



CITY COUNCIL AGENDA ITEM

TO: Mayor Graham and City Council
FROM: Ted Shekell, Planning Director
Walter Denton, City Administrator
DATE: July 20, 2009
SUBJECT: **Ordinance Amending the O'Fallon Comprehensive Plan and Rezoning of Property for Fontebella Maternity Shelter (1st READING)**

List of Committees that have reviewed: The Community Development Committee did not have a quorum at its July 13, 2009 meeting, consequently, it does not have a recommendation to provide the City Council.

Background: The applicant, Susan K. Hoff for Fontebella, NFP, has filed an application requesting approval to operate a residential maternity shelter at 1033 Hartman Lane. The parcel is proposed for rezoning from "A" Agricultural District, to "MR-2(P)," Planned Multi-Family District. The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as *Single Family Residential*. **To permit the maternity shelter, the City Council would need to approve two things. First, it would need to change its Comprehensive Plan for this site from the existing Single Family to Multi-Family land use. Second, it would need to approve rezoning the site from its existing Agriculture to MR-2 high density multi-family.**

The applicant proposes demolishing all existing structures, including the existing home, on the site except for a garage which may be relocated to the southwestern corner of the property to be used for storage and the large white barn which will remain in its current location for future use as a gathering place for the residents.

The applicant proposes constructing an 8,942 sq. ft. 1-story residential maternity shelter to house 8-10 young women and 1-2 full-time live-in house parents. A future expansion would include a 2,902 sq. ft. addition to the main building that could house an additional 8 women and a 3,834 sq. ft. building with 4-6 studio apartments that could house an additional 4-6 women, for a total population on the property of 26 people. Any proposed expansion of the facility beyond these two phases would require an amendment to the Planned Use approval.

Planning Commission Update: The Planning Commission held two public hearings on the above referenced application and Comp Plan amendment at their May 26, 2009 meeting. Following public comments and testimony, the applicant requested that the hearings be continued to prepare information that would address the concerns raised at the hearing. The Commission granted their request, and the public hearing was continued at their June 23, 2009 meeting.

Several people spoke both in favor of and in opposition to this request. Please see the attached Planning Commission minutes from the May 26th and June 23rd meetings. Also attached for City

Council review are letters and petitions received by staff, which were entered as part of the record, and a copy of the presentation made by Dick Glogowski in support of the project.

The PC voted to approve a Comp Plan amendment for the Fontebella site from Single-Family to Neighborhood Residential (which would still not permit the Fontebella project which would need Multi-Family on the Comp Plan). Next, the Commission voted 2-ayes, 5-nays, on a motion to accept the staff recommendation, which was to deny the project (the proper motion would have been to make the motion in the affirmative, i.e. to approve the project, then the PC could have voted up or down on the project). Please refer to the Staff Recommendation below. Therefore, the motion to accept the staff recommendation against the project was denied.

A second motion was made in the affirmative to approve the Fontebella rezoning with conditions. A condition regarding reimbursement for the cost of the water main was deleted due to the applicants' agreement to pay for its installation. The Commission then voted 5-ayes, 2-nays, on an amended motion to approve the project rezoning with the conditions listed below.

1. The applicant must provide escrow or a Letter of Credit in the amount of the sidewalk improvements to be held by the City until such time that the Hartman Lane road improvements are completed, at which time the applicant will be required to install the sidewalk along their frontage.
2. The applicant must install a Class "A" or "B" structural buffer, including dense landscaping and a berm and/or privacy fence, along the southern property line from Hartman Lane to the western edge of the future parking lot expansion (approximately 240 ft).
3. Any future expansion to the development beyond the two phases identified in the preliminary civil plans may require an amendment to this Planned Use approval.
4. The project would only include the proposed use as a maternity shelter, with no other uses or reuses permitted other than single-family dwelling as would be authorized under the current zoning and Comprehensive Plan.
5. Any construction should be limited to a single building having a single-family appearance in construction and site improvements so that reuse could occur consistent with the exiting Comprehensive Plan, and any authorized use would conform to the current zoning and Plan to the maximum possible.

Issues Related to the Proposed Change to the O'Fallon Comprehensive Plan: The key issue is really about what the future land use of this area on Hartman Lane should be rather than simply about whether a maternity shelter is an appropriate use there. Should the future land use for this area of Hartman Lane remain Single-Family as currently shown in the Comp Plan or should it be changed to encourage more intense land uses, such as Multi-Family, or maybe even Office or Commercial in the future?

The O'Fallon Comprehensive Plan currently shows the proposed Fontebella site as planned for Single-Family, as well as the area to the east and north, although the Stonebridge Villas are zoned MR-1 (low density multi-family). The Fontebella site is also surrounded on the south and west by the Village of Shiloh corporate limits, and this area in Shiloh is currently zoned and planned for Country Estates, which is large lot single family homes.

When the Comp Plan for this area was prepared during 2005-6, there was considerable discussion about future development in this area. There was a deliberate attempt made in the Comp Plan to contain commercial and office uses close to the intersection of Hartman Lane and Frank Scott Parkway to accomplish two things: 1) give the commercial/office uses at that

intersection a greater “center of gravity” so they could be more easily sustained economically, thereby making this “commercial corner” much more viable over the long term, and 2) to minimize the negative effects of commercial sprawl and strip development along Hartman Lane and Frank Scott Parkway that could encroach on existing and future residential areas. The current Comp Plan shows the results of those discussions and recommendations made by the Planning Commission and City Council at that time.

At the PC hearing on Fontebella, staff recommended that if the Comp Plan were to be changed, it should not be changed to anything denser than Neighborhood Residential. We also recommended reflecting the Stonebridge Villas as Neighborhood Residential in the Comp Plan at the same time to essentially reflect what was being constructed on the ground. However, we specifically noted that changing the Plan to Multi-Family is not recommended. ***However, the proposed Fontebella maternity shelter project would require amendment of the Comp Plan for the site to a Multifamily Residential land use classification.*** Given the existing and proposed land uses surrounding the subject property, as well as the complexity of the issue before the Council, we would recommend leaving the Comp Plan as Single-Family for the proposed Fontebella site and surrounding area.

Issues Related to the Proposed Rezoning of the Property to Multi-Family MR-2.

The subject site is currently zoned Agriculture. The City’s zoning code permits group or congregate living facilities only in the MR-2 Multi-family zoning district, which is what the applicant is requesting. An MR-2 district generally would allow up to 50 residential units (10 units per acre) on the site. With a Single Family scale density (which is currently recommended in the Comp Plan), up to 3 units per acre would be permitted and the site could contain up to 15 units. If the site were to be zoned SF as is currently shown in the Comp Plan that would accommodate approximately 15 SF detached homes. Fontebella would have an initial density of 8 living units on the site, with a maximum build-out of 24 units, giving them a proposed density roughly between 2 units and 5 units per acre.

The challenge with the proposed Fontebella project is clearly not one of density, but instead “type of use” and the appropriateness of a multi-family use at this location on Hartman Lane.

It should be noted that in order to alleviate some of staff’s fears concerning multi-family zoning on the site, the applicant has proposed a deed restriction that would go beyond the restrictions of the Planned Use, in order to limit what the site could be used for in the future, such as for only a maternity shelter, a senior living facility, and office, etc. They are also willing to grant a third part interest in the deed restriction to the Stonebridge Villa Homeowners Association. In the event the deed restriction needed to be enforced at some point, it would fall to the HOA to do that. A copy of this deed restriction is in the Council packets.

Legal Considerations, if any: None

Budget Impact: None

Staff Recommendation: Although the Planning Commission recommended the project 5-2, and while the development of a maternity shelter for the region would be a very worthwhile project and the owners should be commended for their initiative to develop such a facility, staff does not recommend amending the Comp Plan to permit Multi-Family at this site and staff does not recommend rezoning the property to MR-2. This recommendation is based several factors, including: 1) The inconsistency of the proposed use with the existing Comprehensive Plan that limits the site to single-family uses; 2) Inconsistency with existing and future uses for the area in

both O'Fallon and Shiloh; 3) The close proximity of owner-occupied single family properties in the immediate area and the potential negative impact of MR-2 zoning on the existing and future homes in this area; and 4) The broad and unknown array of uses generally associated with MR-2 zoning.