



AGENDA  
COMMUNITY DEVELOPMENT COMMITTEE  
Monday, November 10, 2014

**5:30 PM**

**COUNCIL CHAMBERS**

**I) Roll Call**

**II) Approval of Minutes – October 27, 2014**

**III) Items Requiring Council Action – November 17, 2014**

- A. 2012 ICC Code Adoption (1<sup>st</sup> Reading)
- B. CarMax Planned Use Extension (Motion)
- C. Central Park Redevelopment Area TIF Redevelopment Agreement for Gander Mountain (2<sup>nd</sup> Reading)

**IV) Other Business**

- A. General Project Updates

**NEXT MEETING: Monday, November 24, 2014 – 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  
5:30 PM Monday, October 27, 2014**

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: 5:30 PM

- I) Roll Call** – *Committee members:* Jerry Albrecht (chair), Gene McCoskey, David Cozad, Ray Holden and Harlan Gerrish. *Other Elected Officials Present:* John Drolet, Herb Roach, Michael Bennett, and Richie Meile. *Staff:* Ted Shekell, Walter Denton, Jeff Stehman, Jim Cavins and Justin Randall. *Visitors:* Wayne Schmidt, Rober Booker, Charlie Pitts, Vern Malare and Ron Zelms.
- II) Approval of Minutes from Previous Meeting** – All ayes. Motion carried.
- III) Items Requiring Council Action**
  - A. Central Park Redevelopment Area TIF Redevelopment Agreement for Gander Mountain (1<sup>st</sup> Reading) – Ted Shekell informed the committee on the proposed TIF redevelopment agreement. Shekell indicated the agreement is the same agreement used for the Menards and retail center on Central Park. Wayne Schmidt explained the development situation and timeline with Gander Mountain. The committee discussed the TIF Redevelopment Agreement and recommended approval of the designation with a vote of 5-0.
  - B. 226 West State Street Landmark Designation (2<sup>nd</sup> Reading) – Ted Shekell informed the committee that Sal Cincotta is seeking a Local Historic Landmark Designation for the Wachter Building that he recently completed renovations on. The committee recommended approval of the designation with a vote of 5-0.
- IV) Other Business**
  - A. Building Codes - Jeff Stehman provided an overview of the proposed change from the 2006 ICC Codes to the 2012 ICC Codes to the Council members. Stehman provided information on the process of meeting with the building committee and the need to update to the most current set of building codes. Ted Shekell explained there has been a request by the building team at St. Elizabeth's to design the hospital and medical office building under the 2012 codes.
  - B. General Project Updates – Ted Shekell provided a quick briefing of the work staff has been involved in with the Downtown planning effort.

MEETING ADJOURNED: 6:03 PM

NEXT MEETING: October 27, 2014 – Public Safety Building

Prepared by: Justin Randall, Senior City Planner



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## MEMORANDUM

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TO: Community Development Committee  
FROM: Jeff Stehman, Building and Zoning Supervisor  
DATE: November 10, 2014  
SUBJECT: Adoption of the 2012 ICC Family of Codes

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### Summary

The proposed 2012 ICC (International Code Council) Code adoption is a periodic update of the family of codes that the City uses to regulate all construction and administer the Occupancy Permit Program in the City. While we have made periodic amendments and/or deletions of certain sections of particular codes, the last time we updated the codes to a new version was in December 2010 when we adopted the 2006 family of codes. ICC develops new codes every 3 years and each jurisdiction can adopt what year they choose

### Current Ordinance: #3691 for 2006 ICC Family of Codes

The previous ordinance adopted the following codes:

2006 International Building Code (IBC)  
2006 International Fire Prevention Code (IFC)  
2006 International Mechanical Code (IMC)  
2009 International Property Maintenance Code (IPMC)  
2006 International Residential Code (IRC)  
2006 International Existing Building Code (IEBC)  
2006 International Fuel Gas Code (IFGC)  
2005 National Electric Code (NEC)

As with previous codes, they are constantly evolving through recommended code changes, new technologies and increased safety standards all intended to fulfill the purpose of the codes, which is "to provide minimum requirements to safeguard the public safety, health, and general welfare, through affordability, structural strength, means of egress facilities, stability, sanitation, light, and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment".

This proposed ICC Code adoption ordinance is similar to the old ordinance in that certain language changes have been included to make the ordinance and the ICC Code compatible with local and state law. These include, but are not limited to, construction site maintenance issues, definition changes, the appeal process, property maintenance/occupancy permit requirements, violation penalty provisions and organizational issues. The more specific changes in the current ordinance were just the year of the code and some section numbers that may have changed from 2006 to 2012. The two significant changes to the adopting ordinance are,

- The requirement for residential fire sprinklers in new one and two - family homes, which was a requirement that was added to the 2009 IRC, has been removed. We are discussing with the City Attorney the most appropriate

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way for the builder to notify the contract purchaser of their choice to install sprinklers or not. This is to ensure that the purchaser is aware they have the option.

- We have added a requirement to the City's property maintenance section that would require in structures sold "As Is" or a structure that has been vacant for a period of 6 months or more has to be inspected prior to anyone occupying the structure. Our current ordinance allows occupancy once the application is made. (Ordinance change page attached)

Staff believes it is important that we adopt the 2012 ICC Codes at this time for the following reasons:

- The St. Elizabeth's Hospital Design Team has stated that they would prefer designing their new hospital and medical office buildings to the 2012 IBC and IFC. This is particularly important because this will be an ongoing project that we span several years, and starting with 8 year old codes now and having to change them as new buildings are built could make their project more difficult, as well as more challenging for our staff.
- All training and certifications for our inspection staff are now on the 2009 or 2012 ICC Codes and are no longer available for our current 2006 adopted codes.
- Keeping current with new construction related technologies.
- Insurance Service Office (ISO) Rating requires building codes be within 5 years of the latest code year. There are significant point reductions taken in their grading system when the adopted codes are older than 5 years.

### **Proposed Code Adoption Ordinance for 2012 Family of Codes**

The proposed ordinance will adopt the following:

2012 International Building Code (IBC)  
2012 International Fire Prevention Code (IFC)  
2012 International Mechanical Code (IMC)  
2012 International Property Maintenance Code (IPMC)  
2012 International Residential Code (IRC)  
2012 International Existing Building Code (IEBC)  
2012 International Fuel Gas Code (IFGC)  
2012 Illinois Energy Conservation Code  
2011 National Electric Code (NEC)

While some of the code changes will require additional features for safer construction, there are other changes, particularly in the IBC, that eases some of those requirements. The code development process takes into consideration history and results of requirements and their intended purpose. It is not uncommon to see easing of requirements that did not prove necessary. This is the case for some of the hospital's design. Another example is the 2012 IRC has changed designations of seismic zones, which will result in less steel reinforcement requirements for footings and foundations.

Staff has met with some of the City's major builders to discuss the update and will continue dialogue with them over the next several weeks regarding the update and any amendments. They have supported the adoption, although there are some additional costs associated with some of the changes. We have not received negative comments or opposition, with the exception of requirements for SFR sprinklers, which are not proposed.

### **Staff Recommendation**

Staff recommends adoption of the 2012 ICC Codes<sup>0</sup>, with local amendments as outlined above, with a goal of having them adopted by at least Jan 1, 2015.



## Proposed Change to Property Maintenance Program Requirements

The highlighted areas indicate what was added to the existing ordinance so we could require that sold “as-is” structures and structures that have not been occupied for 6 months or longer be inspected for life safety issues prior to occupancy.

### Section 6.01 (a)(ii)

Once application is made, owner can allow the structure to be occupied, ***unless the conditions in exception (a) apply***. The property maintenance inspection required for issuance of an Occupancy Permit must be scheduled within 7 days after application is made and once the property maintenance inspection is completed and the owner has been notified of any violations, all violations shall be corrected within 30 days and a re-inspection scheduled. An extension of the 30 day period listed above can be obtained, with due cause, only after written request and then by approval of the Code Official.

***(a) When a property is sold/purchased “As Is” or the structure has been unoccupied for a period of 6 months or more, then the following conditions shall apply:***

- 1. An initial inspection must be completed prior to the structure being occupied. The initial inspection shall be performed within 2 days of the request.***
- 2. If the initial inspection identifies any life safety violations, the violations must be rectified before the structure can be occupied. Once all life safety violations are corrected, the time requirements outlined above will apply.***



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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  
THRU: Ted Shekell, Director of Planning and Zoning  
DATE: November 10, 2014  
SUBJECT: CarMax Planned Use & Economic Incentive Agreement Extension (MOTION)

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**Summary**

On December 17, 2012, the City Council approved Ordinance 3789 for CarMax and on January 7, 2013 the City Council approved Ordinance 3792 for the economic incentive agreement between the City of O'Fallon and CarMax at 1254 Central Park Drive. As with all Planned Use ordinances, the approval was valid for 12 months and the economic incentive agreement states "the developer shall commence initial construction within two (2) years of the execution of this agreement".

On November 18, 2013, the City Council granted a one-year extension of Planned Use approval, extending the approval until December 17, 2014. CarMax has been in contact with staff and has indicated the timeline for construction has shifted to Fall 2015. Jeff Hertz of CenterPoint Integrated Solutions, Inc. has filed a written request for an extension to this approval, citing the applicant is seeking additional time to make adjustments to the final site plans and develop a completed submittal prior to the current approvals expiring.

Per Section 158.119(F) of the City of O'Fallon Code of Ordinances, "*The City Council may grant no more than one (1) extension not exceeding twelve (12) months each upon written request.*" There have been occasions where the City Council has extended a project's approval past the one-year extension. In this particular case, CarMax owns the property and been in contact with City staff on to submit final construction documents.

**Staff Recommendation:** Staff recommends approval of the request to allow a 12-month extension to Ordinance 3789, the CarMax Planned Use and Ordinance 3792 for the economic incentive agreement between the City of O'Fallon and CarMax.

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**1240 Bergen Parkway, Suite A-250**  
**T 303.670.4111**  
**F 303.670.4172**  
**CenterPoint-is.com**

**October 7, 2014**

City of O'Fallon  
Attn: Ted Shekell, AICP  
Planning Director, City of O'Fallon  
255 South Lincoln St  
O'Fallon, IL 62269

**Re: CarMax Store No. 6007 – Entitlements Extension Request**

Mr. Shekell,

Please accept this letter as our formal request for an extension of the approvals captured in Ordinance #3789 approved on December 17, 2012 including but not limited to the re-zoning, variances, and site plan for the CarMax Auto Superstore development located at 1254 Central Park Drive. CarMax is looking forward to the development of this project and we are excited to continue working with the City of O'Fallon.

The current extension was granted for a one year period and is set to expire on December 17, 2014. We understand the staff is considering a text amendment that would allow the City Council to grant an additional one year extension. CarMax would like the opportunity make minor adjustments to the site plan for the future development. It would be difficult to finalize the potential changes and develop a new submittal package by the expiration date of the approvals.

We are hopeful that the City of O'Fallon is receptive to our extension request of the existing approvals. Please contact me at (303) 679-6974 if you have any questions regarding this request. We look forward to working with you on this project.

Sincerely,

A handwritten signature in blue ink, appearing to read "J. Hertz", is written over a large, stylized blue "C" that serves as a signature flourish.

Jake Hertz, AICP  
Development Manager  
CenterPoint Integrated Solutions, Inc.

Cc: Mike Creekmore, CarMax  
Justin Randall, Senior Planner, City of O'Fallon