



**AGENDA  
COMMUNITY DEVELOPMENT COMMITTEE**

**Monday, August 26, 2013  
6:00 PM**

**Mayor's Conference Room**

**I) Roll Call**

**II) Approval of Minutes from Previous Meeting**

**III) Items Requiring Council Action –**

- A. Special Event Permit- Global Brew Oktoberfest
- B. Holland Office Building- Planned Use (2<sup>nd</sup> Reading)
- C. Illini Trails 2<sup>nd</sup> Addition- Final Plat (2<sup>nd</sup> Reading)
- D. Thorpe's Corvette- Planned Use (1<sup>st</sup> Reading)
- E. 9804 Rieder Road- Annexation Agreement (Resolution)

**IV) Other Business – None**

**NEXT MEETING: Monday, September 9, 2013 – 6:00 P.M. – Mayor's Conference Room**

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.

**Planning and Zoning Department**

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



**MINUTES**  
**COMMUNITY DEVELOPMENT COMMITTEE**  
**5:30 pm, Monday, August 12, 2013**

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held in the Mayor's Conference Room, 255 S. Lincoln, O'Fallon, Illinois.

CALL TO ORDER: 5:50 p.m.

- I) Roll Call** – *Committee members:* Jerry Albrecht (chair), Gene McCoskey (vice chair), Harlan Gerrish, Ray Holden, and Jerry Mouser. *Other Elected Officials Present:* Herb Roach, David Cozad, and John Drolet. *Staff:* Walter Denton, Pam Funk, Sandy Evans, Ted Shekell, Dennis Sullivan, Jeff Stehman, and Anne Stevenson. *Visitors:* Megan Riechmann, Todd Holland, Ryan Luechtefeld, Mary Drolet, Mark Fulford, Stephen Brown, Jas Sabella, and Ned Drolet.
- II) Approval of Minutes from Previous Meeting**– All ayes. Motion carried.
- III) Items Requiring Council Action**
- A. Special Event Permit- OTHS Girls LaCrosse Car Wash Fundraiser- Anne Stevenson gave a brief presentation about the event. No concerns were raised. The committee recommended approval with conditions as listed in the staff report with a vote of 5-0.
  - B. Special Event Permit- St. Clare Oktoberfest Festival- Anne Stevenson gave a brief presentation about the event, noting the concerns of the Fire Department regarding emergency access to homes on Third Street. The applicant gave details on the new 5K route. Some Committee members expressed concern about the race crossing State Street and questioned whether volunteers or police should be required for traffic safety. It was noted these items would be coordinated with public safety staff. The committee recommended approval with conditions as listed in the staff report with a vote of 5-0.
  - C. Holland Office Building- Planned Use (1<sup>st</sup> Reading)- Anne Stevenson gave a brief presentation about the proposed office building. Guest Ned Drolet raised concerns about current drainage issues in the residential area west of the project being worsened by the new office building. Staff noted that the project would not add to the off-site drainage, and the project would also have a detention basin that should help slow down any runoff from the applicant's site. After a discussion on drainage, the committee recommend approval with conditions as listed in the staff report with a vote of 5-0.
  - D. Illini Trails 2<sup>nd</sup> Addition- Final Plat (1<sup>st</sup> Reading)- Anne Stevenson gave a brief presentation about the final plat and the box culvert to be installed under Illini Drive. No concerns were raised. The committee recommended approval with a vote of 5-0.
  - E. Special Event Permit- Cincotta Photography Photo Shoot- Ted Shekell gave an overview of the proposal by Sal Cincotta to conduct a magazine photo shoot which would require the closure of State Street for 4 hours. Aldermen McCoskey raised concerns about the inconvenience of closing a main road for such a long period of time. Several of those present at the meeting recommended that the dairy also be made aware of the possible street closure so alternate plans can be made for large trucks. Alderman also questioned if there was a rain date for the event. The committee recommended approval with a vote of 4-1.

I:\P & Z\Community Development\Minutes\2013\08-12-13.doc

Planning and Zoning Department

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

#### **IV) Other Business**

- A. Historic Preservation Commission- Clock Restoration Project- Stephen Brown of the Historic Preservation Committee gave a presentation on plans to restore the bank clock at the corner of State & Lincoln. They requested permission to display a banner on the building for 60 days and 1-2 clock signs showing the current amount raised during the duration of the effort. The committee recommended approval with a vote of 5-0.
- B. Shift Your Commute: Scott Air Force Base Bicycle & Pedestrian Commuter Plan- Guest Megan Riechmann gave a brief overview of the bicycle commuter plan, which primarily consists of improvements to the existing roads to make them safer for cyclists. These improvements include sharrows, bike signs, and improved road shoulders. There was significant debate about cycling on the road, whether we as a city should be encouraging that at all, and if it was a good use of tax payer money. Separate bike trails were also discussed, which generally speaking were not a part of the goal of the commuter plan being presented. Staff advised that having an approved plan in place is important for future implementation and grant applications. Some committee members questioned what the next step would be. Ted Shekell stated a resolution approving the plan before City Council would be appropriate and that discussion would be held with the Mayor regarding next steps for the plan. There was no Committee recommendation for or against the Plan.

**MEETING ADJOURNED:** 7:05 p.m.

**NEXT MEETING:** Monday, August 26, 2013 – 6:00 P.M. – Mayor's Conference Room

**Prepared by:** Anne Stevenson, Assistant City Planner



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## MEMORANDUM

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**TO:** Community Development Committee  
**FROM:** Anne Stevenson, Assistant City Planner  
**THROUGH:** Ted Shekell, Planning Director  
**DATE:** August 26, 2013  
**SUBJECT:** Special Event Permit – “Oktoberfest” (MOTION)

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### Project Summary

**Applicant:** Ryan High of Global Brew  
**Event:** Oktoberfest  
**Date/Time:** 11 am Saturday, October 5th to 2am Sunday, October 6th (normal business hours)  
**Location:** Global Brew- 455 B Regency Park Drive

### **Event Details:**

- 4' tall fencing will be temporarily installed around the outdoor patio area, landscaping, and 10 parking spaces
- Music provided by an accordion player outside
- Food and drinks are available inside the lounge and in the fenced-in area
- Two temporary toilet facilities will be provided on-site in addition to the existing indoor facilities
- Security will be provided by guards at each of the fence exists
- 2 Mile Fun Run- out and back on Regency Park (see attached map)

### **Signage Request:**

- Three 3' x 8' banners- placed at the entrances to the parking lot and on the temporary fencing

### **City Assistance Request:**

- No road closures needed for fun run, police assistance may be provided as determined by Police Department review of the request

### **Notes:**

- This event requires city council approval due to outdoor liquor sales
- Proposal is similar to last year's request, with the addition of a 2 mile fun run

### Staff Recommendation

The Clerk's Office and Police Department had no issues with the request. Fire Department recommends approval with the following condition:

1. Van, tables and other items within the fenced area need to be positioned so as not to restrict fire lane access to the rear of the building.

### **Planning and Zoning Department**

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



FD ☒ OK w/ comments  
PD ☒ OK  
CC ☒ OK



☐ Attach proof of not-for-profit status with application

OR

☒ Provide \$50.00 application fee with application

CITY OF O'FALLON

AUG 14 2013

DATE PAID

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

**APPLICATION FOR A SPECIAL EVENT PERMIT**

Event Name: Global Brew Oktoberfest

Location of Event: Global Brew - 455B Regency Park Dr

Name of Event Organization: \_\_\_\_\_

Name of person in charge of event (applicant) and mailing address: RYAN HIGHT

2421 Copper Creek Rd Maryville IL 62062

Phone: 618 889-1777 E-Mail: ryanh@globalbrewtaps.com

Secondary Contact Person: Chelsea Pinkel

Phone: 618 632-1818 E-Mail: chelseap@globalbrewtaps.com

Beginning Date / Times: 10/5 @ 11a Ending Date / Times: 10/6 @ 2a

**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

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): have applied for SEPA liquor  
(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

☒ Not needed per conversation 8/20/13  
☐ 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.

Signature of Applicant/ person in charge of event

we saw him put out app-

Date of Submission

8-14-13

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)



To whom it may concern,

We are planning our annual Oktoberfest celebration on Saturday, October 5th at Global Brew Tap House & Lounge from 11:00am - 2:00am. We are requesting the use of the back parking lot for our beer garden for the duration of the event.

The boundaries of the beer garden will be plastic snow fence to allow for immediate pull down should any emergency vehicle need to pass. The beer garden is approximately 30' x 60'. Since there are essentially four points of entry into the parking lot, we don't believe we'll obstruct any traffic flow within the lot.

The beer garden will contain 10-12 pub tables and the Mobile Brew van for an additional point of sale for beer.

I have attached a layout of the proposed beer garden, permission letter from landlord and certificate of insurance.

In addition to the festival, we are proposing a 2 mile fun run down Regency Park Drive. The Final Lap Race Management has provided the logistics of the run and have been in contact with the police department to arrange all needed logistics.

A copy of the race route has been provided for review.

Please contact me with any additional questions.

Thank you,

A handwritten signature in blue ink, appearing to read "Ryan High".

Ryan High  
Global Brew, Inc  
(618) 889-1777

8/20/13 Spoke with applicant, will have live accordion music and  
would like to request signs similar to last year ones



314-B Fountains Parkway  
Fairview Heights, IL 62208  
618-632-1212 Office  
618-632-1211 Fax  
[www.jpisites.com](http://www.jpisites.com)

August 13, 2013

Mr. Ted Shekell  
City of O'Fallon  
200 S. Lincoln  
O'Fallon, IL 62269

Re: Outdoor Event Permit  
Global Brew October 5<sup>th</sup>, 2013

Dear Ted,

The owners of 455 Regency are in support of Global Brew's annual outdoor Oktoberfest on October 5<sup>th</sup>, 2013.

If you have any questions, please contact me. Thanks.

A handwritten signature in black ink, appearing to read "Terry Johnson", with a long horizontal flourish extending to the right.

Terry Johnson

*Our Experience Makes the Difference!*



Patio

Gate

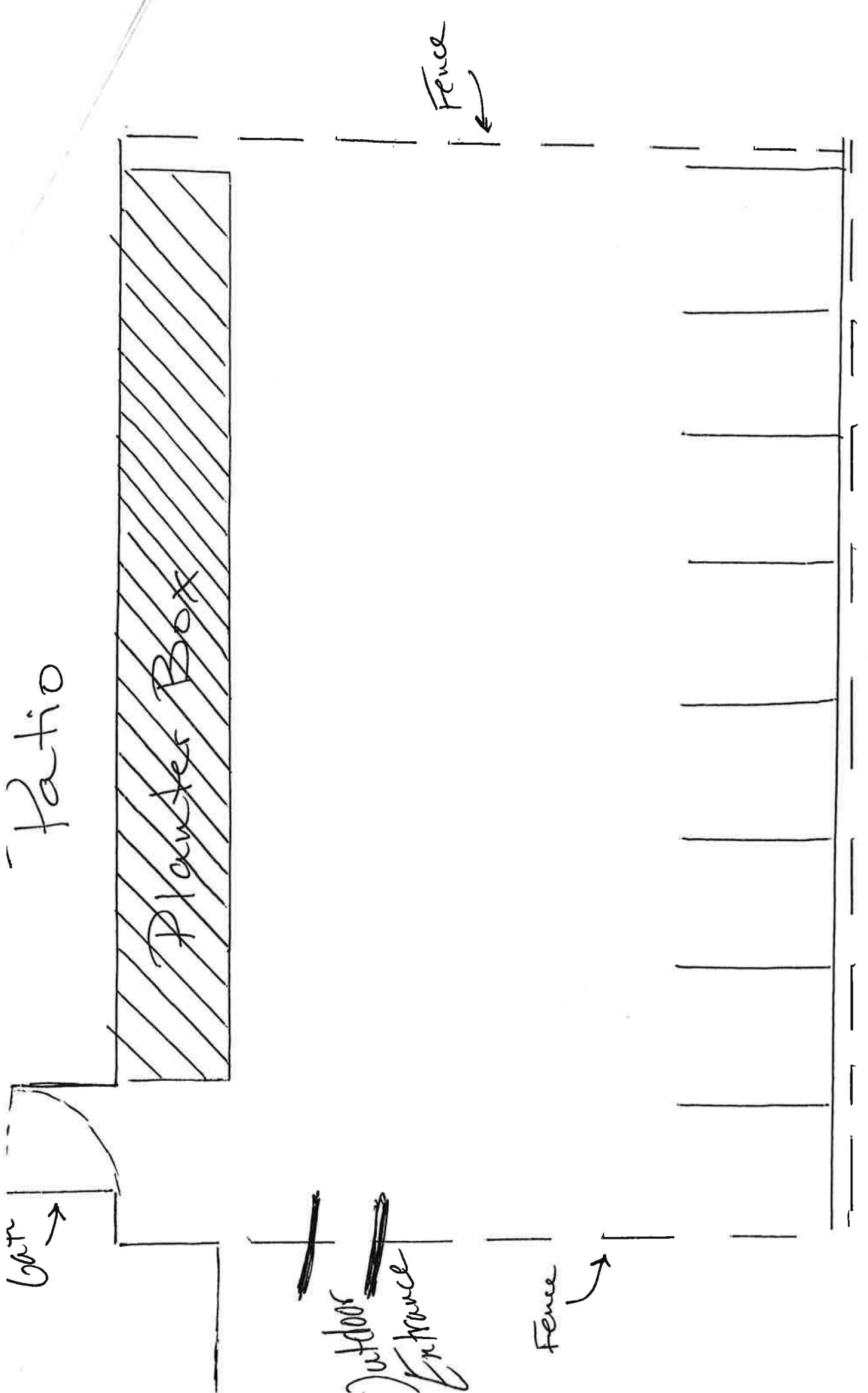
Planter Box

Fence

Outdoor Entrance

Fence

Fence



# final lap Race Management

## Course Design & Measurement



**Race Name:** Global Brew's Oktoberfest Beer Run

**Course Location:** Regency Park, O'Fallon, IL

**Course Distance:** 2.22 miles

**Date Course Measured:** NA

**Type of Course:** Out & Back

**Online Map:** <http://www.mapmyrun.com/routes/fullscreen/259285077>

**Map & Elevation:**



Contact Rich Lower w/ questions  
about race 618-444-2967

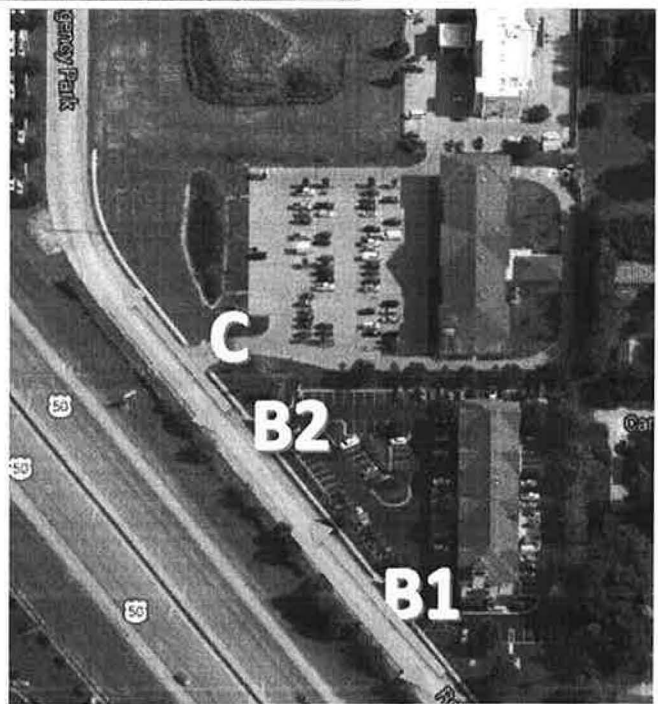
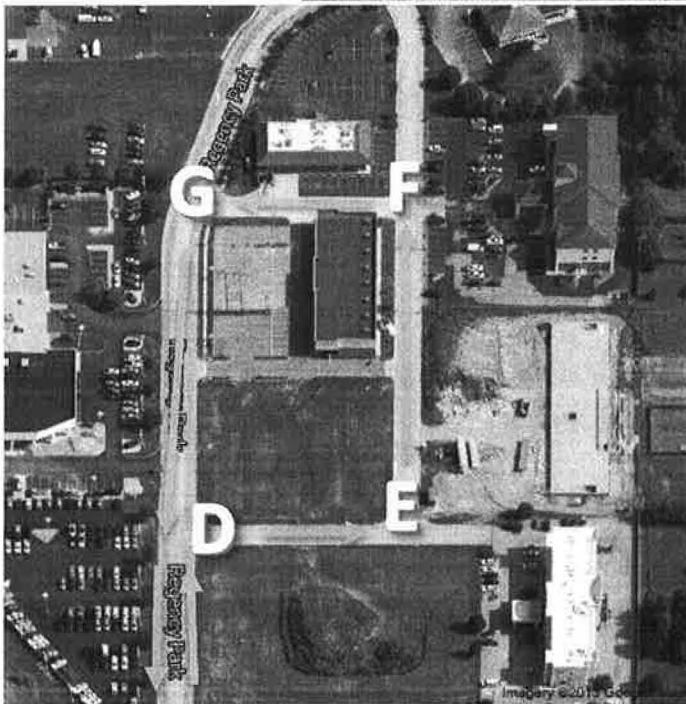
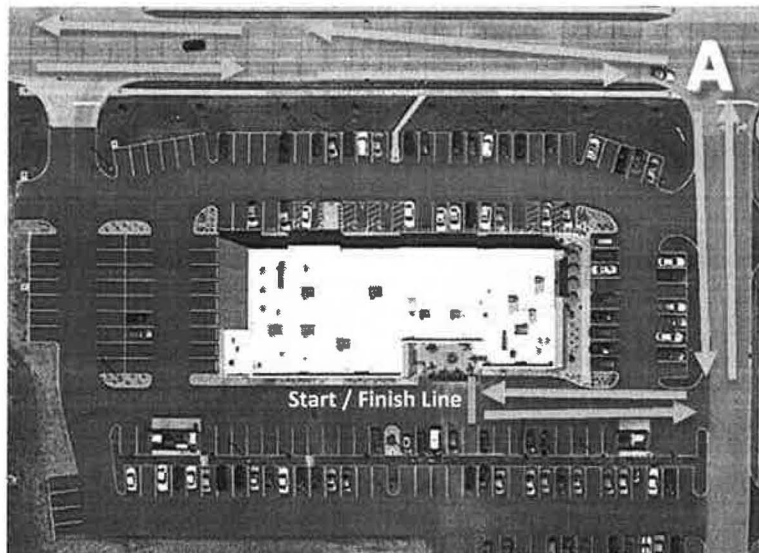
# Final lap Race Management

## Course Design & Measurement



**Course marshals along the course.** Course marshals will be stationed along the route at the following locations. Each marshal will wear a reflective safety vest issued by Final Lap. There will also be arrow signs on side of road to direct participants.

- A. Parking lot entrance at Regency Park
- B. Entrances (2) for Extended Stay America Hotel off Regency Park
- C. Entrance for Suburban Extended Stay Hotel off Regency Park
- D. Regency Park at side street / Econo Lodge Inn Entrance
- E. Corner of side street at Econo Lodge Inn at
- F. Country Inn & Suites Entrance
- G. Regency Park and side street

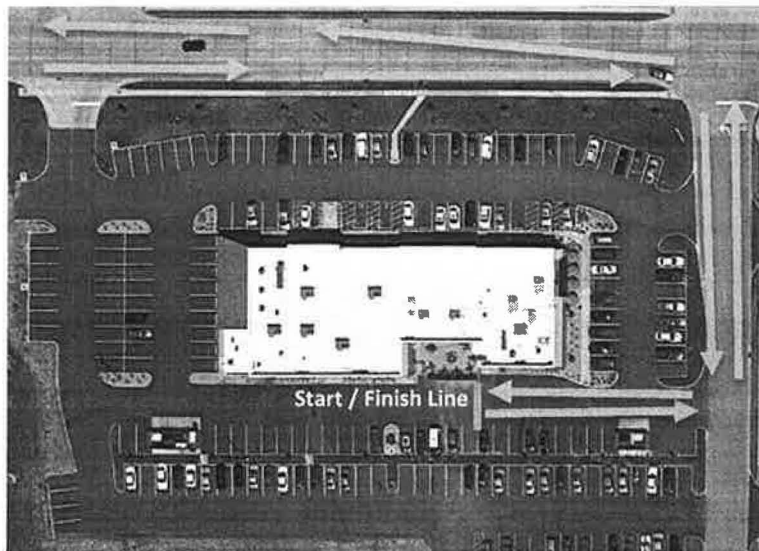


# final lap Race Management

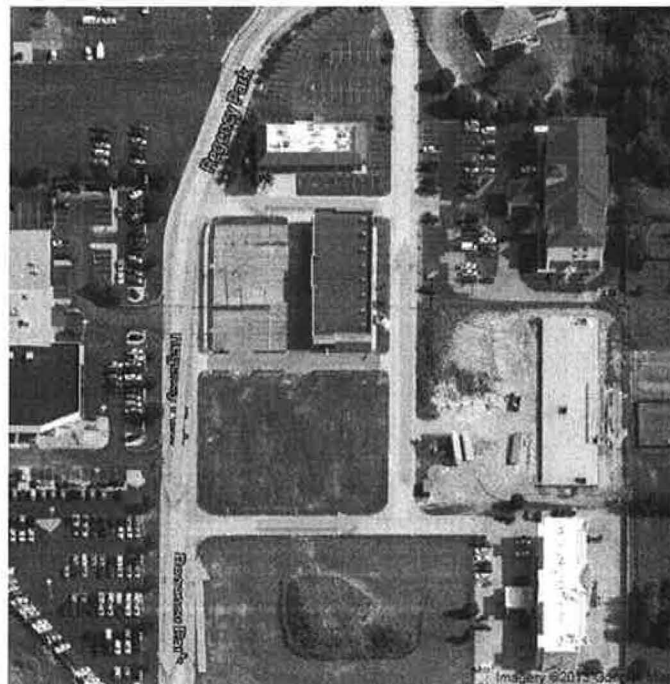
## Course Design & Measurement



**Start/ Finish Line:** The starting line will be behind Global Beer in the fenced off parking lot. Course goes out of the parking lot and turns left then left again onto Regency Park (westbound). Participants will run on right side of roadway with traffic the entire course. The course return the same route back into parking lot behind Global Brew.



**Turnaround:** The course turns right off Regency Park and left at Econ Lodge Inn. Then left again at Country Inn & Suites behind Japanese Gardens





*O'Fallon*

Date submitted: 8/14/13

**SPECIAL EVENT PERMIT APPLICATION  
(LICENSE HOLDER)**

**REQUEST FOR APPROVAL TO SELL OR SERVE ALCOHOL FOR A SPECIAL EVENT**

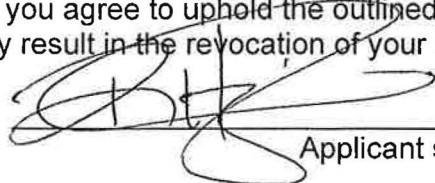
1. Name of applicant RYAN HIGHT
2. Name of establishment: Global Brew
3. Mailing address 455 B Regency Park Dr  
Telephone 618 889-1777
4. Liquor License classification: Temporary
4. Will this event be held on City property/City street? Yes ☐ No ☒
5. Location of event Global Brew - 455 B Regency Park Dr
6. Date(s) of event 10/5/13
7. Description of activity planned: Oktoberfest celebration in beer garden

Attach Certificate of Dram shop Liquor Liability Insurance covering the sale of liquor outside of permanent structure of the licensed premises.

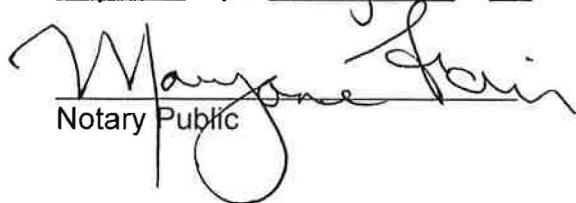
**Restrictions:**

- Sales must be made on the license premises as defined in the original license application.
- No sales will be permitted or consumption allowed on any public property.
- The area used for the special event must be enclosed or designated in some manner to mark boundaries for the event.
- No alcohol may be removed from the enclosed or designated boundary of the event.

Acknowledgement: By signing this application you agree to uphold the outlined restrictions. The penalty for breaking such may result in the revocation of your liquor license.

  
Applicant signature

Subscribed and sworn to before me this  
14th day of August 2013

  
Notary Public



ACORD™

## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/14/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
|---|---|------------------------------------|--|---|------------------------------------|------------------------|--|--------------------------------------|--|---|---------------|---|--|-------------------|--|-------------------|--|-------------------|--|-------------------|--|
| <b>PRODUCER</b><br><b>The Insurance Partnership (28)</b><br><b>200 University Park Drive</b><br><b>Suite 260</b><br><b>Edwardsville, IL 62025</b> | <table border="1"> <tr> <td colspan="2"><b>CONTACT NAME:</b> Ryan Matthews</td> </tr> <tr> <td><b>PHONE (A/C, No, Ext):</b> 618 307-5941</td> <td><b>FAX (A/C, No):</b> 618 307-5943</td> </tr> <tr> <td colspan="2"><b>E-MAIL ADDRESS:</b></td> </tr> <tr> <td colspan="2"><b>INSURER(S) AFFORDING COVERAGE</b></td> </tr> <tr> <td><b>INSURER A:</b> Illinois Casualty Company</td> <td><b>NAIC #</b></td> </tr> <tr> <td><b>INSURER B:</b> Employers Mutual Casualty Compa</td> <td></td> </tr> <tr> <td><b>INSURER C:</b></td> <td></td> </tr> <tr> <td><b>INSURER D:</b></td> <td></td> </tr> <tr> <td><b>INSURER E:</b></td> <td></td> </tr> <tr> <td><b>INSURER F:</b></td> <td></td> </tr> </table> | <b>CONTACT NAME:</b> Ryan Matthews |  | <b>PHONE (A/C, No, Ext):</b> 618 307-5941 | <b>FAX (A/C, No):</b> 618 307-5943 | <b>E-MAIL ADDRESS:</b> |  | <b>INSURER(S) AFFORDING COVERAGE</b> |  | <b>INSURER A:</b> Illinois Casualty Company | <b>NAIC #</b> | <b>INSURER B:</b> Employers Mutual Casualty Compa |  | <b>INSURER C:</b> |  | <b>INSURER D:</b> |  | <b>INSURER E:</b> |  | <b>INSURER F:</b> |  |
| <b>CONTACT NAME:</b> Ryan Matthews  |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>PHONE (A/C, No, Ext):</b> 618 307-5941   | <b>FAX (A/C, No):</b> 618 307-5943  |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>E-MAIL ADDRESS:</b>  |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER(S) AFFORDING COVERAGE</b>  |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER A:</b> Illinois Casualty Company   | <b>NAIC #</b>   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER B:</b> Employers Mutual Casualty Compa   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER C:</b>   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER D:</b>   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER E:</b>   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURER F:</b>   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |
| <b>INSURED</b><br><b>Global Brew Inc.</b><br><b>2421 Copper Creek</b><br><b>Maryville, IL 62062</b>   |   |                                    |  |   |                                    |                        |  |                                      |  |   |               |   |  |                   |  |                   |  |                   |  |                   |  |

## COVERAGES

## CERTIFICATE NUMBER:

## REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD 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 INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE   | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                    |
|----------|---|-----------|----------|---------------|-------------------------|-------------------------|---|
| A        | <b>GENERAL LIABILITY</b>  |           |          | BP34439       | 11/15/2012              | 11/15/2013              | EACH OCCURRENCE                           |
|          | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                              |           |          |               |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                |           |          |               |                         |                         | MED EXP (Any one person)                  |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:  |           |          |               |                         |                         | PERSONAL & ADV INJURY                     |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC |           |          |               |                         |                         | GENERAL AGGREGATE                         |
|          | <b>AUTOMOBILE LIABILITY</b>   |           |          |               |                         |                         | PRODUCTS - COMP/OP AGG                    |
|          | <input type="checkbox"/> ANY AUTO   |           |          |               |                         |                         |   |
|          | <input type="checkbox"/> ALL OWNED AUTOS  |           |          |               |                         |                         | COMBINED SINGLE LIMIT (Ea accident)       |
|          | <input type="checkbox"/> HIRED AUTOS  |           |          |               |                         |                         | BODILY INJURY (Per person)                |
|          | <input type="checkbox"/> SCHEDULED AUTOS  |           |          |               |                         |                         | BODILY INJURY (Per accident)              |
|          | <input type="checkbox"/> NON-OWNED AUTOS  |           |          |               |                         |                         | PROPERTY DAMAGE (Per accident)            |
|          | <b>UMBRELLA LIAB</b>  |           |          |               |                         |                         |   |
|          | <input type="checkbox"/> OCCUR  |           |          |               |                         |                         | EACH OCCURRENCE                           |
|          | <b>EXCESS LIAB</b>  |           |          |               |                         |                         | AGGREGATE                                 |
|          | <input type="checkbox"/> CLAIMS-MADE  |           |          |               |                         |                         |   |
|          | DED <input type="checkbox"/> RETENTION \$   |           |          |               |                         |                         |   |
| B        | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b>  |           |          | EIG1390025    | 11/15/2012              | 11/15/2013              | WC STATUTORY LIMITS                       |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                   |           |          |               |                         |                         | E.L. EACH ACCIDENT                        |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below  |           |          |               |                         |                         | E.L. DISEASE - EA EMPLOYEE                |
|          | <input checked="" type="checkbox"/> Y <input type="checkbox"/> N/A                            |           |          |               |                         |                         | E.L. DISEASE - POLICY LIMIT               |
| A        | <b>Liquor Liabi</b>   |           |          | LL96179       | 11/15/2012              | 11/15/2013              | 1,000,000/1,000,000                       |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Oktoberfest on Oct 5, 2013 at 455-B Regency Park Dr.; O Fallon, IL.

## CERTIFICATE HOLDER

## CANCELLATION

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

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*Michael W. Harwood*

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## MEMORANDUM

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**TO:** Community Development Committee  
**FROM:** Anne Stevenson, Assistant City Planner  
**THROUGH:** Ted Shekell, Director of Planning and Zoning  
**DATE:** August 26, 2013  
**SUBJECT:** Thorpe's Body and Corvette Shop, Planned Use (1<sup>st</sup> Reading)

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### **Project Background and Summary**

Tim Thorpe has filed an application requesting rezoning a parcel of land at 649 West Highway 50 from B-2 to B-2(P), Planned General Business District for reuse of the existing structures and property for automotive services, office space, and automobile storage. This site will serve as an expansion area to Mr. Thorpe's existing business at 615 West Highway 50, which will continue to operate with no significant changes.

The site plan shows three existing buildings on the lot. The northernmost structure, an approximately 5,000 square foot metal office building, is to be used for office space and automotive services. The two existing storage sheds will be used for automobile storage. There is a small asphalted parking area on the northern side of the property which has 9 parking spaces. The remainder of the property is covered in gravel and is proposed to be used for automotive storage for Thorpe's and perhaps separate storage for a nearby towing company (approximate size/location as shown on the site plan). A barbed wire chain link fence currently surrounds a majority of the property and a new 6' tall wooden privacy fence has recently been installed by the owner on the south side of the property.

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

### **Recommendation**

The Planning Commission reviewed this project at their August 13, 2013 meeting and voted 6 ayes and 0 nays to recommend approval of the development plan with the following conditions:

1. 6 foot tall wooden privacy fence will be installed on along the entire length of eastern border of the gravel lot.
2. The structural buffer to the south will include a landscaped area that includes at least one evergreen tree planted every 25 feet – 8 trees total.
3. All automobile repair will take place inside the northernmost building.
4. The property will not be used as a junk or salvage yard.
5. As requested by applicant, an 80 ft by 45 ft portion of the gravel lot may be used for a tow yard.

Since the Plan Commission meeting, the applicant has submitted a written agreement between himself and Todd Holland, the property owner directly to the south who controls the small strip of land between the back of Mr. Thorpe's property and the road. They have agreed to place the required evergreen trees on Mr. Holland's property in order to provide better screening for the nearby residential area.

### **Planning and Zoning Department**

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

As of August 19, 2013, Jeff Holland & Tim Thorpe have come to the agreement suggested by the City of O'Fallon to plant evergreen trees every 25 ft. located directly south of the 649 West Hwy 50 property line. The property is owned by Jeff Holland and he has agreed to let Thorpes Body & Corvette Shop plant said trees in accordance with city zoning laws. Mr. Holland suggests we use White Pine & we will be happy to accommodate Mr. Holland in doing so.

X Tim Thorpe  
(Print)

X Tim Thorpe  
(Sign)

X Jeff Holland  
(Print)

X Jeff Holland  
(Sign)



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## PROJECT REPORT

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**TO:** Planning Commission  
**FROM:** Anne Stevenson, Assistant City Planner  
Ted Shekell, Planning Director  
**DATE:** August 13, 2013  
**PROJECT:** P2013-05: Thorpe's Body & Corvette Shop, Planned Use

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Location: 649 West Highway 50

Ward: 6

Applicant/Owner: Tim Thorpe

Submitted: July 8, 2013

### **Introduction**

Tim Thorpe has filed an application requesting rezoning a parcel of land at 649 West Highway 50 from B-2 to B-2(P), Planned General Business District for reuse of the existing structures and property for automotive services, office space, and automobile storage. This site will serve as an expansion area to Mr. Thorpe's existing business at 615 West Highway 50, which will continue to operate with no significant changes.

### **History of Site**

The property is currently vacant, but was formerly used by Svendsen Builders as a contracting yard and offices. Heavy equipment and outdoor storage was utilized extensively and no screening or buffering was provided.

### **Overview of Proposal & Site**

The site plan shows three existing buildings on the lot. The northernmost structure, an approximately 5,000 square foot metal office building, is to be used for office space and automotive services. The two existing storage sheds will be used for automobile storage. There is a small asphalted parking area on the northern side of the property which has 9 parking spaces. The remainder of the property is covered in gravel and is proposed to be used for automotive storage for Thorpe's and perhaps separate storage for a nearby towing company (approximate size/location as shown on the site plan). A barbed wire chain link fence currently surrounds a majority of the property and a new 6' tall wooden privacy fence has recently been installed by the owner on the south side of the property.

### **Comprehensive Plan**

The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as General Commercial, which is consistent with the proposed reuse of the existing buildings.

### **Zoning & Land Use**

The subject property is currently zoned B-2, General Business District. Planned use has been triggered due to the proposed use of “auto repair and service garage” as listed in Section 9.020 of the Zoning Code of Ordinances.

#### **Adjacent Zoning**

North: B-2

East: B-2

South: MR-2(P)

West: B-2

#### **Adjacent Land Use**

North: Office

East: Office

South: Multi-Family Residences

West: Automobile Services (towing, repair)

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

### **Traffic Circulation/Parking**

*Ingress and Egress:* This “flagpole” lot provides access to the site by means of one access point from Highway 50.

*Parking:* The parking area is already paved, as is required by code. Our zoning code lists specific parking requirements for automobile repair shops. However, in this unique circumstance, the proposed use is simply an extension or expansion of the services being performed at the current Thorpe’s Body and Corvette Shop. It does not operate as an automobile repair shop in the traditional sense as it’s not open to the public for general repairs and expects to generate minimal to no traffic. Staff recommends calculating the required parking based solely on the portion of the northernmost building that will be used for office space.

Approximately 1,500 square feet of the building will be used as office space and would require 6 parking spaces based on the rate of 4 spots per 1,000 square feet. One handicap parking space and loading area would also be required for this site. The site currently provides 9 parking spaces, which meets our requirements.

*On-site circulation:* The parking area is currently striped for angled parking, which would normally not be recommended in this type of parking lot configuration. As the driver exits the stall, he is angled or directed towards the building, a dead end route which requires awkward multi-point turns to exit the area. Restriping the area with 90° parking spots may be an easy solution to this problem and there appears to be enough room for standard size parking stalls and the required 24 foot wide drive aisle.

### **Landscaping and Buffer Requirements**

Section 13.070 of the Zoning Code lists the requirements for buffers between various zoning districts. For this particular project, a structural buffer is required to the south as it abuts an MR-2(P), Planned Multi-Family Residence Dwelling District. This buffer is to consist of a six foot tall fence on the property line and additional landscaping to screen the view. Section 3.070 of the code requires fences for buffering to be a “durable, maintenance free material such as vinyl or masonry.” However, staff believes the brand new wooden fence will be adequate for reuse of the existing site. The landscaping requirements for new construction are rather extensive. In a case such as this involving reuse of an existing property, staff feels requiring only evergreen trees spaced at 25 feet would be adequate.

Code requires a fence to enclose all areas used for outdoor storage. The open sided sheds and gravel lot are proposed to be used for outdoor storage, in addition to a proposed tow lot as indicated on the site plan. Therefore, the new 6 foot wooden privacy fence needs to be extended along the entire eastern side of the property to meet current code requirements.

### **Noise**

All automobile repairs are to take place inside the building to the north of the property. This will minimize any noise issues with nearby properties.

### **Outdoor Storage & Tow Yard**

The site plan submitted shows an area of the gravel lot to be used for a tow yard. This is permitted by code, but outdoor storage needs to be fenced. As mentioned previously, a fence along the east side of the property is already required due to Mr. Thorpe's own outdoor storage requirements. Any proposed tow yard would not require additional fencing, unless so desired by the applicant.

### **Utilities and Drainage**

Public water and sewer is available to serve the subject property. No impervious surfaces are being added; therefore no drainage information is required.

### **Signage**

At this time, the applicant has not submitted any information about signs and will be bound to the requirements of our current code when signed permits are submitted.

### **Public Notice**

Public Notice of this project has been fulfilled in accordance with Section 8.05 and 8.06 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 Planning and Zoning Department.

### **Review and Approval Criteria**

Section 9.050 of Article IX "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 does not meet all applicable zoning standards. It is an existing grandfathered site. The changes made by the owner and those recommended in this report will bring the site more closely into compliance with current regulations.*
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 will not have a significant impact on traffic.*
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.  
*Reuse of the existing building will not negatively affect adjacent properties as long as appropriate buffering and fencing is provided. The use will be consistent with the owner's existing body shop at 615 West Highway 50.*
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. The Commercial Design Handbook does not apply.*
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.  
*Yes, a community need exists for the proposed use.*

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 proposed use will not negatively impact surrounding properties as long as appropriate buffering and fencing is provided. The changes proposed in this report will improve conditions with the surrounding properties compared to the previous use as a contractor yard.*
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. Appropriate buffering and fencing will mitigate any impacts to other nearby properties and limit views of outdoor storage materials.*
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-2 General Business District.*

### **Staff Recommendation**

Staff recommends approval of the project with the following conditions:

1. 6' wooden privacy fence will be installed on along the entire length of eastern border of the property.
2. The structural buffer to the south will include a landscaped area (inside the fence) that includes at least one evergreen tree planted every 25 feet.
3. All automobile repair will take place inside the northernmost building.
4. The property will not be used as a junk or salvage yard.

### **Attachments**

Attachment 1 – Project Application

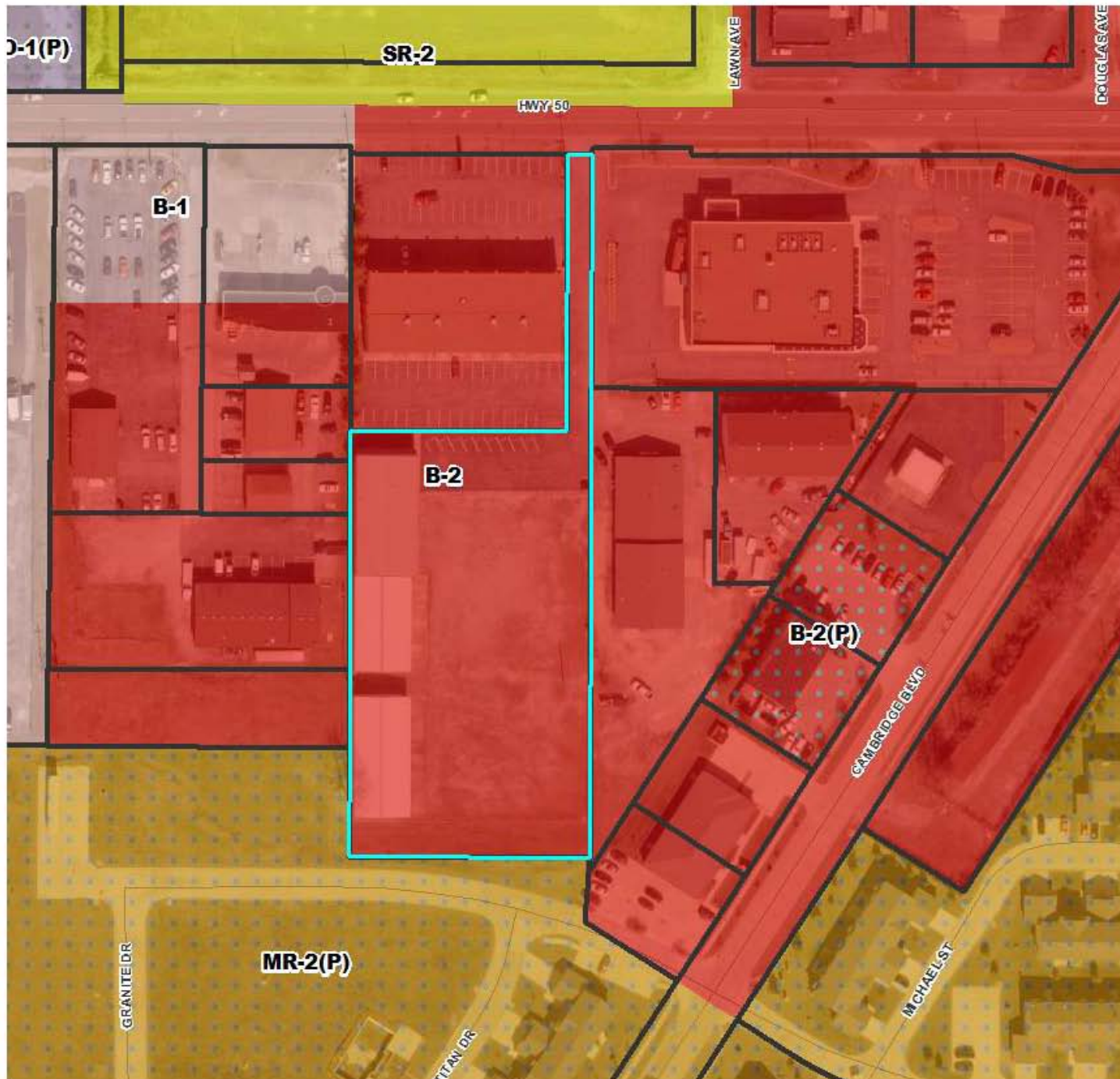
Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map

Attachment 4 – Site Plan

I:\P & Z\ZONEFILE\Petitioner Files\2013\Thorpe's Body & Corvette Shop (P2013-05)\Thorpe PC Report 2013-8-13.doc











## Planned Use / Re-Zoning Application

NAME OF PROJECT: Thorpes Body & Cornette Shop  
ADDRESS/GENERAL LOCATION: 649 W. Highway 50  
SUBDIVISION NAME & LOT NUMBER(S): "Svenson Estates" Lot 2

PARCEL NUMBER(S): 04-30.0-303-092

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

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

CITY OF O'FALLON  
JUL - 8 2013  
DATE PAID \$250.00

### SUMMARY DATA (RESPOND TO ALL THAT APPLY):

PRESENT ZONING: B-2  
PROPOSED ZONING: B-2(P)  
PROPOSED # OF LOTS: 1  
PROPOSED # OF DWELLING UNITS: 0

PROPOSED NUMBER OF BUILDINGS: Existing - 3  
PROPOSED GROSS FLOOR AREA: \_\_\_\_\_  
AREA IN ACRES: \_\_\_\_\_  
PRESENT USE: \_\_\_\_\_

### APPLICANT INFORMATION:

NAME: Tim Thorpe  
COMPANY: Thorpe Body & Cornette, Inc  
ADDRESS: 615 West Hwy 50

PHONE: 618-632-8080  
FAX: 618-632-6115  
EMAIL: Thorpecornettes@yahoo.com

Tim Thorpe  
SIGNATURE OF APPLICANT

### DESIGN PROFESSIONAL INFORMATION:

NAME: Ronald G. Bright  
COMPANY: RGB Surveying  
ADDRESS: 105 E. Adams  
O'Fallon

PHONE: (618) 741-3931  
FAX: (618) 624-9034  
EMAIL: RGB-Surveying@Charter.net

Ronald G. Bright  
SIGNATURE OF DESIGN PROFESSIONAL

DATE RECEIVED: July 8, 2013  
APPLICATION RECEIVED BY: DA Stevenson Evans  
APPLICATION FEE: \$250.00

### STAFF USE ONLY

PROJECT ID #: P2013-05  
STAFF ASSIGNED: \_\_\_\_\_  
PLAN REVIEW FEE DEPOSIT REC'D: \_\_\_\_\_

Attn: City of O'Fallon Planning and Zoning

RECEIVED JUL 10 2013

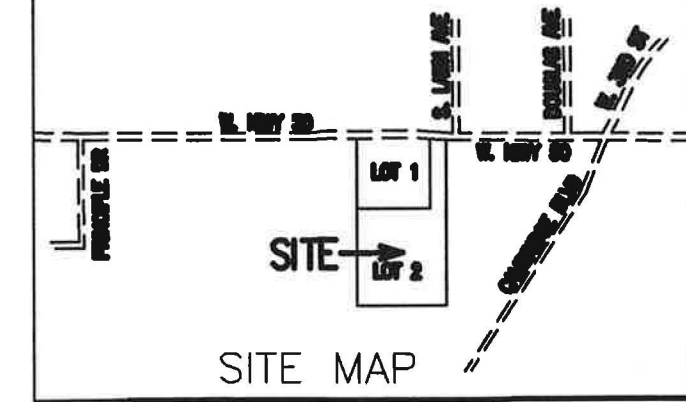
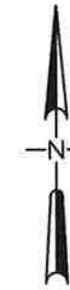
Written Narrative

The proposed use of 649 West HWY 50 parcel number 04300303092 currently zoned as B-2, will be in accordance with all guidelines and requirements set by the City of O'Fallon for zoning B-2(P). The following uses will include: Automotive Services, Office Space, Automotive Storage (inside 5000, SQ. FT. building along with two  $\frac{3}{4}$  covered structures approximately 4,000 & 5,000 SQ FT.) 649 West HWY 50 will be reused for the expansion of Thorpes Body and Corvette Shop. Employee parking will be located at my current location 615 West HWY 50 leaving only customers to park in our designated spots. The existing business sign hanging on the north side of the building above the main entrance will be reused with a vinyl sign. No major construction will be done to the building or property unless required by the City of O'Fallon.

X Timothy W Thorpe

X Timothy W Thorpe

SITE PLAN  
**LOT 2 in "SVENDSEN ESTATES"**  
649 WEST HIGHWAY 50  
CITY of O'FALLON, ST. CLAIR COUNTY, ILLINOIS



SITE PLAN  
LOT 2 in "SVENDSEN ESTATES"

CLIENT: THERESA SVENDSEN  
649 W. HIGHWAY 50  
O'FALLON, ILLINOIS 62269  
(618) 741-0865/PHONE

SURVEY DATA:  
SURVEY DATE: SEPT 2010  
FIELD CREW: RGB/JNB  
FIELD BOOK: 12

**GENERAL NOTES**

1. THE PROPERTY IS ZONED "B-2" GENERAL COMMERCIAL.
2. ACCORDING TO F.E.M.A. COMMUNITY PANEL NO. 17163C0210 D WITH AN EFFECTIVE DATE OF NOVEMBER 5, 2003, AND UPDATED AUGUST 19, 2010, THIS PROPERTY LIES WITHIN ZONE X. (AREAS DETERMINED TO BE OUTSIDE OF THE 500 YEAR FLOOD PLAIN)
3. LOT 1 WILL HAVE THE RIGHT OF INGRESS/EGRESS OVER THAT PART OF LOT 2 WHICH IS 20 FEET WIDE AND RUNS ADJACENT TO THE EAST LINE OF SAID LOT 1. LOT 2 WILL HAVE THE RIGHT OF INGRESS/EGRESS OVER THAT PART OF LOT 1 WHICH IS A 20'W. X 57.96'N. TRIANGLE AT THE SOUTHEAST CORNER OF SAID LOT 1. COST OF MAINTENANCE, UPKEEP, AND SNOW REMOVAL OF SAID CROSS ACCESS AREAS WILL BE SHARED EQUALLY BY LOT 1 AND LOT 2.
4. NO PAINTING OR BODY WORK WILL BE DONE ON THESE PREMISES.
5. THE PREMISES IS TO BE USED FOR MECHANICAL WORK AND STORAGE.

**CITY COUNCIL APPROVAL.**

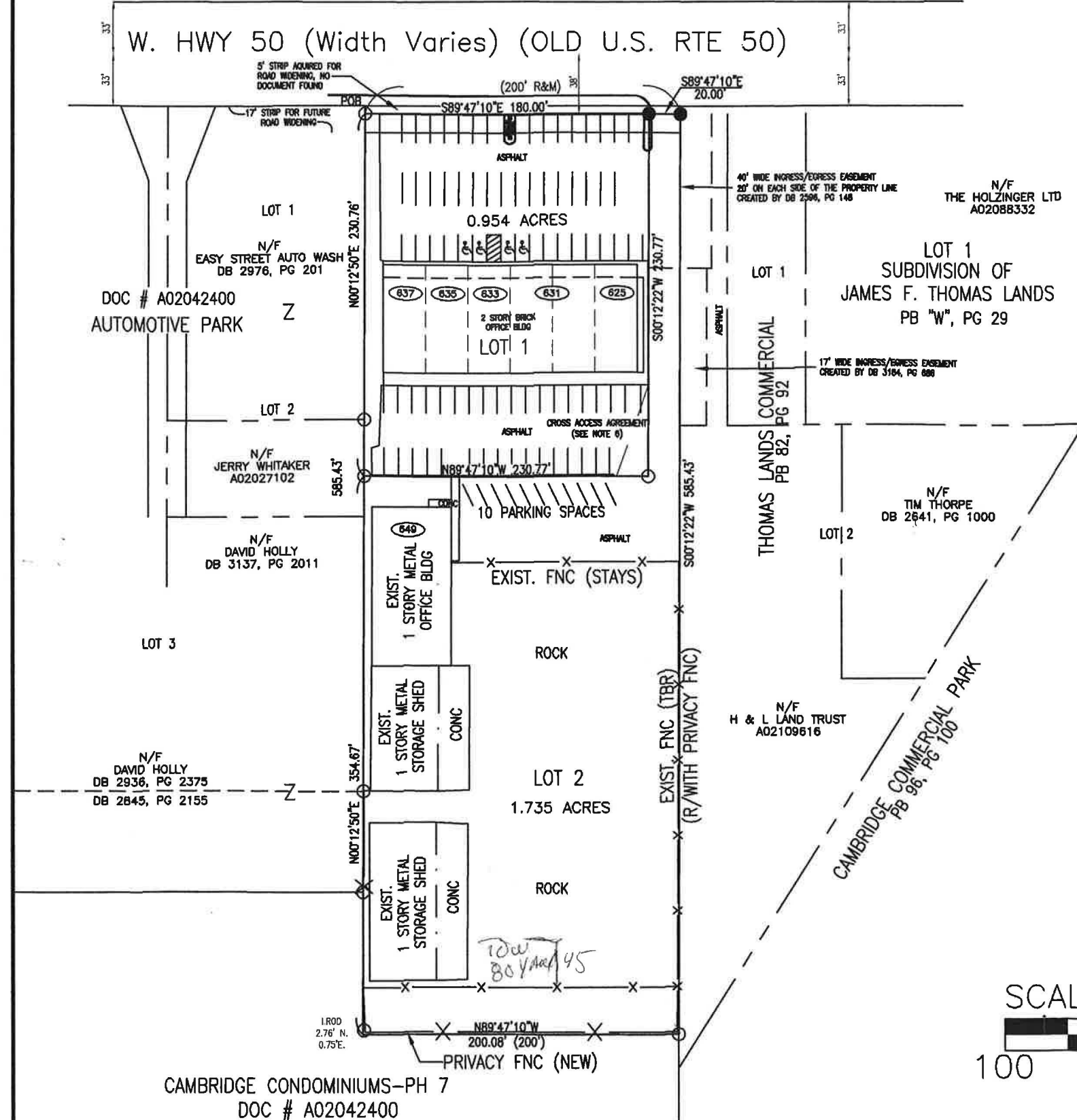
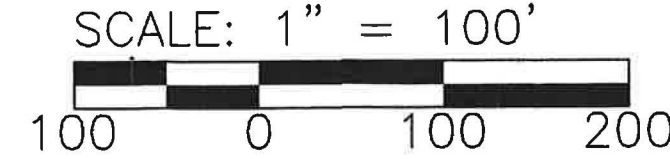
THE SITE PLAN FOR LOT 2 in "SVENSON PLACE" WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ILLINOIS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2013

MAYOR \_\_\_\_\_  
ATTEST: \_\_\_\_\_  
CITY CLERK \_\_\_\_\_

DATE \_\_\_\_\_  
DATE \_\_\_\_\_

**LEGEND**

- FOUND IRON ROD OR PIPE
- ⊠ FOUND CONC. MON.
- X— FENCE
- (TBR) TO BE REMOVED



**RGB SURVEYING, LLC**  
105 E. ADAMS STREET  
O'FALLON, ILLINOIS 62269  
(618) 624-9034 PHONE/FAX

|             |              |
|-------------|--------------|
| NO.         | DATE         |
|             |              |
|             |              |
|             |              |
|             |              |
| PROJECT NO. | CONTRACT NO. |
| SVENDSEN    | 10-01        |
| DRAWN       | CHECKED      |
| R.G.B.      | J.N.B.       |
| DATE        |              |
| SEPT. 2010  |              |

SITE  
PLAN

SHEET S1



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**MEMORANDUM**

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**TO:** Community Development Committee  
**FROM:** Anne Stevenson, Assistant City Planner  
**THROUGH:** Ted Shekell, Director of Planning and Zoning  
**DATE:** August 26, 2013  
**SUBJECT:** Annexation Agreement- 9804 Rieder Road (Resolution)

---

**Project Background and Summary**

The petitioners, Shari Dietz, has filed a petition to enter into an annexation agreement for their property located at 9804 Rieder Road, Parcel Number 04-35.0-200-003, having approximately 5 acres. The parcel is currently zoned A (Agricultural District) in St. Clair County. The property will be zoned A, Agricultural District upon its annexation to the City of O'Fallon. The attached annexation agreement includes one free residential water tap that was offered due to the property owner granting the city an easement for a 12 inch water main several years ago.

A public hearing will be held at the City Council meeting on Tuesday, September 3, 2013 at 7:00 pm. At that same meeting, a resolution will be presented authorizing the Mayor to sign the annexation agreement.

**Recommendation**

Staff recommends approval of the annexation agreement for 9804 Rieder Road, Parcel Number 04-35.0-200-003.



## PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (Agreement) is made and entered into this 14<sup>th</sup> day of August 2009<sup>13</sup>, by and among Shari L. Dietz ("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. Owners are the owners of record of certain parcels of real property located at 9804 Rieder Road, Lebanon, IL 62254 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.** Owners have filed with the City Clerk a Petition for Annexation of the Parcel to the City conditioned on the terms and provisions of this Agreement, which petition has 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 is attached hereto as Exhibit C and made a part hereof. To the extent that the Parcels are not yet contiguous to the City, Owners agree 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 Petition for Annexation, the City shall, if during the term of this agreement it determines in its discretion to annex the Parcels, shall do so subject to this agreement approved pursuant to 65 ILCS 5/11-15.1-1, *et seq.* Owners have 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. This annexation is not for the purpose of a new residential development

2. **Water Supply.** From the effective date of this Agreement, the City shall supply fresh, potable water service when available to the Parcel in quantities and pressure sufficient in all respects to serve the needs of the Parcel as currently used and the persons therein and subject to otherwise applicable usage charges, fees and regulations, provided that any change in the use of the property is subject to and in compliance with the provisions of the City's ordinances and regulations, whether prior to or after annexation the effective date of the annexation.

### 3. 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) Upon annexation, the parcel shall be zoned to the City zoning classification equivalent to the County zoning in place at the time of the annexation. The Owner shall retain the right to petition to rezone their property, 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) Pole barn type construction and metal sided buildings shall be allowed for any new lawful agricultural or accessory structure.
- (d) Livestock can be had and maintained on the Parcel as provided for by the requirements of the Agricultural zoning district provided that the property is zoned within that district.

- (e) Burning of yard waste generated from the Parcel shall be allowed on the Parcel in accordance with the laws of the City of O'Fallon.
- (f) One free residential water tap shall be provided for the Parcel shown on Exhibit B, when available, and subject to all other applicable conditions.
- (g) 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; provided that the required annexation fee of \$2,250 per unit shall NOT apply to the Parcel and be required to be paid until the Parcel is rezoned at the request of the property owner or the Parcel is developed as a new residential subdivision.
- (h) 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.
- (i) 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/or the free acts and deeds of such municipal corporation after opportunity to consult with legal counsel.
- (j) The City may terminate this Agreement prior to effective date of the Annexation on written notice to the Owner if deemed by the City appropriate in the public interest, in which event the obligations of all parties pursuant to this Agreement shall thereafter cease.

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

ATTEST:

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

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

OWNER:

\_\_\_\_\_

State of Illinois

OWNER

ATTEST:

County of St. Clair

By: Shari Dietz

Name: Shari Dietz

Title: owner

This instrument was acknowledged before me on  
August 14, 2013 by Shari Dietz.

Jo A. Thielemann  
Notary Public





## **LIST OF EXHIBITS**

- A. Legal Description of Parcel
- B. Plat of Annexation
- C. Annexation Petition



04-35.0-200-003  
9804 Rieder Rd

