

ORDINANCE NO.

**An Ordinance Amending Ordinance 623,
Zoning Districts of the City of O’Fallon,
Illinois (Development known as “Frank
Scott Lakeside Apartments,” Parcel
Number 03-36.0-401-012)**

WHEREAS, the applicant, Don Land for Balke Brown Associates, has filed an application requesting approval to construct an apartment complex and commercial/retail building at 1146 Frank Scott Parkway East in O’Fallon; and

WHEREAS, the applicant has requested and heretofore filed a petition with the City of O’Fallon for a zoning change for 20.13 acres of land to MR-2(P) Planned Multi-Family District and 4.91 acres of land to B-1(P) Planned Community Business District; 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 October 27, 2009, in accordance with state statute, and recommended to approve the petitioner’s request to obtain MR-2(P) Planned Multi-Family District and B-1(P) Planned Community Business District zoning for the property with a vote of 7-ayes to 0-nay 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 November 9, 2009 the Community Development Committee of the City Council reviewed and recommended the rezoning for approval with a vote of 3-1.

WHEREAS, on November 23, 2009, the Community Development Committee voted to recommend the project on Second Reading, with amendments to be made concerning the applicant’s request for variance of the number of parking spaces and their dimensions.

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 “Frank Scott Lakeside Apartments”, be henceforth classified as zoning district MR-2(P) Planned Multi-Family District and B-1(P) Planned Community Business

District 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) **Based on the unit mix, with approximately 50% of the total units being 1 bedroom (or 116 units out of a total of 232), which would permit a lower number of parking spaces be provided on site, a variance is approved to allow parking stall dimensions of 10 ft x 18 ft for 465 parking spaces on the property. A variance is also approved that will permit the reduction in the total parking spaces on the site from the required 476 down to a proposed 465 spaces.**
- 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 in the amount of \$15,000.
- 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) Construction of the required sidewalk along the property frontage of Frank Scott Parkway is waived until such time as (1) the roadway is reconstructed by the County Highway Department and approval is provided authorizing the sidewalk on County right-of-way, or (2) until such time as a pedestrian connection can be provided through the rear of the subject lot and into the adjacent Lot 26 on Central Park Drive to make a connection to Central Park Drive. This pedestrian connection to the rear of the property will be a private access point for residents of Frank Scott Lakeside Apartments. The estimated cost of the sidewalk along Frank Scott Parkway is \$11,200, with this amount to be escrowed by the applicant with the City of O'Fallon and shall be used at such time and in such manner as determined by the City.**
- 13) Platted access for future emergency vehicle usage must be provided to the rear property line of the subject property, and this stub(s) will be required to be built by this owner or subsequent owner(s) at such time as compatible access is provided on Lot 26 and as determined by the City, and may at the owner's discretion be used as a private access for use by the residents.**
- 14) In the event a permit(s) for construction of the apartment project is not requested and obtained by the applicant within one year of the effective date of this ordinance, consideration shall be made for development of an alternate vehicular public access way through the subject property between Frank Scott Parkway and Central Park Plaza**

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 7th day of December 2009.

ATTEST:
(seal)

Approved by the Mayor this 7th day
of December 2009.

Philip A. Goodwin, City Clerk

Gary L. Graham, Mayor

ROLL CALL:	Grogan	McCoskey	True	Polites	Reckamp	Mouser	Snyder	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Drolet, J.	Bennett	Renner	Drolet, N.	Engler	Albrecht	Cozad	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									