

**ORDINANCE NO. \_\_\_\_\_**

**An Ordinance Amending the Zoning Ordinances  
of the City, Ordinance 623, and Chapter 155 of  
the City Code of the City of O’Fallon,  
Illinois (Development for 1033 Hartman  
Lane, Parcel Number 03-35.0-400-007)**

**WHEREAS**, 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 “Site”). The parcel is proposed for rezoning from “A” Agricultural District to “MR-2(P)” Planned Multi-Family Residential District. The O’Fallon Comprehensive Plan Future Land Use Map (the “Comprehensive Plan”) depicts the subject property as Single Family Residential; and

**WHEREAS**, the applicant proposes demolishing all existing structures on the Site, including the existing single-family farmhouse, except for a garage which may be relocated to the southwestern corner of the property to be used for storage and a large white barn which will remain in its current location for future use as a gathering place for the residents; and

**WHEREAS**, the applicant proposes new construction and use for a residential maternity shelter housing development for up to 26 persons; construction is proposed for an initial 8,942 sq. ft. 1-story residential maternity shelter to house 8-10 young women and 1-2 full-time live-in house parents with future expansion of a 2,902 sq. ft. addition to the main building for an additional 8 women and a 3,834 sq. ft. building with 4-6 studio apartments that could house an additional 4-6 women. Any proposed expansion of the facility beyond these two phases would require an amendment to the Planned Use approval; and

**WHEREAS**, the Comprehensive Plan currently shows the proposed Site as planned for “Single Family Residential,” as well as the area to the east and north, with the nearby Stonebridge Villas zoned MR-1 (low density multi-family), and therefore would be inconsistent with such plan unless the Plan is modified. The subject property 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; and

**WHEREAS**, encouraging single family land uses on the subject property would be consistent with the current Comprehensive Plan, although the multi-family zoning as contemplated in the application would permit a more intense and different residential use of the property than what currently exists in the neighboring area, and because the proposal has potential to maintain some but not all of the aspects of single-family uses, any approval of such use would require careful regulation within a planned unit development so as to authorize the limited proposed use while seeking to maintain the intent and purpose of the lower intensity “Single Family Residential” use designation of the Comprehensive Plan for the area, and

**WHEREAS**, the current Comprehensive Plan for the area reflects deliberate efforts in 2005-06 to contain commercial and office uses close to the intersection of Hartman Lane and Frank Scott Parkway to do two things: 1) give the commercial/office uses at that intersection a greater “center of gravity” so they could be more easily sustained economically, not being diluted with an overabundance of commercial activity along the frontage of these two roadways, and 2) to minimize the negative effects of commercial sprawl and strip development along these frontages that could encroach on existing and future residential areas; and

**WHEREAS**, the Planning Commission (the “Commission”) held a public hearing on the above referenced application at their May 26, 2009 meeting. Following public comments and testimony, the public hearing was continued to the June 23, 2009 meeting of the Commission, at the request of the applicant; and

**WHEREAS**, the Commission received testimony from several people both in favor of and in opposition to the application, letters and petitions received by staff and entered as part of the record, and a copy of the presentation made by Dick Glogowski in support of the project, all of which were forwarded to the City Council for review; and

**WHEREAS**, the Commission voted to approve an amendment to the Comprehensive Plan for the Site from Single Family Residential to Neighborhood Residential, however, such amendment would not permit the applicant’s plan as proposed, which requires amendment to Multi-Family Residential on the Comprehensive Plan to accommodate a group home Multi-Family use; and

**WHEREAS**, while the Staff Report, incorporated herein, recognized the public benefit and positive aspects warranting approval of the application, the Staff Report concluded that the inconsistency with the existing Comprehensive Plan and inconsistency of the proposal as presented for the existing area outweighed the reasons for approval;

**WHEREAS**, the Commission voted 2-ayes, 5-nays, to deny a motion to accept the Staff recommendation, which was to deny the project; and the Commission then voted 5-ayes, 2-nays, on an amended motion to approve the project with the conditions set forth in its recommendation, incorporated herein, and also as listed in this ordinance; and

**WHEREAS**, Staff recommendation continues to be against the proposal, as presented, as against the Comprehensive Plan amendment to Single Family Residential to Multi-Family Residential and against rezoning the property from “A” Agricultural District to “MR-2(P)” Planned Multi-Family Residential District. Staff has based its recommendation, among other factors, on the following:

- 1) the inconsistency of the proposed use with the existing Comprehensive Plan which 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 villas to the east and the potential negative impact on the existing and future homes in the area,
- 4) the broad and unknown array of alternate uses generally associated with group homes, and
- 5) the precedential effect of a major rezoning of the Site from “A” Agricultural District, to “MR-2(P),” Planned Multi-Family District, which would potentially cause confusion as to the inappropriateness other more intense or otherwise inappropriate multi-family uses on the site or in the surrounding area in the future; and

**WHEREAS**, having weighed the policy considerations both in support and denial of the application, and recognizing that a reasonable decision could be made both in approving or denying the rezoning and Comprehensive Plan change needed to authorize even a limited form of the proposed multi-family use at this location, the Council has determined that the application, subject to needed conditions, may be determined to satisfy the criteria necessary for approval a rezoning;

**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, being Chapter 155 of the City Code and including Ordinance 623, and including the accompanying Official Zoning Map, made a part thereof, are hereby amended to change the zoning district classification from "A" Agricultural District to "MR-2(P)" Planned Multi-Family Residential District, subject to the additional conditions set forth in this ordinance, for the following land within the City of O'Fallon, St. Clair County:

**1033 Hartman Lane, Parcel Number 03-35.0-400-007**

**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 substantially consistent with the attached Preliminary Site Plan, 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. **Authorized Uses.** This Ordinance and PUD District shall authorize single family dwelling uses and additional construction and use for a maternity shelter group home housing up to 8 residents and with up to two additional caretaker residents and related accessory uses, but no other uses otherwise permitted by the MR-2 District. The intent of this Ordinance is therefore to authorize only the initial phase of the proposed use as a maternity shelter, with no other uses or reuses permitted other than single-family dwelling that would be authorized under the preexisting zoning and Comprehensive Plan.
2. **Improvements.**
  - a. The applicant must provide an 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.
  - b. 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 feet) as approved by the City in final improvement plans.
  - c. Improvements as required by Subdivision and Development Control Ordinance or other applicable regulations.
3. No future expansion to the development, including as shown on the attached Site Plan, is approved or authorized by this Planned Use Development Ordinance.

- 4. Construction for the authorized group home use shall be limited to a single building or authorized accessory structures having a single-family appearance in construction and site improvements so that reuse could feasibly occur consistent with the existing Comprehensive Plan. Final Architectural drawings reflecting building elevations and exterior materials shall require approval by the City to ensure compliance with the requirements of this Ordinance, and including but not limited to compliance with the O’Fallon Commercial Design Handbook, July 2009, on file with the Department of Planning.

**Section Three.** 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 Four.** This Ordinance shall be in full force and effect from and after its passage and approval as provided by law; provided that this Ordinance shall not go into effect if the Comprehensive Plan of the City is not amended within 30 days of the date of passage to ensure consistency with the limited Multi-Family use authorized by this Ordinance.

Passed by the City Council this \_\_\_ day of \_\_\_\_\_ 2009.

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ATTEST:  
(seal)

Approved by the Mayor this \_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Philip A. Goodwin, City Clerk

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Gary L. Graham, Mayor

<b>ROLL CALL:</b>	Albrecht	Bennett	Polites	N. Drolet	Grogan	Schmidt	Medford	<b>SUB TOTALS</b>
Aye								
Nay								
Absent								

<b>ROLL CALL:</b>	Engler	Mouser	Reckamp	J. Drolet	Renner	True	West	<b>SUB TOTALS</b>	<b>SUM OF TOTALS</b>
Aye									
Nay									
Absent									