



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council

From: Ted Shekell, Planning Director
Walter Denton, City Administrator

Date: November 16, 2009

Subject: Ordinance No._____: An Ordinance Amending Ordinance 623, Zoning Districts of the City of O'Fallon, Illinois (Planned Development known as "Frank Scott Lakeside Apartments") – **First Reading**

List of committees that have reviewed: The Community Development Committee reviewed and voted 3-1 to approve the project at its November 9, 2009 meeting.

The Committee discussed the requested parking stall size variance and based on the variety of amenities and open space being provided on site, the Committee recommended approving the variance, although Alderman Reckamp did not support the variance.

It was brought up by Darrell Shelton that he would want to see a public street connecting his property to the north through the Balke Brown property and accessing the traffic light being constructed as part of the apartment project. The Committee discussed this option and did not support the idea of a public road through the apartment project, but it did support the concept of an emergency access stub into the northern property. The Committee discussed the potential to require a private/emergency access point at the rear of the lot that would stub into Lot 26 of Central Park Drive. Staff believes that an emergency access point would be advantageous both from a public health, safety, and welfare perspective, but also from the perspective of providing greater convenience for the residents living in the complex and a benefit for the businesses along Central Park who resulting from quicker, more convenient access to their business locations. Balke Brown agreed to provide a stub into the northern property line and a private gated access at such time as the property to the north develops and when a cross-access location can be worked out with the future business on that lot. The recommendation below and in the attached ordinance includes language requiring a proposed stub.

In addition, the applicant has requested that the City Council consider granting a credit for the on-site amenities he has provided in lieu of the total required Park Land Dedication Fee (\$136,332.48). The City Council may consider whether it wants to grant the developer a credit for this (up to 50%). Condition #10 previously stated, *"The City should consider granting a credit for on-site amenities."* This has been taken out of the ordinance because it is not a clear condition. Staff will add whatever credit the City Council decides to grant, if any, into the ordinance on 2nd Reading.

Background: The applicant, Don Land for Balke Brown Associates, has filed an application requesting 20.13 acres of land be rezoned to MR-2(P), Planned Multi-Family District for a proposed apartment complex and 4.91 acres of land be rezoned to B-1(P), Planned Community Business District for a proposed commercial development for commercial/retail space. The property is generally located at 1146 Frank Scott Parkway East – 2,000 feet west of the Green Mount Road and Frank Scott Parkway East intersection.

This property was previously approved for a mix of townhomes and condominiums, with a commercial development on the frontage of Frank Scott Parkway in 2004 but that approval has since expired.

It should be noted that this project is comprised of two phases. Phase 1 includes the apartment complex and intersection improvements to Frank Scott Parkway. Phase 2 includes the commercial development.

Legal Considerations, if any: None

Budget Impact: The project is estimated by the developer to cost a total of around \$27,000,000. The following are approximate revenue items to the City expected to result from construction of the apartment project, totaling a net to the City of \$479,137.

- a) Park Land Dedication Fee - \$136,332
- b) Reimburse City for watermain on Frank Scott - \$15,000
- c) Water tap fees - \$232,000 (sewer is Caseyville Township)
- d) Building permit fees - \$95,805

Staff Recommendation: Staff recommends approval with the following conditions:

- 1) This project approval will be valid for 1 year for the apartment complex and 2 years for the commercial development with an option to request a 1 year extension from the City Council.
- 2) Considering the amount of amenities and open space provided in the apartment complex, relief is granted for the recommended density in the Comprehensive Plan for multi-family developments to allow a maximum density of 11.5 units per acre.
- 3) The commercial development may include a drive-thru on the west end of the building. A maximum of 8,000 sq. ft. of restaurant use is permitted in the commercial building, which may be broken up into multiple tenant spaces. Any uses involving the sale of alcohol will be required to obtain a separate Planned Use approval.

- 4) The developer must complete the improvements to the intersection of Frank Scott Parkway and Fountain Lakes Drive as part of Phase 1 of this development.
- 5) A variance is approved to allow parking stall dimensions of 9 ft x 18 ft for 282 parking spaces (58% of the total parking spaces provided) due to the offsetting amenities and open space.
- 6) The developer will be required to reimburse the City for the equivalent cost of an 8-inch water line along the frontage of the subject property along Frank Scott Parkway.
- 7) The building elevations for the commercial development must be consistent with the principles of the Commercial Design Handbook.
- 8) Because a natural buffer lends itself well to blending in with residential development, a variance is granted to allow installation of a Natural Buffer In lieu of the required Class "A" or "B" structural buffer along the north, east, and south property lines where the subject property is adjacent to the B-1 zoning district. As an offset to that variance, the applicant will be required to provide sufficient landscaping to create an opaque screen.
- 9) Because the applicant intends to provide open space in excess of the riparian buffer requirements elsewhere along the riparian buffer, and because the riparian zone is not currently in a natural state, a variance is granted to allow 15% development within the "y" zone of the riparian buffer.
- 10) The applicant will be required to pay a Park Land Dedication Fee of \$136,332.48 to the City of O'Fallon to be collected at the time of issuance of the building permit for the apartment complex.
- 11) Because the apartment complex has limited visibility on Frank Scott Parkway, a variance is granted to allow a second freestanding sign on the commercial property to advertise the apartment complex. All signage must meet the City's Sign Regulations, which among other requirements limits the apartment complex signage to 40 sq. ft. in sign area for each sign.
- 12) The required sidewalk along Frank Scott Parkway is waived in lieu of providing a connection in the rear of the lot to stub into Lot 26 for a future connection to Central Park Drive. The connection will be a private vehicular access point for residents of Frank Scott Lakeside Apartments and emergency vehicles; it will not be a public through-street. The estimated cost of the sidewalk along Frank Scott Parkway is \$11,200. After subtracting the cost of the installation of the connection to the rear property line where it will stub into Lot 26, the remaining funds will be escrowed to the City of O'Fallon to be used to help continue the connection to Central Park Drive when Lot 26 develops.