shall be completed for occupancy within 12 months thereafter. The pool facilities and other improvements required by this PUD shall be subject to performance guarantee as a condition of approval of the improvement plans, in the form required by Section 3.5 through 3.7, inclusive of the Subdivision and Development Control Ordinance of the City of O'Fallon.
15. ~~Developer has sought and is hereby granted a variance or modification to the Preliminary Site Plan and Final Site Plan duration as set forth in Articles 3 and 9 of the City Zoning so that the Preliminary Site Plan shall be valid for two years from the date of this Ordinance, and the Final Site Plan, if approved prior to expiration of the Preliminary Site Plan, shall be valid for an additional one year, within which building permits and substantial construction after the mobile home park is closed shall have commenced; provided that no further extensions shall be authorized except by amendment of this PUD.~~
16. The City's Comprehensive Plan recommends a maximum density of 10 units to the acre for multi-family projects, and the applicant has requested a density of 11.07 units per acre, which density bonus is hereby approved for the project, provided the conditions of this ordinance are satisfied.
17. The approvals, planned development authority, and density bonus authorized hereunder are appropriate and approved only provided the conditions of this ordinance are fully satisfied and including, but not limited to the additional requirement that any persons displaced by this development be provided reasonable accommodation as set forth in a binding relocation plan approved as part of the Final Site plan. Such relocation plan shall provide, at a minimum, (1) requirements ensuring adequate notice to impacted persons of the details of the relocation plan, benefits and requirements, and (2) provide for guaranteed assistance, including a payment sufficient to move each existing living unit, and shall minimally comply with the terms set forth in the Proposed Relocation plan dated ~~February 17, 2009~~ submitted by the Developer and on file with the City Clerk. The fulfillment of the requirements of such a relocation plan are essential and necessary to the legislative determination herein that the change in use and approvals authorized herein are reasonable and justified in the public welfare. Approvals for construction and occupancy shall be conditioned upon compliance with the approved Relocation Plan.
18. All improvements shall be subject to the specifications as set forth in the Subdivision and Development Control Ordinance and as may otherwise be established by law.

Deleted: Developer has sought and is hereby granted a variance or modification to the Preliminary Site Plan and Final Site Plan duration as set forth in Articles 3 and 9 of the City Zoning so that the Preliminary Site Plan shall be valid for two years from the date of this Ordinance, and the Final site Plan, if approved prior to expiration of the Preliminary Site Plan, shall be valid for an additional two years, within which building permits and substantial construction shall have commenced; provided that no further extensions shall be authorized except by amendment of this PUD.

Deleted: _____

Section Three. Except as provided herein, the MR-2 district regulations shall apply to this

PUD district, provided that no use other than the uses authorized by this PUD ordinance shall be

Deleted: H:\O'Fallon\Rock Springs Mobile Home park\Rock Springs Ordinance 12-1-08 v.4.doc

permitted unless this PUD ordinance is amended to expressly authorize such different use.

Section Four. 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 Five. 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 _____ 2009.

Deleted: 8

ATTEST:
(seal)

Approved by the Mayor this ___ day
of _____ 2009.

Deleted: 8

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									

Deleted: H:\O'Fallon\Rock Springs Mobile Home park\Rock Springs Ordinance 12-1-08 v.4.doc

<H:\mfdocs\Ordinances 2009\RockSpringsTownhomeApts.doc>