



AGENDA  
COMMUNITY DEVELOPMENT COMMITTEE  
Monday, November 24, 2014

**6:00 PM**

**Public Safety Building**

I) Roll Call

II) Approval of Minutes – November 10, 2014

III) Items Requiring Council Action – December 1, 2014

- A. Pre-annexation Agreement – 10037 Rieder Road (Resolution)
- B. 2012 ICC Code Adoption (2<sup>nd</sup> Reading)
- C. CarMax Extension (2<sup>nd</sup> Reading)

IV) Other Business

- A. Video Gaming
- B. General Project Updates

**NEXT MEETING: Monday, December 8, 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, November 10, 2014

Minutes of a regular meeting of the Community Development Committee of the City of O'Fallon, held at City Hall, 215 S. Lincoln Avenue, O'Fallon, Illinois.

CALL TO ORDER: 5:30 PM

- I) Roll Call** – *Committee members:* Jerry Albrecht (chair), Gene McCoskey, David Cozad, Ray Holden Jerry Mouser and Harlan Gerrish. *Other Elected Officials Present:* John Drolet, Herb Roach, Michael Bennett, Courtney Cordona, Kevin Hagerty, Ed True and Jim Hursey. *Staff:* Ted Shekell, Jeff Stehman, Dennis Sullivan Eric Van Hook and Justin Randall. *Visitors:* Wayne Schmidt, Charlie Pitts, Vern Malare Nancy Chase and Phil Kamman.
- II) Approval of Minutes from Previous Meeting** – All ayes. Motion carried.
- III) Items Requiring Council Action**
- A. 2012 ICC Code Adoption (1<sup>st</sup> Reading) - 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. Stehman informed the committee on two of the major changes to the code. The committee discussed the adoption of the new building codes and recommended approval of the adoption of the 2012 ICC Codes with a vote of 6-0.
  - B. CarMax Planned Use Extension (1<sup>st</sup> Reading) – Ted Shekell informed the committee the CarMax Planned Use and economic incentive agreement between the City of O'Fallon and CarMax at 1254 Central Park Drive. Shekell informed the committee that CarMax has requested a yearlong extension with plans to construct the store in the fall of 2015. Shekell recommended the committee either approve the extension of both with an ordinance or not approve both items. The committee discussed the extensions and recommended approval with a vote of 6-0.
  - C. Central Park Redevelopment Area TIF Redevelopment Agreement for Gander Mountain (2<sup>nd</sup> Reading) – Ted Shekell informed the committee there was no change in the TIF redevelopment agreement. The committee discussed the TIF Redevelopment Agreement and recommended approval of the designation with a vote of 6-0.
- IV) Other Business**
- A. General Project Updates – Ted Shekell provided a quick briefing the Ice Rink proposal and a recent decision of the Zone Hearing Officer.

MEETING ADJOURNED: 5:55 PM

NEXT MEETING: November 24, 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: Justin Randall, Senior City Planner  
THROUGH: Ted Shekell, Director of Planning and Zoning  
DATE: November 24, 2014  
SUBJECT: Annexation Agreement – 10037 Rieder Road (Resolution)

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**Project Background and Summary**

The petitioner, James Joseph, has filed a petition to enter into an annexation agreement for her property located at 10037 Rieder Road, Parcel Number 04-26.0-300-014, having approximately 6.86 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 Monday, December 1, 2014 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 10037 Rieder Road, Parcel Number 04-26.0-300-014.

## PRE-ANNEXATION AGREEMENT

This Pre-Annexation Agreement (Agreement) is made and entered into this 13<sup>th</sup> day of November 2014, by and among James Joseph ("Owner") and the City of O'Fallon (the "City") a municipal corporation organized and existing under and by virtue of the laws of the State of Illinois by and through its Mayor and City Council (collectively, "Corporate Authorities").

A. Owner is the owner of record of a certain **residential** parcel of real property (Parcel ID: 04-26.0-300-014) 10037 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 agrees to annex the Parcels by agreement 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 (if applicable and when available) to the Parcel in quantities and pressure sufficient in all respects to serve the needs of the Parcel 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 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 subsection 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 \$2250 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 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: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

By: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Title: \_\_\_\_\_

OWNER:

\_\_\_\_\_

State of Illinois

OWNER

ATTEST:

County of St. Clair

By: James Joseph  
 Name: JAMES JOSEPH  
 Title: OWNER

This instrument was acknowledged before me on  
Nov 3, 2014 by James Joseph  
Jessica N. Warden  
 Notary Public



## **LIST OF EXHIBITS**

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



James Joseph  
10037 Rieder Road,  
Lebanon, IL 62254  
PIN: 04-26.0-300-014.

**PETITION FOR ANNEXATION**

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

The undersigned Petitioners hereby respectfully petition to annex to the City of O'Fallon, St. Clair County, Illinois, the territory described on the attached "Exhibit A" and states as follows:

PARCEL NUMBER(S): 04-26.0-300-014

ADDRESS(ES): 10037 Rieder Road

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

WHEREFORE, Petitioner respectfully requests that the corporate authorities of the City of O'Fallon, St. Clair County, Illinois, annex the territory hereinbefore described to the City of O'Fallon in accordance with the provisions of this Petition and in accordance with the law in such case made and provided.

DATED: 11-13-14

DATED: \_\_\_\_\_

OWNER: James Joseph

OWNER: \_\_\_\_\_

PRINT: James Joseph

PRINT: Clara Joseph, Deceased

State of Illinois  
County of St. Clair

SUBSCRIBED AND SWORN to before me this 13<sup>th</sup> day of November, 2014.

[Signature]  
Notary Public





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MEMORANDUM

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TO: Community Development Committee  
FROM: Jeff Stehman, Building and Zoning Supervisor  
DATE: November 24, 2014  
SUBJECT: Adoption of the 2012 ICC Family of Codes

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**Summary**

We have previously presented an ordinance for the proposed 2012 ICC (International Code Council) Code adoption, which 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. This ordinance was passed on first reading at the November 17<sup>th</sup> City Council Meeting.

There are two items that need to be addressed to the proposed ordinance prior to second reading at the November 24<sup>th</sup> City Council Meeting. They are as follows:

1. We have removed the automatic fire sprinkler provision of the 21012 International Residential Code, which required sprinklers in all new one-and-two family structures (Section R313.2). When this section was added to the IRC in 2009, it allowed a reduction of the fire wall between townhouses to a one-hour rated wall as opposed to the two-hour rated wall in the previous 2006 IRC. In order for us to maintain adequate fire separation between these type units in an unsprinkled structure, we must add a new section that states that the wall between townhouse must be a 2-hour rated wall the same as 2006 IRC, unless the entire structure is protected with an automatic fire sprinkler system. See below:

**Section R302.2 Townhouses** is repealed in its entirety and insert:

**Section R302.2 Townhouses.** Each townhouse shall be considered a separate building and shall be separated by fire-resistant-rated wall assemblies meeting the requirements of Section R302.1 for exterior walls.

Exceptions:

1. A common 1-hour-fire-resistance-wall assembly tested in accordance with ASTM-E-119 or UL 263 is permitted for townhouse protected by a residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapter 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4.

2. A common 2-hour-fire-resistance-wall assembly tested in accordance with ASTM-E-119 or UL 263 is required for townhouses not protected by a residential fire sprinkler system if such walls do not contain plumbing or mechanical equipment, ducts or vents in the cavity of the common wall. The wall shall be rated for fire exposure from both sides and shall extend to and be tight against exterior walls and the underside of the roof sheathing. Electrical installations shall be installed in accordance with Chapter 34 through 43. Penetrations of electrical outlet boxes shall be

in accordance with Section R302.4.

2. The City attorney has reviewed the ordinance and has made some suggested changes to the new Section R313.2 as follows:

**Section R313.2 One and Two-Family Dwellings Automatic Fire Systems** A builder of one and two family dwellings to be constructed for a prospective purchaser shall offer to the purchaser at the time of entering into the construction/purchase ~~on or before the time of entering into the purchase~~ contract, the option, at the purchasers cost, to install or equip fire sprinklers in the dwelling, residence or unit. No purchaser of such one or two family dwelling shall be denied the right to choose or decline to install a fire sprinkler system in such dwelling or residence being purchased. Written verification by the builder affirming that a fire sprinkler system was offered to the purchaser at the time of entry ~~prior to entering~~ into the construction/purchase contract must be included in the permit application.

There are no other changes in the ordinance voted on in the First Reading

### 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)

### Staff Recommendation

Staff recommends adoption of the 2012 ICC Codes, with local amendments as outlined above, with the goal of having them adopted by at least January 1, 2015.