



AGENDA  
COMMUNITY DEVELOPMENT COMMITTEE  
Monday, April 25, 2016

**6:00 PM**

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

I) Roll Call

II) Approval of Minutes – April 11, 2016

III) Items Requiring Council Action – Monday, May 2, 2016

- A. Courage and Grace- Planned Use (1<sup>st</sup> Reading)
- B. Chapter 116 – Alcoholic Beverage Text Amendments (1<sup>st</sup> Reading)
- C. Savannah Hills 3<sup>rd</sup> Addition – Final Plat (1<sup>st</sup> Reading)
- D. Special Event Permit – Text Amendment (2<sup>nd</sup> Reading)

IV) Other Business – Discussion Item

- A. Right-of-Way adjacent to 1309 West Highway 50

**NEXT MEETING: May 9, 2016 – 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  
5:00 PM Monday, April 11, 2016

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:* David Cozad, Harlan Gerrish, Ray Holden, and Jerry Mouser (Arrived at 5:15PM). *Other Elected Officials Present:* Herb Roach, Robert Kueker, Ned Drolet and Matt Smallhear. *Staff:* Walter Denton, Pam Funk, Jeff Taylor, Grant Litteken, Jeff Stehman, Kirk Brueggeman 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. Venita Drive / Taylor Road Right-of-Way and Easement Plat (Resolution) – Jeff Taylor provided a brief overview of the plat the need to dedicated right-of-way for the reconstructed Venita Drive overpass and the newly constructed Taylor Road. The committee discussed the right-of-way and easement plat, however, the Community Development Committee at the time of the presentation and discussion did not have a quorum and thus no recommendation was forward to the full Council.
  - B. Design and construction Service Agreement with SWT (Resolution) – Justin Randall and Jeff Taylor provided an overview of the contract for professional services with SWT to provide design and construction documents for the development of landscaping and lighting along Green Mount Road, with alternative bid packages for lighting along Regency Park and additional landscaping and benches/trash receptacles. The committee discussed the contract with SWT, however, the Community Development Committee at the time of the presentation and discussion did not have a quorum and thus no recommendation was forward to the full Council.
  - C. Special Event Permit – Text Amendment (1<sup>st</sup> Reading) – Justin Randall presented the proposed changes for reviewing and approving events that have received City Council approvals for multiple years, without any problems or controversy. The committee discussed the text amendment and recommended approval via a vote of 4 ayes – 0 nays.
  - D. Reserves of Timber Ridge – Phase 2A – Final Plat (2<sup>nd</sup> Reading) – Justin Randall indicated there were no changes proposed from 1<sup>st</sup> Reading for Reserves of Timber Ridge – Phase 2A – Final Plat.
  - E. Illini Trails 3<sup>rd</sup> Addition – Plat 1 – Final Plat (2<sup>nd</sup> Reading) – Justin Randall indicated there were no changes proposed from 1<sup>st</sup> Reading for Illini Trails 3<sup>rd</sup> Addition – Plat 1 – Final Plat.
  - F. Lake at St. Ellens Plaza - Resubdivision – Final Plat (2<sup>nd</sup> Reading) – Justin Randall indicated there were no changes proposed from 1<sup>st</sup> Reading for Lake at St. Ellens Plaza – Resubdivision – Final Plat.

IV) **Other Business - None**

MEETING ADJOURNED: 5:40 PM

NEXT MEETING: April 25, 2016 – Public Safety Building

Prepared by: Justin Randall, Senior City Planner



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## PROJECT REPORT

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**TO:** Community Development Committee  
**FROM:** Anne Stevenson, Assistant City Planner  
**THROUGH:** Ted Shekell, Community Development Director  
**DATE:** April 25, 2016  
**PROJECT:** P2016-02: Courage & Grace, Planned Use (1<sup>st</sup> Reading)

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### Planning Commission Recommendation

The Planning Commission held a public hearing on the above referenced application at their April 12, 2016 meeting. The Commission voted 6-ayes and 0-nays to approve the requested Planned Use application for Courage & Grace, subject to the conditions recommended by staff.

### Overview

Lori Lambeth has filed an application requesting a change of zoning from B-2 to B-2(P) for a parcel of land at 300 West State Street. The applicant recently opened an art studio in one of the two commercial tenant spaces and needs planned use approval to allow consumption of alcohol on the site. The applicants will not be selling alcohol, but would like to allow their customers to bring their own alcoholic beverages from home and consume it inside while they are participating in classes.

### Liquor Consumption

At this time, Chapter 116 of the O'Fallon Code of Ordinances (Alcoholic Beverages) does not make allowances for BYOB (bring your own bottle) type operations. Staff has prepared code language to accommodate these types of requests with a new liquor license. This code language did not require review by the Planning Commission, but is being brought to the Community Development Committee for a 1<sup>st</sup> reading tonight.

### Staff Recommendation

Staff recommends approval of the project with the following conditions:

- 1) The planned use approval allows for consumption of alcohol inside the building only. Alcohol will not be sold, but customers will be allowed to bring their own beverages from home and consume them on site while they are participating in classes. Should the tenants at any time want to begin to sell alcohol or allow consumption outdoors, a revised planned use will be required.
- 2) On-site consumption will require issuance of a liquor license, pending creation of a "BYOB" liquor license by City Council.

### Attachments

Report to Planning Commission



PROJECT REPORT

TO: Planning Commission
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Community Development Director
DATE: April 12, 2016
PROJECT: P2016-02: Courage & Grace, Planned Use

Location: 300 West State Street
Ward: 3
Applicant: Lori Lambeth of Courage & Grace
Owner: Cindy Hawkins
Submitted: March 4, 2016

Overview

Lori Lambeth has filed an application requesting a change of zoning from B-2 to B-2(P) for a parcel of land at 300 West State Street. The applicant recently opened an art studio in one of the two commercial tenant spaces and needs planned use approval to allow consumption of alcohol on the site. The applicants will not be selling alcohol, but would like to allow their customers to bring their own alcoholic beverages from home and consume it inside while they are participating in classes.

Zoning & Planned Use

The zoning hearing has been triggered due to §158.116 of the O'Fallon Code of Ordinances which requires planned use approval for "uses offering liquor sales and/or consumption, on- or off-premises." Due to this requirement, the applicant is requesting a change of zoning from B-2, General Business District to B-2(P), Planned General Business District.

The table below summarizes the zoning and land uses of adjacent properties. Please see the attached maps for more detailed information.

Table with 3 columns: Direction, Adjacent Zoning, Adjacent Land Use. Rows include North, East, South, and West directions with corresponding zoning codes and land use descriptions.

Comprehensive Plan - Future Land Use

While working on the Downtown O'Fallon Area Action Plan, staff members noticed that a few locations have been miscategorized on the Future Land Use Map in the Comprehensive Plan. In regards to 300 West State Street, the property has two commercial units on the first floor and four residential units on the second floor. It is zoned B-2, however, the Future Land Use Map shows this property as Multi-Family Residential. This is likely a clerical error made at the time of the planning document since the parcel to the north is multi-family. As a follow up to the downtown

O'Fallon Area Plan, staff plans to amend the Future Land Use Map to more accurately reflect the desired uses downtown.

The mapping error mentioned above does not negatively affect Courage and Grace's application. Although the existing B-2 zoning district is not consistent with the Comprehensive Plan, the property can continue to be used commercially. If however, a request is made to rezone to a different category (such as B-1) in the future, the rezoning would have to comply with the Comprehensive Plan at that time.

### **Liquor Consumption**

At this time, Chapter 116 of the O'Fallon Code of Ordinances (Alcoholic Beverages) does not make allowances for BYOB (bring your own bottle) type operations. Staff is preparing code language to accommodate these types of requests with a new liquor license. These code changes do not require review by the Planning Commission, but will be brought to the Community Development Committee and City Council concurrent with this Planned Use application. Hours of operation will be restricted by this new liquor license.

### **Parking**

As per Section 158.141, existing buildings in the downtown business district are not required to provide parking if their front door is within 500 feet of a municipal parking lot. 300 West State Street meets this requirement and therefore does not need to provide private parking spaces. However, this property does have access to a few private parking spaces to the west of the building.

### **Signage**

The applicants are not asking for special signage as part of this planned use approval. The sign they requested met city code and was installed with a sign permit issued by the city.

### **Review and Approval Criteria**

Chapter 158, Article 6 of the O'Fallon Code of Ordinances 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.*
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 reuse of the existing building will not have a significant impact on traffic, nor will it negatively affect open space, light, air, recreation, or visual enjoyment.*
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.*
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)  
*As mentioned above, the proposed use is inconsistent with the Comprehensive Plan due to past clerical errors. Even so, the existing zoning in place allows for the proposed use and it is compatible and consistent with the surrounding area. An existing building is not required to comply with 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.  
*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 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 existing building is similar to many in the downtown area in that it precedes the creation of many of today's zoning requirements and as such, is not required to comply with many of them after the fact.*

### **Public Notice**

Public Notice of this project has been fulfilled in accordance with §§158.255 - 158.256 of the O'Fallon Code of Ordinances. 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.

### **Staff Recommendation**

Staff recommends approval of the project with the following conditions:

- 1) The planned use approval allows for consumption of alcohol inside the building only. Alcohol will not be sold, but customers will be allowed to bring their own beverages from home and consume them on site while they are participating in classes. Should the tenants at any time want to begin to sell alcohol or allow consumption outdoors, a revised planned use will be required.
- 2) On-site consumption will require issuance of a liquor license, pending creation of a "BYOB" liquor license by City Council.

### **Attachments**

Attachment 1 – Project Application

Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map



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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 and Anne Stevenson, Assistant City Planner  
**THROUGH:** Ted Shekell, Director of Community Development  
**DATE:** April 25, 2016  
**SUBJECT:** Chapter 116 – Alcoholic Beverages

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**Key Aspects of the Changes to Chapter 116:**

City staff and legal counsel have proposed a number of changes to Chapter 116 to clean up confusing language, create better definitions and create the BYOB (Class "I") License and the Tasting Event (Class "J") License.

The city is proposing to create a Class "I" liquor license which would enable establishments to allow the public to bring and consume their own alcohol at the business (BYOB). This type of BYOB business model is becoming increasingly common as the popularity of art parties/workshops has exploded across the country. Based on the research conducted, staff believes that creating BYOB-specific code language would allow reputable businesses to allow BYOB with some consistent standards, while preventing others from exploiting the lack of regulation to operate under very little oversight or recourse from the City.

The city is proposing to create a Class "J" liquor license. This license would allow for applicants to apply for and the City to issue a license for public offering of samples of alcoholic liquor. Typically, these tastings are conducted within package retailers like grocery stores or liquor stores. Such establishments would still need to apply for a package liquor license as they currently do on an annual basis. Currently, the City has no way of approving such tasting events.

**Liquor License Fee Schedule:**

Class "I-1" Annual fee of \$100.  
Class "I-2" Annual fee of \$25  
Class "J" Annual fee of \$100

**Attachments:**

Ordinance Amending Chapter 116

**CITY OF O’FALLON, ILLINOIS  
ORDINANCE NO. \_\_\_\_\_, AN  
ORDINANCE AMENDING  
CHAPTER 116 ALCOHOLIC  
BEVERAGES OF THE CITY CODE  
OF ORDINANCES.**

**WHEREAS**, the City of O’Fallon is a Home Rule Unit as defined in Article VII, Section 6(a) of the 1970 Illinois Constitution and has jurisdiction over matter pertaining to its government and affairs; and

**WHEREAS**, Chapter 116, Alcoholic Beverages, of the City Code of Ordinances governs the licensing of establishments offering alcoholic liquor for sale within the City of O’Fallon; and

**WHEREAS**, the City Code of Ordinances do not govern or regulate the consumption of alcoholic liquor at places of business within the City of O’Fallon, wherein patrons of the business furnish their own alcoholic liquor, commonly referred to as “bring your own bottle” to be consumed by the business patrons on the business premises; and

**WHEREAS**, it is in the best interest, health, safety and welfare of the residents of the City of O’Fallon, to govern and regulate the consumption of bring your own alcoholic liquor by business patrons on the business premises.

**WHEREAS**, there is no provision in Chapter 116 for the application for or issuance of a license for public offering of samples of alcoholic liquor; and

**WHEREAS**, it is in the best interest of the health, safety and welfare of the citizens of the City of O’Fallon to license such event.

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.** Section 116.01 **Definitions**, is amended by way of addition of the following definitions.

Bring Your Own Bottle or BYOB. The practice of allowing patrons of a business inviting public patronage to bring their own alcoholic liquor to be consumed by the patron and his/her guest on the business premises.

Event sponsor shall mean any person who presents, sponsors, hosts, or promotes a tasting event which includes sample tasting of alcoholic liquor whether or not such person directly offers tasting of alcoholic liquor and its related sale at the tasting event.

Package sales shall mean the sale of the same alcoholic liquor which is offered for tasting where such alcoholic liquor is sold in the original container which bears the brewer's and/or manufacturer's label and which is corked, capped, or otherwise securely sealed at the place of brewing, manufacture, or distilling.

Restaurant as defined in §158.016 of the City Code of Ordinances under "Restaurant, Fast-Food" "Restaurant, General" or "Restaurant, Limited."

Tasting shall mean the supervised presentation of samples of one (1) or more varieties of alcoholic liquor to the public served from the original package. Tasting shall be limited to any one individual no more than three (3) offerings in one day of alcoholic liquor in glasses, cups or other containers which are capable of holding no more than one (1) fluid ounce in the case of wine, two (2) fluid ounces in the case of beer, and one-quarter (1/4) ounce in the case of spirits.

Tasting event shall mean any event sponsored, hosted or promoted within the City of O'Fallon primarily for the purpose of offering tasting of alcoholic liquor.

Tasting representative shall mean any person who directly offers tasting of alcoholic liquor to the public and either holds a valid issued retailer's license, special event retailer's license, caterer's retail license or special use permit license issued by the Illinois Liquor Control Commission or works under the direction of, is supervised by, or is employed by a person who holds a valid issued retailer's license, special event retailer's license, caterer's retail license or special use permit license liquor license issued by the Illinois Liquor Control Commission.

**Section 3.** Section 116.15, **Classification of Licenses**, is amended as follows:

~~There shall be ten classes of licenses issued by the city to retailers of alcoholic liquor. These classes shall be designed as Class "A" licenses, Class "B" licenses, Class "C-1" licenses, Class "C-2" licenses, Class "D-1" licenses, Class "D-2" licenses, Class "E" licenses, Class "F" licenses, Class "G-1" licenses, and Class "G-2" licenses, and shall be described as follows.~~

(A) Class “A” On Premise License

(1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in such license.

(2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties which relate to cleaning and closing such business.

(B) Class “B” On Premise Extended Hours License

(1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in such license.

(2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic liquor may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises more than one-half hour after close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties which relate to cleaning and closing such business.

(C) Class “C-1” Off Premise License

(1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor in the original retail package of the manufacturer on the premises specified in the license.

(2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made.

(3) No alcoholic liquor sold pursuant to a Class “C-1” license shall be consumed on the premises for which such license is issued.

(D) Class “C-2” Off Premise Extended Hours License

(1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor in the original retail package of the manufacturer on the premises specified in the license

(2) Sales may occur at all hours chosen by the licensee, except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic liquor may be made.

(3) No alcoholic liquor sold pursuant to a Class “C-2” license shall be consumed on the premises for which such license is issued.

(E) Class “D-1” On Premise with Entertainment License

(1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in such license

(2) Sales may occur at all hours chosen by the holder thereof, except between the hours of 2:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made; provided that, a live band, or such other live entertainment as the Liquor Commissioner deems comparable, performs at such premises at least five days each week.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated one-half hour after the close of such business by all persons other than employees of the licensee then engaged in customary after-hours duties relating to cleaning and closing such business.

(F) Class “D-2” On Premise with Bowling Alley License

(1) Licenses shall authorize the holder thereof to sell at retail alcoholic liquor for consumption on the premises specified in the license.

(2) Sales may occur at all hours chosen by the holder thereof, except between the hours of 2:00 a.m. and 5:00 a.m., when no sales of alcoholic liquor may be made, provided that the holder of such license operates on such same premises a bowling alley and food is being served at all such hours on such premises.

(3) No person may consume, and no person other than the licensee may possess or have, any alcoholic liquor on such premises more than one-half hour after the close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding.

(G) Class "E" On and Off Premise License

(1) Licenses shall authorize a holder thereof to make sales at retail of alcoholic liquors for consumption on the premises with a seating capacity for 20 or more patrons and to sell packaged alcoholic liquors for consumption off the premises.

(2) Class "E" licenses shall authorize a holder thereof to sell, at retail, alcoholic beverages for consumption on the premises specified in such license and to sell packaged alcoholic liquors for consumption off the premises specified in such license at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic beverages may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

(H) Class "F" Brew Pub License

(1) Licenses shall authorize a holder thereof to manufacture beer ("brew pub") and store the brew pub at a designated premises and to make sales to distributors, importing distributors, as well as the direct sale to non-licensed consumers for consumption off the designated premises in containers not larger than 64 ounces or on the designated premise. A licensee shall not sell, for off premises consumption, more than 50,000 gallons of beer per year. A Class "F" licensee must have a valid brew pub license from the State of Illinois.

(2) Class "F" licenses shall authorize a holder thereof to sell, at retail, alcoholic beverages for consumption on the premises specified in such license at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic beverages may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close

of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding. The premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

~~(3)~~ (4) A Class "F" license shall authorize the licensee to sell its micro-brewed beer for consumption off premises in containers not larger than 64 ounces at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday, when no sales of alcoholic beverages may be made.

(I) Class "G-1" Not-for-Profit License

(1) Licenses shall authorize a Not-For-Profit Corporation as holder thereof to sell, at retail, alcoholic liquor for consumption only on the premises where sold.

(2) Alcoholic liquor may be sold at retail for consumption on the premises at all hours chosen by the holder thereof, except between the hours of 1:00 a.m. and 5:00 a.m. when no sales of alcoholic liquor may be made.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

(J) Class "G-2" Not-for-Profit Extended Hours License

(1) Licenses shall authorize a Not-For-Profit Corporation as holder thereof to sell, at retail, alcoholic liquor for consumption only on the premises where sold.

(2) Alcoholic liquor may be sold at retail for consumption on the premises at all hours chosen by the holder thereof, except between the hours of 2:00 a.m. and 5:00 a.m. when no sales of alcoholic liquor may be made; providing that a live band or such other live entertainment, as the Liquor Commissioner deems comparable, performs at such premises at least five days each week.

(3) No person may consume, and no person other than the licensee shall possess or have, any alcoholic beverage upon the licensed premises more than one-half hour after the close

of business for the retail sale of alcoholic beverage and before such business opens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing of such business.

(K) Class "H-1" Video Gaming License

(1) Licenses shall be required of each licensee having a video gaming permit issued to the licensee pursuant to Chapter 121 of this code and shall authorize the licensee to sell at retail, alcoholic liquor for consumption, on the premises, specified in the license

(2) Sales may occur at all hours chosen by the licensee except between the hours of 1:00 a.m. and 5:00 a.m. Monday through Friday, inclusive, and between the hours of 2:00 a.m. and 5:00 a.m. on Saturday and Sunday when no sales of alcoholic liquor may be made; provided that, a licensee may have a live band, or such other live entertainment as the Liquor Commissioner deems acceptable.

(3) No person may consume and no person other than the licensee shall possess or have, any alcoholic liquor upon the licensed premises, more than one half hour after close of business for the retail sale of alcoholic liquor and before such business reopens as allowed by the preceding, and the premises shall be vacated within one-half hour of the close of such business by all such persons other than employees of the licensee then engaged in customary after-hour duties which relate to cleaning and closing such business.

~~(2)~~ (4) The holder of a Class H-1 license shall not be required to have any other city liquor license.

(L) Class "I-1" BYOB License

(1) Licenses shall authorize BYOB upon the conditions set forth hereafter.

a. Consumption of the alcoholic liquor must be in conjunction with the purchase of goods and services offered by the business in its normal course of operations.

b. Consumption of the alcoholic liquor shall be limited to those patrons of the licensee who furnished the alcoholic liquor and their guests.

c. Every container of wine brought onto the Licensee's premises by a patron may be opened by the personnel of the Licensee and it shall be unlawful for any person to leave the premises with a partially consumed container of wine unless it is securely sealed and receipted by the personnel of the Licensee prior to removal from the

premises and placed in a transparent, one time use, tamper proof bag in accordance with the Illinois Liquor Control Act.

d. It shall be unlawful for any person to leave the Licensee's premises with a partially consumed container of alcoholic liquor other than a properly sealed container of wine.

e. The Licensee may charge a "corkage fee".

f. Consumption of alcoholic liquor brought onto the Licensee's premises, by a patron of the Licensee, shall be at all hours chosen by the Licensee, except between the hours of 12:00 am and 5:00 am when consumption of alcoholic liquor is strictly prohibited.

g. Video gaming shall be prohibited on the premises that possess a Class I-1 license.

h. Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited.

i. It shall be unlawful for any business, which does not have either a Class I-1 license or a Class I-2 license, to allow any person to consume alcoholic liquor on the business premises wherein the alcoholic liquor is furnished by a patron of the business.

(M) Class "I-2" BYOB Restaurant Rider License

(1) Licenses shall authorize a Restaurant that is the holder of a Class A License, B License, E License, F License, G-1 License, G-2 License or H-1 License to permit BYOB upon the conditions set forth hereafter.

a. Consumption of alcoholic liquor shall be in conjunction with the purchase and consumption of a meal.

b. Consumption of the alcoholic liquor shall be limited to those patrons of the licensee who furnished the alcoholic liquor and their guests.

c. Every container of wine brought onto the Licensee's premises by a patron may be opened by the personnel of the Licensee and it shall be unlawful for any person to leave the premises with a partially consumed container of wine unless it is securely sealed and receipted by the personnel of the Licensee prior to removal from the premises and placed in a transparent, one time use, tamper proof bag in accordance with the Illinois Liquor Control Act.

d. It shall be unlawful for any person to leave the Licensee's premises with a partially consumed container of alcoholic liquor other than a properly sealed container of wine.

e. The Licensee may charge a "corkage fee".

f. Consumption of alcoholic liquor brought onto the Licensee's premises, by a patron of the Licensee, shall be only during the hours as allowed by the Licensee's existing liquor license issued by the City of O'Fallon for the sale of alcoholic liquor.

g. Possession and/or consumption of alcoholic liquor by any person under age twenty-one (21) is prohibited.

h. It shall be unlawful for any business, which does not have either a Class I-1 license or a Class I-2 license, to allow any person to consume alcoholic liquor on the business premises wherein the alcoholic liquor is furnished by a patron of the business.

(N) Class "J" Tasting Event License

(1) Licenses shall authorize a Tasting Event upon the conditions set forth hereafter.

a. License shall authorize the holder thereof to conduct alcoholic liquor tasting and sale of packaged alcoholic liquor through a tasting representative in conjunction with a sponsored, hosted or promoted tasting event on days chosen by the Licensee (subject to the restriction hereafter) and at all hours chosen by the licensee between the hours of 9:00 am and 11:00 pm only.

b. Any person who applies for a Class "J" license must be a holder of a valid State of Illinois issued retailer's license, special event retailer's license, caterer's retail license or special use permit license at the time such Class "J" license application is made and at all times during the period of time for which the City license is issued.

c. A Class "J" license issued for a tasting event, shall be valid only for and limited to the specific date(s) and hour(s) when the tasting event will occur. The tasting event shall not exceed 5 daily events in a 12 month period of time.

d. Nothing in this sub-section shall be deemed to relieve any license applicant from the requirement of obtaining a special event permit issued by the City for those events which require such a permit as provided by the O'Fallon Code of Ordinances and/or policies governing the application for and issuance of special event permits.

e. The license holder shall:

i. Prohibit consumption of any alcoholic liquor other than by tasting within the tasting event; and

ii. Refrain from offering or providing a sample of alcoholic liquor to anyone under the age of 21 years; and

iii. Insure all samples of alcoholic liquor be immediately consumed on the premises of the tasting event; and

iv. Prohibit consumption of any packaged liquor sold within the tasting event.

f. Nothing in subsection 4 shall be construed as:

i. Prohibiting an event sponsor from charging a cover charge to enter the event or from selling tickets for the privilege of participating in the tasting event; or

ii. Prohibiting an event sponsor from charging any person who purchases any alcoholic liquor product as a package sale; or

iii. Requiring any event sponsor who offers tasting at a tasting event to also offer package sales of the offered alcoholic liquor at the tasting event.

**Section 4.** Section 116.18 **Fee** is amended as follows:

(A) License fees for the sale of alcoholic liquor at retail shall be payable in advance at the time of making application.

(B) In the event the license applied for is denied, the fee paid with the application shall be returned to the applicant. If the license is granted, the fee shall be deposited in the general corporate fund of the city or in any such other fund as shall have been designated or shall hereafter be designated by the City Council, by a proper action, and no part thereof shall be refunded under any circumstances.

(C) License fees shall be as follows, effective May 1, 2015:

(1) Original application or renewal of a Class “A” or “C-1” license shall be ~~\$400~~ \$500 per annum (effective May 1, 2015: ~~\$500 per annum~~)

(2) Original application or renewal of a Class “B” or “C-2” license shall be ~~\$500~~ \$600 per annum (effective May 1, 2015: ~~\$600 per annum~~)

(3) Original application or renewal of a Class “D-1” or “D-2” license shall be ~~\$600~~ \$700 per annum (effective May 1, 2015: ~~\$700 per annum~~)

- (4) Original application or renewal of a Class “E” license shall be \$1,100 per annum
- (5) Original application or renewal of a Class “F” license shall be \$900 per annum
- (6) Original application or renewal of a Class “G-1” license shall be \$400 per annum
- (7) Original application or renewal of a Class “G-2” license shall be \$500 per annum
- (8) Original application or renewal of a Class H-1 license for a for-profit entity shall be \$700 per annum
- (9) Original application or renewal of a Class H-1 license for a not-for-profit entity shall be \$400 per annum
- 10) Original application or renewal of a Class I-1 license shall be \$100 per annum
- 11) Original application or renewal of a Class I-2 license shall be \$25 per annum
- 12) Original application or renewal of a Class J license shall be \$100 per annum

All other provisions of Chapter 116, Alcoholic Beverages, of the City Code of Ordinances, shall remain in full force and effect.

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 \_\_\_\_\_ 2016.

ATTEST:

Approved by the Mayor this\_\_ day

(seal)

of \_\_\_\_\_ 2016.

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

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

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

ROLL CALL:	Roach	Bennett	Cardona	Smallheer	Holden	Cozad	Gerrish	SUB TOTALS	SUM OF TOTALS
Aye									
Nay									

<b>Absent</b>									
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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  
**THROUGH:** Ted Shekell, Director of Community Development  
**DATE:** March 28, 2016  
**SUBJECT:** Savannah Hills, 3<sup>rd</sup> Addition - Final Plat (1<sup>st</sup> Reading)

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**Background**

The applicant, H & L Builders, is proposing a Final Plat of the 3<sup>rd</sup> Addition of Savannah Hills subdivision Trails, consisting of 26 single-family homes on 9.04 acres. This is 3<sup>rd</sup> Addition of a larger development located at the southeast corner of Milburn School Road and Old Collinsville Road.

The proposed final plat is consistent with the approved preliminary plat and improvement plans. There are a few clean-up items that will need to be revised on the final improvement plans prior to second reading.

**Budgetary Impact**

There will be an annexation fee paid to the City of \$2,250 per lot.

**Legal Impact**

None

**Recommendation**

Community Development and Public Work staff recommend the 3<sup>rd</sup> Addition Final Plat for approval, subject to final review of the improvements plans.

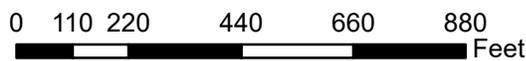
**Attachments**

Aerial  
3<sup>rd</sup> Addition Final Plat

# S16-06: Savannah Hills 3rd Addition - Final Plat



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



# SAVANNAH HILLS - 3rd ADDITION

Part of the Northwest Quarter of Section 23 and a resubdivision of Lot 415 of Savannah Hills, a subdivision recorded in Doc. No. A01946588 of County records, all situated in Township 2 North, Range 8 West of the Third Principal Meridian, City of O'Fallon, St. Clair County, Illinois

April, 2016

**REFERENCES:**  
 -Plat of Survey done by Associated Professionals, Inc. for Kevin Kombrink dated 3/26/2003  
 -Alta Survey done by Netemeyer Engineering Assoc., Inc. for O'Fallon Development Group, LLC dated 07/31/2003  
 -Savannah Hills final plat recorded in Plat Book 104, page 24

**NOTES:**

Error of closure for subdivision perimeter described hereon is not more than 1:5000.

See Pre-Annexation Agreement as recorded in Book 3904, page 989 of St. Clair County records for roadway width and street tree requirements.

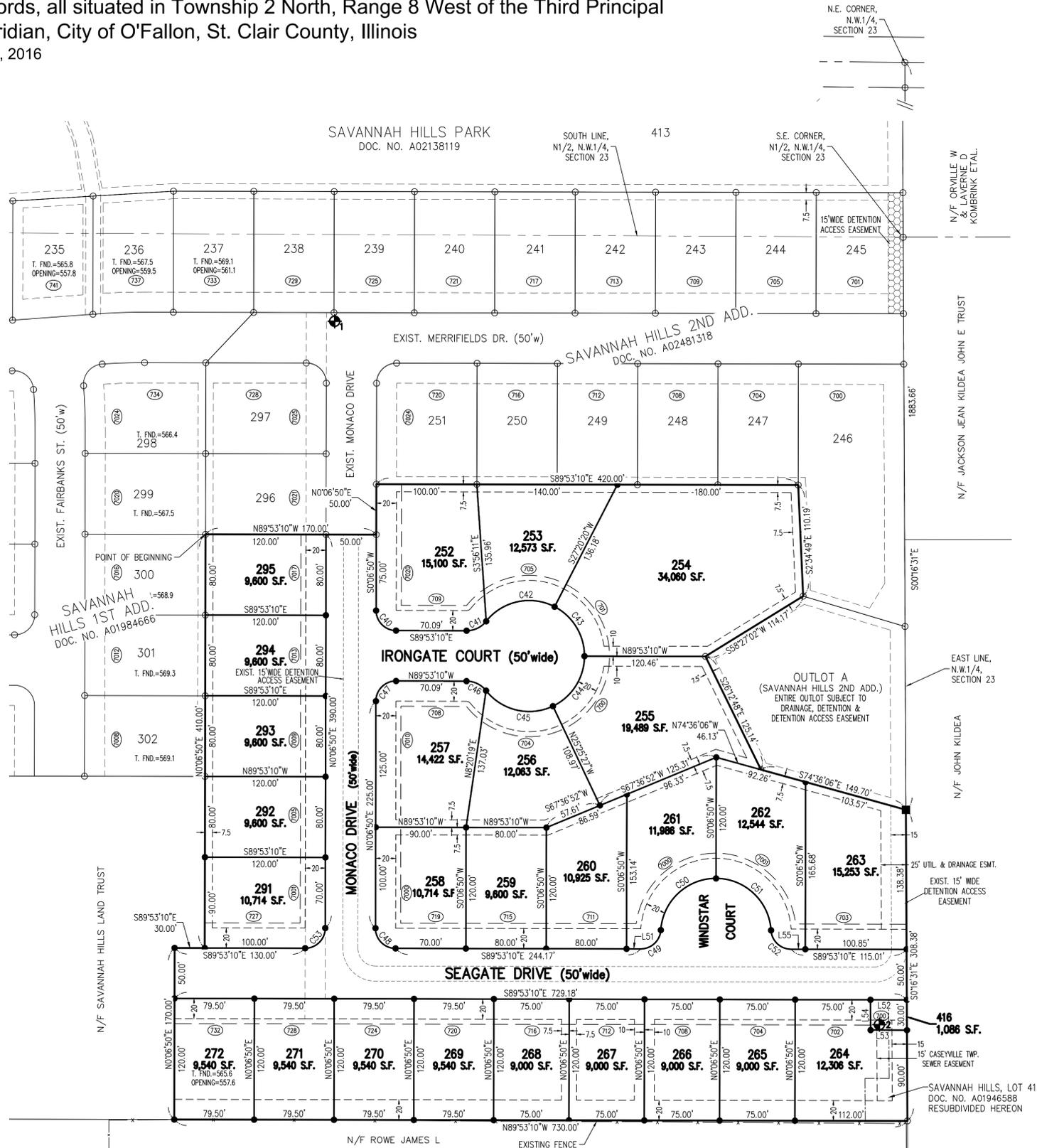
No private residential driveway entrances shall be permitted onto Savannah Hills Boulevard, Old Collinsville Road or Milburn School Road.

The tract subdivided hereon is subject to the terms set forth in the Pre-Annexation Agreement as recorded in Book 3904, page 989 of St. Clair County, Illinois records, between the City of O'Fallon, Illinois, and O'Fallon Development Group, LLC, establishing a Special Service Area within the tract described in said Agreement for the purpose of maintenance of storm water infrastructure and/or open space.

Islands in cul-de-sacs to be maintained by home-owners association. (See restrictive covenants)

Minimum top foundation and opening elevations subject to revision by professional engineer after as-built conditions are determined. The engineer shall provide the City with certification of this revision. Use benchmarks provided in the table hereon. If a basement window is installed, the lowest adjacent grade on the window well must be the higher than the minimum top foundation elevation. See grading plan Netemeyer Engineering dated 09/06/2005 for further details.

All lots are subject to a 5.0' wide drainage easement adjacent to the side lot lines.



LINE TABLE		
LINE	DIRECTION	DISTANCE
L51	S89°53'10"E	14.17'
L52	N89°53'10"W	36.18'
L53	N89°53'10"W	36.18'
L54	N0°16'31"W	30.00'
L55	S89°53'10"E	14.17'

BENCHMARKS (NAVD 88)			
NO.	DESCRIPTION	LOCATION	ELEVATION
1	CUT "X" ON NORTH TOP CURB	MERRIFIELDS, NEAR SE CORNER LOT 238, ± 24' SSE OF SAN. MH.	568.78
2	CUT "X" SW VALVE VAULT CORNER	AT EAST END OF SEAGATE DRIVE, NEAR SW CORNER OF LOT 416	556.55

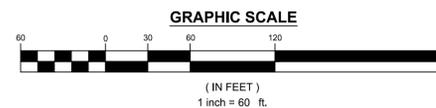
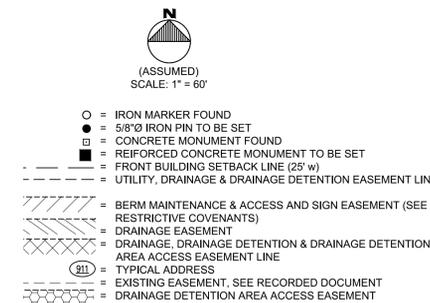
CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD	CHORD BEARING	DELTA
C40	31.42'	20.00'	20.00'	28.28'	S44°53'10"E	90°00'00"
C41	22.39'	25.00'	12.01'	21.65'	N64°27'18"E	51°19'04"
C42	75.40'	55.00'	44.97'	69.63'	N78°04'03"E	78°32'34"
C43	60.26'	55.00'	33.56'	57.29'	S31°16'25"E	62°46'30"
C44	61.88'	55.00'	34.68'	58.67'	S32°20'42"W	64°27'43"
C45	73.78'	55.00'	43.64'	68.37'	N76°59'46"W	76°51'21"
C46	22.39'	25.00'	12.01'	21.65'	N64°13'38"W	51°19'04"
C47	31.42'	20.00'	20.00'	28.28'	S45°06'50"W	90°00'00"
C48	31.42'	20.00'	20.00'	28.28'	S44°53'10"E	90°00'00"
C49	30.08'	20.00'	18.71'	27.33'	N47°01'31"E	86°10'39"
C50	82.72'	55.00'	51.45'	75.14'	N47°01'31"E	86°10'39"
C51	82.72'	55.00'	51.45'	75.14'	S46°47'50"E	86°10'39"
C52	30.08'	20.00'	18.71'	27.33'	S46°47'50"E	86°10'39"
C53	31.42'	20.00'	20.00'	28.28'	N45°06'50"E	90°00'00"

FOUNDATION ELEVATION INFORMATION			
LOT NO.	TOP FOUNDATION ELEVATION	LOWEST OPENING OR LOWEST ADJACENT GRADE IF OPENING IS PROTECTED	WALK-OUT OR DAYLIGHT
246	565.6	557.6	WALK-OUT
247	566.4	558.4	WALK-OUT
248	567.4	559.4	WALK-OUT
249	567.7	559.7	WALK-OUT
250	570.7	562.7	WALK-OUT
251	571.6	563.6	WALK-OUT
252	566.1	561.1	DAYLIGHT
253	564.7	559.7	DAYLIGHT
254	563.8	555.8	WALK-OUT
255	563.8	555.8	WALK-OUT
256	564.7	556.7	WALK-OUT
257	566.1	558.1	WALK-OUT
258	566.0	558.0	WALK-OUT
259	564.2	556.2	WALK-OUT
260	563.2	555.2	WALK-OUT
261	564.4	556.4	WALK-OUT
262	564.4	556.4	WALK-OUT
263	562.0	557.0	DAYLIGHT
264	562.3	554.3	WALK-OUT
265	563.7	555.7	WALK-OUT
266	563.8	555.8	WALK-OUT
267	563.4	555.4	WALK-OUT
268	563.6	555.6	WALK-OUT
269	565.6	557.6	WALK-OUT
270	566.3	558.3	WALK-OUT
271	566.2	558.2	WALK-OUT
272	565.6	557.6	WALK-OUT
291	568.6	568.1	NO
292	568.9	568.4	NO
293	568.8	568.3	NO
294	567.3	566.8	NO
295	567.3	566.8	NO

SUBDIVISION PERIMETER COORDINATES (IL WEST - NAD83)		
EXTREME CORNERS	GRID NORTHING	GRID EASTING
NW CNR LOT 295	707643.11	2355826.26
NE CNR LOT 254	707691.94	2356416.36
SE CNR LOT 264	707061.72	2356525.11
SW CNR LOT 272	707063.17	2355795.11



LOCATION SKETCH



# SAVANNAH HILLS - 3rd ADDITION

Part of the Northwest Quarter of Section 23 and a resubdivision of Lot 415 of Savannah Hills, a subdivision recorded in Doc. No. A01946588 of County records, all situated in Township 2 North, Range 8 West of the Third Principal Meridian, City of O'Fallon, St. Clair County, Illinois

April, 2016

**PERIMETER DESCRIPTION:**

Part of the Northwest Quarter of Section 23 and a resubdivision of Lot 415 of Savannah Hills, a subdivision recorded in Document # A01946588 of County records, all situated in Township 2 North, Range 8 West of the Third Principal Meridian, City of O'Fallon, St. Clair County, Illinois, the perimeter of which is described as follows:

Beginning at the Southwest corner of Lot 296 of Savannah Hills - 2nd Addition a subdivision recorded in Document # A02481318 of said County records; thence, S89° 53' 10"E (bearing assumed), collinear with the South line of said Lot 296, 170.00 feet; thence, N00° 06' 50"E, along the East right-of-way line of Monaco Drive, 50.00 feet to the Southwest corner of Lot 251 of said Savannah Hills - 2nd Addition; thence, S89° 53' 10"E, 420.00 feet to the Southeast corner of Lot 247 of said Savannah Hills - 2nd Addition; thence, S02° 34' 49"E, 110.19 feet to the Southwest corner of Lot 246 of said Savannah Hills - 2nd Addition; thence, along the perimeter of Outlot A of said Savannah Hills - 2nd Addition as follows: S58° 27' 02"W, 114.17 feet; S26° 12' 48"E, 125.14 feet; S74° 36' 06"E, 149.70 feet to the East line of said Northwest Quarter of Section 23; thence, leaving said perimeter, along said East line of the Northwest Quarter, S00° 16' 31"E, 308.38 feet to the Southeast corner of said Lot 415 of Savannah Hills; thence, N89° 53' 10"W, collinear with the South line of said Lot 415, 730.00 feet; thence, N00° 06' 50"E, 170.00 feet; thence, S89° 53' 10"E, 30.00 feet; thence, N00° 06' 50"E, collinear with the East line of Lot 302 of Savannah Hills - 1st Addition, a subdivision recorded in Document # A01984666 of said County records, 410.00 feet; to the point of beginning, containing 9.04 acres, more or less.

**SURVEYOR'S CERTIFICATE:**

I, Patrick R. Netemeyer, Illinois Professional Land Surveyor No. 2704, hereby certify that this is a true and correct plat of survey made under my supervision at the request of the owners. I further certify that the property herein described is not within a flood hazard area as indicated by the Federal Emergency Management Agency. It is not warranted that this plat contains complete information regarding dedications, easements, rights of way, encroachments, occupation lines, or other encumbrances that existed prior to the date of this plat. For complete information, a title opinion or commitment for title insurance should be obtained, reviewed, and upon request additional information can be included on this plat.

Given under my hand and seal at 3300 Highline Road, Aviston, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Patrick R. Netemeyer, I.P.L.S. No. 2704  
Expiration Date: November 30, 2016

State of Illinois )  
                          )ss  
County of St. Clair )

I, the undersigned, as managing member of H & L Builders, LLC, which is the owner of the land hereon described, has caused the same to be surveyed and subdivided in the manner shown by the within plat and said subdivision is to be known as "SAVANNAH HILLS - 3rd ADDITION". It is not contemplated that any appreciable change will be made in the flow of surface water from said land by the surveying and platting into lots. All rights of way and easements shown hereon are hereby dedicated to the use of the public forever including the release and waiver of the right of homestead under the Homestead Exemption laws of the State of Illinois. The building lines as shown are hereby established. I further certify that the property platted hereon is within O'Fallon Grade School District No. 90, O'Fallon High School District No. 203 and Southwestern Illinois College District No. 522.

In witness whereof, we have set our hands this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Attest:  
\_\_\_\_\_  
Managing Member  
H & L Builders, LLC  
613 W. Hwy. 50, P.O. Box 1116  
O'Fallon, IL 62269-8116

State of Illinois )  
                          )ss  
County of St. Clair )

I, \_\_\_\_\_, Notary Public in and for said county in the state aforesaid, do hereby certify that \_\_\_\_\_, managing member of H & L Builders, LLC, is personally known to me to be the same person whose name is subscribed to the foregoing instrument as such owner, appeared before me in person this day and acknowledged that he has signed and delivered the said plat as his own free and voluntary act for the uses and purposes herein set forth.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Notary Public

State of Illinois )  
                          )ss  
County of St. Clair )

I, the undersigned, County Clerk of St. Clair County, Illinois, do hereby certify that I find no unpaid taxes against any of the real estate included within this plat. In witness whereof, I have hereunto set my hand and affixed the seal of my office this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
County Clerk

State of Illinois )  
                          )ss  
County of St. Clair )

This plat has been reviewed and approved by the Mapping and Platting Department.

\_\_\_\_\_  
Mapping and Platting Department      Date

State of Illinois )  
                          )ss  
County of St. Clair )

This plat has been reviewed and approved for 911 implementation.

\_\_\_\_\_  
911 Coordinator                      Date

State of Illinois )  
                          )ss  
County of St. Clair )

Examined and approved by the City Council of the City of O'Fallon, Illinois and accepted by resolution No. \_\_\_\_\_ dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

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

State of Illinois )  
                          )ss  
County of St. Clair )

I do hereby certify that the following agencies were properly notified if required and to the best of my knowledge approve this project:

- Illinois Historic Preservation Agency (HPA - archaeological)
- Illinois Department of Natural Resources (IDNR-endangered species)
- Illinois Department of Natural Resources - Division of Water Resources (IDNR-DWR - stream hydraulics)
- Natural Resources Conservation Service (NRCS - land use)
- U.S. Army Corps of Engineers (USACE - clean water act/stream hydraulics)
- Illinois Environmental Protection Agency (IEPA - storm water permit)
- St. Clair County Department of Roads and Bridges (entrance permit)
- Illinois Dept. of Transportation Div. of Highways (IDOT - entrance permit)
- U.S. Department of Agriculture (USDA - prime farm land)

\_\_\_\_\_  
Patrick R. Netemeyer    I.P.L.S. No. 2704  
Expiration Date: November 30, 2016

State of Illinois )  
                          )ss  
County of St. Clair )

We, the undersigned, professional engineer for this development and managing member of H & L Builders, LLC, owner, do hereby state that to the best of our knowledge and belief the drainage of surface waters will not be changed by the construction of this subdivision if completed in accordance with the plans prepared by Netemeyer Engineering Assoc., Inc., latest revision, as approved by the City or, that if such surface water drainage will be changed, reasonable provision has been made for collection and diversion of such surface waters into public areas, or drains which the subdivider has a right to use, and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of this subdivision.

\_\_\_\_\_  
Managing Member  
H & L Builders, LLC  
613 W. Hwy. 50, P.O. Box 1116  
O'Fallon, IL 62269-8116

\_\_\_\_\_  
Patrick R. Netemeyer    I.R.P.E. No. 37441  
Expiration Date: November 30, 2017

**NOTE:**  
The approval and certification of this plat by St. Clair County, the City of O'Fallon, the subdivider, and the surveyor / engineer does not obligate them to perform any maintenance of any drainage easement in this subdivision, nor does it obligate them to the acceptance of any storm water drainage way, structure or improvement other than surface drainage structures or improvements having prior approval of the County and City. It is the intent of the County, City, subdivider and surveyor / engineer that the individual lot owners shall maintain that part of any drainage easement shown hereon lying within the boundary of their property.



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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: April 25, 2016  
SUBJECT: Ordinance Change - Special Event Permit (2<sup>nd</sup> Reading)

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**Update**

At the April 18, 2016 City Council, the Council voted to amend Section 2, C-3, to include a positive vote of any committee. The revision is reflected below and in the attached ordinance.

**Overview**

- At the January 25, 2016 Community Development meeting, staff discussed a change to the processing of special event permits that have been approved multiple times by the Committee to be approved administratively. Some events include Frieze Harley Davidson events, Tropic Sno stands and other annual events that occur without any issues.
- Staff agrees that streamlining the approval process will make it less burdensome for applicants and reduce staff time preparing memos and presentations for minor events that are almost never problematic or controversial.
- Change will allow the Community Development Committee to focus efforts on larger and more complicated permit requests.

**Proposed Language of § 118.03 Permit Approval**

(A) ***Approval by Director of Community Development for Special Events***. The Director of Community Development shall review and may approve certain special events provided they meet the following requirements:

- 1) The event is requested by an existing licensed business within the city or by a non-profit organization with approval of an existing licensed business within the city and is located on its business property or is held on City property and does not require the closure of public streets.
- 2) The duration of the event will not exceed three days.
- 3) The event will not require the issuance of a liquor or firearms permit.
- 4) A Special Event has not or will not be held more than four previous times during any calendar year at the same location.
- 5) Event requires no more than an incidental amount of city services, as determined by the Director.
- 6) No off-premise signage or ribbons are requested, other than temporary non-commercial signs authorized without a permit under §158.163.

Community Development Department

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

(B) Approval by Director of Community Development for reoccurring Special Events. In addition to the requirements of Section 118.03 (A), the Director of Community Development shall review and may approve certain special events provided they meet the following requirements:

- 1) The event has been requested and approved by the City Council for at least the two years immediately preceding the request;
- 2) The request is substantially similar to the previously approved event;
- 3) The event has not been objected to by any of the following: a Department Head, the City Administrator, the Mayor, or positive vote of any committee; and
- 4) If all of these conditions are not met, the Special Event Permit request shall be submitted to the City Council for consideration.

(C) Approval by City Council. All other requests for special permits not approved by the Director of Community Development shall go before the City Council for approval.

### Effect of Proposed Regulations

- Allow for administrative approval of events such as the multiple events at Frieze Harley Davidson, St. Clair Oktoberfest and Keller Farms Corn Stand.
- Staff will notify the City Administrator of events approved to be included in the FYI sent every week.

**ORDINANCE NO.**

**AN ORDINANCE AMENDING SECTION 118.03 OF CHAPTER 118: SPECIAL EVENTS OF THE CITY CODE OF ORDINANCES**

**WHEREAS**, Section 118.03 of Chapter 118 of the City Code of Ordinances currently provides for the approval process of special events held throughout the City; and

**WHEREAS**, streamlining the approval process for events that occur annually for multiple years will make it less burdensome for applicants and reduce staff time preparing memos and presentations for events that have been vetted by the City Council for two years and are never problematic or controversial; and

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF O’FALLON, ILLINOIS**, as follows:

Section 1. The forgoing recitals are incorporated herein as findings of the City Council.

Section 2. Section 118.03 of Chapter 118 of the O’Fallon Code of Ordinances is amended by way of addition of the following:

(C) *Approval by Director of Community Development for reoccurring Special Events.* In addition to the requirements of Section 118.03 (A), the Director of Community Development shall review and may approve certain special events provided they meet the following requirements:

- 1) The event has been requested and approved by the City Council for at least the two years immediately preceding the request;
- 2) The request is substantially similar to the previously approved event;
- 3) The event has not been objected to by any of the following: a Department Head, the City Administrator, ~~or~~ the Mayor, or a positive vote of any committee; and

- 4) If all of these conditions are not met, the Special Event Permit request shall be submitted to the City Council for consideration.

The current sub paragraph B of Section 118.03 is re-lettered as sub paragraph C accordingly.

This Ordinance shall be in full force affect, from and after its passage, approval and publication in pamphlet form as provided by law.

**PASSED** this \_\_\_\_ day of \_\_\_\_\_, 2016, pursuant to a roll call vote as follows:

**APPROVED** by me this \_\_\_\_ day of \_\_\_\_\_ 2016.

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

**ATTESTED**

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

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

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



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**MEMORANDUM**

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**TO:** Community Development Committee  
**FROM:** Justin Randall, Senior City Planner  
**THRU:** Ted Shekell, Director of Community Development  
**DATE:** April 25, 2016  
**SUBJECT:** Right-of-Way adjacent to 1309 W. Highway 50 (DISCUSSION ITEM)

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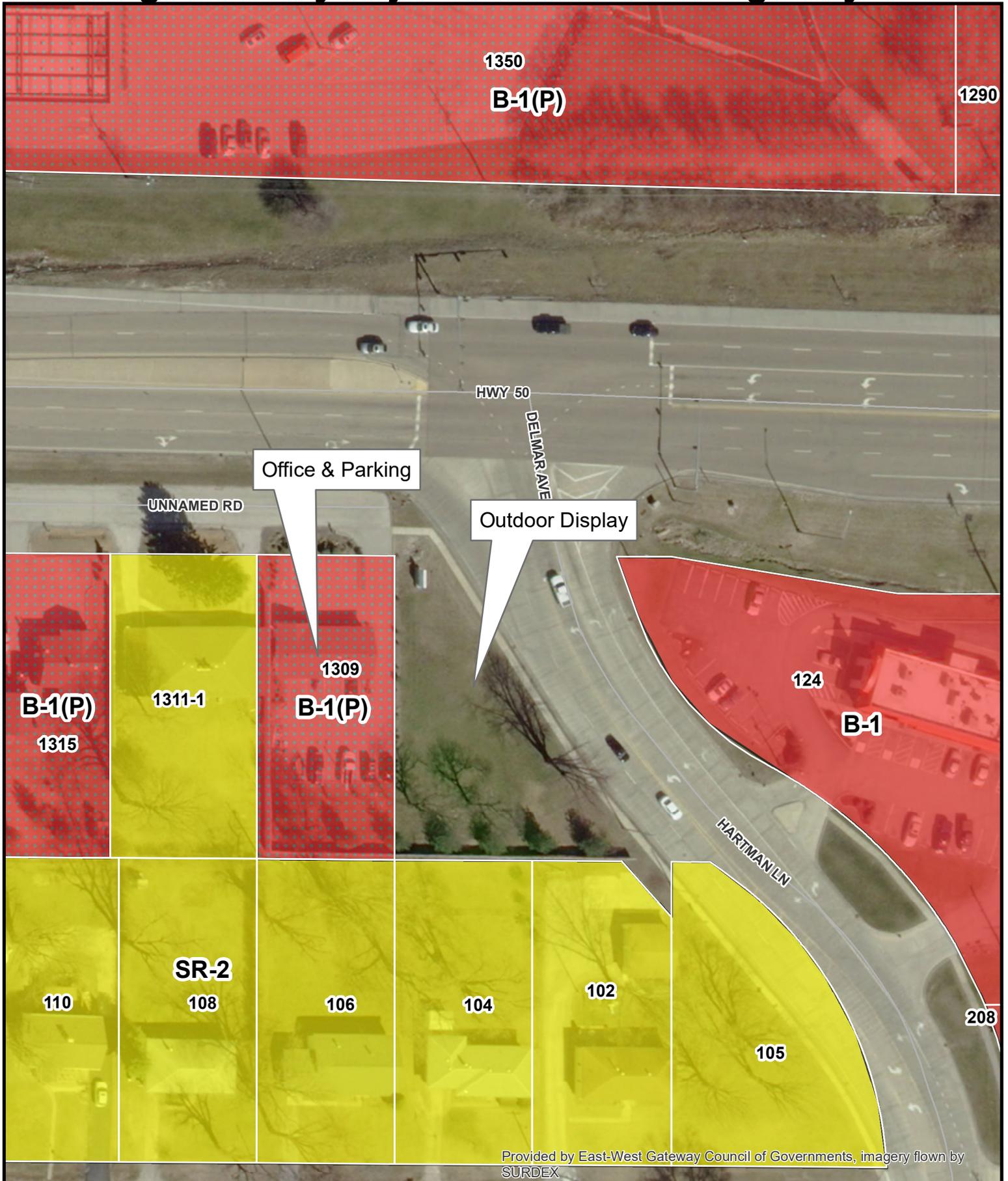
**Summary**

The City has been approached by a potential business to purchase or lease right-of-way from the City adjacent to 1309 West Highway 50. The business would use the commercial building on 1309 West Highway 50 as a sales office and parking for the business. However, the potential business would like to display up to 10 swing sets, 4 trampolines and basketball goals in the area to the east of the property addressed as 1309 West Highway 50. The business would secure the outdoor display with an aluminum wrought iron fence.

The process of obtaining the proper approvals would include a zoning amendment and planned use for outdoor display, with a public hearing in front of the Planning Commission and approval from the City Council. However, the planned use process takes approximately 75 days to complete, so the business owner would like some direction from the Committee/Council on whether or not to proceed with the request.

City staff would prefer not to sell the property due to the potential of additional road improvements at the intersection of Highway 50 and Hartman Lane. Additionally, staff has a number of concerns over the precedent set on the use of public right-of-way for private business. Applicant would like to come to Committee on Monday night to discuss their proposal and see if the City Council is interested in entertaining their request.

# Right-of-Way adjacent to 1309 W. Highway 50



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