



CITY COUNCIL AGENDA ITEM

To: Mayor Graham and City Council
From: Ted Shekell, Planning Director
Walter Denton, City Administrator
Date: July 15, 2010
Subject: Ordinance No. _____: An Ordinance Amending Ordinance 623, Zoning Districts of the City of O'Fallon, Illinois (Planned Development known as "Shooters Bar and Grill") – **Second Reading, as Amended**

List of committees that have reviewed: The Community Development Committee reviewed the project at their meeting on July 12, 2010. There were some concerns mentioned about the outdoor seating with alcohol, particularly since it would be planned to go on city property (i.e. sidewalk). The Committee added a condition to the approval to allow the Mayor the ability to revoke the outdoor seating area if it becomes a problem because it is located on City property. However, after subsequent discussions with the City Attorney Dale Funk, it is now recommended that the outdoor seating with alcohol not be approved at this time, pending further evaluation by the City on both the issues of outside alcohol consumption in the downtown area as well as use of City-owned property or ROW for such uses.

Legal Considerations, if any: After a review of the outdoor seating question by Dale Funk, he recommended that the issue be looked at in greater detail and as a separate item, and that the approval for the outdoor seating with alcohol be removed on Second Reading.

Budget Impact: None.

Staff Recommendation:

Staff, with concurrence of the City Attorney, recommends **deleting** the Conditions in **BOLD** shown below from the original First Reading Ordinance which authorized the outdoor seating with alcohol for Shooters. The subsequent approval on Second Reading would be without outdoor seating with alcohol. *[The following conditions in **BOLD** are to be removed on Second Reading]*

- 1. This Planned Use rezoning approval includes approval of an outdoor seating area with alcohol sales as shown on the attached site plan.**

- 2. Provide portable fencing around the outdoor seating area. Fencing shall be approved by the Planning Director.**
3. A Class B Liquor License will be required to serve alcohol at this location.
4. Any building modifications will require a Building Permit.
5. Temporary and permanent signage will require a Sign Permit.
- 6. Smoking is not permitted in the outdoor seating area.**
- 7. Because the outdoor seating area is located on city property, liability insurance listing the City as an additional insured must be provided by the applicant. The amount must be approved by the City Attorney.**
8. The area immediately adjacent to the front and rear of the subject property shall on a daily basis be maintained free of litter and debris associated with Shooters Bar and Grill.
9. Wall signage on the front and rear of the building are permitted in accordance with the City's Sign Regulations.
10. Dancing accommodations are not permitted as part of this approval.
11. Ancillary gaming devices are permitted.
12. The existing 2 hour parking limitation on First Street shall be strictly enforced by the City.