



AGENDA  
COMMUNITY DEVELOPMENT COMMITTEE  
Monday, July 27, 2015

**5:30 PM**

**Public Safety Building  
285 North Seven Hills Road**

I) Roll Call

II) Approval of Minutes – June 22, 2015

III) Items Requiring Council Action – Monday, August 3, 2015

- A. SEPA – St. Clare Oktoberfest (Motion)
- B. Bethel Farms:
  - 1. Preliminary Plat (Resolution)
  - 2. Annexation (1<sup>st</sup> Reading)
  - 3. Zoning (1<sup>st</sup> Reading)
- C. Steph's Café Planned Use (1<sup>st</sup> Reading)
- D. Lake at St. Ellen's Plaza:
  - 1. Preliminary Plat (Resolution)
  - 2. Zoning (1<sup>st</sup> Reading)
- E. Sidewalk Dining Regulations Downtown – (1<sup>st</sup> Reading)

IV) Other Business: None

**NEXT MEETING: August 10, 2015 – 6:00 P.M. – Public Safety Building**

General Citizen Comments: The City of O'Fallon welcomes comments from our citizens. The Illinois Open Meetings Act provides an opportunity for citizens to speak at all committee and Board meetings. However, 5 ILCS 120/1 mandates that NO action shall be taken on matters not listed on the agenda. Please submit your name to the chairman and limit your comments so that anyone present has the opportunity to speak.



MINUTES  
COMMUNITY DEVELOPMENT COMMITTEE  
6:00 PM Monday, June 22, 2015

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held at the Public Safety Building, 285 N. Seven Hills Road, O'Fallon, Illinois.

CALL TO ORDER: 6:00 PM

- I) Roll Call** – *Committee members:* Jerry Albrecht, Gene McCoskey, David Cozad, Ray Holden, Harlan Gerrish, and Jerry Mouser. *Other Elected Officials Present:* Mike Bennett, Richie Meile, Herb Roach, Kevin Hagarty, Bob Kueker, Matt Smallheer, Courtney Cordona and Ned Drolet. *Staff:* Walter Denton, Pam Funk, Ted Shekell, Jim Cavins, Kerry Andrews and Justin Randall. *Visitors:* Vern Malare, and Charlie Pitts.
- II) Approval of Minutes from Previous Meeting** – All ayes. Motion carried.
- III) Items Requiring Council Action**
- A. Pre-annexation Agreement – 7710 Haury Road (Resolution) – Justin Randall gave a brief overview of the pre-annexation agreement and zoning of the property. The committee discussed the pre-annexation agreement and recommended approval with a vote of 6-0.
  - B. SEPA – Knights of Columbus – Weekend Events (Motion) – Justin Randall briefed the committee on special event request. Randall indicated staff had administratively approved four events at the Knights of Columbus and recommended a summer approval instead of bring every event henceforth to the City Council. Randall informed the committee the special event request was consistent with prior approvals for Valvoline, however Valvoline had discontinued their allowance of special events. The committee recommended approval of the Special Event Permit with a vote of 6-0.
  - C. SEPA – Frieze Harley-Davidson – Customer Appreciation Day (Motion) – Justin Randall briefed the committee on the special event request. Randall informed the committee the event had changed from a non-alcoholic event to a an alcoholic event and needed City Council approval. The committee recommended approval of the Special Event Permit with a vote of 6-0.
  - D. Reserves of Timber Ridge, Phase 1 Final Plat (2<sup>nd</sup> Reading) – Justin Randall informed the committee there had been no changes with the final plat. Randall also informed the committee the developer had not submitted the letter of credit necessary to begin grading activities for the development.
- IV) Other Business - None**

MEETING ADJOURNED: 6:15 PM

NEXT MEETING: July 13, 2015 – Public Safety Building

Prepared by: Justin Randall, Senior City Planner

**DRAFT MINUTES**  
**O’FALLON PLANNING COMMISSION**  
**July 14, 2015**

Chairman Larry Sewell called the meeting to order at 6:00 p.m. in the City Council Chambers and led the Pledge of Allegiance.

**ATTENDANCE:** Debbie Arell-Martinez, present; Jeffrey Baskett, present; Patricia Cavins, present; Al Keeler, present; Rebecca Pickett, present; Joe Rogers, present; Ray Rohr, excused; Larry Sewell, present. A quorum was declared present by Sewell.

**MINUTES:** Motion was made by Rogers and seconded by Baskett to approve the minutes of April 28, 2015. All Ayes. Motion carried.

Sewell welcomed everyone and the Planning Commission members introduced themselves. Present were Community Development Director Ted Shekell and Senior City Planner Justin Randall. Also present in the audience was City Alderman Herb Roach. Sewell gave an overview of the process that would be followed for the evening.

**UNFINISHED BUSINESS:** None.

**PUBLIC HEARINGS:**

**(S15-05 and P2015-06) – Zoning Amendment to SR-1 (upon annexation) and Preliminary Plat for the residential subdivision Bethel Farms, a 101.6 acres residential subdivision consisting of 101 lots. The property is generally located north of Bethel Road and west of Bowler Road. The petitioner is Richard J. Gorazd**

Public hearing was opened at 6:03 p.m. Randall presented an overview of the project and staff report. A map of the subject and surrounding properties and their zoning was shown. The proposed development is consistent with the Comprehensive Plan. Randall highlighted various points and issues from Staff’s Project Report dated July 14, 2015:

- Concept of future roadway design lay-put and water and sewer outlined in previously approved annexation agreement with the developer.
  - Variance request for length of cul-de-sac due to topography
- Diverse topography of the property influencing the layout of the streets, lots, detention areas, and increased number of cul-de-sacs,
- Stub street locations

Shekell explained the City’s block length restrictions are in place for the benefit of public services and residential access.

Rogers asked about slope of the driveways and roadways. Shekell indicated the existing privately developed lots in this area have steep-grade driveways and were approved under St. Clair County jurisdiction. Roads within this development cannot exceed the maximum 8% slope allowed by City standards.

Keeler asked about the 100 year flood plain. Randall reported those areas had been noted and the developer will have to work with FEMA to ensure the homes are built outside of the floodplain or those areas would have to be placed in outlots.

Public comments were opened at 6:17 p.m.

Rich Gorazd, applicant, was sworn in. Gorazd stated the land was purchased in 2004 and development was put on hold during the recession. Economic changes have made it more feasible to proceed with development at this time. Minimal density is proposed. Naturally flat land was ideal for placement of roadways. 75 of 100 lots will be wooded. Gorazd made it clear that they are cognizant of the impact on adjoining properties.

Steve Noblitt, adjoining property owner, was sworn in. Noblitt asked about the stub-street and drainage along the southern line of the proposed development. Noblitt noted there is nothing wrong with drainage now.

David Claxton, engineer with Sherbut, Carson, Claxton, LLC, was sworn in. Claxton testified they designed drainage from the middle of the homes towards the streets will be directed to the storm sewer system and diverted to the detention basin. From the rear of the home, drainage would be dispersed into the rear yard grassy areas which have a much lower run-off factor than the farm fields present now. Drainage should be improved from where it is now.

Gorazd recollected similar concerns were made when Cobblestone Ridge was proposed. Because of the professionally designed development, drainage patterns are better now than they were before.

Gorazd stated the stub-street on the south side of the development runs the length of the lot to which it is adjacent. Shekell echoed Gorazd statement that the City's code requires stub-streets to adjacent properties in the event of future growth, if the topography permits potential future connection.

David Lawrence was sworn in. Lawrence stated concerns with construction runoff and stressed maximum protection is necessary. Gorazd stated the existing pond is in one of the proposed detention areas. The pond will have to be drained to ensure proper stormwater development throughout the project, but it will be drained at a controlled rate.

Baskett asked about the City's development oversight. Shekell explained the City requires stormwater detention to be designed to accommodate a 100-year storm event. After the site is re-graded and built, the runoff is not to exceed at a rate as what it is presently. The City has professional engineers and an outside drainage consultant, and the developer has a professional engineer whose purpose is to ensure there is no negative impact to the adjoining properties.

Gorazd responded to Lawrence the approximate cost of homes in this development will be \$450k median range and this subdivision has the most potential of all his developments with the large lots and low density.

Bob White, adjoining property owner, was sworn in. White asked about the building material on the homes. Gorazd replied they will be similar to the Cobblestone Ridge homes with 3-sides brick, minimum 2,000 sq. ft. homes, side-load garages, steep roofs, and maintenance-free fencing to name a few of the aesthetics. The average lot is \$100k.

Public comments were closed at 6:36 p.m.

**Staff Recommendation:**

Randall read over the Staff Recommendation as follows:

**Staff recommends approval of the project, with the following conditions:**

- A variance to allow Jacks Bend to increase the maximum length of a dead end street from 800 feet to 1,682.
- There will be a \$2,250 annexation fee per house permit and the park dedication requirement is 1.71 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$87,365, \$865.00 per house permit.

Baskett asked if the requested street variance was historically consistent. Shekell relayed that while this may be a topic of City Council discussion, it is an obvious exception due to the topography, and Staff cannot justify recommending against the variance. Randall compared the recommendation to the recently approved Reserves at Timber Ridge subdivision with similar topography.

Motion was made by Baskett and seconded by Rogers to approve the Staff's Recommendation.

**ROLL CALL:** Arell-Martinez, aye; Baskett, aye; Cavins, aye; Keeler, aye; Pickett, aye; Rogers, Aye; Sewell, aye. All Ayes. Motion to approve with conditions passed.

The project moves to Community Development on July 27, 2015, at 6 p.m. The public hearing was closed at 6:40 p.m.

**(P2015-07) - Zoning Amendment Subject to the Planned Development Ordinance to B-1(P) for a café with gaming and non-package alcohol sales. The property is located at 729 West Highway 50, Suite C. The petitioner is Gene Hebenstreit, Spin 2 Win dba Steph's Café**

Public hearing was opened at 6:40 p.m. Randall presented an overview of the project and staff report. A map of the subject and surrounding properties and their zoning was shown, along with a site photo taken by Staff. The subject property is consistent with the Comprehensive Plan. Randall highlighted various points and issues from Staff's Project Report dated July 14, 2015.

Randall explained that with the limited menu and serving alcohol, this video gaming café is determined to be more of a tavern / bar land use than a restaurant. Video gaming establishment permit and liquor license will be required. Randall continued that any additional tenant space will be limited to land use parked at 4 spaces per 1,000 sq. ft. similar to office-type uses.

Shekell pointed out that the activity of video gaming has been approved by City Council as a lawful activity, and while there may not be a community need determined in evaluating the criteria for planned uses, this use does meet the remaining factors and is overall balanced in meeting the City's requirements. Shekell also explained there is more scrutiny of video gaming being placed in taverns / bars than restaurants. There are less restrictions of distance between restaurants (that serve alcohol and have video gaming) and schools and churches.

Pickett asked if there are any other video gaming locations such as this, where video gaming is the primary use for the location in O'Fallon and Shekell responded that this is the first one but there likely will be more.

Cavins and Sewell commented on the hours of operation, 6am – 1am, and that breakfast will be served. Sewell continued that there is likely no food ordering requirement in the establishment.

Baskett asked if this is similar to one in Fairview Heights and Shekell affirmed it is. Shekell also reported to Baskett that Fairview Heights has noticed no increase in criminal activity around the business since it began operation.

Pickett asked if the location in Fairview Heights serves alcohol and Shekell replied the State requires a liquor license be in place for a video gaming license to be obtained. Pickett asked if there were any restrictions on times that alcohol can be served and Shekell reported the City has 7 or 8 kinds of liquor licenses and one of the classification factors is closing time.

Shekell continued that the City had prohibition of gambling machines in O'Fallon. After the referendum passed in April, the City Council abolished the prohibition and defaulted to the State law. The State passed a law allowing gambling machines under certain circumstances which include local and state liquor licenses and video gaming licenses. There are currently 28 machines licensed in the City and likely there will be 3 or 4 more petitions coming forward similar to this location.

Sewell asked if there were distance restrictions between similar establishments and Shekell responded that there currently are none. Shekell also cited there are 47 facilities in the City with a liquor license that will allow for application of a video gaming license. Those facilities have principal uses other than video gambling which is ancillary. This establishment's primary use is video gambling which is why the project is being brought before the Planning Commission.

Sewell summarized that the responsibility of the Commission is to respond with what is allowed, how it is allowed, and where. Shekell stated there is residential across the street but those homes are up for auction and will likely not be residential use. Furthermore, the Comprehensive Plan has a Land Use of Office for those properties.

Sewell asked if there was extra security required and Shekell responded there is not. Shekell continued that there is a maximum of 5 machines per State law.

Cavins expressed concern about stopping minors from entering the business. Shekell replied it will be monitored as patrons must be at least 21 to enter the gaming area, or the establishment jeopardizes losing their liquor license.

Public comments were opened at 7:00 p.m.

Gene Hebenstreit, petitioner, was sworn in. He has locations in Highland, Carlinville and Vandalia. He usually has one employee at a time in the cafe. They are very strict in their enforcement of no one underage admitted. They require no extra police protection and do have cameras which are monitored regularly. Hebenstreit proposes more food here than at his other locations and they are working with a reputable caterer.

Public comments were closed at 7:03 p.m.

**Staff Recommendation:**

Randall read over the Staff Recommendation as follows:

**Staff recommends approval of the project, with the following conditions:**

- A liquor license will be required to serve alcohol at Steph's Café.
- A video gaming establishment permit will be required to have video gaming at Steph's Café.
- All video gaming activities shall comply with City of O'Fallon and state requirements.

Motion was made by Rogers and seconded by Pickett to approve the Staff's Recommendation.

Sewell reminded the Commissioners that the citizens of O'Fallon have spoken through their vote (to allow gambling) and the responsibility of the Planning Commissioners is not to vote their personal opinion, but to vote for the betterment of the community as a whole. Sewell also noted there are establishments with video gaming machines in use presently.

**ROLL CALL:** Arell-Martinez, nay; Baskett, aye; Cavins, aye; Keeler, nay; Pickett, nay; Rogers, Aye; Sewell, aye. Ayes- 4, Nays - 3. Motion to approve with conditions passed.

The project moves to Community Development on July 27, 2015, at 6 p.m. The public hearing was closed at 7:07 p.m.

**(S15-06 and (P2015-08) – Zoning Amendment Subject to the Planned Development Ordinance to MR-1(P) and preliminary plat for Resubdivision of Lake at St. Ellen Plaza, a proposed 10-lot residential subdivision for duplexes located east of Old Collinsville Road, south of Lake St. Ellen Drive. The petitioner is Lake St. Ellen, LLC.**

Public hearing was opened at 7:07 p.m. Randall presented an overview of the project and staff report. A map of the subject and surrounding properties and their zoning was shown, along with a site photo taken by Staff. The proposed development is consistent

with the Comprehensive Plan. Randall highlighted various points and issues from Staff's Project Report dated July 14, 2015.

Bakett inquired about the berm requirement. Randall stated there is a 30' landscaped berm requirement on the Old Collinsville side of the development. Shekell added the landscape is for aesthetics and privacy. The developer or home owners association is required to maintain these areas in perpetuity.

Pickett asked if these are going to be rental. Shekell responded the units to the east had an owner occupied concept, but many are rental and these will have the same option.

Public comments were opened at 7:15 p.m.

Don Osborn, applicant and member of Lake St. Ellen, LLC and partner of Osborn Homes, was sworn in. The entire area was zoned in 2000 and the PUD office lots were for sale. There have been very few inquiries on these office lots in the last 15 years as there is no demand for office market in this area. Lake St. Ellen LLC wants to build the same size structures as those built in the rear development (to the east). These units will have 2-car driveways and garages, brick fronts, architectural shingles, and full basements. They currently have a waiting list for the rentals in the constructed part of the development.

Shekell added that the City has had no problems with the units or the management of the property which serves as good testimony to Osborn and his company with their applicant screening.

Public comments were closed at 7:19 p.m.

### **Staff Recommendation:**

Randall read over the Staff Recommendation as follows:

#### **Staff recommends approval of the project, with the following conditions:**

- Sidewalks will need to be installed on both sides of Executive Plaza Drive and along Old Collinsville Road.
- The park dedication requirement is 0.24 acre with the requirement being fulfilled through a fee in lieu of land in the amount of \$12,241, \$612.00 per house permit

Motion was made by Rogers and seconded by Keeler to approve the Staff's Recommendation.

**ROLL CALL:** Arell-Martinez, aye; Baskett, aye; Cavins, aye; Keeler, aye; Pickett, aye; Rogers, Aye; Sewell, aye. All Ayes. Motion to approve with conditions passed.

The project moves to Community Development on July 27, 2015, at 6 p.m. The public hearing was closed at 7:20 p.m.

**REPORTS OF STANDING AND SPECIAL COMMITTEES:** None.

**REPORTS AND COMMUNICATION:**

Shekell announced that there are no petitions awaiting public hearing for neither July 28<sup>th</sup> nor August 11<sup>th</sup>, so those meetings have been cancelled.

There was general discussion about the City Council's impression of gaming machines, the cost of the video gaming machine license (\$1,000 per machine), impact studies of gaming, the distribution of revenue, and physical placement of machines within the business.

Randall announced the local section of APA will have a Citizen & Planning Commission Workshop on September 29<sup>th</sup>, 6:30pm – 8:30 pm, at the Gateway Convention Center in Collinsville.

**ADJOURNMENT:**

Motion was made by Baskett and seconded by Rohr to adjourn. All ayes. Motion carried. The meeting was adjourned at 7:30 p.m.

Respectfully submitted,

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Vicki Evans, Transcriptionist

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Minutes approved by Planning Commission



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MEMORANDUM

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**TO:** Community Development Committee  
**FROM:** Justin Randall, Senior City Planner  
**THROUGH:** Ted Shekell, Planning Director  
**DATE:** July 27, 2015  
**SUBJECT:** Special Event Permit – St. Clare Church “Oktoberfest” (MOTION)

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**Project Summary**

**Applicant:** Ryan Luechtefeld, St. Clare Catholic Church  
**Event:** St. Clare Oktoberfest Festival  
**Date/Time:** Friday, September 25<sup>th</sup> 6:00 PM to 11:00 PM & Saturday, September 26<sup>th</sup> from 4:00 PM to 11:00 PM  
**Location:** St. Clare school grounds, grass area west of city hall and city streets

**Event Details:**

- Friday evening will consist solely of indoor activities (snacks, alcohol, and entertainment)
- 5K race starts at 4:30 PM on Saturday (see attached route - no additional road closures needed)
- Kids fun run starts at 5:15 PM on Saturday (on Third Street and parking lot - road closures already requested as part of festival grounds)
- Indoor events on Saturday include dinner & bingo
- Children's inflatables and rides Saturday 4:00 PM to 11:00 PM
- Beer and wine garden, live music and dancing Saturday 4:00 PM to 11:00 PM
- Basket raffle and cake wheel Saturday 4:00 PM to 11:00 PM
- Anticipated attendance is 100-200 on Friday and 500-800 on Saturday
- Toilet facilities will be provided at the church, school, and portable toilets
- Residents affected by the street closings will be contacted and provisions made for access during the street closure

**Signage Request:**

- None

**City Assistance Request:**

- Temporary handicap parking designated east side of Oak Street between 2<sup>nd</sup> and 3<sup>rd</sup> Street from 3:00 PM to 11:00 PM
- Street Closures (see attached site plan and narrative):
  - Third Street between Oak Street and Lincoln Avenue (providing access to Schildknecht Funeral Home)
  - Cherry Street between 2<sup>nd</sup> Street and just past 3<sup>rd</sup> Street
- Permission to use the city property (grass area west of city hall)
- Request for PD to be present during the 5K run.

**Notes:**

- Event is consistent with last year's request.

### **Staff Recommendation**

The City Clerk, Public Works and Police Departments did not have any issues with the request. The Fire Department approved the request with the conditions noted below. Staff recommends approval of the Special Event Permit with the following conditions:

1. If possible, applicant will place a majority of the inflatables and games on the north side of Third Street to allow for easier access for EMS and fire trucks.
2. If an emergency occurs, all inflatables, games, etc. will need to be rapidly removed from the south side of the street to ensure access.

PD —  
FD —  
PW —  
CC —  
P+R —



COMMUNITY DEVELOPMENT DEPARTMENT  
255 S. Lincoln Avenue, 2<sup>nd</sup> Floor  
O'Fallon, IL 62269  
Ph: (618) 624-4500 x4  
Fax: (618) 624-4534

Attach proof of not-for-profit status with application *on file*  
**OR**  
 Provide \$50.00 application fee with application

BUILDING DEPARTMENT ORIGINAL

RECEIVED JUL 17 2015

**APPLICATION FOR A SPECIAL EVENT PERMIT**

Event Name: St. Clare Oktoberfest / +5K  
Location of Event: Third and Cherry / city streets  
Name of Event Organization: St. Clare of Assisi Catholic Church  
Name of person in charge of event (applicant) and mailing address: Ryan Luchefeld  
101411 Cross St. O'Fallon, IL 62269  
Phone: (618) 593-3608 E-Mail: \_\_\_\_\_  
Secondary Contact Person: Shirley Seipp  
Phone: (618) 604-4671 E-Mail: sn/seipp@sbcglobal.net  
Beginning Date / Times: Sept 25, 2015 6pm Ending Date / Times: Sept. 26, 2015 11pm

**THE FOLLOWING INFORMATION (WHERE APPLICABLE) MUST BE PROVIDED IN WRITTEN FORM BEFORE APPLICATION WILL BE PROCESSED.**

1. **NARRATIVE** (Including hours of operation; activities provided; signage including dimensions, quantity, location, etc...; traffic/parking plan; contingency plans for rain; plans for toilet facilities; security plan; expected attendance; etc...).

ATTACHED

2. Sketch plan of site.

ATTACHED

3. Permission letter from property owner, if applicant is not the property owner.

ATTACHED

NOT APPLICABLE

4. Proof of not-for-profit status (so that application fee can be waived.)

ATTACHED

NOT APPLICABLE *on file*

5. Proof of Liability Insurance should be provided and if event is held City property, **City of O'Fallon**, should be named as an additional insured in the amount of One Million Dollars (\$1,000,000).

ATTACHED

NOT APPLICABLE

6. Damage bonds or cash deposit to protect City facilities (this would be mainly for out-of-town sponsors) in the amount of \$300,000.  PAID  NOT APPLICABLE

7. Liquor license information for beer sales (including hours of sale): In Process  
(Attach release/indemnification forms and a copy of the liquor license and certificate of liquor liability)

8. List for profit vendors and sales tax numbers (to verify that sales tax is collected and remitted) to be provided prior to event: N/A

9. Special consideration requests such, as City provided assistance. (Fees may be charged for these Services.) **Please include specific considerations requested in narrative or as an attachment.**

NONE REQUESTED

Street Department, IDOT (for street closings, signalization, and detour routes)

Parks Department

Police Department

Fire and EMS Department

10. Coordinate all food concessions with St. Clair County Health Department at (618)233-7769.

PERMIT REQUIRED (please attach copy)

NOT APPLICABLE

11. American Disability Compliance

ATTACHED

NOT APPLICABLE

As part of the approval of this Special Event Permit, temporary signs for said Special Event shall be permitted as provided for in the City Sign Ordinance or as otherwise approved by the City Council.

Electrical inspections are required for all new exterior electrical connections. The City electrical inspector must be contacted a minimum of twenty-four (24) hours prior to inspection.

Shirley / Jim (St. Clair Parish Bus. Manager)  
Signature of Applicant/ person in charge of event

7/17/15  
Date of Submission

FOR OFFICE USE ONLY

ELIGIBLE FOR ADMINISTRATIVE APPROVAL? ( ) YES ( ) NO

ADMINISTRATIVE APPROVAL CONDITIONS:

APPROVED BY COMMUNITY DEVELOPMENT DIRECTOR & DATE \_\_\_\_\_

All other requests for "Special Events Permits" not approved by the Community Development Director shall go before the Community Development Committee and the City Council for their approval.

APPROVED: CITY COUNCIL \_\_\_\_\_ (DATE)

Narrative:

St. Clare Catholic Church's annual Oktoberfest Festival will take place on Friday, September 25, 2015 and Saturday, September 26, 2015. The following is a plan of the events.

**FRIDAY NIGHT FUN** and activities – held in the St. Clare School gym  
Friday, September 25, 2015 from 6:00 - 11:00 pm. Includes a  
Light menu of snacks and beverages including beer, wine, and  
soft drinks.  
Entertainment will include music and local talents.

**5K RUN** Saturday, September 26, 2015 on the O'Fallon and Shiloh  
Streets (course listed below)  
Registration begins at 3:00 pm  
Race starts at 4:30 am.

**Kid's FUN RUN** – Saturday September 26, 2015 –held on the School  
parking lot and Third street.  
Kid's race starts at 5:15 pm

**RUN ACTIVITIES:** - Saturday, September 26, 2015 - held on the school  
parking lot. Activities for runners and children will coincide  
with all other Oktoberfest events. Fruit and water will be  
provided for runners before and after the race.

**OKTOBERFEST FESTIVAL** – St. Clare School Grounds and grassy area  
behind the City Hall on Saturday, September 26, 2015 from 4:00 – 11:00 pm

Dinner served in the St. Clare School cafeteria with dining in the  
school gymnasium from 4:00 PM until 7:00 PM

Bingo in the school gymnasium from 8:00 PM until 10:30 PM

Children's games from 4:00 PM until 11:00 PM

Children's inflatables and rides from 4:00 PM until 10:00 PM

Basket raffle from 4:00 PM until 11:00 PM on the festival grounds

Beer & Wine Garden from 4:00 PM until 11:00 PM on the festival grounds

Live music and dancing from 4:00 PM until 11:00 PM on the festival grounds

Cake wheel from 4:00 PM until 11:00 PM on the festival grounds

### 5K RUN COURSE

- Course begins at school parking lot 214 W 3<sup>rd</sup> Street, O'Fallon, IL
- Turn right on S Oak St.
- Turn Left on W State St. toward Charles St.
- Head North on Charles St.
- Head North on Hesse trail
- Continue North on Illini Drive towards Fairwood Hills drive
- Turn around cone prior to Fairwood Hills drive
- Follow Hesse trail back to State street
- Turn left on State Street
- Turn Right on Oak street
- Turn left on Third Street
- Finish prior to Cherry Street

For the 5k Run event, third street, and the school lot will already be closed to traffic for Oktoberfest event.

For the events held on the festival grounds, parking will be on the street. However, we propose using the East side of Oak Street between 2<sup>nd</sup> St and 3<sup>rd</sup> St to be temporarily designated as handicapped parking. This temporary designation will be in effect from 3:00 – 11:00 pm. This is noted on the attached site plan.

We anticipate approximately 100 – 200 people at the Friday evening event and 500 - 800 people throughout the Saturday evening event.

Street Closing and use of city property:

We request that Third Street be closed just west of N Lincoln Street to Oak (allowing vehicle access to the Schildknecht Funeral Home parking lot and the driveway for the residence at 107 W. 3<sup>rd</sup> St) from 7:00 am – midnight, Sep 26<sup>th</sup>. We anticipate closing the street beginning at the East side of Oak St. and ending at the West side of 107 W 3rd St. Additionally, we would like to close Cherry St beginning at the South side of Second St and ending at the South side of Third Street. We plan on placing the children's games, rides, inflatable attractions, and food booths in this area. Also, we would like permission to use the "grassy" area owned by the City that is located east of the School property bounded on the East by City Hall, on the South by Third St, and on the North by the alley. All residents affected by the street closings will be contacted and provisions made for access during the street closure.

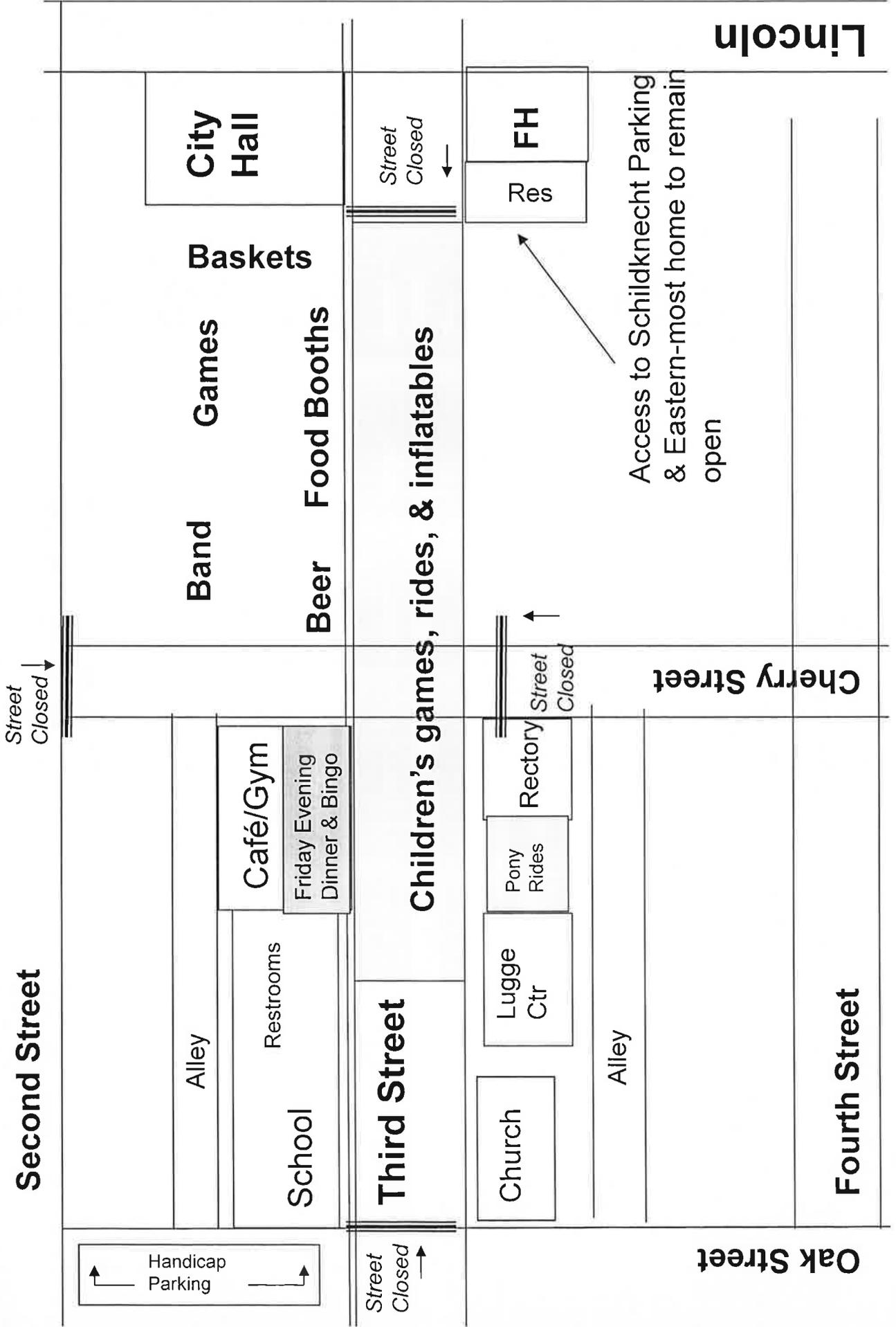
The attached site plan shows the proposed street closure.

Police/EMS:

The police department will be contacted in request for presence during the 5K Run. We are currently not requesting street closure or blockage for the 5K Run. We will provide signage and volunteers along the race route.

The school toilet facilities will be used for all Oktoberfest events including Friday evening, Saturday Run events and Saturday evening festival events. Additional portable toilets will be available on the festival grounds for all Saturday events.

# St. Clare Oktoberfest September 26, 2015 Site Plan



# Certificate of Coverage

Date: 7/16/2015

**Certificate Holder**  
 Catholic Diocese of Belleville, Inc.  
 Chancery Office  
 222 South 3rd Street  
 Belleville, IL 62220

**This Certificate is issued as a matter of information only and confers no rights upon the holder of this certificate. This certificate does not amend, extend or alter the coverage afforded below.**

**Covered Location**  
 St Clare Parish  
 214 W. Third Street  
 O'Fallon, IL 62269

**Company Affording Coverage**  
 THE CATHOLIC MUTUAL RELIEF  
 SOCIETY OF AMERICA  
 10843 OLD MILL RD  
 OMAHA, NE 68154

**Coverages**

**This is to certify that the coverages listed below have been issued to the certificate holder named above for the certificate indicated, notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the coverage afforded described herein is subject to all the terms, exclusions and conditions of such coverage. Limits shown may have been reduced by paid claims.**

	Type of Coverage	Certificate Number	Coverage Effective Date	Coverage Expiration Date	Limits	
	Property				Real & Personal Property	
	<b>D. General Liability</b> <input checked="" type="checkbox"/> Occurrence <input type="checkbox"/> Claims Made	8562	7/1/2015	7/1/2016	Each Occurrence	
					General Aggregate	500,000
					Products-Comp/OP Agg	
					Personal & Adv Injury	
					Fire Damage (Any one fire)	
					Med Exp (Any one person)	
	Excess Liability	8562	7/1/2015	7/1/2016	Each Occurrence	
					Annual Aggregate	
	Other				Each Occurrence	
					Claims Made	
					Annual Aggregate	
					Limit/Coverage	

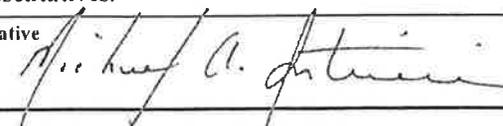
**Description of Operations/Locations/Vehicles/Special Items** (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language)  
 Coverage is extended to include the City of O'Fallon, Illinois only for claims arising out of St. Clare Catholic Church use of city-owned property for its parish festival (Oktoberfest) on September 26, 2015.

**Holder of Certificate**

**Cancellation**

**Additional Protected Person(s)**  
 City of O'Fallon  
 255 S. Lincoln Ave.  
 O'Fallon, IL 62269

**Should any of the above described coverages be cancelled before the expiration date thereof, the issuing company will endeavor to mail 30 days written notice to the holder of certificate named to the left, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.**

Authorized Representative 

0037003709

## ENDORSEMENT

(TO BE ATTACHED TO CERTIFICATE)

Effective Date of Endorsement: 9/26/2014  
Cancellation Date of Endorsement: 9/28/2014

Certificate Holder: Catholic Diocese of Belleville, Inc.  
Chancery Office  
222 South 3rd Street  
Belleville, IL 62220

Location: St Clare Parish  
214 W. Third Street  
O'Fallon, IL 62269

Certificate No. 8562 of The Catholic Mutual Relief Society of America is amended as follows:

### SECTION II - ADDITIONAL PROTECTED PERSON(S)

It is understood and agreed that Section II - Liability (only with respect to Coverage D - General Liability), is amended to include as an Additional Protected Person(s) members of the organizations shown in the schedule, but only with respect to their liability for the **Protected Person(s)** activities or activities they perform on behalf of the **Protected Person(s)**.

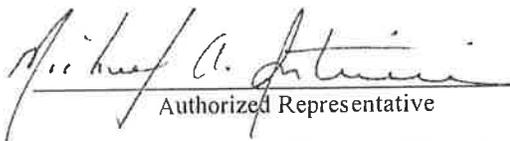
It is further understood and agreed that coverage extended under this endorsement is limited to and applies only with respect to liability assumed by contract or agreement; and this extension of coverage shall not enlarge the scope of coverage provided under this certificate or increase the limit of liability thereunder. Unless otherwise agreed by contract or agreement, coverage extended under this endorsement to the **Additional Protected Person(s)** will not precede the effective date of this certificate of coverage endorsement or extend beyond the cancellation date.

### Schedule - ADDITIONAL PROTECTED PERSON(S)

City of O'Fallon  
255 S. Lincoln Ave.  
O'Fallon, IL 62269

Remarks (the following language supersedes any other language in this endorsement or the Certificate in conflict with this language):

Coverage is extended to include the City of O'Fallon, Illinois only for claims arising out of St. Clare Catholic Church use of city-owned property for its parish festival (Oktoberfest) on September 26, 2015.

  
Authorized Representative



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## MEMORANDUM

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**TO:** Community Development Committee  
**FROM:** Justin Randall, Senior City Planner  
**THROUGH:** Ted Shekell, Director of Community Development  
**DATE:** July 27, 2015  
**SUBJECT:** S15-05 & P2015-06: Bethel Farms Subdivision, Preliminary Plat & Annexation

1. Resolution Approving a Preliminary Plat for Bethel Farms
2. Ordinance Annexing the Bethel Farms subdivision
3. Ordinance Zoning the Bethel Farms subdivision

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### Recommendation

The Planning Commission held a public hearing on the above referenced application at their July 14, 2015 meeting. The Commission voted 7-ayes and 0-nays to approve the requested Preliminary Plat and Zoning applications for Bethel Farms, subject to the conditions recommended by staff.

### Project Background and Summary

The applicant, Forest Hills Holding Co., LLC, is proposing to subdivide 101.17 acres of land currently zoned A-Agricultural in the City and in St. Clair County. The property has frontage on Bethel Road and Bowler Road, however the subdivision will only be accessing Bethel Road. The property is located approximately 0.6-mile northwest of the Bethel Road and Lincoln Avenue intersection. The applicant is proposing to divide the land into 101 single-family lots. Lot sizes range from 15,712 square feet to 363,000 square feet (8.35-acres) in size. The preliminary plat has a total of 5.01 acres of open space, designated within four outlots, all consisting of detention areas.

All streets within the subdivision consist of 54-foot right-of-way with 30 feet of pavement back of curb to back of curb, except for the entrance which will be widened to support a median. Per the annexation agreement, the preliminary plat provides a stub street to the north, for a potential connection to the Witte Farms subdivision and a stub street to the southeast for a potential connection to undeveloped ground. Sidewalks have been incorporated into the preliminary plat on both sides of the street.

The developer will be tying onto the City of O'Fallon sanitary sewer and water system. Electric and gas services are available to the site and owned by Ameren IP. Telephone and internet service is available through AT&T and cable and internet is available through Charter.

Please see the attached Plan Commission Project Report for more detailed information on the proposal.

### Annexation

A portion of the subdivision is currently in the City of O'Fallon (approximately 22.5 acres). The city requested a 300-foot path of annexation through the subject property to make the city contiguous with the Witte Farms for annexation of the subdivision. As a part of the path of annexation through the property, the city and developer entered into an annexation agreement, which provided a preliminary approval for the street layout and setting the parameters of sanitary sewer and water service for a future subdivision. The subdivision will also be subject to an annexation fee of \$2,250 per lot and a parkland fee of \$865 per lot. The original annexation agreement is attached.

### **Staff Recommendation**

Staff recommends approval of the project with the following conditions:

1. A variance to allow Jacks Bend to increase the maximum length of a dead end street from 800 feet to 1,682.
2. There will be a \$2,250 annexation fee per house permit and the park dedication requirement is 1.71 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$87,365, \$865.00 per house permit.

### **Attachments:**

1. Report to Plan Commission
2. Resolution Approving a Preliminary Plat for Bethel Farms
3. Ordinance Annexing the Bethel Farms subdivision
4. Executed Annexation Agreement
5. Ordinance Zoning the Bethel Farms subdivision



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## PROJECT REPORT

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**TO:** Planning Commission  
**FROM:** Justin Randall, Senior City Planner  
**THRU:** Ted Shekell, Community Development Director  
**DATE:** July 14, 2015  
**SUBJECT:** S15-05 & P2015-06: Bethel Farms - Preliminary Plat & SR-1 Zoning Amendment

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**Applicant:** Rich Gorazd  
Forest Hills Holding Co., LLC  
513 Torchlight Lane  
Lebanon, IL 62254

**Owner:** Forest Hills Holding Co., LLC  
513 Torchlight Lane  
Lebanon, IL 62254

**Submitted:** June 5, 2015

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### Project Summary

- Property located north of Bethel Road, and west of Bowler Road
- Annexation of 101.17 +/- acres (including approximately 22.5 acres currently in the City).
- Preliminary Plat of 101 single-family residential lots
- 22.5 acres zoned A - Agriculture in the City and 78.7 acres zoned A – Agriculture in the County
- Property to be zoned SR-1 in the City upon annexation
- Lot sizes ranging from 15,712 square feet to over 363,000 square feet, average lot size of 36,383 square feet
- The gross density is 1.19 lots per acre
- Single access point from Bethel Road, with a stub to property to the north for a potential connection to Kings Ridge Boulevard in Witte Farms. There is no connection to Bowler Road
- The developer will be tying onto the City of O'Fallon water and sanitary sewer services.

### Background & Executive Summary

The applicant, Forest Hills Holding Co., LLC, is proposing to subdivide 101.17 acres of land currently zoned A-Agricultural in the City and in St. Clair County. The property has frontage on Bethel Road and Bowler Road, however the subdivision will only be accessing Bethel Road. The property is located approximately 0.6-mile northwest of the Bethel Road and Lincoln Avenue intersection. The applicant is proposing to divide the land into 101 single-family lots. Lot sizes range from 15,712 square feet to 363,000 square feet (8.35-acres) in size. The preliminary plat has a total of 5.01 acres of open space, designated within four outlots, all consisting of detention areas.

Community Development Department

255 South Lincoln Avenue O'Fallon, IL 62269 ♦ P: 618.624.4500 x 4 ♦ F: 618.624.4534

A portion of the subdivision is currently in the City of O'Fallon (approximately 22.5 acres). The city requested a 300-foot path of annexation through the subject property to make the city contiguous with the Witte Farms for annexation of the subdivision. As a part of the path of annexation through the property, the city and developer entered into an annexation agreement, which provided a preliminary approval for the street layout and setting the parameters of sanitary sewer and water service for a future subdivision. The subdivision will also be subject to an annexation fee of \$2,250 per lot and a parkland fee of \$865 per lot.

All streets within the subdivision consist of 54-foot right-of-way with 30 feet of pavement back of curb to back of curb, except for the entrance which will be widened to support a median. Per the annexation agreement, the preliminary plat provides a stub street to the north, for a potential connection to the Witte Farms subdivision and a stub street to the southeast for a potential connection to undeveloped ground. Sidewalks have been incorporated into the preliminary plat on both sides of the street.

The developer will be tying onto the City of O'Fallon sanitary sewer and water system. Electric and gas services are available to the site and owned by Ameren IP. Telephone and internet service is available through AT&T and cable and internet is available through Charter.

### Existing Conditions

#### Surrounding Zoning:

North: O'Fallon SR-1 & Unincorporated A  
East: Unincorporated A & City SR-1

South: Unincorporated A

West: Unincorporated A

#### Surrounding Land Use:

North: Witte Farms and Lake O'Fallon Country Estates  
East: Rural residential uses along Bethel & Bowler Road and Steeplechase subdivision

South: Rural residential and agricultural land uses along Bethel Road

West: Rural residential and agricultural land uses

There are portions of the site currently used for agriculture purposes; the remainder of the site is heavily wooded. The site has rolling topography throughout the site and includes steeper drainage areas with substantial tree cover along the east and west property lines. There is an approximate 0.6 acre lake in the southern portion of the development, near the entrance. Along the western property line is a creek, which is tributary of Ogles Creek. The creek has been identified as a riparian area. Ogles Creek does not traverse the property; however, based on the FEMA Flood Insurance Maps, a portion of the southeast corner property is located in the 100-year floodplain. There are no known environmental hazards on the site.

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### Applicable Ordinances, Documents and Reports

#### O'Fallon Comprehensive Plan:

The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as Single Family Residential and Rural Residential. In Table 3.1 of the Comprehensive Plan, which identifies Future Land Uses, the Single Family Residential category indicates no more than 3 dwelling units per acre and the associated zoning district include SR-1 and SR-1B. The proposed residential development is consistent with the Comprehensive Plan.

#### Code of Ordinances:

The proposed subdivision is subject to Chapter 154 (Subdivision) Chapter 155 (Development Manual) and Chapter 158 (Zoning) of the Code of Ordinance and must meet the Area-Bulk requirements for lot dimensions. The property is also subject to the SR-1, Single Family Residence Dwelling District requirements.

#### Public Notice:

Public Notice of this project has been fulfilled in accordance with Section 158.255 and 158.256 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of

the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

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### **Rezoning Discussion Points**

#### **General Discussion:**

There are two tracts of land requested to be annexed into the City. There is the large portion of land currently in the unincorporated St. Clair County, which consists of 78.7 acres. Additionally, there is a 22.5 acre tract of land that was annexed into the city as a path of annexation for the annexation of Witte Farms. The two parcels combined total 101.17 acres and have been requested to be annexed into the City of O'Fallon with a SR-1 - Single Family Residence Dwelling District designation. The city has already entered into an annexation agreement with the developer with the 22.5 acre path of annexation that was annexed as a part of the Witte Farms annexation.

#### **SR-1 Zoning District:**

The SR-1 and SR-1B districts allow for the same categories of land uses. The only difference between the two zone districts relate to the size of the side yard setback (SR-1 district requires a 10-foot side yard setback and the SR-1B district requires a 7.5-foot side yard setback). All other area and bulk regulations of the districts are identical.

Several SR-1 zoned subdivisions exist in this area of O'Fallon, including Witte Farms, Steeplechase, and The Estates at Forest Hills.

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### **Preliminary Plat Discussion Points/Issues**

#### **General Discussion:**

The Bethel Farms subdivision consists of 101.17 acres with 101 single family lots in a SR-1 zoning district. The project is proposed to develop in multiple phases. The lot sizes range from 15,712 square feet to over 363,000 square feet, with an average lot size of 36,383 square feet (8.35 acres) in size, all which meet the area/bulk requirements of the SR-1 district. A total of 5.01 acres of open space, designated within four outlots, consisting of the area near the entrance and detention and riparian areas throughout the subdivision. All outlots will be maintained by the homeowners association.

#### **Access and Circulation:**

The street layout of Bethel Farms was approved as a part of the negotiations for the path of annexation to Witte Farms. The annexation agreement that was approved by the City Council in August 2011 included the street layout for a future subdivision. The proposed street layout of Bethel Farms is identical to the agreed upon layout of the annexation agreement, including a variance to the length of a cul-de-sac for the most northerly east-west street due to topography.

The proposal will initially have only one access point for the subdivision on Bethel Road to the south. There is the potential for a future connection to the north to the Witte Farms subdivision, which could eventually connect Bethel Road to Witte Road to the northwest. The connection to Witte Road would provide a secondary outlet for both the Bethel Farms and Witte Farms subdivisions for the future and existing residents. However, staff has evaluated the subdivision as if the connection will not occur due to ownership and topography constraints. A "No Outlet" sign is required on Street 1 at its intersection with Simmons Road to inform drivers entering the subdivision there is no through access in the subdivision, until such time as a connection is made to Witte Farms.

The street layout is comprised of local streets reaching to the north and east. The streets in the subdivision are proposed to consist of 54-foot right-of-way with 30 feet of pavement back of curb to back of curb. There are eight cul-de-sacs throughout the subdivision, following the rolling topography of the site. One of the cul-de-sacs (Jacks Bend) exceeds the 800-foot block length provisions of the codes, which received approval as a part of the annexation agreement in 2011 to allow the 1,682-foot dead end street. Additionally, a portion of Bowler Road traverses the

eastern most portion of the property; however, the grade changes in the area of potential access are excessive, dropping approximately 20 feet in approximately 300 feet (20% grade).

#### Drainage and Detention:

The site topography shows multiple sub-basins areas for the property. Generally, the western portion of the development will drain to the west through a wooded area into a tributary of Ogles Creek. The tributary on the western edge of the development has been identified in the Comprehensive Plan to maintain a riparian corridor. The Comprehensive Plan and Section 158.193 identify the importance of preserving riparian corridors as a critical environmental resource within the community. The subdivision improvement plans will need to limit grading and preserve the vegetative cover located throughout the riparian corridor.

The developer's engineer is showing a number of outlots for stormwater detention areas. Outlot A is located in the northwest portion of the development, which will collect stormwater before discharging into the stream behind Lot 11 – Lot 18. Additional stormwater detention is designed for Outlot B is in the central portion of the development and will collect most of the stormwater for the eastern portion of the development. Outlot C will be comprised of the existing lake, which will be repurposed for stormwater detention. The last stormwater basin is located at the entrance located within Outlot D, which will contain a stormwater detention area to collect stormwater before draining into a tributary of Ogles Creek. Actual detention pond sizes, grading, pipe sizes, and inlets will be engineered for the final plat phase. All drainage plans must be reviewed and approved by Public Works Department.

#### Utilities:

The developer will be tying into the City of O'Fallon water system with an extension of a 12-inch water main from the intersection of Bethel Road and Bellehaven Drive, the entrance of The Estates at Forest Hills. Additionally, the developer will be utilizing the City of O'Fallon sanitary sewer system. The City and developer will be partnering on a sanitary sewer force main from the development to the Lincoln Farm Lift Station. Electric and gas services are available to the site and owned by Ameren IP. Telephone and internet service is available through AT&T and cable and internet is available through Charter.

#### Flood Potential:

There is a portion of the site where Ogles Creek has a 100-year floodplain designation. The 100-year floodplain is located near the entrance, Outlot D, Lot 1 and Lot 2, as well as rear of Lot 76, Lot 77 and Lot 78. The developer has placed the majority of the floodplain in outlots to minimize the risk of a home flooding. Minimum finished floor elevation must be shown for all lots on the final plat, along with which lots are to be designated for walkouts, basements, or crawl-spaces to ensure that no structure will be adversely affected by any stormwater drainage and the 100-year floodplain.

#### Street Trees, Landscape Berms, and Buffers:

The developer will install street trees in the 7' wide lawn between the curb and sidewalk every 50' along the streets in the Bethel Farms subdivision. The applicant is also showing the required outlots along Bethel Road for the vegetative buffer between the subdivision and Bethel Road within Outlot D.

#### Open Space:

As detailed in Article 4 of Chapter 155 (Subdivisions), park lands are required to be constructed, or a fee in-lieu-of paid, whenever new residential subdivisions are constructed. Based on the average density of 2.83 persons per detached Single Family unit, the subdivision's 101 lots requires a total of 1.71 acres of Park Lands dedication. This is based on the 6 acres of park space per 1000 people. The subdivision's population estimate is 286 (101 x 2.83). A fee of \$87,365 will be necessary for the balance of 1.71 acres of park space if so required, equaling \$865 per house permit.

### **Criteria for considering General Rezoning applications:**

In considering any application for rezoning, the Commission and the Governing Body may give consideration to the criteria stated below to the extent that they are pertinent to the particular application. The Commission and Governing Body may also consider other factors that may be relevant to a particular application. The rezoning of the Reserves of Timber Ridge property appears to meet each of the following zoning criteria:

- a) the existing uses and zoning of nearby property;
- b) the extent to which property values are diminished by the particular zoning restrictions;
- c) the extent to which the destruction of property values of plaintiff promote the health, safety, morals or welfare of the public;
- d) the relative gain to the public as compared to the hardship imposed upon the individual property owner;
- e) the suitability of the subject property for the zoned purposes;
- f) the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property;
- g) the care that the community has taken to plan its land use development, and
- h) the community need for the proposed use.

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### **Conclusion and Recommendation**

Staff recommends approval of the Preliminary Plat and the Rezoning to SR-1 with the following conditions:

1. A variance to allow Jacks Bend to increase the maximum length of a dead end street from 800 feet to 1,682.
2. There will be a \$2,250 annexation fee per house permit and the park dedication requirement is 1.71 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$87,365, \$865.00 per house permit.

### **Attachments**

1. Project Application & Narrative
2. Zoning Map
3. Surrounding Land Use Map
4. Preliminary Plat

[Return to Agenda](#)

[Return to CD Memo](#)

RECEIVED JUN 05 2015 PETITION FOR ZONING AMENDMENT

Community Development Department, O'Fallon City Hall  
255 South Lincoln Avenue, 2<sup>nd</sup> Floor  
O'Fallon, IL 62269 Phone (618) 624-4500 Ext. 4

Amendment Request No. **P2015-06**  
Date: \_\_\_\_\_

(Do not write in this space -- For office use only)

Date set for hearing: \_\_\_\_\_

Perm. Parcel No. \_\_\_\_\_

Date hearing held: \_\_\_\_\_

Fee paid: \$ **200.00** Date: **6-5-15** \*3328

Newspaper: \_\_\_\_\_

Building Permit App. No. \_\_\_\_\_

Recommendation of Planning Commission: \_\_\_\_\_

Action by City Council: \_\_\_\_\_

Denied

Denied

Approved

Approved

Approved with modification

Approved with modification

Date: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF O'FALLON  
JUN -5 2015  
DATE PAID

**BUILDING DEPARTMENT ORIGINAL**

**INSTRUCTIONS TO APPLICANTS:** PLEASE PRINT. All information required by the application must be completed and submitted herewith. Applicants are encouraged to visit the Community Development Department for any assistance needed in completing this form.

- Name of property owner(s): FOREST HILLS HOLDING COMPANY LLC Phone: 618-652-3388  
Mailing address: 513 TORCHLIGHT LANE O'FALLON IL E-Mail: Lebanon IL 62254
- Applicant's name: RICHARD J. GORALD Phone: \_\_\_\_\_  
Mailing address: SAME E-Mail: RICH@STATE1CONSTRUCTION.COM
- Property interest of applicant (Owner, Contractor, etc.): OWNER 04070200019 +20
- Address of property: BETHEL ROAD O'FALLON IL Parcel (Tax) ID #: 04070200019 # 20
- Present use of property: VACANT LAND Present Zone District: 020 CITY LC  
Proposed use of property: RESIDENTIAL SUBDIVISION Proposed Zone District: SR-1
- Zone District Classifications of adjacent properties: COUNTY AGRICULTURE / COUNTY CITY RESIDENTIAL
- Area of land rezoning requested for: 1.01 acres/square feet.
- This application must be filed with two copies of a plat map of the subject property drawn to a scale not less than one (1) inch equals Two-Hundred (200) feet.
- An amendment is requested to amend the zone district classification of certain described properties shown on the Zone District Map. A statement of the applicant's described reasons and factual information supporting the requested rezoning is attached.

I certify that all of the above statements and the statements contained in any papers or plans submitted herewith are true and accurate.

I consent that the entry in or upon the premises described in this application by any authorized official of O'Fallon, Illinois for the purpose of inspecting or of posting, maintaining, and removing such notices as may be required by law.

Date: \_\_\_\_\_

Signature of Applicant: [Signature]

Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

**CITY OF O'FALLON, ILLINOIS**  
**APPLICATION FOR APPROVAL OF PRELIMINARY SUBDIVISION PLAT**

**S 15-05**

(To be submitted with Filing Fee (\$150.00 plus \$10.00 per lot) payable to "City of O'Fallon" and a separate check for Engineering Plan Review Fee payable to "Rhutasel and Associates, Inc.")

\$1,160.00 \*3323

Date: 5/14/15

Name of Subdivision: Bethel Farms

Name, Address, and Phone Number of Subdivider: Rich Gorazd, Inc.  
513 Torchlight Lane Lebanon, IL 62254 (618) 632-3388

Name, Address, and Phone Number of Engineer: Sherbut-Carson-Claxton, LLC  
4 Meadow Hts. Prof. Park Collinsville, IL 62234 (618) 345-5454

Section: 7 Township: 2 North Range: 7 West  
 Area of Tract: 101 Acres Number of Proposed Lots: 101 Zoning: SR-1

Property interest of applicant:  Owner ( ) Contract Purchaser ( ) Other \_\_\_\_\_

CITY OF O'FALLON  
 JUN -5 2015  
 DATE PAID

**APPLICANT'S CHECKLIST**

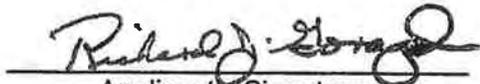
**REQUIREMENTS FOR SUBMITTAL**

**(YES or NO)**

- PAYMENT OF FILING FEE ✓
- PAYMENT OF ENGINEERING PLAN REVIEW FEE ✓
- ✓ 6 PRINTS OF SUBDIVISION PLAT & ONE (1) 11" x 17" COPY ✓
- VARIANCES - (IF APPLICABLE) REQUESTS ATTACHED N.A.
- ✓ NARRATIVE LETTER PROVIDING AN OVERVIEW OF PROJECT ✓
- ✓ COMPLETION OF PRELIMINARY PLAT CHECKLIST ✓
- ✓ COMPLETION OF PAYMENT RESPONSIBILITY FORM ✓
- PRIVATE SUBDIVISION REGULATIONS ATTACHED (IF APPLICABLE) N.A.
- ✓ PHASE I DRAINAGE REPORT ✓
- .PDF COPY OF PLAT ✓
- SUBMITTAL IN CAD / GIS FORMAT (ON CD) ✓
- PROOF OF DEVELOPER'S OWNERSHIP INTEREST ✓

**\* SUBMISSION PACKETS MUST BE COMPLETED IN FULL OR THEY WILL NOT BE RECEIVED BY THE CITY.**

I HEREBY affirm that I am authorized by the Developer to complete this **Application for Preliminary Plat** and that this request is in compliance with Chapter 154: Subdivisions stated in the Code of Ordinances of the City of O'Fallon, as indicated.

  
 Applicant's Signature

SHERBUT-CARSON-CLAXTON, LLC  
CIVIL ENGINEERS - LAND SURVEYORS  
LAND DEVELOPMENT CONSULTANTS

J.G. Sherbut, P.E., P.L.S. (1979-2004)  
Keith G. Carson, L.S.

4 Meadow Heights Professional Park  
Collinsville, Illinois 62234  
(618) 345-5454  
FAX 345-3017  
Email: Info@Sherbutpc.com

*Narrative*  
RECEIVED JUN 05 2015

David B. Claxton, P.E., L.S.  
Michael J. Graminski, L.S.

May 15, 2015

City of O'Fallon  
255 South Lincoln  
O'Fallon, IL 62269

Re: Bethel Farms Preliminary Plat

Ladies and Gentlemen:

On behalf of our client, Mr. Rich Gorazd, owner/developer of the property, we are hereby submitting the attached Preliminary Plat for review and approval.

The proposed development consists of 101 acres on the north side of the City. The property lies north of Bethel Road (County Hwy. 45), and was formerly known as the Swain Farm. It is located in part of the east half of Section 7 township 2 north range 7 west in St. Clair County, Illinois. It has been previously pre-annexed to the City of O'Fallon and lies within an SR1 zoning district.

The development will be served with paved streets, storm water collection and detention facilities, and City of O'Fallon water distribution system with fire service facilities. Sanitary Sewer service will be provided by the City's collection system. The Development will be served by all available comfort utilities i.e., electric, gas, telephone, cable television, etc., all in accordance and in compliance with the City Development code and specifications.

The development will consist of approximately 101 single family residential lots with the homes to be comparable to the Cobblestone subdivision in North O'Fallon along Weil Road.

We believe the plat complies with the City's Subdivision and Development Control Ordinance and all other applicable regulations.

Enclosed are the following items:

1. 6 prints of the Preliminary Plat and one 11"X17" copy.
2. Phase 1 Drainage Report
3. Preliminary Plat Application
4. Preliminary Plat Checklist
5. Phase 1 Drainage Report Checklist
6. Plan Review Payment Responsibility Form.
7. Annexation Plat & Legal Description.
8. CD-ROM for Digital Plan Submittal

Checks for the Application Fee and Plan Review Fee will be delivered separately by the Developer.

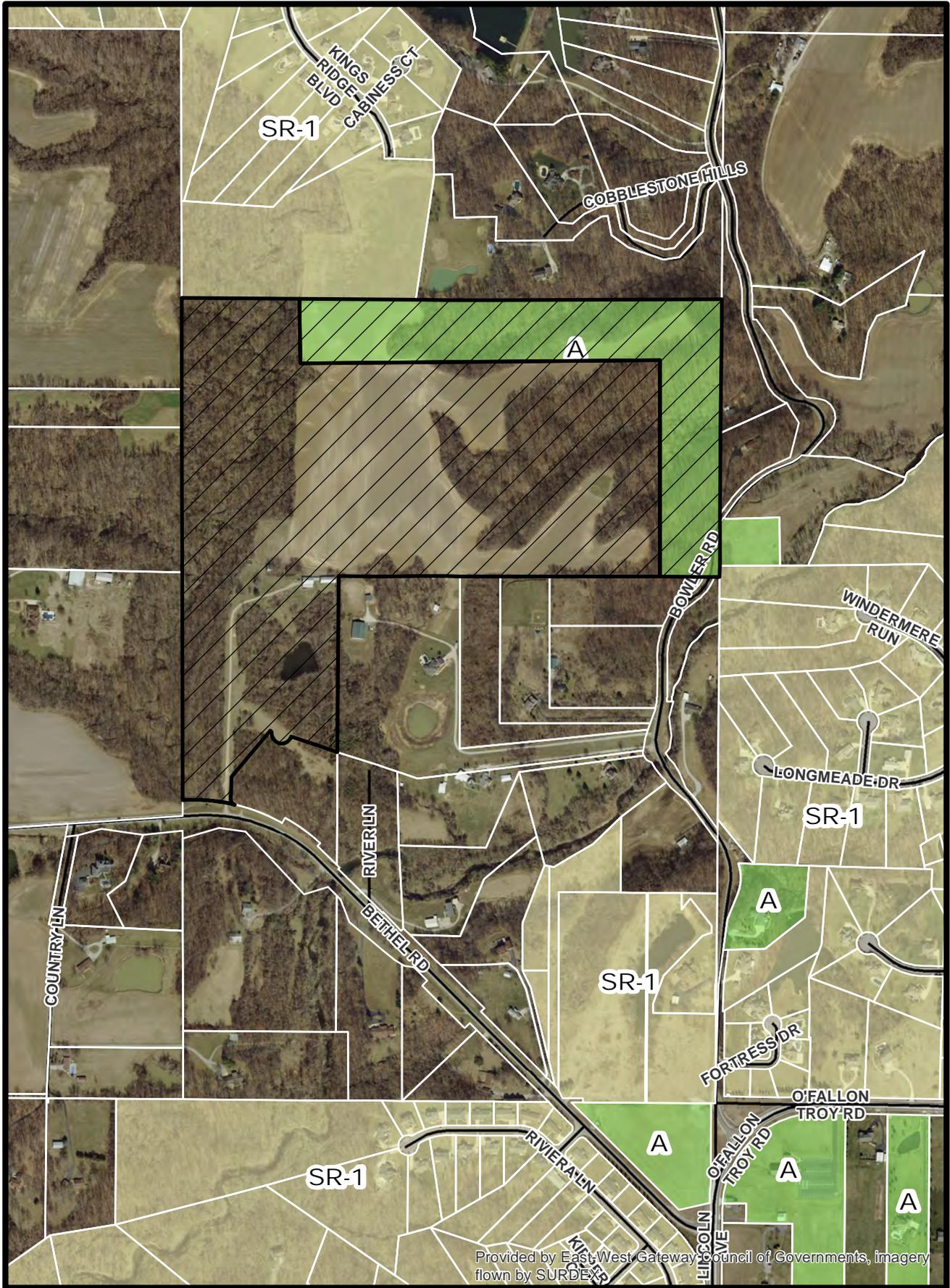
Respectfully submitted,

Sherbut-Carson-Claxton, LLC



David Claxton

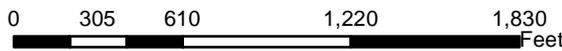
# S15-05 & P2015-06: Bethel Farms - Zoning Map



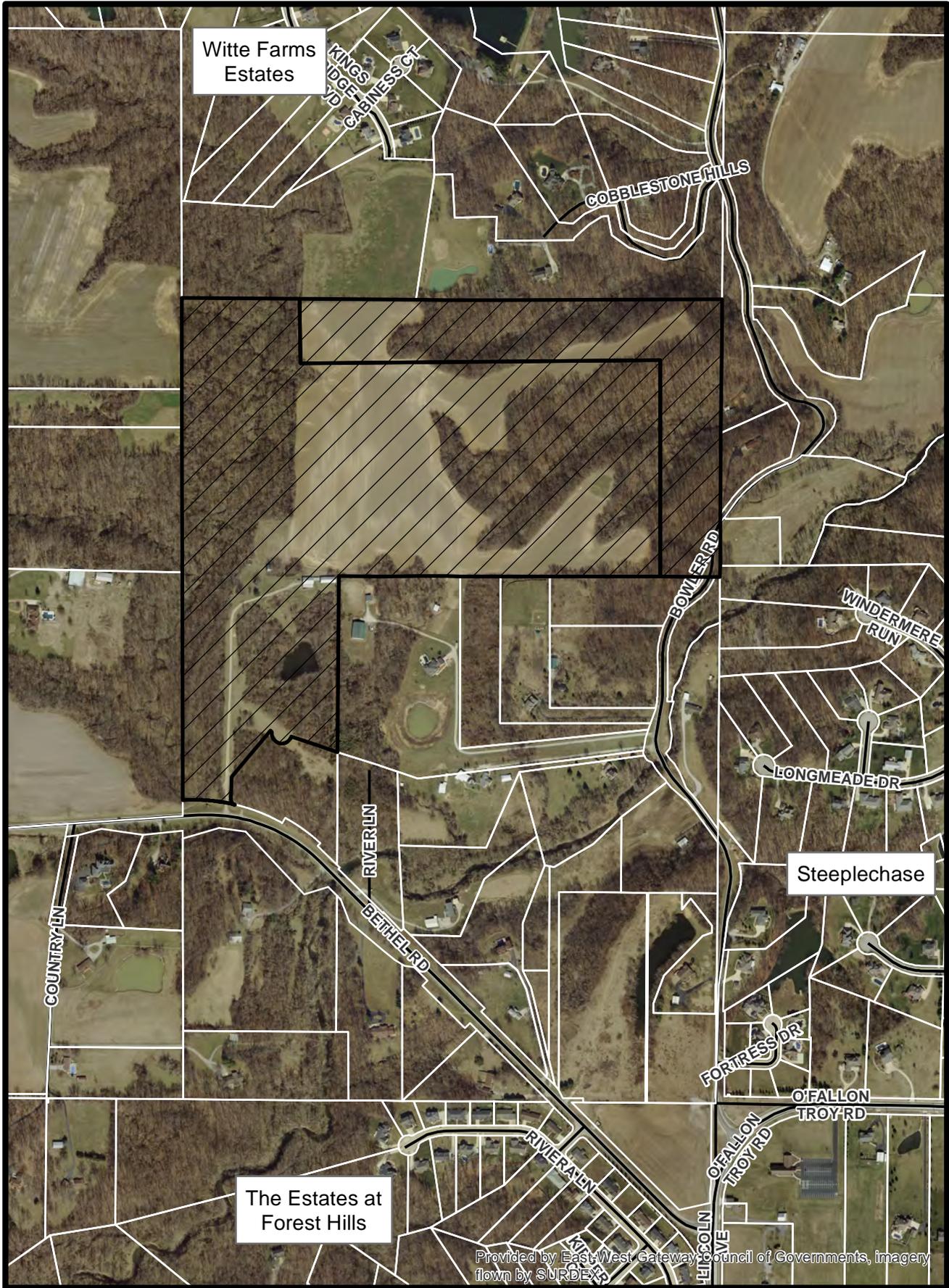
Provided by East-West Gateway Council of Governments, imagery  
flown by SURDEX



Subject Property



# S15-05 & P2015-06: Bethel Farms - Land Use Map



Provided by East-West Gateway Council of Governments, imagery flown by SURDEX

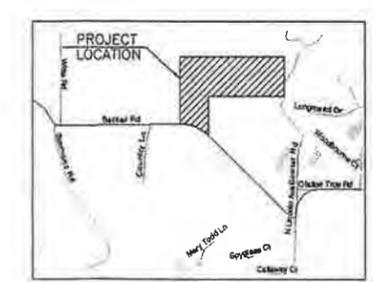
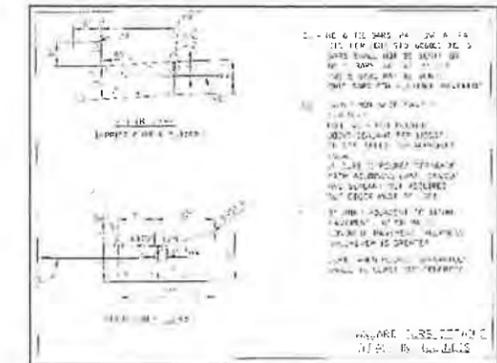
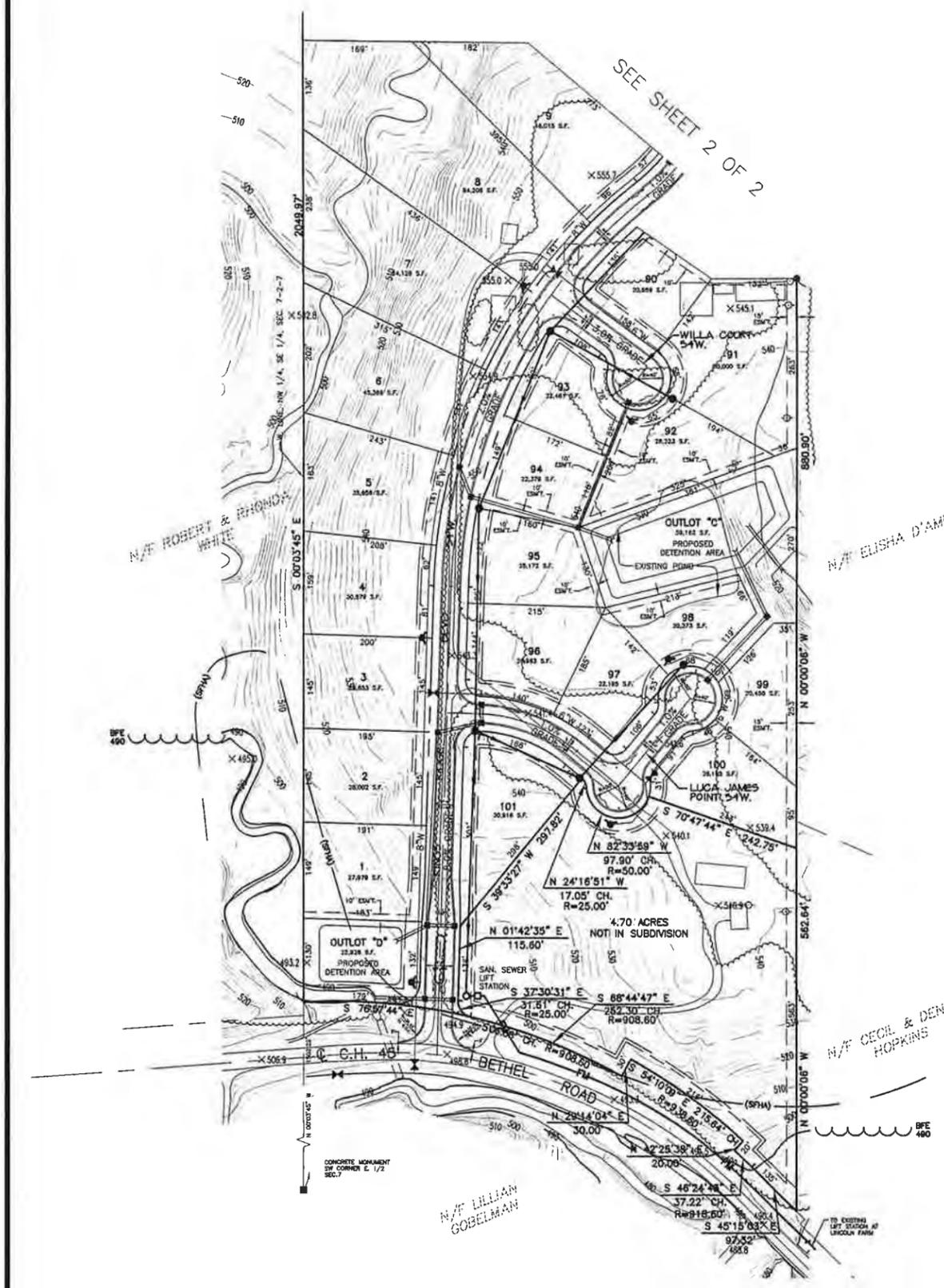
 Subject Property

0 305 610 1,220 1,830 Feet

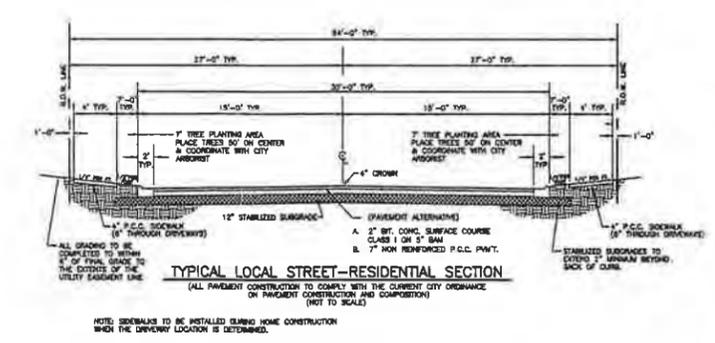
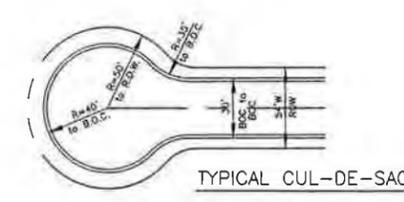
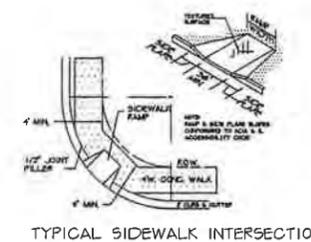


# BETHEL FARMS

PART OF THE EAST HALF OF SECTION 7, TOWNSHIP 2 NORTH,  
RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, ST. CLAIR COUNTY, ILLINOIS.



- LEGEND**
- Denotes proposed 8" sanitary sewer
  - Denotes proposed fire hydrant assembly
  - Denotes proposed water valves
  - Denotes proposed storm water collection system
  - Denotes proposed water main
  - Denotes Approximate Special Flood Hazard Area Limits as scaled from FIRM Map No. 17163C0070E
  - Denotes Base Flood Elevation as per FIRM Map



- NOTES**
1. Dimensions shown hereon are approximate and are subject to change upon final platting.
  2. Easements shown hereon are 20 feet wide unless otherwise noted.
  3. Building set-back lines are 25 feet from right of way line.
  4. Lots shall conform to SR-1 Zoning Requirements.
  5. All radii at streets intersections and cul-de-sacs are 25 feet to R.O.W. and 35 feet to B.O.C.
  6. Easements shown hereon are for the use of Public and Quasi-Public utilities as their interests may appear.

AREA IN LOTS = 84.36 ACRES  
 AREA IN OUTLOTS = 5.01 ACRES  
 AREA IN ROW = 11.80 ACRES  
 AREA IN SUBDIVISION = 101.17 ACRES

Owner/Developer:  
 Rich Gorazd, Inc.  
 513 Torchlight Lane  
 Lebanon, Illinois 62254  
 (618) 632-3388

Sherbut-Carson-Claixon, LLC  
 #4 Meadow Heights Professional Park  
 Collinsville, Illinois 62234  
 Phone: 618-345-5454  
 Fax: 618-345-3017

DATE	REVISIONS	REMARKS
MAY 12, 2015		
DRAWN		
CHECK		

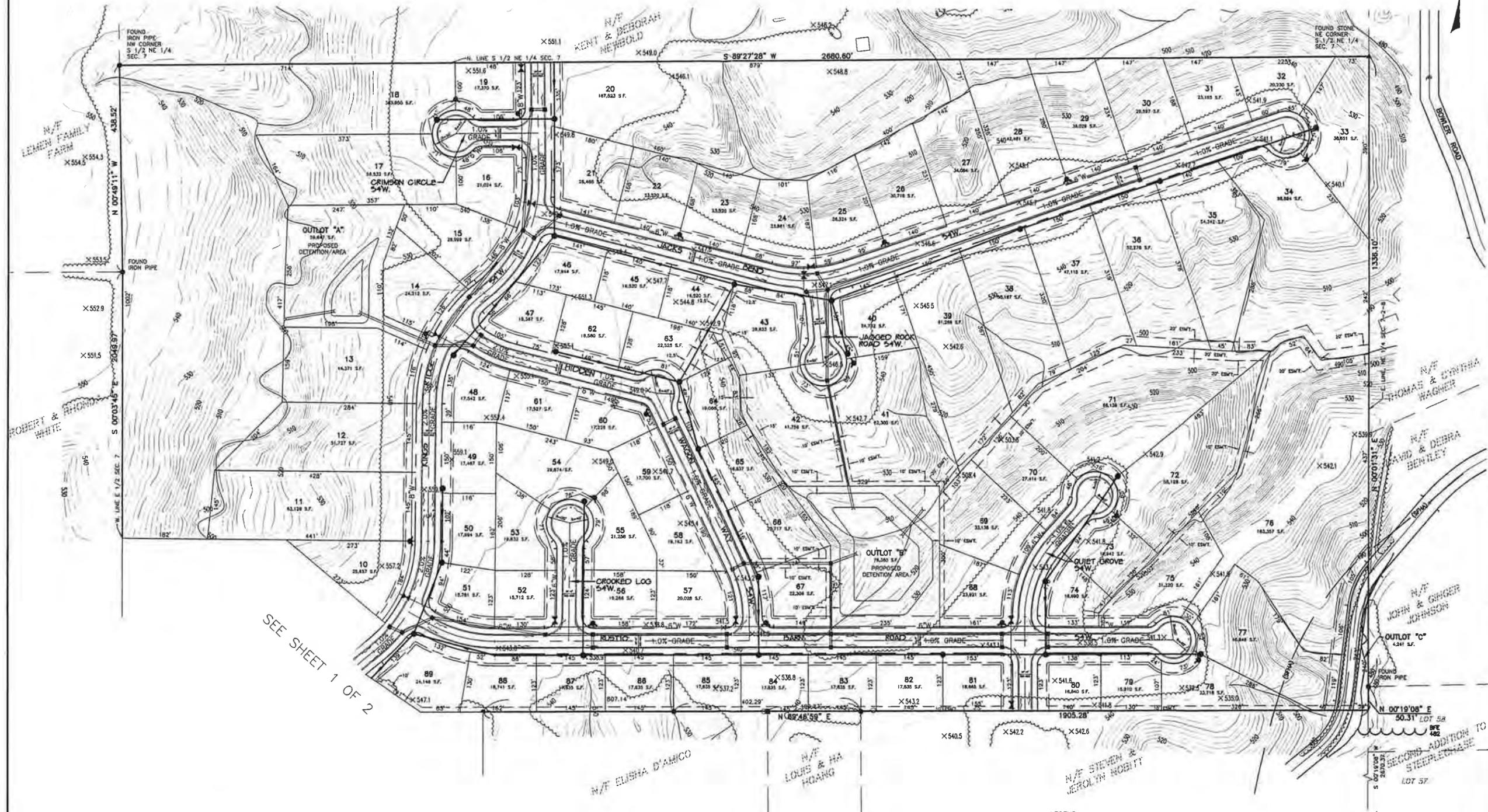
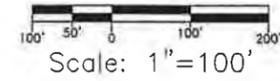
DRAWING: PRELIMINARY PLAT  
 BETHEL FARMS

PROJECT NO. 2249  
 SHEET NUMBER 1 OF 2

RECEIVED JUN 0 5 2015

# BETHEL FARMS

PART OF THE EAST HALF OF SECTION 7, TOWNSHIP 2 NORTH,  
RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, ST. CLAIR COUNTY, ILLINOIS.



SEE SHEET 1 OF 2

- LEGEND**
- Denotes proposed 8" sanitary sewer
  - Denotes proposed fire hydrant assembly
  - Denotes proposed water valves
  - Denotes proposed storm water collection system
  - Denotes proposed 6" water main
  - Denotes Approximate Special Flood Hazard Area Limits as acquired from FIRM Map No. 17163C0070E
  - Denotes Base Flood Elevation as per FIRM Map

AREA IN LOTS = 84.36 ACRES  
 AREA IN OUTLOTS = 5.01 ACRES  
 AREA IN ROW = 11.80 ACRES  
 AREA IN SUBDIVISION = 101.17 ACRES

Owner/Developer:  
 Rich Gorazd, Inc.  
 513 Torchlight Lane  
 Lebanon, Illinois 62254  
 (618) 632-3388

**Sherbut-Carson-Claxton, LLC**  
 #4 Meadow Heights Professional Park  
 Collinsville, Illinois 62234  
 Phone: 618-345-5454  
 Fax: 618-345-3017

REVISIONS	DATE	REMARKS

DRAWING: **PRELIMINARY PLAT**  
**BETHEL FARMS**

PROJECT NO. 2249  
 SHEET NUMBER:   
 SHEET 2 OF 2

RECEIVED JUN 05 2015

Resolution No. \_\_\_\_\_

**A RESOLUTION APPROVING AND  
ACCEPTING THE PRELIMINARY PLAT OF  
BETHEL FARMS ON PARCEL NUMBERS: 04-  
07.0-200-019 & 04-07.0-200-020**

**WHEREAS**, the proposed preliminary plat has been reviewed by the O’Fallon Planning Commission, and planning and engineering staff, and recommended by each; and

**WHEREAS**, the property described in Exhibit A is currently located in St. Clair County, zoned Agriculture, A and in the City of O’Fallon, zoned Agriculture, A and is proposed for annexation and rezoning in the City of O’Fallon as a single-family subdivision containing 101 homes and proposed for “SR-1” zoning; and

**WHEREAS**, the developer will be responsible for paying to the City of O’Fallon a fee in lieu of 1.71 acres of park land dedication in the amount \$87,365; and

**WHEREAS**, the developer has requested that a variance be granted by the City Council to allow for a variance to exceed the 800 foot maximum length requirement for dead-end streets as shown in the attached preliminary plat (Exhibit A), and the City Council has determined that such variances to the dead-end street is reasonable; and

**WHEREAS**, on July 27, 2015 the Community Development Committee of the City Council reviewed the preliminary plat and recommended approval with a vote of X-X.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF  
THE CITY OF O’FALLON AS FOLLOWS:**

- 1) Approval. Bethel Farms Preliminary Plat, as proposed by the developer, a copy of which is attached and made an integral and continuing part of this resolution, be accepted and approved with the conditions below:
  1. A variance to allow Jacks Bend to increase the maximum length of a dead end street from 800 feet to 1,682.
  2. There will be a \$2,250 annexation fee per house permit and the park dedication requirement is 1.71 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$87,365, \$865.00 per house permit.
- 2) Resolution Recorded with Clerk. The City Clerk is hereby directed to file and maintain a copy of this resolution, along with a copy of the plat, in the Office of the City Clerk; and
- 3) Effective Date. This resolution shall become effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O'Fallon this \_\_\_\_\_, 2015.

Approved:

\_\_\_\_\_  
Gary L. Graham, Mayor

Attest:

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

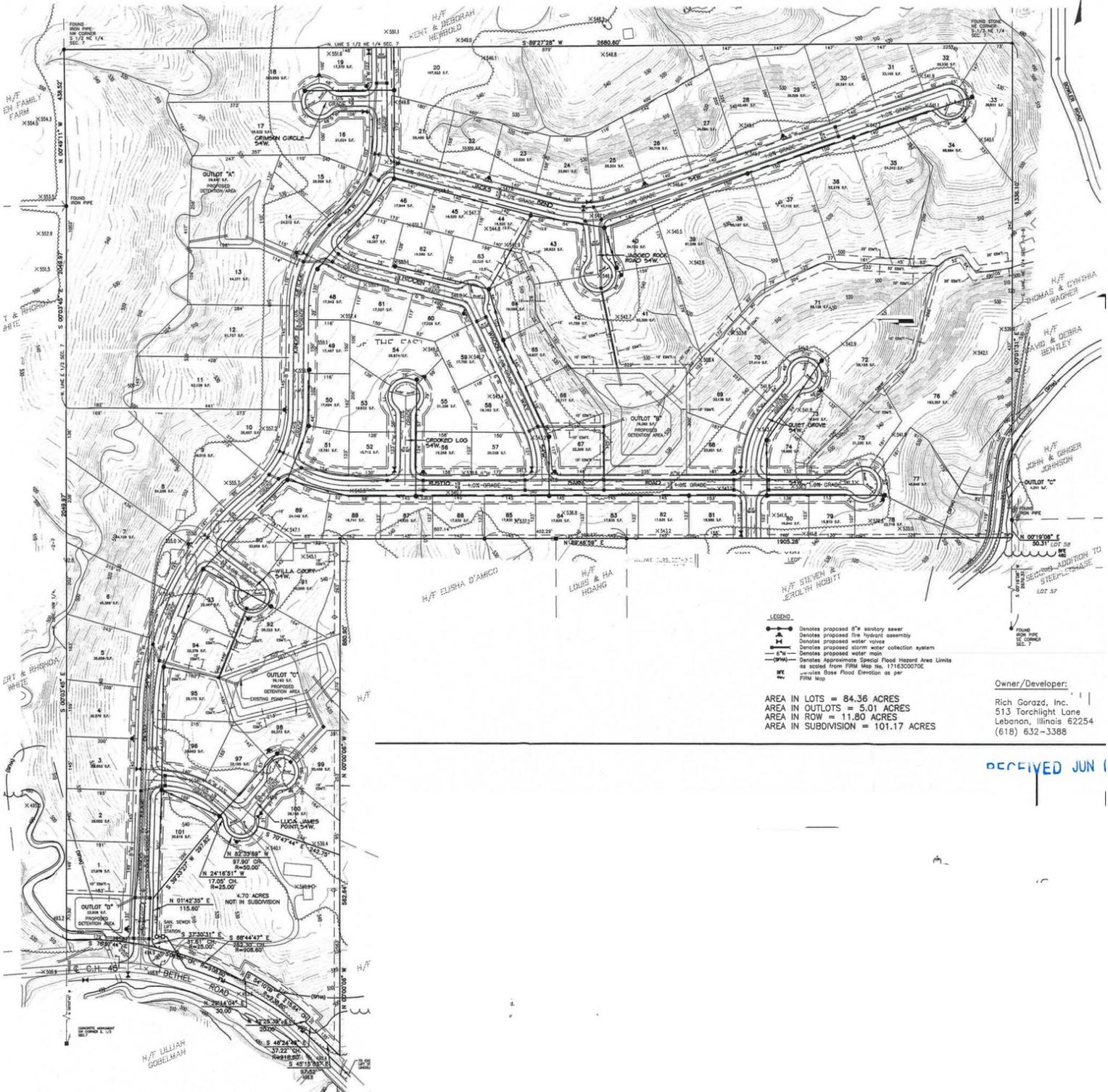
**EXHIBIT "A"**

**PRELIMINARY PLAT**

**BETHEL FARMS**

PART OF THE EAST HALF OF SECTION 7, TOWNSHIP 2 NORTH,  
RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, ST. CLAIR COUNTY, ILLINOIS.

Scale: 1"=100'



**LEGEND**

- Denotes proposed 8" sanitary sewer
- Denotes proposed fire hydrant assembly
- Denotes proposed water valves
- Denotes proposed storm water collection system
- Denotes proposed water main
- Denotes Approximate Special Flood Hazard Area Limits as noted from FEMA Map No. 1716200202C
- Denotes Base Flood Elevation as per FEMA Map

AREA IN LOTS = 84.36 ACRES  
AREA IN OUTLOTS = 5.01 ACRES  
AREA IN ROW = 11.80 ACRES  
AREA IN SUBDIVISION = 101.17 ACRES

**Owner/Developer:**  
Rich Garand, Inc.  
513 Torchlight Lane  
Lebanon, Illinois 62254  
(618) 632-3388

RECEIVED JUN 1

Ordinance No. \_\_\_\_\_

**AN ORDINANCE ANNEXING CERTAIN  
TERRITORY TO THE CITY OF  
O'FALLON, ST. CLAIR COUNTY,  
ILLINOIS CONTAINING  
APPROXIMATELY 101.61 ACRES,  
INCLUDING PARCEL NUMBERS: 04-07.0-  
200-019 & 04-07.0-200-020**

**WHEREAS**, the owner of territory depicted in Exhibit A and more specifically described in Exhibit B, attached hereto and made part hereof, desires to allow the City of O'Fallon to annex the territory herein depicted and described; and

**WHEREAS**, said territory includes all or a portion of Parcels 04-07.0-200-019 and 04-07.0-200-020; and

**WHEREAS**, the owners have filed with the City Clerk of the City of O'Fallon, a duly signed and verified petition to annex the subject real estate and signed annexation petition; and

**WHEREAS**, the territory is presently zoned Agriculture, A in unincorporated St. Clair County and Agriculture, A in the City of O'Fallon and is proposed for rezoning within the City of O'Fallon to SR-1 for all of Parcels 04-07.0-200-019 and 04-07.0-200-020; and

**WHEREAS**, 0 electors reside on the entirety of the property herein described; and

**WHEREAS**, all notices have been served to the affected parties as required by statute; and

**WHEREAS**, the territory has been subject to all necessary hearings before the appropriate bodies.

**NOT THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF O'FALLON, ST. CLAIR COUTNY, ILLINOIS AS FOLLOWS:**

**Section 1. Approval.** The territory depicted in Exhibit A, and described in Exhibit B, attached hereto and made part hereof, is hereby annexed to the City of O'Fallon, St. Clair County, Illinois.

**Section 2. Zoning.** The territory shown in Exhibit A shall be zoned SR-1 in a manner as required by law by the City of O'Fallon.

**Section 3. Recording** That the City Clerk is hereby directed to record a certified copy of this ordinance with the St. Clair County Recorder of Deeds and filed with the St. Clair County Clerk, together with the map of the territory annexed.

**Section 4. Effect.** This ordinance shall be in full force and effect from and after its passage and approval as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:  
day

Approved by the Mayor this \_\_\_\_\_

(seal)

of \_\_\_\_\_ 2015.

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

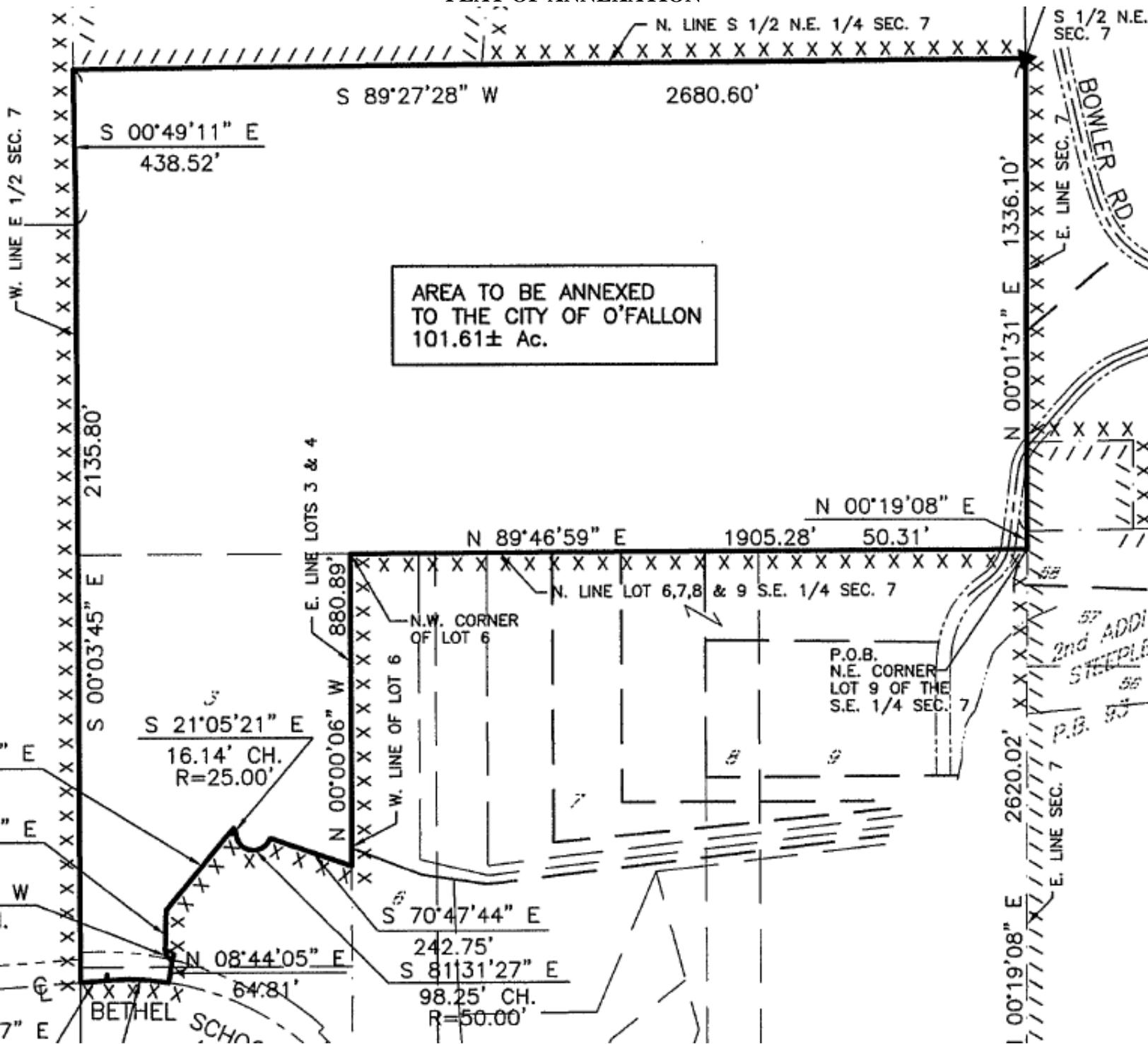
\_\_\_\_\_  
Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	Albrecht	Kueker	Mouser	Hagarty	Roach	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Smallheer	Bennett	Marsh	Holden	Drolet	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

**EXHIBIT "A"**

**PLAT OF ANNEXATION**



**EXHIBIT "B"**

**LEGAL DESCRIPTION OF ANNEXATION**

Land Description of Territories to be Annexed  
to the City of O'Fallon, Illinois  
101.61 +/- Acres

Part of the East half of the section 7, Township 2 North, Range 7 West of the Third Principal Meridian, St. Clair county Illinois being more particularly described as follows:

Commencing at the Iron Pin found at the Southeast corner of section 7; thence North 00 degrees, 19 minutes and 08 seconds East along the Easterly line of the Southeast Quarter of section 7 a distance of 2620.02 feet to the Northeast corner of lot 9 of the Southeast Quarter of section 7 and being the point of beginning of the tract described herein; thence continue North 00 degrees, 19 minutes, and 08 seconds East a distance of 50.31 feet; thence North 00 degrees, 01 minutes, and 31 seconds East along the Easterly line of the Northeast Quarter of section 7 a distance of 1336.10 feet to the Old Stone at the Northeast corner of the South Half of the Northeast Quarter of section 7; thence South 89 degrees, 27 minutes, and 28 seconds West along the Northerly line of the South Half of the Northeast Quarter of section 7 a distance of 2680.60 feet to the Westerly line of section 7; thence South 00 degrees, 49 minutes, and 11 seconds East along said West line a distance of 438.52 feet; thence South 00 degrees, 03 minutes, and 45seconds East continuing along said Westerly line of section 7 a distance of 2135.80 feet to the center line of Bethel School Road; thence North 85 degrees, 44 minutes, and 57 seconds East along said center line a distance of 76.18 feet; thence continuing Easterly along said center line bearing a curve to the right having a radius of 764.49 feet a chord bearing South 87 degrees, 45 minutes, and 29 seconds East a chord distance of 172.89 feet; thence North 08 degrees, 44 minutes, and 05 seconds East a distance of 64.81 feet; thence along a curve to the right having a radius of 25.00 feet a chord bearing North 37 degrees, 30 minutes, and 31 seconds West a chord distance of 31.61 feet; thence North 01 degrees, 42 minutes, and 35 seconds East a distance of 115.60 feet; thence North 39 degrees, 33 minutes, and 27 seconds East a distance of 299.55 feet; thence along a curve to the right having a radius of 25.00 feet a chord bearing South 21 degrees, 05 minutes, and 21 seconds East a chord distance of 16.14 feet; thence along a curve to the left having a radius of 50.00 feet a chord bearing South 81 degrees, 31 minutes, and 27 seconds East a chord distance of 98.25 feet; thence South 70 degrees, 47 minutes, and 44 seconds East a distance of 242.75 feet to a point on the West line of lot 6 of section 7; thence North 00 degrees, 00 minutes, and 06 seconds West along said West line a distance of 880.89 feet to the Northwest corner of lot 6; thence North 89 degrees, 46 minutes, and 59 seconds East along the Northerly line of lots 6, 7, 8, and 9 of section 7 a distance of 1905.28 feet to the point of beginning and containing 101.61 +/- acres.

Parcel ID Numbers: 04-07.0-200-019 & 04-07.0-200-020

Return to Agenda

Return to CD Memo



\* A 0 2 2 7 6 2 8 4 1 1 \*

A02276284

MICHAEL T. COSTELLO  
RECORDER OF DEEDS  
ST. CLAIR COUNTY  
BELLEVILLE, IL  
08/18/2011 10:28:56AM  
TOTAL FEE: \$27.00  
PAGES: 11

After recording please return to:

City Clerk  
City of O'Fallon  
255 S. Lincoln  
O'Fallon, Illinois 62269

(The space above is reserved for use by the St. Clair  
County Recorder's office)

**CITY CLERK'S CERTIFICATE**

I, PHILIP A. GOODWIN, City Clerk for said City of O'Fallon, duly elected, qualified and acting, and keeper of the records and seals thereof, do hereby certify the foregoing to be a true, complete and correct copy of Resolution Number 2011-47 duly passed by the City Council of the City of O'Fallon at a Regular meeting of said City Council on the 1<sup>st</sup> day of August 2011, as the said matter appears on file and of record in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said City at my office in the City of O'Fallon, Illinois this 18 day of Aug 2011.

Philip A. Goodwin  
City Clerk  
St. Clair County, O'Fallon, Illinois



CITY OF O'FALLON, ILLINOIS  
RESOLUTION 2011 - 47

**AUTHORIZING THE MAYOR TO SIGN AN ANNEXATION AGREEMENT  
WITH FOREST HILLS HOLDING COMPANY, LLC FOR THE SWAIN FARM  
LOCATED ON BETHEL ROAD**

**WHEREAS**, a proposed annexation agreement has been filed with the City Clerk of the City of O'Fallon by Forest Hills Holding Company, LLC for the Swain Farm on Bethel Road, to include a portion of Parcel Number 04-07.0-200-018; and

**WHEREAS**, the proposed annexation agreement has been reviewed and has been determined to be beneficial to the public welfare; and

**WHEREAS**, a public hearing on such terms of the annexation agreement was held on August 1, 2011, before the O'Fallon City Council.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL  
OF THE CITY OF O'FALLON, ILLINOIS THAT:**

- 1) The Mayor is authorized to sign an annexation agreement between the City of O'Fallon and Forest Hills Holding Co, LLC for the Swain Farm on Bethel Road in substantially the form of the agreement attached to and made an integral and continuing part of this resolution by reference.
- 2) The City of O'Fallon hereby agrees with all terms and conditions as indicated therein.
- 3) This resolution shall be come effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O'Fallon this 1<sup>st</sup> day of August 2011.

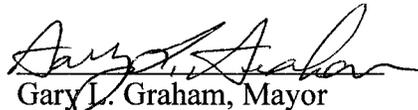
Attest:



Philip A. Goodwin, City Clerk



Approved:



Gary L. Graham, Mayor

## PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (Agreement) is made and entered into this 1<sup>st</sup> day of August 2011, by and between Forest Hills Holding CO., LLC ("Owner"), and the City of O'Fallon (the "City") a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and City Council (collectively, "Corporate Authorities").

A. Owner is the owner of record of certain parcels of real property located on Bethel Road, Parcel Number(s) Part of 04-07-200-018 and is contiguous to or is expected to be contiguous to the City of O'Fallon in St. Clair County, Illinois, which is more particularly described in Exhibit A attached hereto and made a part hereof (the "Parcel").

B. Pursuant to the provisions of 65 ILCS 5/11-15.1-1, *et seq.*, a proposed Pre-Annexation Agreement in substance and form the same as this Agreement was submitted to the Corporate Authorities and a public hearing was held thereon pursuant to notice, all as provided by statute and the ordinances of the City.

**NOW, THEREFORE**, in consideration of the premises and the mutual covenants and agreements herein contained, and in compliance with the ordinances, codes, and regulations of the City in effect as of the date hereof, or as may hereinafter be enacted, the parties hereto hereby agree as follows:

**1 Annexation.** Owner has filed with the City Clerk Petition(s) for Annexation of the Parcel(s) to the City conditioned on the terms and provisions of this Agreement, which petition(s) having been prepared, executed, and filed in accordance with 65 ILCS 5/7-1-8, and the ordinances and other requirements of the City. A copy of said Petition(s) are attached hereto as Exhibit C and made a part hereof. The Petition(s) may not be withdrawn by the owner and shall be effective immediately upon the Parcel becoming contiguous to the City. To the extent that the Parcel is not yet contiguous to the City, Owner agrees to execute such additional Petition in the future as may be required by the City upon the Parcel becoming contiguous to the City boundary. Subject to the requirements and conditions herein and satisfaction of the conditions of the Petitions for Annexation, the City agrees to annex the Parcel by agreement pursuant to 65 ILCS 5/11-15.1-1, *et seq.* Owner has filed with the City Clerk a preliminary Plat of Annexation, which contains an accurate map of the Parcel, which Plat is attached hereto as **Exhibit B** and made a part hereof.

### 2. Miscellaneous

- (a) This Agreement shall be effective for a term of twenty (20) years from the date hereof, provided that the obligations to the City shall survive such termination to the extent not inconsistent with 65 ILCS 5/11-15.1-1.
- (b) The Parcel, or portion thereof, shall be zoned Agriculture by the City upon annexation. The Owner shall retain the right to petition to rezone their property to SR-1 Single-Family, pursuant to the laws of the City, during the term of the agreement. The City agrees that it will not seek to rezone the Parcel to another zoning district classification without the written petition of the Owner for the duration of the agreement.
- (c) The City will upon request by the Owners initially annex an area of the Parcel approximately 300' wide as shown on the attached Plat. The City will not annex the remainder of the Parcel unless subsequently requested in writing by the Owners, or until such time as Owners request Rezoning and/or Subdivision of the Parcel. Upon the Owner's request for Rezoning or Subdivision of the Parcel, the Owners will petition to annex and the City will annex the remainder of the Parcel as shown in the attached Plat.
- (d) Water Supply and Service. The City agrees to supply fresh, potable water to the Development Parcel in quantities and pressure sufficient in all respects to serve the needs of the Development Parcel and the persons therein. The City agrees to reimburse the Developer for his construction of a waterline extension to the Development Parcel, subject to Paragraph (f) herein. The City shall obtain any necessary easements for construction of such water main to the entrance road of the Development Parcel or approvals as may be necessary to place such lines in available right of way. So long as City water is available, Developer and Development Parcel shall be required to use water exclusively from City; provided that Developer is not precluded from obtaining water from any other source prior to City water being available to the Development Parcel. The supply to the interior of the Development shall be subject to otherwise applicable conditions and usage, tap-in, extension, or other related charges. The

Development Parcel shall be subject to normal water tap fees plus a surcharge fee on each lot to recover the City's cost of extending the water main along Bethel Road. The City agrees that construction of the water main will be complete at the time of final plat approval of the first phase of lot development. The Owner (or its successor in title) shall pay such tap fee and surcharge for each lot at the time of and as a condition of application for a building permit to build a dwelling on each lot in the Development Parcel.

- (e) Sanitary Sewer Supply and Service. The City agrees to reimburse the developer for his construction of a sanitary sewer force main to the Development Parcel, subject to Paragraph (f) herein, in size and capacity sufficient in all respects to serve the need of the Development Parcel and the persons therein. The City shall obtain any necessary easements for construction of such sanitary sewer force main to the entrance road of the Development Parcel or approvals as may be necessary to place such lines in available right of way. The sanitary sewer service to lots in the interior of the Development shall be subject to otherwise applicable conditions and usage, tap-in, extension, or other related charges. The Owner (or its successor in title) shall pay such sewer tap fee and surcharge fee for each lot at the time of and as a condition of application for a building permit to build a dwelling on each lot in the Development Parcel. The developer will be responsible for installation of a lift station necessary to serve the Parcel, if one is deemed necessary.
- (f) The City's reimbursement to the Developer for his extension of water and sewer lines to the Development Parcel shall not exceed \$150,000.
- (g) The Developer shall provide the City with such easements and/or right of way on the Parcel as shall be determined necessary to provide water and sewer service to the Parcel.
- (h) Annexation Fee and Parkland Fee. Notwithstanding any other City Ordinance to the contrary, the Developer shall be required to pay an Annexation Fee of TWO THOUSAND TWO HUNDRED FIFTY DOLLARS (\$2,250.00) per lot and a Parkland Fee of EIGHT HUNDRED SIXTY FIVE DOLLARS (\$865) as payment to the City intended in part to defray the City's costs relating to this annexation and in providing services to the Subdivision and services as may benefit the residents of the Subdivision. The Owner (or its successors in title) shall pay such Annexation Fee and Parkland Fee for each lot at the time of and as a condition of application for a building permit to build a dwelling on each lot in the Development Parcel. Payment of this Annexation Fee and Parkland Fee shall be a fundamental condition of any building permit and shall be binding as to such permits issued both prior to and after annexation and expiration of this Agreement.
- (i) The City will allow a variance for the most northerly east-west cul-de-sac to be in excess of 800 feet due to topography as shown in Exhibit "D", to be provided pursuant to and consistent with the laws and procedures of the City.
- (j) The Parcel shall be subject to all laws, codes, ordinances, fees, annexation fees, taxes, usage charges, and regulations of the City, now existing or as may hereinafter be amended, enacted or enforced, and nothing herein shall be interpreted to limit the enforceability or application of such, except as provided herein;
- (k) This Agreement and the obligations of Owner hereunder shall be a covenant that shall run with the land, shall be a provision of any sale or other contract for transfer of interest in the Parcel, and may be recorded with the St. Clair County Recorder of Deeds and be binding on successor owners of the parcel or any portion thereof.
- (l) The undersigned persons whether signing individually, on behalf of a municipal corporation, or by an attorney-in-fact warrant themselves: (i) to be of lawful age, (ii) to be legally competent to execute this Agreement, (iii) to be fully authorized to execute this Agreement on behalf of themselves or the municipal corporation indicated below, and (iv) to have signed this Agreement on their own behalf or

on behalf of such municipal corporation as their own free acts and deeds and for the free acts and deeds of such municipal corporation after opportunity to consult with legal counsel.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.



CITY OF O'FALLON  
A Municipal Corporation,  
County of St. Clair  
State of Illinois

ATTEST:

*[Signature]*

By: *[Signature]*

Name: Philip A. Goodwin

Name: Gary L. Graham

Title: City Clerk

Title: Mayor

OWNER:

*[Signature]*

OWNER:

*[Signature]*

DATED:

8-4-11

DATED:

8-4-11

BY:

RICHARD J. GONARD

BY:

KEITH G. CARSON

ATTEST:

notary

ATTEST:

notary

State of Illinois

County of St. Clair

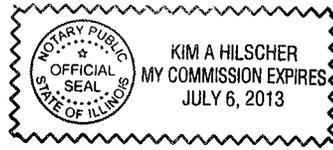
SUBSCRIBED AND SWORN to before me this 4<sup>TH</sup> day of AUGUST, 2011.

*[Signature]*  
Notary Public

O'Fallon, Illinois

My Commission expires:

7/6/2013



**LIST OF EXHIBITS**

- A. Legal Description of Parcel
- B. Plat of Annexation
- C. Annexation Petition
- D. Proposed Street Configuration

Exhibit "A"

SHERBUT-CARSON-CLAXTON, LLC  
CIVIL ENGINEERS – LAND SURVEYORS  
LAND DEVELOPMENT CONSULTANTS

J.G. Sherbut, P.E., L.S. (1979-2004)  
Keith G. Carson, L.S.

4 MEADOW HEIGHTS PROFESSIONAL PARK  
COLLINSVILLE, ILLINOIS, 62234  
(618) 345-5454  
(618) 345-3017 Fax  
email: [info@sherbutpc.com](mailto:info@sherbutpc.com)

David B. Claxton, P.E., L.S.  
Michael J. Graminski, L.S.

Land Being Annexed to the City of O'Fallon, Illinois  
Part of Proposed Swain Farm Development Property  
Being 21.93 plus or minus Acres

Part of the East Half of Section 7, Township 2 North, Range 7 West of the Third Principal Meridian, St. Clair County, Illinois, being more particularly described as follows:

Commencing at the iron pin found at the southeast corner of Section 7; thence North 0 degrees 19 minutes 08 seconds East along the east line of Section 7, a distance of 2620.02 feet to the northeast corner of Lot 9 of the Southeast Quarter of Section 7 and being the Point of Beginning of the tract described herein; thence continuing North 0 degrees 19 minutes 08 seconds East along the east line of Section 7, a distance of 50.31 feet; thence North 00 degrees 01 minutes 31 seconds East continuing along the east line of Section 7, a distance of 1336.10 feet to the old stone found at the northeast corner of the South Half of the Northeast Quarter of Section 7; thence South 89 degrees 27 minutes 28 seconds West along the north line of the South Half of the Northeast Quarter of Section 7, a distance of 2100.00 feet; thence South 00 degrees 32 minutes 32 seconds East, a distance of 300.00 feet; thence North 89 degrees 27 minutes 28 seconds East and parallel with the north line of the South Half of the Northeast Quarter of Section 7, a distance of 1797.01 feet; thence South 00 degrees 01 minutes 31 seconds West, a distance of 1084.69 feet to the north line of the aforementioned Lot 9 of the Southeast Quarter of Section 7; thence North 89 degrees 46 minutes 59 seconds East along said north line of Lot 9, a distance of 300.00 feet to the Point of Beginning and containing 21.93 acres, more or less.

MJG  
7/22/11  
Job No. 2249-annex

part of  
parcel 04-07.0-200-018

RECEIVED AUG 01 2011

EXHIBIT "A"  
ANNEXATION PLAT

Exhibit "B"

Land being annexed to the City of O'Fallon

PART OF THE EAST 1/2 OF SECTION 7, TOWNSHIP 2 NORTH RANGE 7 WEST OF THE THIRD PRINCIPAL MERIDIAN, ST. CLAIR COUNTY, ILLINOIS.



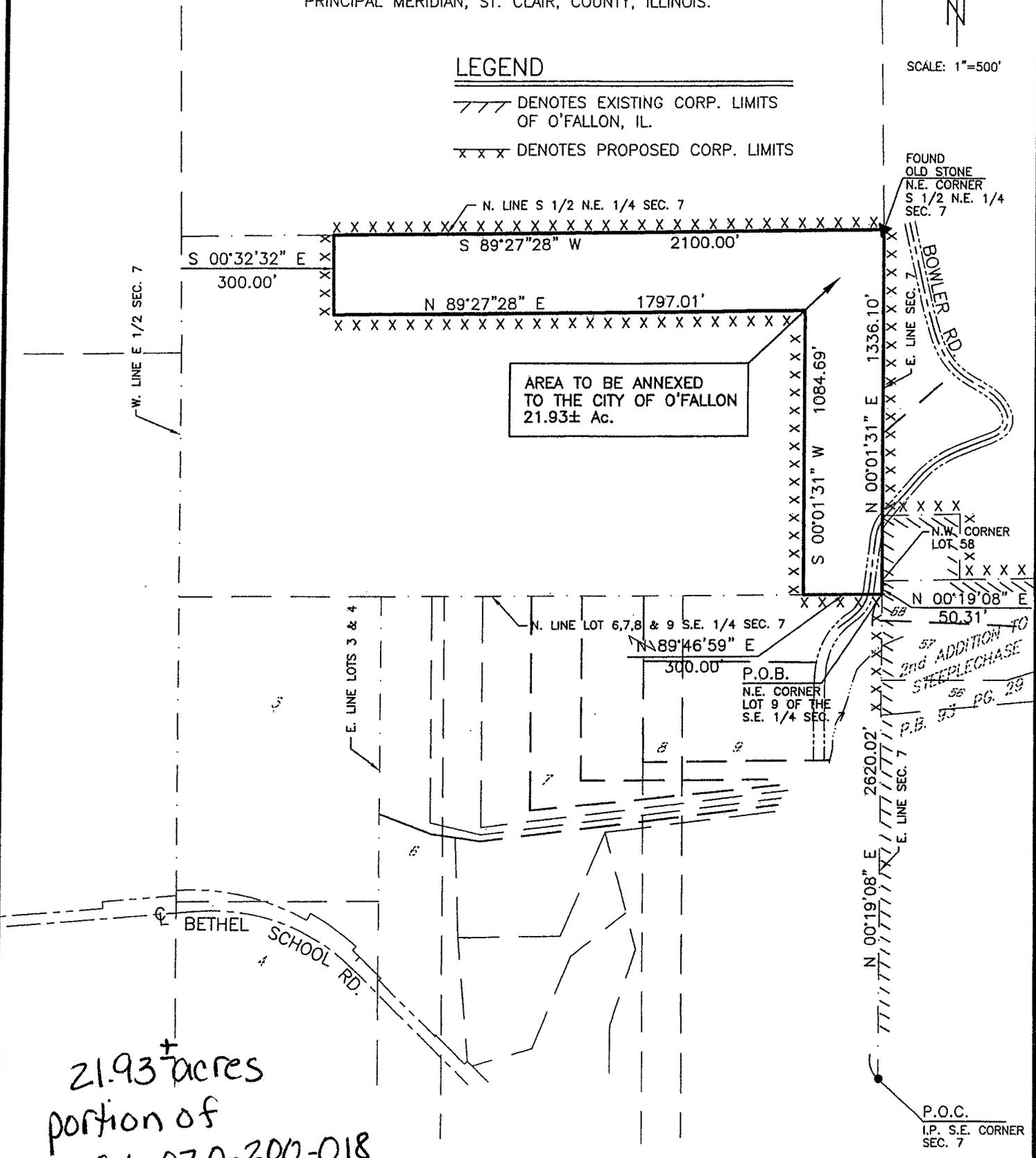
SCALE: 1"=500'

LEGEND

//// DENOTES EXISTING CORP. LIMITS OF O'FALLON, IL.

x x x DENOTES PROPOSED CORP. LIMITS

AREA TO BE ANNEXED TO THE CITY OF O'FALLON 21.93± Ac.



21.93± acres  
portion of  
04-07.0-200-018

Prepared By:  
SHERBUT-CARSON-CLAXTON, LLC  
4 Meadow Heights Professional Park  
Collinsville, Illinois 62234

RECEIVED AUG 01 2011

EXHIBIT C

PETITION FOR ANNEXATION

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS

The undersigned Petitioner hereby respectfully petition to annex to the City of O'Fallon, St. Clair County, Illinois, the tract of land described as follows:

PARCEL NUMBER(S): PART OF 04-07-20-016 & 04-07-200-017

*(consolidated into 7 04-07.0-200-018)*

ADDRESS(ES): 21.93 ± acres on Bowler Road

(See attached Exhibits "A")(hereinafter the "Tract")

and states as follows:

1. The Tract is not within the corporate limits of any municipality.
2. The Tract is contiguous to the City of O'Fallon, St. Clair County, Illinois.
3. There are 0 electors residing on the Tract.
4. The Petitioners are the sole owners of record of all land within the Tract, and they have also executed this Petition as such owners.
5. This Petition is conditioned on the provisions of a certain Annexation Agreement between the City of O'Fallon by and through its Mayor and City Council and Petitioners.

WHEREFORE, Petitioners respectfully request that the corporate authorities of the City of St. Clair County, Illinois, annex the Tract to said City in accordance with the provisions of this Petition and in accordance with the law in such case made and provided.

OWNER: *Richard J. Gorald*  
 DATED: 8-4-11  
 BY: RICHARD J. GORALD  
 ATTEST: notary

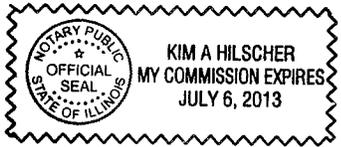
OWNER: *Keith Carson*  
 DATED: 8-4-11  
 BY: KEITH G. CARSON  
 ATTEST: notary

State of Illinois  
County of St. Clair  
SUBSCRIBED AND SWORN to before me this 4<sup>TH</sup> day of AUGUST, 2011.

*Kim A. Hilscher*  
Notary Public

O'Fallon, Illinois

My Commission expires: 7/6/2013





PORTION OF SWAIN FARM  
FOREST HILLS HOLDING CO, LLC  
APPROX. 188 ACRES  
21.93±

1910 BOWLER RD.  
JOHN & GINGER JOHNSON  
APPROX. 1.65 ACRES

BOWLER RD

FOREST HILLS

BRANTON LN

KINGS ROBE BLVD

WILSON

SADDLEWOOD

BEAUFORT LN

WIND ROBE CT

CLAYTON CT

WINDYBROOK LN

WINDYBROOK LN

WINDYBROOK LN

COUNTRY LN

SR-1

A



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

**AN ORDINANCE AMENDING ORDINANCE  
623, ZONING DISTRICTS OF THE CITY OF  
O’FALLON, ILLINOIS (DEVELOPMENT  
KNOWN AS “BETHEL FARMS”  
SUBDIVISION, INCLUDING PARCEL  
NUMBERS: 04-07.0-200-019 & 04-07.0-200-020**

**WHEREAS**, the applicant, Forest Hills Holding Co., LLC, proposes to Subdivide 101.17 acres of land into Single-Family residential lots north of Bethel Road and has requested and heretofore filed a petition with the City of O’Fallon for a zoning change of the property currently located in St. Clair County, zoned Agriculture, A and Agriculture, A in the City of O’Fallon, and is proposed for annexation into the City of O’Fallon and rezoning as “SR-1” Single Family Residence Dwelling District, pursuant to the proposed development shown on the attached Preliminary Plat (Exhibit A); and

**WHEREAS**, the developer will be responsible for paying to the City of O’Fallon a fee in lieu of 1.71 acres of park land dedication in the amount \$87,365; and

**WHEREAS**, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws; and

**WHEREAS**, the developer has requested that a variance be granted by the City Council to allow for a variance to exceed the 800 foot maximum length requirement for dead-end streets as shown in the attached preliminary plat (Exhibit A), and the City Council has determined that such variance to the dead-end street is reasonable; and

**WHEREAS**, said Planning Commission of the City of O’Fallon, Illinois held a public hearing on July 14, 2015, in accordance with state statute, and recommended to approve the petitioner’s request to obtain SR-1 Single Family Residence Dwelling District zoning for the property with a vote of 7-ayes to 0-nayes; and

**WHEREAS**, on July 27, 2015 the Community Development Committee of the City Council reviewed the preliminary plat and recommended approval with a vote of X-X.

**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 “Bethel Farms” Subdivision, be henceforth classified as zoning district SR-1 Single Family Residence Dwelling District as shown on the attached Exhibit A.

**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 \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

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

\_\_\_\_\_  
Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	Albrecht	Kueker	Mouser	Hagarty	Roach	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Smallheer	Bennett	Marsh	Holden	Drolet	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

I:\P & Z\ZONEFILE\Petitioner Files\2015\Bethel Farms\zoning P2015-06\Bethel Farms Zoning Ordinance 7-27-15.doc





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MEMORANDUM

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**TO:** Community Development Committee  
**FROM:** Justin Randall, Senior City Planner  
**THROUGH:** Ted Shekell, Director of Community Development  
**DATE:** July 27, 2015  
**SUBJECT:** P2015-07: Steph's Café, Planned Use

---

**Recommendation**

The Planning Commission held a public hearing on the above referenced application at their July 14, 2015 meeting. The Commission voted 4-ayes and 3-nays to approve the requested Planned Use application for Steph's Café, subject to the conditions recommended by staff.

**Project Background and Summary**

The applicant, Gene Hebenstreit for Spin 2 Win dba Steph's Cafe, has filed an application requesting a planned use for a vacant tenant space located at 729 West Highway 50, Suite C, currently zoned B-1 (P), Planned Community Business District for a café with alcohol sales and consumption. The use is proposed for 1,400 square feet in the middle of the building along Highway 50 (former Subliminal Subs location). The space is within an existing building, and there will be no exterior or interior improvements to the site, other than a sign. Due to the nature of land use as a video gaming café, with alcohol and a very limited food menu, staff has determined the land use to be consistent with a tavern / bar land use. Therefore, the use requires Planned Use approval because of the request for a tavern / bar land use with the sale and consumption of alcohol on site.

Please see the attached Plan Commission Project Report for more detailed information on the proposal.

**Staff Recommendation**

Staff recommends approval of the use, with the following conditions:

1. A liquor license will be required to serve alcohol at Steph's Café.
2. A video gaming establishment permit will be required to have video gaming at Steph's Café.
3. All video gaming activities shall comply with City of O'Fallon and state requirements.

**Attachments:**

1. Report to Plan Commission
2. Ordinance for Planned Use



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## PROJECT REPORT

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**TO:** Planning Commission  
**FROM:** Justin Randall, Senior City Planner  
**THRU:** Ted Shekell, Community Development Director  
**DATE:** July 14, 2015  
**PROJECT:** P2015-07: Steph's Cafe, Planned Use

---

**Location:** 729 West Highway 50, Suite C  
**Applicant:** Gene Hebenstreit  
**Owner:** Blue Land, LLC  
**Submitted:** June 8, 2015

### Introduction

The applicant, Gene Hebenstreit for Spin 2 Win dba Steph's Cafe, has filed an application requesting a planned use for a vacant tenant space located at 729 West Highway 50, Suite C, currently zoned B-1 (P), Planned Community Business District for a café with alcohol sales and consumption. The use is proposed for 1,400 square feet in the middle of the building along Highway 50 (former Subliminal Subs location). The space is within an existing building, and there will be no exterior or interior improvements to the site, other than a sign. Due to the nature of land use as a video gaming café, with alcohol and a very limited food menu, staff has determined the land use to be consistent with a tavern / bar land use. Therefore, the use requires Planned Use approval because of the request for a tavern / bar land use with the sale and consumption of alcohol on site.

### Existing Conditions

#### Surrounding Zoning:

North: SR-2 & O-1  
East: B-1  
South: B-1(P)  
West: B-1

#### Surrounding Land Use:

North: Single Family Residences and Scott Credit Union  
East: Centre Point Retail Center and Storage Center  
South: Vacant land to rear of Frieze Harley-Davidson  
West: Denny's

Please see the attached maps for more detailed information on surrounding zoning and land uses.

### Applicable Ordinances, Documents and Reports

O'Fallon Comprehensive Plan: The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as *General Commercial*, which is consistent with the proposed use.

Zoning Ordinance and Planned Use Ordinance: The proposed Steph's Cafe is subject to Article IX Planned Uses of the Zoning Ordinance, because staff has determined a video gaming café is considered a tavern / bar land use with the sale and serving of alcohol. The property is also subject to the B-1, Community Business District requirements.

Public Notice: Public Notice of this project has been fulfilled in accordance with Section 158.255 and 158.256 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property

owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

### Discussion Points/Issues

#### Land Use

Steph's Café will be a video gaming café, which has been determined to be a tavern / bar land use. The café has a limited menu and will serve alcohol. The café will also have limited seating (plans show approximately 16 seats), and will have five (5) video gaming terminals.

Other uses within the center in adjacent tenant spaces include H&R Block, Sushi Ai, China King and a vacant tenant space. The subject property is surrounded by other retail and restaurant uses to the east and west and residential and vacant land to the north and south.

#### Liquor License

The applicant has requested the ability to serve alcohol at the restaurant for on-site consumption and install video gaming terminals upon approval. The applicant will not sell hard liquor or package sales of alcohol.

#### Site Plan

The tenant space is within an existing building and previously operated as a restaurant. No building or site changes have been proposed, only some interior changes will be constructed.

#### Traffic Circulation/Parking

Access to the site is from Principle Dr. to the west of the building. The site has 57 parking spaces, which can accommodate the video gaming café, using the tavern / bar / nightclub parking ratio of 10 spaces per 1,000 square feet plus 2 spaces per each 3 employees. The overall development will have a total of 1,400 square feet of tavern / bar space and 3,226 square feet of restaurant space, requiring 45 parking spaces. Because there is a limited amount of parking spaces on site, all other tenant spaces are capped at 4 spaces per 1,000 square feet.

#### Signage

The application does provide a location and design for a wall sign, but there has not been details provided on the size of the sign, so the signage will have to meet the sign requirements of Article 8 of Chapter 158: Zoning of the Code of Ordinances. Any wall signage will need to be submitted and review to ensure compliance with the City's requirements.

#### Hours of Operation

The petitioner has requested to be in operation 7-days a week from 6:00 AM – 1:00AM.

Review and Approval Criteria: Section 158.119 of Article 6 "Planned Uses" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,  
*The project meets all applicable zoning standards for a tavern / bar land use.*
2. The physical design of the proposed plan and the manner in which said design makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and park dedication, and furthers the amenities of light, air, recreation and visual enjoyment.  
*The proposed development provides adequate provisions for public services and will not have a significant impact on traffic.*
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.

*The video gaming café (tavern / bar) will not negatively affect adjacent properties. The Highway 50 corridor is a commercial corridor with a variety of retail, service and restaurant businesses.*

4. The conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. (Ord 3665; passed 5-3-10)

*The proposal is consistent with the Comprehensive Plan and the Commercial Design Handbook.*

5. The use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected.

*The proposed development is designed to be operated to protect the public health, safety and welfare.*

6. An identified community need exists for the proposed use.

*A video gaming café may not be a need for the community.*

7. The proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.

*The development will not impede the normal and orderly development and use of the surrounding property, nor will it impair the use, enjoyment, or value of neighboring properties.*

8. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.

*The existing building is similar to and will not detract from many of the structures surrounding the property.*

9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.

*The proposed development meets the area-bulk requirements set forth in the B-1 Community Business District.*

### **Staff Recommendation**

Staff recommends approval of the Planned Use rezoning with the following additional conditions:

1. A liquor license will be required to serve alcohol at Steph's Café.
2. A video gaming establishment permit will be required to have video gaming at Steph's Café.
3. All video gaming activities shall comply with City of O'Fallon and state requirements.

### **Attachments**

Attachment 1 – Project Application

Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map



CITY OF O'FALLON

JUN - 8 2015

DATE PAID

NAME OF PROJECT: Steph's Cafe  
 ADDRESS/GENERAL LOCATION: 729 W Highway 50 Unit C  
 SUBDIVISION NAME & LOT NUMBER(S): \_\_\_\_\_  
 \_\_\_\_\_  
 PARCEL NUMBER(S): 04-30 0-324-004

PLEASE CHECK THE TYPE OF APPLICATION (PLEASE CHECK ONE):

- PLANNED USE
- RE-ZONING (STANDARD MAP AMENDMENT)

SUMMARY DATA (RESPOND TO ALL THAT APPLY):

PRESENT ZONING: B-1 (P)  
 PROPOSED ZONING: B-1 (P)  
 PROPOSED # OF LOTS: 1  
 PROPOSED # OF DWELLING UNITS: 0

*existing +* PROPOSED NUMBER OF BUILDINGS: 1 (one) *no change*  
 PROPOSED GROSS FLOOR AREA: 1,400 square feet  
 AREA IN ACRES: .03 for our suite 1.031557 property  
 PRESENT USE: not in use

APPLICANT INFORMATION:

NAME: Gene Hebenstreit  
 COMPANY: Spin 2 Win dba Steph's Cafe  
 ADDRESS: 903 Old Route 66 N  
Litchfield IL, 62056  
 PHONE: 217-825-4363  
 FAX: \_\_\_\_\_  
 EMAIL: gene@teamvictorylane.com

DESIGN PROFESSIONAL INFORMATION:

NAME: tbl  
 COMPANY: \_\_\_\_\_  
 ADDRESS: \_\_\_\_\_  
 PHONE: \_\_\_\_\_  
 FAX: \_\_\_\_\_  
 EMAIL: \_\_\_\_\_

Gene Hebenstreit  
 SIGNATURE OF APPLICANT

\_\_\_\_\_  
 SIGNATURE OF DESIGN PROFESSIONAL

RECEIVED JUN 0 8 2015

DATE RECEIVED: <u>6-8-15</u>	STAFF USE ONLY
APPLICATION RECEIVED BY: <u>V. Evans</u>	PROJECT ID #: <u>P2015-07</u>
APPLICATION FEE: <u>\$250.00 *3328</u>	STAFF ASSIGNED: <u>J. Randall</u>
	PLAN REVIEW FEE DEPOSIT REC'D: <u>N/A</u>

property owner Blue Hand LLC % Robert L. Plummer, Manager  
 P.O. Box 502 Edwardsville, IL 62025

RECEIVED JUN 08 2015

## CONCEPT

Steph's Cafe will be neighborhood gathering place where adults can enjoy a light meal and gaming in a welcoming and comfortable atmosphere.

Steph's will feature:

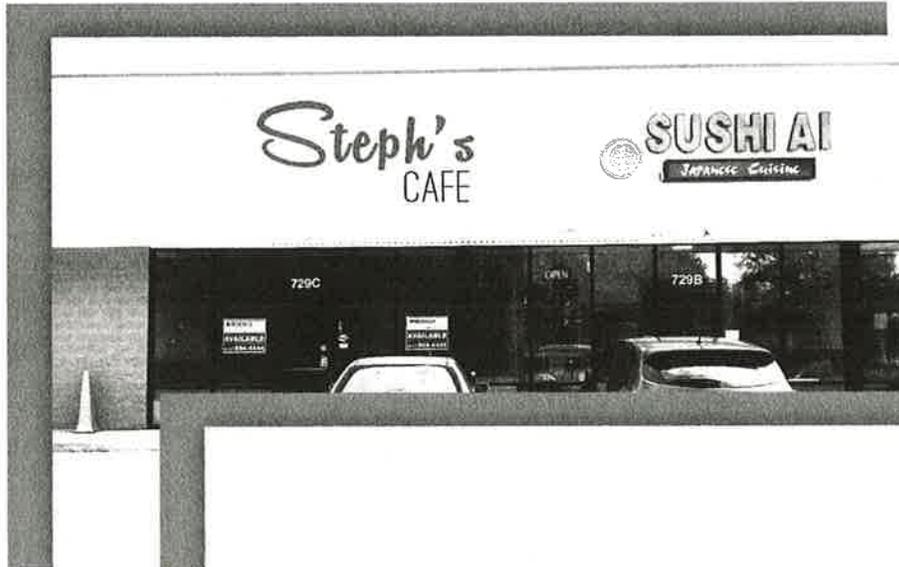
- Breakfast, lunch and dinner
- A variety of non-alcoholic beverages
- Beer and wine
- Superior customer service
- Contemporary design

- HOURS OF OPERATION
  - 6 AM - 1 AM
  - 7-DAYS A WEEK

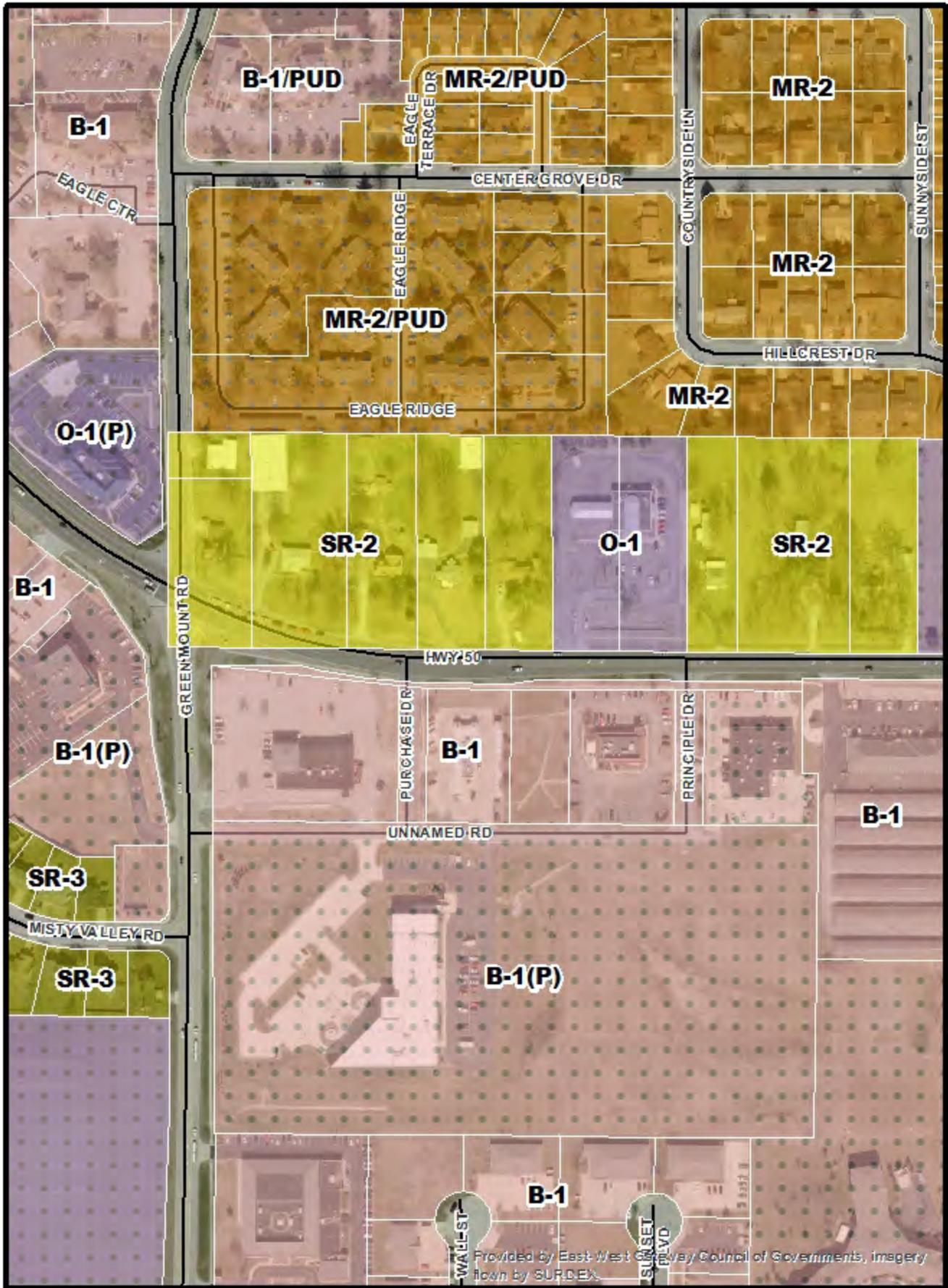


RECEIVED JUN 08 2015

# EXTERIOR VIEW



# P2015-07: Steph's Cafe - Zoning Map



# P2015-07: Steph's Cafe - Land Use Map



Map provided by East West Gateway Council of Governments, Imagery by SURNER



CITY OF O'FALLON  
ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING  
ORDINANCE 623, ZONING DISTRICTS  
OF THE CITY OF O'FALLON, ILLINOIS  
(DEVELOPMENT KNOWN AS "STEPH'S  
CAFE") LOCATED AT 729 WEST  
HIGHWAY 50, SUITE C, PARCEL  
NUMBER 04-30.0-324-004**

**WHEREAS**, the applicant, Gene Hebenstreit of Spin 2 Win dba Steph's Cafe, has filed an application requesting approval of a planned use rezoning to authorize use of 1,400 square feet of 729 West Highway 50, Suite C as a bar / tavern (video gaming café) in O'Fallon; 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**, the Planning Commission of the City of O'Fallon, Illinois held a public hearing on July 14, 2015, in accordance with state statute, and recommended to approve the petitioner's request to obtain a B-1(P) Planned Community Business District zoning for the property with a vote of 4 ayes to 3 nays as outlined in the adopted Planning Commission Report, attached hereto and declared to be an inseparable part hereof (Exhibit A); and

**WHEREAS**, on July 27, 2015 the Community Development Committee of the City Council reviewed the rezoning and recommended approval with a vote of X ayes to X nays.

**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.** That upon the effective date of this Ordinance, the described property, known as "Steph's Café", be henceforth classified as zoning district B-1(P) Planned Community Business District with the following conditions:

1. A liquor license will be required to serve alcohol at Steph's Café.
2. A video gaming establishment permit will be required to have video gaming at Steph's Café.
3. All video gaming activities shall comply with City of O'Fallon and state requirements.

**Section 2.** 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.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

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

\_\_\_\_\_  
Gary L. Graham, Mayor

ROLL CALL:	McCoskey	Meile	Albrecht	Kueker	Mouser	Hagarty	Roach	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Smallheer	Bennett	Marsh	Holden	Drolet	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

Return to Agenda

Return to CD Memo



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**MEMORANDUM**

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**TO:** Community Development Committee  
**FROM:** Justin Randall, Senior City Planner  
**THROUGH:** Ted Shekell, Director of Community Development  
**DATE:** July 27, 2015  
**SUBJECT: S15-06 & P2015-08: Resubdivision of Lake at St. Ellen's Plaza:  
Preliminary Plat & MR-1(P) Planned Use**

1. Resolution Approving a Preliminary Plat for Lake at St. Ellen's Plaza
2. Ordinance Zoning the Lake at St. Ellen's Plaza subdivision

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**Recommendation**

The Planning Commission held a public hearing on the above referenced application at their July 14, 2015 meeting. The Commission voted 7-ayes and 0-nay to approve the requested Preliminary Plat and Zoning applications for Lake at St. Ellen's Plaza, subject to the conditions recommended by staff.

**Project Background and Summary**

The applicant, Lake St. Ellen, LLC, is proposing to rezone and resubdivide 5.18 acres of a previously approved and constructed 6-lot business park known as Lake at St. Ellen's Plaza. The property is located on the west side of Old Collinsville Road, south of Highway 50. The property was rezoned in 2000 to B-1(P) as a part of a larger mixed use development, including the 6-lot business park and 67 duplex/villa lots (134 dwelling units). Three of the four phases of the duplex/villa development have been constructed, with the fourth phase pending until the Ashland Road extension is completed. The commercial portion of the development has not seen any development pressure since the project was constructed. Due to the lack of development of the commercial portion of the development, the applicant is requesting to convert the commercial portion of the project to the duplex/villa development.

The applicant is requesting to rezone the property to MR-1(P), Two-, Three-, Four-Family Residence Dwelling District, with a planned use to allow for the duplex/villa development. In addition to the zone change and planned use, the applicant is seeking approval of a preliminary plat to resubdivide the 6 commercial lots into 10 lots for duplexes/villas (20 total dwelling units). The lot sizes range from 19,000 square feet to 31,500 square feet with an average lot size of 22,420 square feet.

The majority of the infrastructure and utilities associated with the subdivision has been constructed. The street is constructed in 50-foot right-of-way with 30 feet of pavement back of curb to back of curb. The development is serviced by an existing 8-inch water line (City of O'Fallon) and an 8-inch sanitary sewer line (Caseyville Township). Additionally, there is an existing storm sewer system constructed to convey stormwater to a detention area, which a portion will be relocated to be located on a new property line. Sidewalks will need to be installed on both sides of Executive Plaza Drive and along Old Collinsville Road. Electric and gas services are serviced by Ameren IP. Telephone and internet services are available through AT&T and cable and internet services are available through Charter.

Please see the attached Plan Commission Project Report for more detailed information on the proposal.

**Staff Recommendation**

Staff recommends approval of the project with the following conditions:

1. Sidewalks will need to be installed on both sides of Executive Plaza Drive and along Old Collinsville Road.
2. The park dedication requirement is 0.24 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$12,241, \$612.00 per unit (\$1,224 / lot).

**Attachments:**

1. Report to Plan Commission
2. Resolution Approving a Preliminary Plat for Lake at St. Ellen's Plaza
3. Ordinance Zoning the Lake at St. Ellen's Plaza subdivision



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## PROJECT REPORT

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**TO:** Planning Commission  
**FROM:** Justin Randall, Senior City Planner  
**THRU:** Ted Shekell, Community Development Director  
**DATE:** July 14, 2015  
**SUBJECT:** S15-06 & P2015-08: Resubdivision of Lake at St. Ellen's Plaza:  
Preliminary Plat & MR-1(P) Planned Use

---

**Applicant:** Lake St. Ellen, LLC  
100 Regency Centre  
Collinsville, IL 62234

**Owner:** Lake St. Ellen, LLC  
100 Regency Centre  
Collinsville, IL 62234

**Submitted:** June 11, 2015

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### Project Summary

- Property located on the west side of Old Collinsville Road, approximately 0.6-mile south of Highway 50
- Subject property consists of 5.18 acres of the previously approved and constructed 6-lot business park known as Lake at St. Ellen's Plaza
- Resubdivision of the 6 lots commercial lots into 10 two-family residential lots (20 proposed dwelling units)
- Rezone the property from B-1 (P) Planned Community Business to MR-1(P) Planned 2-, 3-, 4-Family Residence Dwelling District
- Lot sizes ranging from 19,000 square feet to 31,500 square feet, average lot size of 22,420 square feet
- The gross density is 1.93 lots per acre; 3.86 dwelling units per acre
- Single access point from Old Collinsville Road via Lake St. Ellen Drive
- The developer will utilize existing water (City of O'Fallon) and sanitary sewer (Caseyville Township) services

### Background & Executive Summary

The applicant, Lake St. Ellen, LLC, is proposing to rezone and resubdivide 5.18 acres of a previously approved and constructed 6-lot business park known as Lake at St. Ellen's Plaza. The property is located on the west side of Old Collinsville Road, south of Highway 50. The property was rezoned in 2000 to B-1(P) as a part of a larger mixed use development, including the 6-lot business park and 67 duplex/villa lots (134 dwelling units). Three of the four phases of the duplex/villa development have been constructed, with the fourth phase pending until the Ashland Road extension is completed. The commercial portion of the development has not seen any development pressure since the project was constructed. Due to the lack of development of the commercial portion of the development, the applicant is requesting to convert the commercial portion of the project to the duplex/villa development.

Community Development Department

255 South Lincoln Avenue O'Fallon, IL 62269 ♦ P: 618.624.4500 x 4 ♦ F: 618.624.4534

The applicant is requesting to rezone the property to MR-1(P), Two-, Three-, Four-Family Residence Dwelling District, with a planned use to allow for the duplex/villa development. In addition to the zone change and planned use, the applicant is seeking approval of a preliminary plat to resubdivide the 6 commercial lots into 10 lots for duplexes/villas (20 total dwelling units). The lot sizes range from 19,000 square feet to 31,500 square feet with an average lot size of 22,420 square feet.

The majority of the infrastructure and utilities associated with the subdivision has been constructed. The street is constructed in 50-foot right-of-way with 30 feet of pavement back of curb to back of curb. The development is serviced by an existing 8-inch water line (City of O'Fallon) and an 8-inch sanitary sewer line (Caseyville Township). Additionally, there is an existing storm sewer system constructed to convey stormwater to a detention area, which a portion will be relocated to be located on a new property line. Sidewalks will need to be installed on both sides of Executive Plaza Drive and along Old Collinsville Road. Electric and gas services are serviced by Ameren IP. Telephone and internet services are available through AT&T and cable and internet services are available through Charter.

### **Existing Conditions**

#### **Surrounding Zoning:**

North: B-1  
East: MR-1(P)  
South: B-1(P)  
West: B3 & BP (Fairview Heights)

#### **Surrounding Land Use:**

North: St. Clair Bowl  
East: Lake at St. Ellen subdivision with duplexes  
South: True Vine Christian Center Church  
West: The Louvre Salon & Spa and Casey Gas Station

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### **Applicable Ordinances, Documents and Reports**

#### **O'Fallon Comprehensive Plan:**

The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as General Commercial and Neighborhood Residential. In Table 3.1 of the Comprehensive Plan, which identifies Future Land Uses, the Neighborhood Residential category indicates no more than 7 dwelling units per acre and the associated zoning district include SR-2 and SR-3, but indicates attached villas may be permitted through the planned use process. The proposed residential development is consistent with the Comprehensive Plan.

#### **Code of Ordinances:**

The proposed subdivision is subject to Chapter 154 (Subdivision) Chapter 155 (Development Manual) and Chapter 158 (Zoning) of the Code of Ordinance and must meet the Area-Bulk requirements for lot dimensions. The property is also subject to the MR-1, Two-, Three-, Four-Family Residence Dwelling District requirements.

#### **Public Notice:**

Public Notice of this project has been fulfilled in accordance with Section 158.255 and 158.256 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

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### **Rezoning & Planned Use Discussion Points**

#### **General Discussion:**

There are six tracts of land requested to be rezoned to MR-1(P), Two-, Three-, Four-Family Residence Dwelling District, totaling 5.18 acres. The initial zoning for the Lake St. Ellen's development zoned the residential component MR-1(P), which conforms to the Comprehensive Plan.

#### MR-1 Zoning District:

The MR-1 district allows for the development of Two-, Three-, and Four-Family dwelling units. The Old Collinsville Road corridor has a mixture of land uses, including a number of multi-family uses (Autumn Pine Apartments and Townhomes just to the north and the Lake St. Ellen's development to the east). Sound planning principles would tend to stray away from rezoning commercial property to residential land uses. However in this particular case, the site was approved for a professional service type business park and has remained undeveloped for 15 years. The lack of development in this subdivision with all utilities constructed indicates there is not a high demand for additional commercial services in this area of O'Fallon. Due to the mixture of commercial and higher density residential land uses in the area, if the property is not going to be developed commercially, the best use for the property would be two-family dwelling units.

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#### Preliminary Plat Discussion Points/Issues

##### General Discussion:

The resubdivision of Lake at St. Ellen's Plaza consists of 5.18 acres with 10 two-family lots in a MR-1(P) zoning district. The lot sizes range from 19,000 square feet to 31,500 square feet with an average lot size of 22,420 square feet, all which meet the area/bulk requirements of the MR-1 district.

##### Access and Circulation:

The resubdivision will utilize the existing street layout of Lake at St. Ellen's Plaza, which was approved and constructed previously. Executive Plaza Drive is a 400 foot long cul-de-sac, with access to Old Collinsville Road via Lake St. Ellen Drive. The street is constructed as local streets with 50-foot right-of-way with 30 feet of pavement back of curb to back of curb.

##### Drainage and Detention:

The site has an existing stormwater system that will require some modification to relocate one of the existing stormwater lines from an existing property line to the new property line. All drainage modifications must be reviewed and approved by Public Works Department.

##### Utilities:

The developer will be utilizing the existing water and sewer services. The City of O'Fallon provides water to the site, with an 8-inch water line, while the Caseyville Township has provided the subdivision with sanitary sewer service. Electric and gas services are available to the site and owned by Ameren IP. Telephone and internet services are available through AT&T and cable and internet services are available through Charter.

##### Street Trees, Landscape Berms, and Buffers:

The developer will install street trees in the 7' wide lawn between the curb and sidewalk every 50' along the streets in the Lake St. Ellen's Plaza subdivision. Additionally, the applicant will need to provide the required vegetative buffer and berm between the subdivision and Old Collinsville Road on the preliminary plat .

##### Open Space:

As detailed in Article 4 of Chapter 155 (Subdivisions), park lands are required to be constructed, or a fee in-lieu-of paid, whenever new residential subdivisions are constructed. Based on the average density of 1.97 persons per attached single family unit/duplexes, the subdivision's 20 dwelling units requires a total of 0.24 acres of Park Lands dedication. This is based on the 6 acres of park space per 1000 people. The subdivision's population estimate is 40 (20 x 1.97). A fee of \$12,241 will be necessary for the balance of 0.24 acres of park space if so required, equaling \$612 per unit (\$1,224 per lot).

**Criteria for considering General Rezoning applications:**

In considering any application for rezoning, the Commission and the Governing Body may give consideration to the criteria stated below to the extent that they are pertinent to the particular application. The Commission and Governing Body also may consider other factors that may be relevant to a particular application. The rezoning of the Reserves of Timber Ridge property appears to meet each of the following zoning criteria:

- a) the existing uses and zoning of nearby property;
- b) the extent to which property values are diminished by the particular zoning restrictions;
- c) the extent to which the destruction of property values of plaintiff promote the health, safety, morals or welfare of the public;
- d) the relative gain to the public as compared to the hardship imposed upon the individual property owner;
- e) the suitability of the subject property for the zoned purposes;
- f) the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the subject property;
- g) the care that the community has taken to plan its land use development, and
- h) the community need for the proposed use.

---

**Conclusion and Recommendation**

Staff recommends approval of the Preliminary Plat and the Planned Use rezoning to MR-1(P) with the following conditions:

- 1. Sidewalks will need to be installed on both sides of Executive Plaza Drive and along Old Collinsville Road.
- 2. The park dedication requirement is 0.24 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$12,241, \$612.00 per unit (\$1,224 / lot).

**Attachments**

- 1. Project Application & Narrative
- 2. Zoning Map
- 3. Surrounding Land Use Map
- 4. Preliminary Plat



Planned Use / Re-Zoning Application

NAME OF PROJECT: Resubdivision of Lake St. Ellen Plaza

ADDRESS/GENERAL LOCATION: Executive Plaza Drive

SUBDIVISION NAME & LOT NUMBER(S): Lake St. Ellen Plaza - Lot No. 1-6

PARCEL NUMBER(S): 03350101002, -003, -004, -005, -006, 007

CITY OF O'FALLON

PLEASE CHECK THE TYPE OF APPLICATION (PLEASE CHECK ONE):

- PLANNED USE
- RE-ZONING (STANDARD MAP AMENDMENT)

JUN 12 2015

DATE PAID

SUMMARY DATA (RESPOND TO ALL THAT APPLY):

PRESENT ZONING: B-1(P)

PROPOSED NUMBER OF BUILDINGS: 10

PROPOSED ZONING: MR-1 (P)

PROPOSED GROSS FLOOR AREA: 2,714

PROPOSED # OF LOTS: 10

AREA IN ACRES: 5.18

PROPOSED # OF DWELLING UNITS: 20

PRESENT USE: COMMERCIAL

APPLICANT INFORMATION:

NAME: \_\_\_\_\_

COMPANY: Lake St. Ellen, L.L.C.

ADDRESS: 100 Regency Centre  
Collinsville, Illinois 62234

PHONE: (618) 346-7878

FAX: (618) 346-7877

EMAIL: \_\_\_\_\_

DESIGN PROFESSIONAL INFORMATION:

NAME: Clifford G. Huelsmann

COMPANY: Netemeyer Engineering Assoc., Inc.

ADDRESS: 3300 Highline Road  
Aviston, Illinois 62216-1018

PHONE: (618) 228-7816

FAX: (618) 228-7900

EMAIL: cliff@netemeyerengineering.com

  
SIGNATURE OF APPLICANT

  
SIGNATURE OF DESIGN PROFESSIONAL

DATE RECEIVED: <u>RECEIVED JUN 11 2015</u>	STAFF USE ONLY
APPLICATION RECEIVED BY: _____	PROJECT ID#: <u>P2015-08</u>
APPLICATION FEE: <u>\$250.00</u>	STAFF ASSIGNED: <u>J. Randall</u>
	PLAN REVIEW FEE DEPOSIT REC'D: <u>N/A</u>

5

CITY OF O'FALLON  
JUN 12 2015  
DATE PAID

**CITY OF O'FALLON, ILLINOIS**  
**APPLICATION FOR APPROVAL OF PRELIMINARY SUBDIVISION PLAT**

RECEIVED JUN 12 2015

(To be submitted with Filing Fee (\$150.00 plus \$10.00 per lot) payable to "City of O'Fallon" and a separate check for Engineering Plan Review Fee payable to "Rhutasel and Associates, Inc.")

S15-06

Date: 6-5-15

Name of Subdivision: Resubdivision of Lake St. Ellen Plaza

Name, Address, and Phone Number of Subdivider: Lake St. Ellen, L.L.C.

100 Regency Centre, Collinsville, Illinois 62234

Name, Address, and Phone Number of Engineer: Netemeyer Engineering Associates, Inc.

3300 Highline Road, Aviston, Illinois 62216-1018 (618) 228-7816

Section: 35 Township: 2 North Range: 8 West

Area of Tract: 5.18 ac. Number of Proposed Lots: 10 Zoning: Proposed MR-1(P)

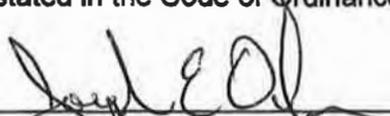
Property interest of applicant:  Owner ( ) Contract Purchaser ( ) Other \_\_\_\_\_

**APPLICANT'S CHECKLIST**

<b>REQUIREMENTS FOR SUBMITTAL</b>	<b>(YES or NO)</b>
PAYMENT OF FILING FEE	<u>Y</u>
PAYMENT OF ENGINEERING PLAN REVIEW FEE	<u>Y</u>
6 PRINTS OF SUBDIVISION PLAT & ONE (1) 11" x 17" COPY	<u>Y</u>
VARIANCES – (IF APPLICABLE) REQUESTS ATTACHED	<u>N</u>
NARRATIVE LETTER PROVIDING AN OVERVIEW OF PROJECT	<u>Y</u>
COMPLETION OF PRELIMINARY PLAT CHECKLIST	<u>Y</u>
COMPLETION OF PAYMENT RESPONSIBILITY FORM	<u>Y</u>
PRIVATE SUBDIVISION REGULATIONS ATTACHED (IF APPLICABLE)	<u>Y</u>
PHASE I DRAINAGE REPORT	<u>Y</u>
.PDF COPY OF PLAT	<u>Y</u>
SUBMITTAL IN CAD / GIS FORMAT (ON CD)	<u>Y</u>
PROOF OF DEVELOPER'S OWNERSHIP INTEREST	<u>Y</u>

**\*SUBMISSION PACKETS MUST BE COMPLETED IN FULL OR THEY WILL NOT BE RECEIVED BY THE CITY.**

I HEREBY affirm that I am authorized by the Developer to complete this **Application for Preliminary Plat** and that this request is in compliance with Chapter 154: Subdivisions stated in the Code of Ordinances of the City of O'Fallon, as indicated.

  
Applicant's Signature

RECEIVED JUN 11 2015

## **NARRATIVE**

**RESUBDIVISION OF LAKE ST. ELLEN PLAZA**  
Part of the Northwest of Section 35,  
Township 2 North, Range 8 West of the 3rd P.M.,  
City of O'Fallon, St. Clair County, Illinois

This request is for rezoning of the existing commercial development Lake St. Ellen Plaza from B-1(P) Planned Community Business District to MR-1(P) Planned 2-, 3-, 4-Family District. The existing six (6) commercial lots contain a total of 5.18 acres and will be re-subdivided into ten (10) residential lots. The ten (10) proposed duplexes will be approximately 2,714 square feet per building and are permitted within the MR-1(P) zoning district classification. There is one existing entrance on the north side of this proposed development from the existing Lake St. Ellen Drive as shown on the preliminary plat. The street, storm sewer, sanitary sewer, and water have been installed. Drainage detention has been previously approved by the city for the commercial development.

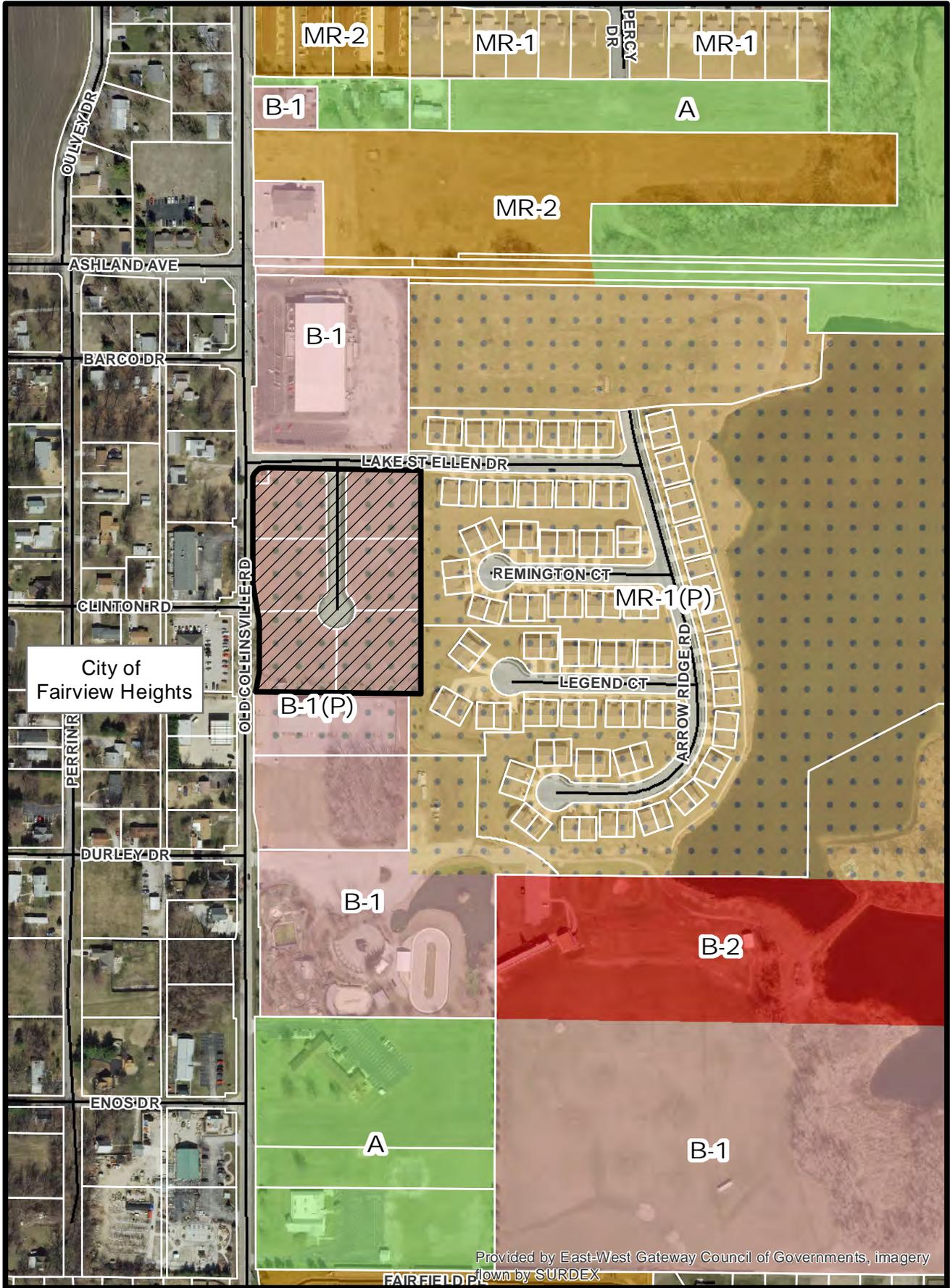
Utilities including sewer, water, gas and electric for this proposed building are to come from existing and proposed lines along the R.O.W. of the existing Executive Plaza Drive. The adjacent properties to the Northwest and Southwest are zoned B-1, the properties to the North and South are zoned B-1, and the property to the East is zoned MR-1 (P).

The applicant, Lake St. Ellen, L.L.C., is owner of the property.

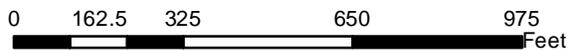
Return to Agenda

Return to CD Memo

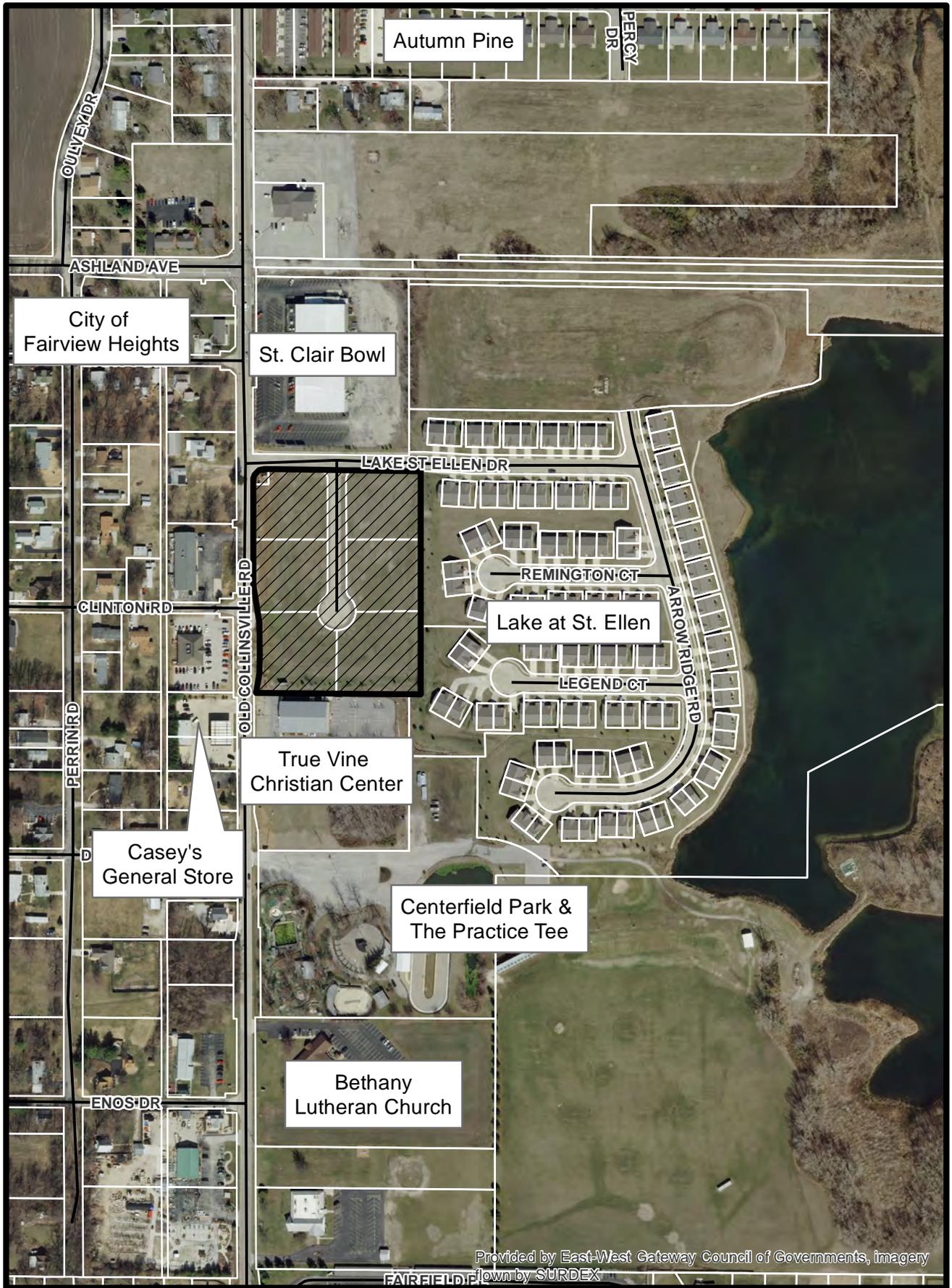
# S15-06 & P2015-08: Lake at St. Ellen's Plaza - Zoning Map



Provided by East-West Gateway Council of Governments, imagery flown by SURDEX

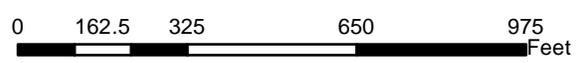


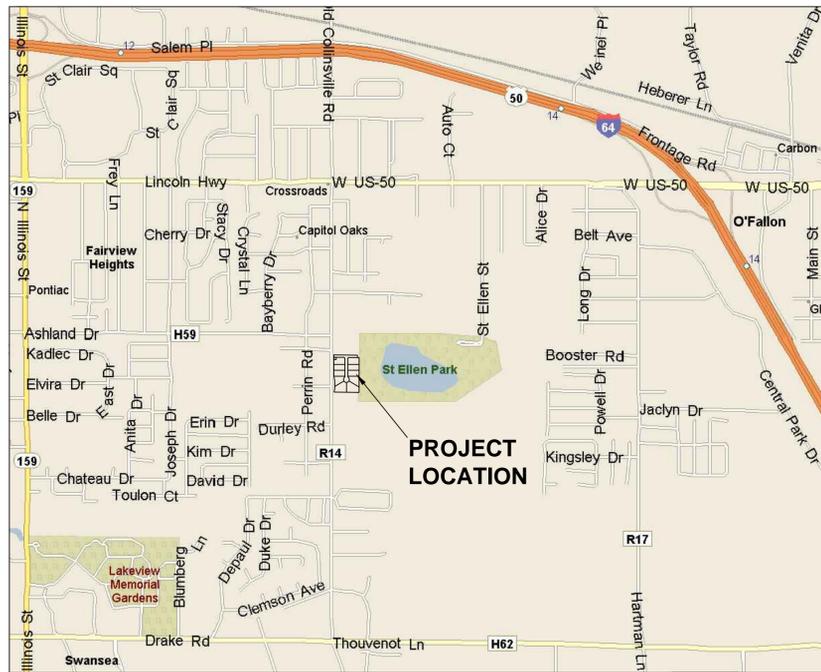
# S15-06 & P2015-08: Lake at St. Ellen's Plaza - Land Use Map



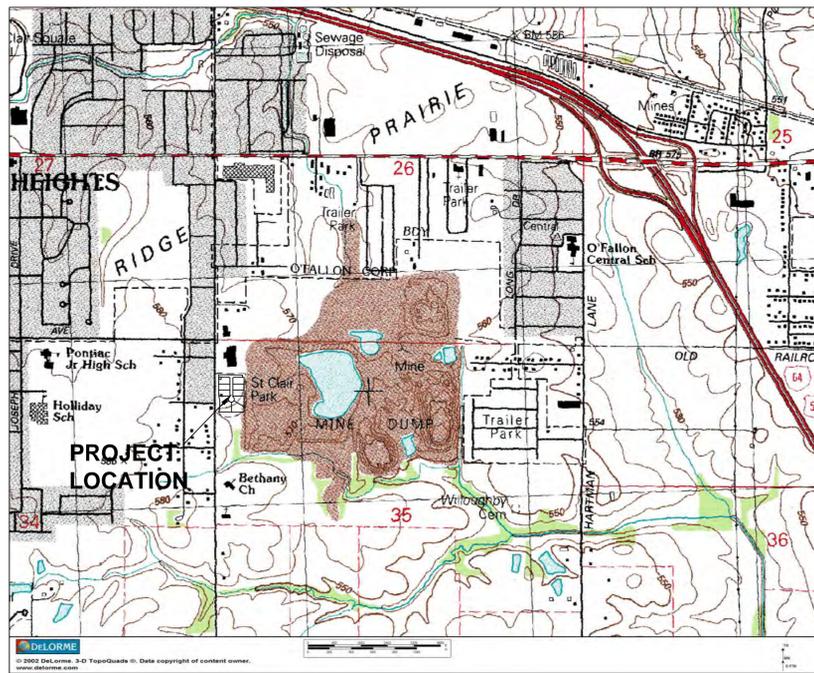
Provided by East-West Gateway Council of Governments, imagery  
 Downloaded by SURDEX

 Subject Property

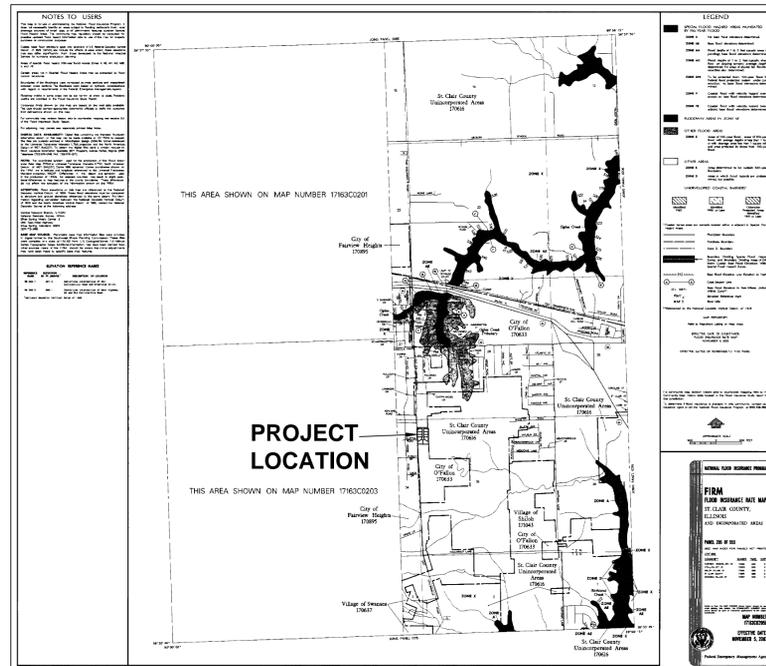




VICINITY MAP  
N.T.S.



USGS MAP  
N.T.S.



FEMA FIRM  
N.T.S.

# PRELIMINARY PLANS FOR RESUBDIVISION OF LAKE ST. ELLEN PLAZA

PART OF THE NORTHWEST QUARTER OF SECTION 35,  
TOWNSHIP 2 NORTH, RANGE 8 WEST OF THE 3RD P.M.,  
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS  
REF.: P.B. 103, PG. 57

PROPOSED ZONING - MR-1

**JUNE 5, 2015**

## INDEX OF SHEETS

SHEET 1 - COVER SHEET  
SHEET 2 - PRELIMINARY PLAT

SITE ADDRESS:

###  
O'FALLON, IL 62269

EXISTING ZONING: B-1(P)

PROPOSED ZONING: MR-1(P)

BUILDING INFO:

10 RESIDENTIAL LOTS:

TOTAL GROSS AREA:	5.18 ac.
PROPOSED R.O.W.	0.93 ac.
RESIDENTIAL LOT	4.22 ac.
COMMON AREA	0.03 ac.

**APPLICANT & CONTRACT OWNER:**

LAKE ST. ELLEN, LLC  
100 REGENCY CENTRE  
COLLINSVILLE, ILLINOIS 62234  
PH: (618) 346-7878 FAX: 618-346-7877

**ENGINEER / SURVEYOR:**

NETEMEYER ENGINEERING ASSOCIATES, INC.  
3300 HIGHLINE ROAD  
AVISTON, ILLINOIS 62216-1018  
PH: 618-228-7816 FAX: 618-228-7900

NETEMEYER ENGINEERING  
ASSOCIATES, INC.

3300 Highline Road Aviston, IL 62216  
PHONE: (618) 228-7816  
FAX: (618) 228-7900

RESUBDIVISION OF LAKE ST. ELLEN PLAZA  
PART OF THE NORTHWEST QUARTER OF SECTION 35,  
TOWNSHIP 2 NORTH, RANGE 8 WEST OF THE 3RD P.M.,  
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS  
REF.: P.B. 103, PG. 57

OSBORN DEVELOPMENT  
100 Regency Centre, Collinsville, Illinois 62234  
PH: (618) 346-7878

OWNER/DEVELOPER:

REVISIONS

NO.	DATE



PATRICK R. NETEMEYER  
JOB NO: 2008-225  
DWG.: OSBORN-LAKE-ST-ELLEN-PLAZA-1  
DRAWN BY: CGH  
CHECKED BY: PRN  
ISSUE DATE: 6-5-15

COVER SHEET  
SHEET NO:  
**1**  
OF 2

LIST OF UTILITIES

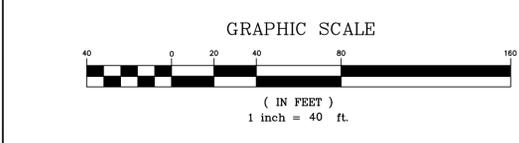
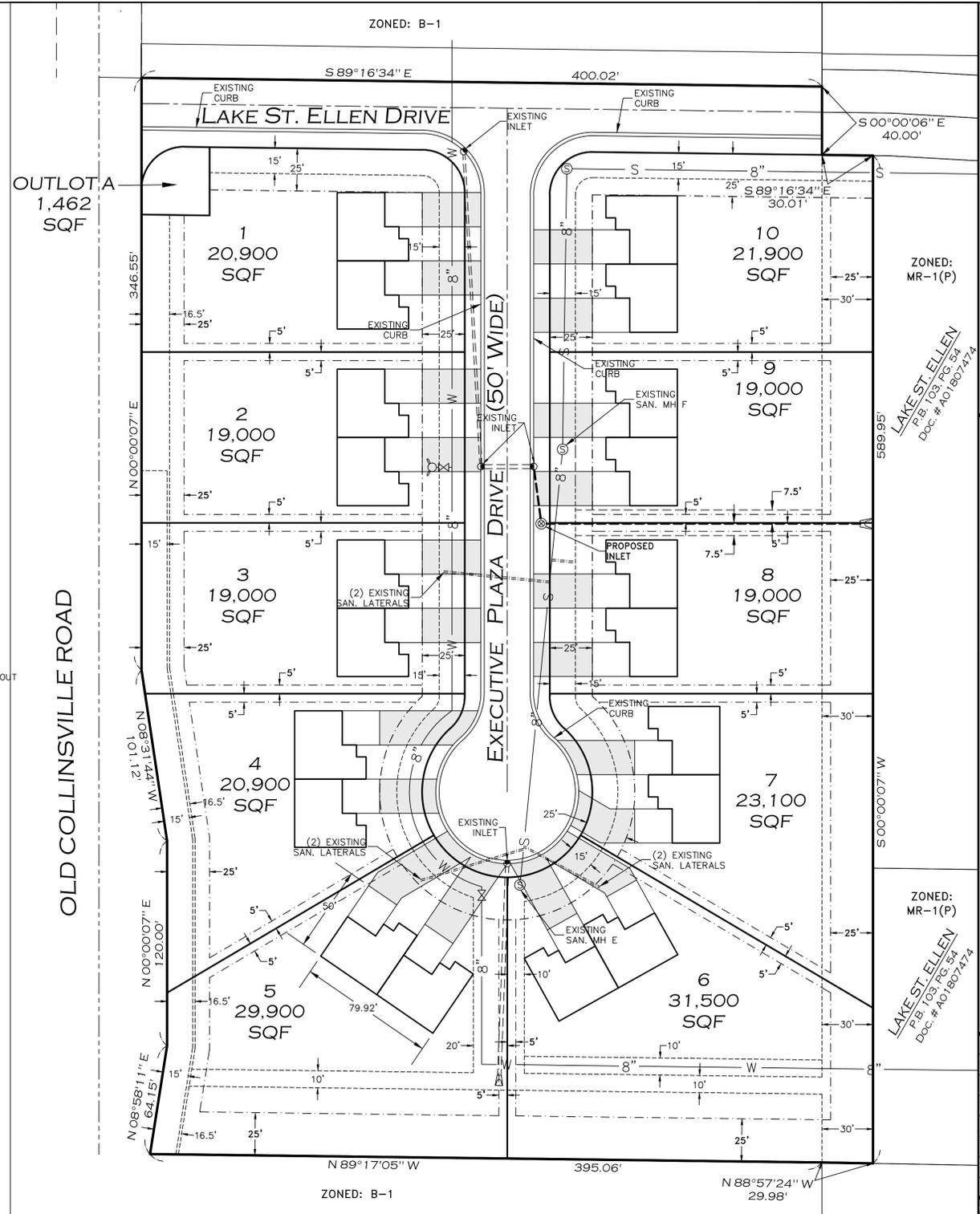
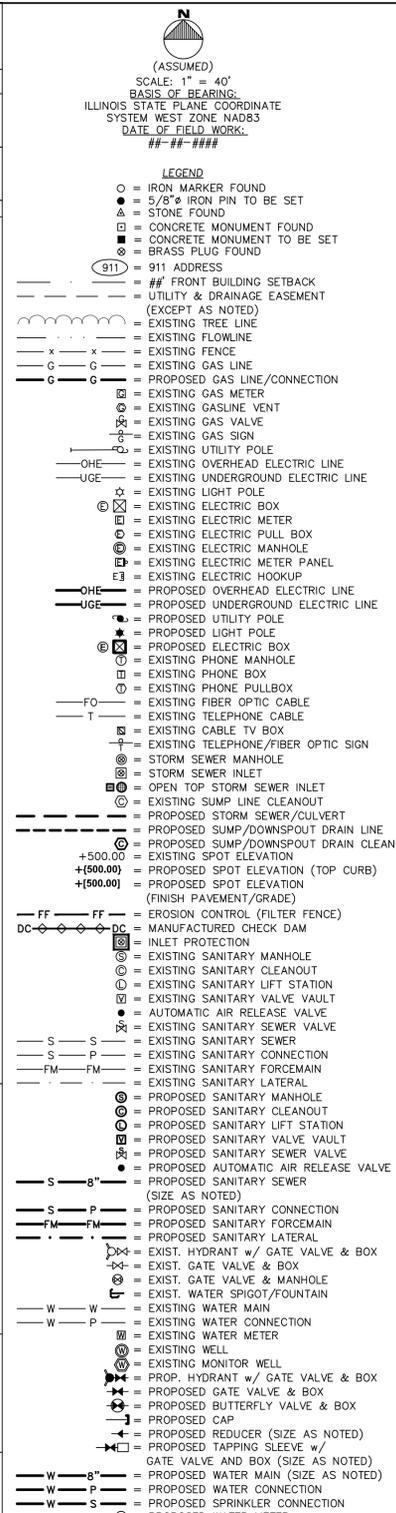
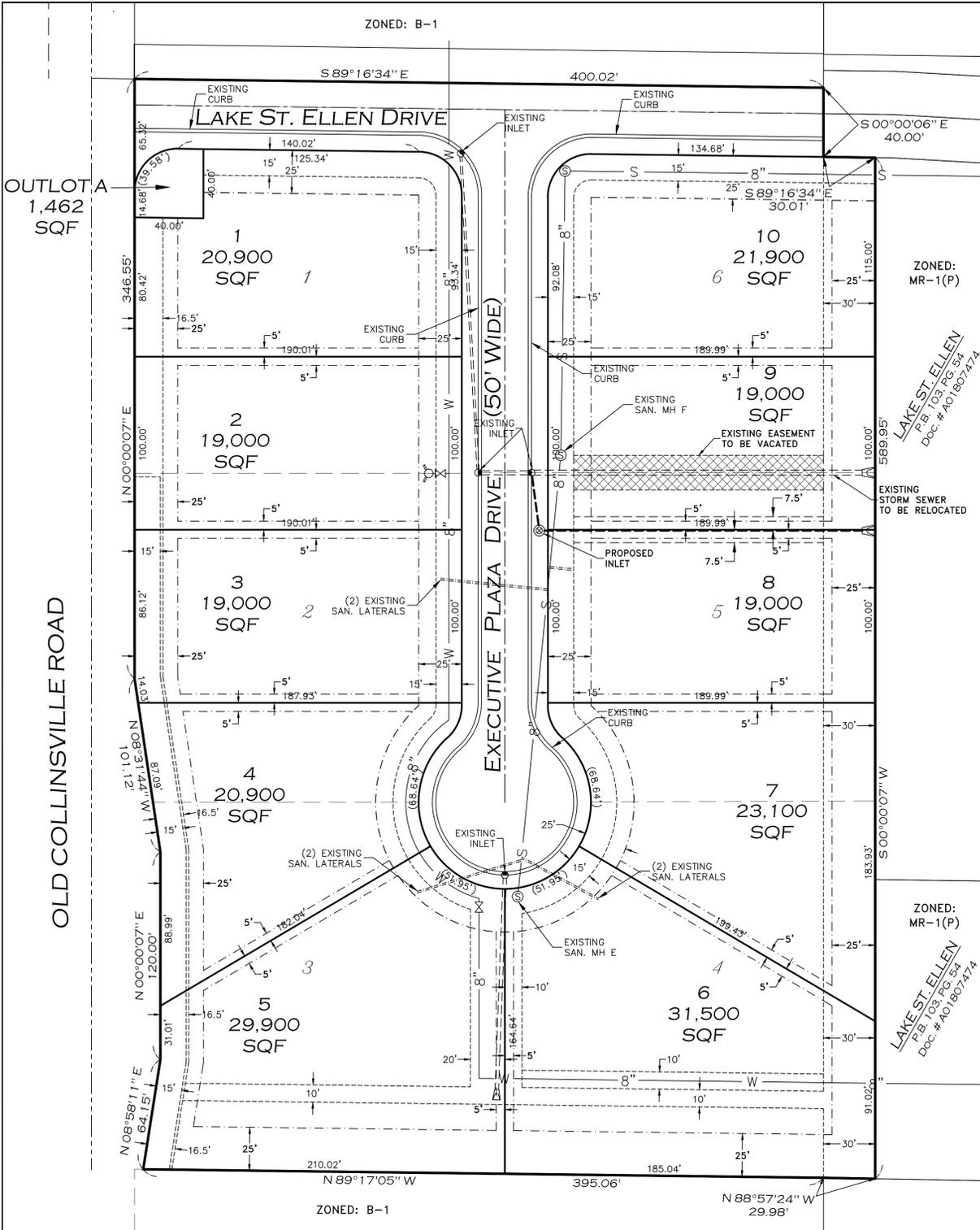
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|--|---|--|
| TELEPHONE - AT&T<br>203 GOETHE STREET<br>COLLINSVILLE, ILLINOIS 62234<br>PHONE: 618-346-6490           | GAS - ILLINOIS POWER COMPANY<br>P.O. BOX 428<br>BELLEVILLE, ILLINOIS 62222<br>PHONE: 618-236-6248   | SEWER - CASEYVILLE TOWNSHIP SEWER<br>SYSTEM<br>1 ECOLOGY DRIVE<br>OFALLON, ILLINOIS 62269<br>PHONE: 618-632-2414 |
| ELECTRIC - ILLINOIS POWER COMPANY<br>P.O. BOX 428<br>BELLEVILLE, ILLINOIS 62222<br>PHONE: 618-236-6248 | WATER - CITY OF OFALLON<br>255 SOUTH LINCOLN AVE.<br>OFALLON, ILLINOIS 62269<br>PHONE: 618-624-4500 | CABLE T.V. - CHARTER COMMUNICATIONS<br>317 WEST MAIN STREET<br>BELLEVILLE, ILLINOIS 62220<br>PHONE: 618-222-3116 |

J.U.L.I.E. - 1-800-892-0123

**CITY COUNCIL APPROVAL**

The Preliminary Site Plan for RESUBDIVISION OF LAKE ST. ELLEN PLAZA was approved by the City Council of the City of O'Fallon, Illinois on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor \_\_\_\_\_ Date \_\_\_\_\_  
Attest: \_\_\_\_\_  
City Clerk \_\_\_\_\_ Date \_\_\_\_\_



**CITY COUNCIL APPROVAL**

The Preliminary Site Plan for RESUBDIVISION OF LAKE ST. ELLEN PLAZA was approved by the City Council of the City of O'Fallon, Illinois on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor \_\_\_\_\_ Date \_\_\_\_\_

Attest: \_\_\_\_\_ Date \_\_\_\_\_

City Clerk \_\_\_\_\_ Date \_\_\_\_\_

**SUBDIVISION INFORMATION:**

EXISTING ZONING: B-1(P)

PROPOSED ZONING: MR-1(P)

**BUILDING INFO:**

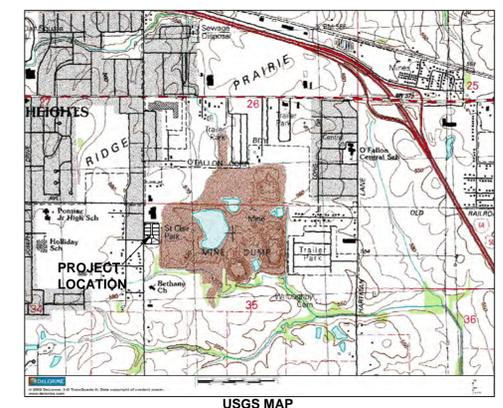
10 RESIDENTIAL LOTS:

TOTAL GROSS AREA: 5.18 ac.

PROPOSED R.O.W. 0.93 ac.

RESIDENTIAL LOT 4.22 ac.

COMMON AREA 0.03 ac.



**NETEMEYER ENGINEERING ASSOCIATES, INC.**

3300 Highline Road, Aviston, IL 62216  
PHONE: (618) 228-7816  
FAX: (618) 228-7900

**RESUBDIVISION OF LAKE ST. ELLEN PLAZA**  
PART OF THE NORTHWEST QUARTER OF SECTION 35,  
TOWNSHIP 2 NORTH, RANGE 8 WEST OF THE 3RD P.M.,  
CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS  
REF.: P.B. 103, PG. 57

**OSBORN DEVELOPMENT**  
100 Regency Centre, Collinsville, Illinois 62234  
PH: (618) 346-7878

**OWNER/DEVELOPER:**

REVISONS

NO.	DATE

IRPE 062-037441  
EXP. DATE: \_\_\_\_\_

**PATRICK R. NETEMEYER**  
37441 REGISTERED PROFESSIONAL ENGINEER ILLINOIS

JOB NO: 2008-225  
DWG.: OSBORN-LAKE-ST-ELLEN-PLAZA-1  
DRAWN BY: CGH  
CHECKED BY: PRN  
ISSUE DATE: 6-5-15

**PRELIMINARY PLAT**

SHEET NO: **2**

OF 2

Resolution No. \_\_\_\_\_

**A RESOLUTION APPROVING AND ACCEPTING  
THE PRELIMINARY PLAT OF LAKE AT ST.  
ELLEN’S PLAZA ON PARCEL NUMBERS: 03-  
35.0-101-002, 03-35.0-101-003, 03-35.0-101-004, 03-  
35.0-101-005, 03-35.0-101-006, and 03-35.0-101-007**

**WHEREAS**, the proposed preliminary plat has been reviewed by the O’Fallon Planning Commission, and planning and engineering staff, and recommended by each; and

**WHEREAS**, the property described in Exhibit A is currently located in the City of O’Fallon, zoned Planned Community Business, B-1(P) and is proposed rezoning in the City of O’Fallon as a two-family subdivision containing 20 homes and proposed for “MR-1(P)” zoning; and

**WHEREAS**, the developer will be responsible for paying to the City of O’Fallon a fee in lieu of 0.24 acres of park land dedication in the amount \$12,241; and

**WHEREAS**, on July 27, 2015 the Community Development Committee of the City Council reviewed the preliminary plat and recommended approval with a vote of X-X.

**NOW THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF  
THE CITY OF O’FALLON AS FOLLOWS:**

- 1) Approval. Lake at St. Ellen’s Plaza Preliminary Plat, as proposed by the developer, a copy of which is attached and made an integral and continuing part of this resolution, be accepted and approved with the conditions below:
  1. Sidewalks will need to be installed on both sides of Executive Plaza Drive and along Old Collinsville Road.
  2. The park dedication requirement is 0.24 acres with the requirement being fulfilled through a fee in lieu of land in the amount of \$12,241, \$612.00 per unit (\$1,224 / lot).
- 2) Resolution Recorded with Clerk. The City Clerk is hereby directed to file and maintain a copy of this resolution, along with a copy of the plat, in the Office of the City Clerk; and
- 3) Effective Date. This resolution shall become effective immediately upon its adoption by the City Council.

Resolved by the Mayor and City Council of the City of O’Fallon this \_\_\_\_\_, 2015.

Approved:

\_\_\_\_\_  
Gary L. Graham, Mayor

Attest:

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

Return to Agenda



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

**AN ORDINANCE AMENDING ORDINANCE  
623, ZONING DISTRICTS OF THE CITY OF  
O’FALLON, ILLINOIS (DEVELOPMENT  
KNOWN AS “LAKE AT ST. ELLEN’S PLAZA”  
SUBDIVISION, INCLUDING PARCEL  
NUMBERS: 03-35.0-101-002, 03-35.0-101-003, 03-  
35.0-101-004, 03-35.0-101-005, 03-35.0-101-006,  
and 03-35.0-101-007**

**WHEREAS**, the applicant, Lake St. Ellen, LLC, proposes to Subdivide 5.18 acres of land into Two-Family residential lots on the east side of Old Collinsville Road and has requested and heretofore filed a petition with the City of O’Fallon for a zoning change of the property currently located in the City of O’Fallon, as “MR-1(P)” Planned Two-, Three-, Four-Family Residence Dwelling District, pursuant to the proposed development shown on the attached Preliminary Plat (Exhibit A); 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**, the developer will be responsible for paying to the City of O’Fallon a fee in lieu of 0.24 acres of park land dedication in the amount \$12,241; and

**WHEREAS**, the applicant has filed an application with the City of O’Fallon, Illinois pursuant to the requirements of all applicable laws; and

**WHEREAS**, said Planning Commission of the City of O’Fallon, Illinois held a public hearing on July 14, 2015, in accordance with state statute, and recommended to approve the petitioner’s request to obtain MR-1 (P) Planned Two-, Three-, Four-Family Residence Dwelling District zoning for the property with a vote of 7-ayes to 0-nayes; and

**WHEREAS**, on July 27, 2015 the Community Development Committee of the City Council reviewed the preliminary plat and recommended approval with a vote of X-X.

**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 “Lake at St. Ellen’s Plaza” Subdivision, be henceforth classified as zoning district MR-1(P) Planned Two-, Three-, Four-Family Residence Dwelling District as shown on the attached Exhibit A.

**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 \_\_\_\_\_ day of \_\_\_\_\_ 2015.

\*\*\*\*\*

ATTEST:

Approved by the Mayor this \_\_\_\_\_ day

(seal)

of \_\_\_\_\_ 2015.

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

\_\_\_\_\_  
Gary L. Graham, Mayor

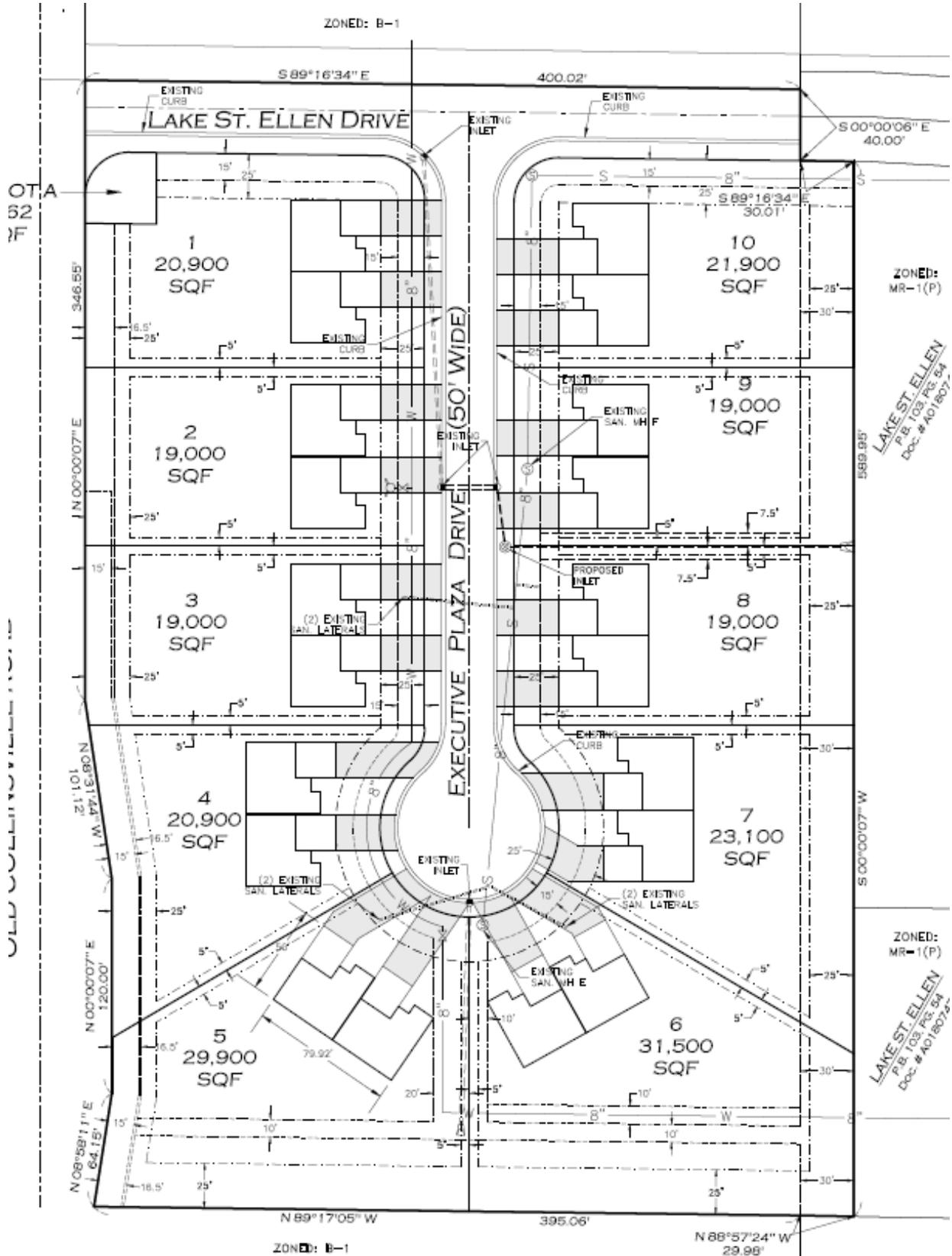
ROLL CALL:	McCoskey	Meile	Albrecht	Kueker	Mouser	Hagarty	Roach	SUB TOTALS
Aye								
Nay								
Absent								

ROLL CALL:	Smallheer	Bennett	Marsh	Holden	Drolet	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									
Absent									

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**EXHIBIT "A"**

**PRELIMINARY PLAT**





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M E M O R A N D U M

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TO: Community Development Committee  
FROM: Justin Randall, Senior City Planner & Anne Stevenson, Assistant City Planner  
THRU: Ted Shekell, Community Development Director  
DATE: July 27, 2015  
SUBJECT: Sidewalk Dining Regulations (1<sup>st</sup> Reading)

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**Background Information**

Since the downtown planning process began, staff has been getting requests from businesses and residents to allow sidewalk dining. Staff feels that allowing this type of use is entirely appropriate and will improve the pedestrian environment and bring much needed life to the streets of Downtown O'Fallon. Therefore, after studying regulations from numerous communities, the attached ordinance outlines the regulations regarding sidewalk dining in the downtown area. Staff has sent the regulations to and discussed the potential regulations with downtown restaurants to get feedback. To this point staff has only received positive comments on the proposed regulations.

**Overview**

The basic intent is to permit restaurants (not bars or taverns) to have outdoor seating areas on public sidewalks as long as a basic pedestrian route is maintained and the chairs/tables meet minimum materials standards (metal, no plastic/wood/resin). As currently proposed, sidewalk dining would be allowed with an annual permit issued through the Community Development Department. The applicant would be required to submit a site plan showing the proposed layout and pedestrian access along with liability insurance listing the city as additionally insured. No items will be allowed to be permanently mounted to the sidewalk.

**Attachments**

1. Sidewalk Dining Ordinance

**CITY OF O’FALLON, ILLINOIS  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING  
TITLE XI, BUSINESS REGULATIONS  
BY ADDING CHAPTER 122  
SIDEWALK DINING.**

**WHEREAS**, the City of O’Fallon as a home rule unit of local government under and pursuant to Section 6, Article VII of the Constitution of the State of Illinois, has the authority to exercise any power and perform any function pertaining to its government and its affairs, including but not limited to the power to regulate for the protection of the public health, safety, morals and welfare; and

**WHEREAS**, the City Council, has determined that there is a need, within the City, for sidewalk dining; and

**WHEREAS**, the City Council has determined that it is in the best interest, health, safety and welfare of the residents and businesses of the City of O’Fallon to regulate sidewalk dining.

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. The forgoing recitals are incorporated herein as findings of the City Council.

Section 2. Title XI Business Regulations of the Code of Ordinances of the City of O’Fallon, Illinois, is hereby amended by the adoption of Chapter 122 “Sidewalk Dining” to read as follows:

**122.01 Title**

This chapter shall constitute and be known and may be cited as “Sidewalk Dining”

**122.02 Purposes and Intent**

This Chapter is designed to permit sidewalk dining accessory and incidental to a lawfully existing restaurant in areas where it is appropriate and to promote and protect the public health, safety and general welfare. Specific purposes of this legislation are:

(A) To ensure adequate space for pedestrians on the sidewalk adjacent to the sidewalk dining areas.

(B) To preserve and enhance the character of the neighborhoods where such sidewalk dining is permitted in the City and to protect the adjacent areas.

### **122.03 Definitions**

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

(A) Restaurant: As defined in §158.016 of the City Code of Ordinances under “Restaurant, Fast-Food” “Restaurant, General” or “Restaurant, Limited”.

(B) Sidewalk Dining: The extension of the service of an existing restaurant preparing and serving foods for consumption within an existing building, to the extent that food and drink are permitted to be served and consumed at the tables placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the restaurant is situated.

(C) Sidewalk Dining Permit: A permit issued by the City, through the Director of Community Development, or his/her designee, which authorizes a restaurant to place tables, chairs and sidewalk furnishings on a public sidewalk for the purpose of serving food and drink to customers.

(D) Sidewalk Dining Area: The area of the public sidewalk defined by a site plan, approved by the City, which shows the number and type of tables, chairs, sidewalk furnishings and decorative items and their location.

(E) Permittee: A person, organization, sole proprietorship, partnership, limited liability company, corporation, company or other similar entity which has been issued a sidewalk dining permit.

(F) Public Sidewalk: Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for, dedicated to and approved for, the general public for pedestrian walkway purposes which is directly adjacent to a business establishment of a Permittee.

(G) Director: Director of Community Development.

### **122.04 Permit Required**

(A) A valid Sidewalk Dining Permit shall be required for all sidewalk dining on public sidewalks

(B) Establishments that meet the definition of a Restaurant shall be permitted to apply

(C) The permit is subject to reapplication and renewal on an annual basis

(D) Permits shall not be transferable from one person or entity to another person or entity.

(E) Permits shall not be transferable from the permitted place of business to another place of business

(F) The annual fee for such permit shall be \$50 and such fee shall be paid in full at the time of application .

(G) All permit fees shall be non-refundable.

(H) Other than the applicant's initial application, all application for a given calendar year, must be submitted by January 31 of the applicable calendar year. In the event that an application is submitted later January 31, a non-refundable late fee of \$50.00, in addition to the annual application fee, must be paid in order for the application to be considered.

(I) Permit application forms shall be available at City Hall and shall include, but not be limited to, the following information and documentation:

1. Name, address, and telephone phone number of the restaurant
2. Name, address, telephone phone number and email address of a contact person for the restaurant
3. Certificate of Insurance evidencing no less than \$1,000,000.00, combined single limit, which said insurance covering all liability, both public liability and property damage, which may result from the granting of the sidewalk dining permit, naming the City of O'Fallon as an additional insured. The insurance coverage must be maintained in full force and effect so long as a permit is outstanding with written proof of renewal of the insurance to be provided to the Director at time of renewal.
4. Design plan drawn to scale, as follows:
  - a. Accurate depiction of property lines and dimensions, all adjoining public rights of way (including sidewalks), the location and dimensions of all existing structures (primary and accessory) and setback dimensions (measured from the curb to the structure)
  - b. Depict ingress/egress to business and sidewalk dining area
  - c. Depict sidewalk width from face of building to curb
  - d. Depict the designated area to be used for sidewalk dining purposes, clearly marked with measurements and dimensions
  - e. Depict all surface obstacles and obstructions such as fire hydrants, trees, permanent decorative fixtures, etc.
  - f. Depict the number and placement of tables, chairs, umbrellas, pedestrian barriers, decorative items and other fixtures, with the dimensions and product information of each piece shown
5. No application will be accepted without the required information, proof of insurance and design plan.
6. The application shall be filed with the Director.

(J) Upon review for compliance with the standards of this chapter, a permit shall be issued or denied by the Director within 10 business days of submission of the application. However the Director may defer, within the aforementioned 10 day timeline, his/her ruling and refer the application to the City Council for its approval, if the Director believes it would be appropriate to do so.

(K) Proof of sales tax receipts to ensure compliance with the definition of a restaurant may be requested if deemed necessary by the Director.

## **122.05 Regulations**

### **(A) Time**

1. The sidewalk dining season shall commence on March 1st and conclude on December 1st of the year
2. Special permission may be granted by the Director during the off season in cases of sidewalk festivals or other community events and activities
3. Sidewalk dining shall be allowed from 6 am to midnight, but in no instance shall the hours for sidewalk dining exceed the restaurant's permitted hours of operation
4. The Director may, upon written notice, require the temporary removal of all sidewalk dining area furniture and other related objects during festivals or other community events and activities.

### **(B) Location**

1. The sidewalk dining area shall be located only within the area depicted on the applicants design plan.
2. The location of all furniture, fixtures and facilities associated with sidewalk dining shall be such that a continuous pedestrian access route (PAR) meeting at least the minimum requirements of the Americans with Disabilities Act (ADA) will be maintained.
  - a. Currently, the PAR is recommended to be 5 feet wide, and in any event, shall not be less than 3 feet wide. Tree grates and similar semi-open surfaces do not count towards the required PAR width.
  - b. A vertical ground clearance area of at least 7 feet shall be maintained at all times. Umbrellas and other overhead obstructions must not encroach into this area.
  - c. There shall be no "grandfathering" or non-conforming right to continue previously permitted sidewalk dining arrangements insofar as minimum PAR standards as concerned. Any permit is issued only on an annual basis and is subject to mandatory modification to assure compliance with required PAR standards as they evolve from time to time.
  - d. Additional sidewalk clearance shall be required where pedestrian traffic or other circumstances warrant.
3. Sidewalk dining areas shall not obstruct sight distance of vehicular traffic, nor block access to any ramp, driveway, fire hydrant, fire escape, or entrance/exit.

### **(C) Maintenance & Materials**

1. The Permittee shall keep the sidewalk dining area in a neat and clean condition, free from nuisance, litter, and trash and shall provide for the prompt removal of snow, ice, trash and waste therefrom. The restaurant shall wash down the sidewalk as needed to remove grease and residue.
2. All city and state health requirements must be met at all times

3. Only tables, chairs, umbrellas, decorative items and pedestrian barriers shall be permitted in the public sidewalk.
4. Paint, carpeting, artificial turf, platforms or other surfaces of any kind, shall not be permitted at any time in the sidewalk dining area.
5. There shall be no penetration of the public sidewalk surfaces.
6. All furniture and fixtures located on public sidewalks shall be entirely portable.
7. Sidewalk tables, chairs, furniture and decorative items shall be of uniform design
8. Permitted materials for sidewalk tables and chairs are limited to cast iron, wrought iron, expanded steel, wire steel, cast aluminum, and extruded aluminum. The pieces must be of substantial weight and quality. Glass inserts or glass tables and resin or wood furniture are prohibited.
9. Umbrellas shall be of stable construction with flame-retardant, color-fast fabric.
10. With prior approval of the Director, sidewalk dining may be separated from the public sidewalk by a 30 to 36 inch tall pedestrian barrier (railing, fence, or planters). Pedestrian barriers must be sturdy and stable and have sufficient weight so they cannot tip or be blown over. Pedestrian barriers shall not be anchored to the public sidewalk and shall be maintained so as not to stain/discolor the sidewalk.
11. Advertising of any kind on umbrellas or other sidewalk furniture is prohibited
12. No signs shall be permitted within the sidewalk dining area except one menu board sign may be displayed within the area of the sidewalk dining, mounted on an easel or any other easily removable fixture. The sign shall not exceed six (6) square feet.
13. Sidewalk dining furniture and other related objects must be stored indoors in the off season
14. All furniture and fixtures must be kept clean and in good repair. Broken or damaged pieces shall be safely and securely repaired or replaced immediately. Repairs shall be sufficient to maintain the current level of quality, and replacements shall be of the same or similar design, color, quality and material.
15. The presetting of tables with utensils, glasses, napkins and condiments and the like, are prohibited.
16. While in use, the dining area must have adequate illumination from dusk and thereafter.
17. Outdoor heaters shall not be permitted in the sidewalk dining area.
18. No speakers or sidewalk music shall be permitted on the sidewalk dining area.
19. Businesses shall follow the regulations of the Smoke Free Illinois Act.
20. All food preparation must take place inside the associated restaurant.
21. Restaurant service equipment shall not be permitted on sidewalks.
22. No dogs, other than service animals, shall be allowed in the sidewalk dining area. Service animals include, but are not limited to, guide dogs for people who are blind or have visual impairments, hearing dogs for people who are deaf or hard of hearing, seizure alert dogs, and dogs who assists people with mobility impairments.

(D) Alcoholic Beverages

1. Restaurants possessing a valid liquor license for on-site consumption shall be allowed to serve alcoholic beverages in the designated sidewalk dining area. Removal of alcoholic beverages from the designated sidewalk dining area, except back into the applicant's facility, is prohibited.

(E) Inspections

1. Restaurants with Sidewalk Dining Permits shall be subject to periodic inspections for compliance with the standards of this Chapter.

**122.06 Indemnification**

(A) Before a permit is issued to the applicant, the applicant must furnish the following:

1. An agreement signed by the applicant to repair any damage caused to the sidewalk in the operation of the sidewalk dining at the expense of the applicant.
2. An agreement signed by the applicant indemnifying and holding the City harmless against loss, including costs and expenses resulting from injury to person(s) or property as a direct or indirect result of the operation of the sidewalk dining and for injury to person(s) or property occurring on the premises occupied by the restaurant for sidewalk dining.

**122.07 Discontinuation/Revocation**

(A) Temporary Order of Discontinuation

1. The City reserves the right and power to temporarily order the discontinuation of the operation of the sidewalk dining at any time because of anticipated or actual problems or conflicts in the use of the sidewalk area. The situations include, but are not limited to, festivals, parades, marches, repairs to the street or sidewalk or any other emergencies occurring in the area. To the extent possible, the Permittee shall be given prior written notice of the time period during which the operation of the sidewalk dining will not be permitted by the City, but failure to give notice shall not affect the right and power of the City to prohibit sidewalk dining operation at any particular time.

(B) Notice of Violation; Failure to Comply

1. Upon determination by the Director or his/her designee, that a Permittee has violated one or more of the provisions of this Chapter, the Director shall give written notice to the Permittee to correct such violation within 24 hours of receipt of such Notice by the Permittee. In the event that the Permittee fails or refuses to correct such violation within such period, the Permittee will be subject to the penalty provisions as set forth hereafter.

(C) Appeals

1. Any Permittee aggrieved by any action of the Director, in the denial, suspension or revocation of a sidewalk dining permit, shall be entitled to a hearing before the Mayor within 30 days, upon notice thereof, provided that a hearing is requested by the Permittee, in writing, within 5 business days of denial, suspension or revocation of a sidewalk permit.

**122.08 Penalty**

- (A) Any Permittee who violates any provision of this Chapter, shall, in addition to any other remedies as provided by law, be subject to any of the following;
1. A fine in the amount of not less than \$125.00 and no more than \$750.00 for each day the violation exists.
  2. Automatic suspension of permit or renewal thereof for not more than thirty days, if three or more violations occur during the permit period even if the violations are corrected.
  3. Automatic revocation of permit or renewal thereof, if five or more violations occur during the permit period even if the violations are corrected.
  4. Any and all civil remedies available to the City, including any and all injunctive remedies that a court of competent jurisdiction may impose.
  5. Each violation of this Chapter shall be deemed a separate offense.

**122.09 Severability**

(A) The provisions of this Ordinance are severable. If any provision, section, paragraph or part thereof be held invalid, such decision shall not effect or impair the validity of the remaining provisions, sections, paragraphs or part thereof of this Ordinance.

Upon its passage and approval, this Ordinance shall be in full force and effect ten (10) days after its publication in pamphlet form as required by law.

Passed by the City Council this \_\_\_\_\_ day of \_\_\_\_\_ 2015.

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ATTEST:

Approved by the Mayor this\_\_ day

(seal)

of \_\_\_\_\_ 2015.

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

\_\_\_\_\_  
Gary L. Graham, Mayor

<b>ROLL CALL:</b>	McCoskey	Meile	Albrecht	Kueker	Mouser	Hagarty	Roach	<b>SUB TOTALS</b>
Aye								
Nay								
Absent								

<b>ROLL CALL:</b>	Smallheer	Bennett	Marsh	Holden	Drolet	Cozad	Gerrish	<b>SUB TOTALS</b>	<b>SUM OF TOTALS</b>
Aye									
Nay									
Absent									