



## AGENDA

TUESDAY, JULY 8, 2014 @ 6:00 P.M.

O'FALLON CITY HALL - 255 SOUTH LINCOLN AVENUE

1. Call to order by Chairman.
2. "Pledge of Allegiance to the Flag."
3. Roll Call and Establishment of Quorum.
4. Reading and approval of the minutes of the previous meeting.
5. Recognition of visitors and their purpose.
6. Unfinished Business
7. Public Hearings –
  - a. **(P2014-06)** -Zoning Amendment Subject to the Planned Development Ordinance from "SR-3" Single Family Residence Dwelling District to "B-2(P)" Planned General Business District so the existing property use of a sign constructing, installation, and service company is in conformance with the appropriate zone district. The property is 91 and 93 Betty Lane - more commonly referred to as 93 Betty Lane - and the petitioner is DeMond Signs, Inc
8. Reports of Standing and Special Committees – no reports
9. Reports and Communications
10. Adjournment

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.

Community Development Department

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

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**DRAFT MINUTES  
O’FALLON PLANNING COMMISSION  
June 10, 2014**

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

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

**MINUTES:** Motion was made by Cavins and seconded by Baskett to approve the minutes of April 22, 2014. All Ayes. Motion carried.

Sewell welcomed everyone and explained the role of the Planning Commission. The Planning Commission members introduced themselves. Also present were Community Development Director Ted Shekell and Senior City Planner Justin Randall. Sewell gave an overview of the process that would be followed for the evening.

**UNFINISHED BUSINESS:** None.

**PUBLIC HEARINGS:**

**(P2014-05) - Zoning Amendment Subject to the Planned Development Ordinance from “B-1” Community Business District to “B-1(P)” Planned Community Business District for a church in an existing building. The property is 251 Regency Park Drive and the petitioner is Bill Tindall, Tindall Construction on behalf of Enjoy Church.**

Public hearing was opened at 6:00 p.m. Randall presented an overview of the project and staff report. A map of the subject and surrounding properties and their zoning was shown, along with a site photo taken by Staff. Randall highlighted various points and issues from Staff’s Project Report dated June 10, 2014, among them:

- Existing Building
  - 13,600 Square Feet
  - Previously Fat Cats Bowling Alley
  - The building and appurtenances (sprinkler system, electric panels, etc...) will need to be inspected and brought up to code prior to occupancy
  - Signage shown on 3 sides of building
  - Does not comply completely with Commercial Design Handbook (long walls/expanses, lack of 360° architecture, roof top HVAC not screened, etc...) as building was constructed before approval of the Handbook
- Existing Site
  - 4.6 acre developed parcel
  - Landscape islands are missing landscaping
  - Street frontage landscape needs to be trimmed up and maintained

- Parking lot lighting needs repair
- Consistent with Comprehensive Plan Land Use as Regional Commercial
- Land Use
  - Church with no changes to the layout of the property
  - 2 Sunday services and 1 mid-week service
  - Would not create a conflict for the development of surrounding properties regarding State Liquor Laws and building separation; restaurants are exempt, package liquors or brewers are not exempt.
- Religious Land Use and Institutionalized Persons Act (RLUIPA) is a federal law that does not allow discrimination of religious uses in local zoning decisions.
- Site Plan – no changes to the property
- Traffic – no substantial impact
  - Regency Park has a turn lane and traffic lights at both ends
  - Churches typically meet during off-peak hours from retail stores
- Parking
  - Building size calculates a maximum occupancy of 1,400 people - requires 470 parking spaces vs 257 total available parking spaces - calculates to a maximum occupancy of 642 people
  - 2 Sunday services with only approximately 20 minutes between could cause traffic issues
  - Area south of building could be developed (not considered with this petition) to provide additional 20-25 spaces
- Relationship to the neighborhood
  - Proposed use would not negatively affect adjacent properties which are commercial / service in nature

Shekell explained the Zoning Code definition of a church for Sewell as a place of public assembly where people congregate. RLUIPA basically states the activities of the organization are not relevant as a place of worship is to be treated the same as comparable secular assemblages. The burden is on the jurisdiction as to why a church would not be approved.

Public comments were opened at 6:22 p.m.

Pastor Daren Carstens, Enjoy Church, was sworn in. Pr. Carstens explained the church presently has 250 members and started out at the Regency Conference Center for 2 ½ years, then moved to Collinsville due to scheduling conflicts with events at the center. They are very comfortable with the building size and the limitations of parking of this site. Enjoy Church intends to keep their location in Alton, IL where they have been located for 25 years and have a membership of 1,400. Pr. Carstens described Enjoy Church as having a more entrepreneurial, business-type look and stated they support and fit in well with other businesses. Enjoy Church will be leasing the property and anticipate purchasing the property in the future. The timeline from lease to purchase depends on the cost of the build-out and is still in negotiations. Pr. Carstens stated the church's goal is to have about 150 members at each of the two church services and anticipate membership growth.

Rohr asked if the church was intimidated by the maximum occupancy load calculated based on parking. Pr. Carstens responded that what they have done in Alton, and would do here if they grew to the point of maximizing the parking available on the property, is to hire local police to direct traffic, look for businesses in the area to lease parking for a few hours on Sunday mornings or big Christmas events and shuttle people, or consider purchasing additional land for parking expansion. Pr. Carstens responded to Shekell that they would not be opposed to the solution of paying for traffic assistance / security as that solution works well for them.

David Wittenauer, commercial real estate broker with NAI DESCO, was sworn in. NAI DESCO is marketing the 13 acres of land on the east side of Regency Park Drive. Concerns the broker and developer have is with the church being non-retail in a retail area. The highest and best uses for the area is retail and Wittenauer asked how retail fits next to a church with the traffic issues which would cause a problem with the retail customers leaving the retail stores?

Rohr asked if a church offered to buy the 13 acres at the asking price, if Wittenauer would take the offer. Wittenauer responded it is not his decision to make. However, he said if a use came along and offered to pay full price, and the use would negatively affect the remaining property, they surely would say "No."

Wittenauer continued by asking how a church would control membership and attendance? People would not be turned away and parking would expand out onto the roadway and onto adjacent properties.

Baskett asked Shekell that if a building use exceeded the building occupancy load, how would the City handle that situation. Shekell responded that ultimately citations could be issued and the occupancy of the building could be revoked.

Wittenauer concluded with another concern that outdoor events or festivals could negatively impact their anticipated retail sites.

Baskett asked Shekell how long the building had been unoccupied. Shekell stated the building has been vacant for 6-7 years.

Baskett indicated that 300+ people driving past a business is likely more desirable than an empty building. Shekell expressed that restaurants potentially going in along that corridor would likely appreciate the several hundred people passing by, and potentially frequenting their establishments, after church services.

Pr. Carstens testified the church is very sensitive to being good neighbors and they do not have many outdoor events. Normally, traffic takes 10-15 minutes to get people out of the parking lot after services, and even less time when a police officer is present. If they grow larger they will solve the problem by purchasing or renting more property. Pr. Carstens stated that Darrell Shelton is who introduced him to the bowling alley property.

Wittenauer acknowledged Shekell's comment about the restaurants, but clarified that customers at regional retail commercial establishments such as sporting goods, furniture, or home improvement stores may have difficulty leaving the parking areas due to the conflicting traffic from the church and may decide to not return. Wittenauer mentioned two churches on Frank Scott Parkway and Green Mount having similar traffic issues in their residential areas. This location would be more difficult with traffic.

Shekell reported he has witnessed the problems first-hand at Green Mount Road weekly on Sundays and explained Green Mount Road and Frank Scott Parkway are major collectors that already have heavy volume. Regency Park Dr. traffic is light and will pick up, but even when the hospital comes in, shift changes will likely be different than when church lets out, and traffic is not expected to be heavy like Green Mount Rd or Frank Scott Pkwy. Shekell stated the church has agreed to traffic intervention if necessary and to work to retain on-site and off-site traffic control.

Public comments were closed at 6:45 p.m.

**Staff Recommendation:**

Randall read over the Staff Recommendation as follows:

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

1. The occupancy of the church shall not exceed the City's minimum parking requirements for spaces provided on the property. Based on the current parking (257 spaces) the maximum occupancy is limited to 642 people. If at any time the church were to construct additional parking on-site, the city would reevaluate the maximum capacity.
2. No expansion of parking or the building is permitted with this planned use, exclusive of the small reserve area on site for additional parking.
3. The property must be cleaned up and restored to occupy the building.
4. All landscape islands shall conform to the planting requirements of Section 158.144 – Parking Lot Landscaping Standards.
5. All lighting standards shall be repaired and operational.
6. No parking shall occur off-site.
7. No parking shall occur on Regency Park Drive.
8. If the area to the south of the building is to be used for parking, it must be upgraded to the parking lot standards of Chapter 158, Article 7.
9. There shall be a minimum of 30 minutes between services on Sundays

Sewell clarified that it is not only the church's responsibility to comply with the City conditions, but the property owner's as well. Shekell explained that the City approaches both the tenant and the owner for enforcement.

Motion was made by Baskett and seconded by Cavins to approve the Staff's Recommendation with an amendment to Condition #6 by adding, "... without City approval." After discussion, it was agreed to by affirmation that the original motion be

amended by adding to Condition #2 "..., without future amendment of this planned use." and the addition of Condition #10, "Church will agree to provide on-site and off-site traffic management as the situation warrants, as determined by the City."

**ROLL CALL:** Arell-Martinez, aye; Baskett, aye; Cavins, aye; Keeler, aye; Rogers, nay; Rohr, aye; Sewell, aye. 6 – Ayes, 1 - Nay. Motion to approve Staff's recommendation, with conditions as amended and added, passed.

The project moves to Community Development on June 23, 2014, at 6 p.m. The public hearing was closed at 6:45 p.m.

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

**REPORTS AND COMMUNICATION:**

Randall announced that there are no petitions awaiting public hearing for June 26<sup>th</sup> but a public hearing is scheduled for DeMond Signs for July 8th.

**ADJOURNMENT:**

Motion was made by Rohr and seconded by Keeler to adjourn. All ayes. Motion carried. The meeting was adjourned at 7:00 p.m.

Respectfully submitted,

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Vicki Evans, Transcriptionist

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Minutes approved by Planning Commission



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## PROJECT REPORT

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**TO:** Planning Commission  
**FROM:** Justin Randall, Senior City Planner  
Ted Shekell, Planning Director  
**DATE:** July 8, 2014  
**PROJECT:** P2014-06: DeMond Signs, Planned Use

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**Location:** 91 & 93 Betty Lane  
**Ward:** 4  
**Owner:** DeMond Signs, Inc.  
PO Box 414  
O'Fallon, IL 62269  
(618) 624-7260  
**Submitted:** May 28, 2014

### Introduction

Sue DeMond of DeMond Signs, Inc. has filed an application requesting rezoning parcels of land at 91 & 93 Betty Lane from SR-3, Single-Family Residential Dwelling District to B-2(P), Planned General Business District. The applicant requested the rezoning to bring the site into conformance with the zoning regulations for the existing sign manufacturing facility on approximately 1.9 acres.

### History of Site

The property is currently used by DeMond Signs, which is a sign manufacturer, including their office, fabrication and storage. The site was a part of a larger annexation into the City of O'Fallon in December of 2001. At the time of the annexation, St. Clair County's zoning classification for the area was SR-3, so according when the annexation was processed the property was zoned SR-3 in the City of O'Fallon. The site has operated as a sign shop at this location since 1993 and is considered a grandfathered business within the SR-3 zone district.

### Existing Conditions

#### Surrounding Zoning:

North: B-2(P)  
East: SR-3 & B-2 (P)  
South: MR-2  
West: I

#### Surrounding Land Use

North: Vacant property and railroad right-of-way  
East: Single-family residential & DZ Trucking  
South: Multi-family residential  
West: O'Fallon-Shiloh Towing & Discount Storage

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

#### Community Development Department

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

### **Applicable Ordinance, Documents and Reports**

**O'Fallon Comprehensive Plan:** The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as Heavy Commercial, which is consistent with the existing use and the B-2 General Commercial District land uses.

**Code of Ordinances:** In order to bring the existing sign manufacturing facility into conformance with the City's zoning and development codes, the property is subject to Article 6 Planned Uses of Chapter 158: Zoning of the Code of Ordinance and requires a development plan. The property is also subject to the B-2, General Business District requirements.

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

### **Discussion Points/Issues**

#### **Land Use**

The subject property is identified as *Heavy Commercial* in the Comprehensive Plan, which is consistent with the existing use of the property and uses permitted in the B-2 General Business District. The subject property is located on Betty Lane, west of Seven Hills Road. The site plan shows two buildings located on the property. There is a 5,210 square foot building on the northern portion of the property, used as the office for the business and manufacturing of sign materials. There is a second building (4,475 square feet) located in the rear portion of the property used for additional storage and fabrication of signs. The northern portion of the property has an area of asphalt, but the majority of the property is gravel, including the 14 parking spaces shown on the plan. Currently the site has no fencing or screening provided where outdoor storage occurs or where the property adjoins residential land uses.

#### **Traffic Circulation/Parking**

**Ingress and Egress:** The site is accessed via undefined entrances off 1<sup>st</sup> Street and Betty Lane. The applicant indicated the traffic generated by the business was minimal, with employees' trips in and out and a couple larger work trucks leaving in the morning and returning in the afternoon. In addition to the normal traffic, heavy truck traffic to the business is very limited with an average of two semi-trucks a month.

**Parking:** The parking area is currently gravel. Section 158.136 lists specific parking requirements for office-warehouse / manufacturing warehouse uses with the following ratios: 2.5 spaces per 1,000 square feet of office space, plus 1 per employee. The site provides 14 spaces, which provides enough parking for the existing use. However, one space will need to meet the requirements of the accessible parking requirements.

**On-site circulation:** The site has ample room for the movement of vehicles and trucks associated with the sign manufacturing facility and provides for effective on-site circulation.

#### **Landscaping and Buffer Requirements**

Section 158.186 of the Code of Ordinances lists the requirements for buffers between various zoning districts. For this particular project, a structural buffer is required to south, since the site abuts residential land uses. The required buffer is to consist of a six foot tall fence on the property line and additional landscaping to screen the site. Section 158.056 of the code requires fences for buffering to be a "durable, maintenance free material such as vinyl or masonry." However, staff believes a wooden fence will be adequate for the existing site. The landscaping requirements for new construction are rather extensive. In a case such as this involving reuse of an existing property, staff feels requiring only evergreen trees spaced at 25 feet would be adequate.



Code requires a fence to enclose all areas used for outdoor storage. Portions of the gravel lot are currently used for outdoor storage. The site is currently grandfathered and could remain as a sign manufacturing facility without any improvements. Because of the existing grandfathered use, staff does not recommend requiring the fencing and trees to be placed at the time of approval. However, since the owner has initiated the rezoning to B-2, therefore staff would recommend a condition that within six months from the date of approval a 6-foot wood or vinyl privacy fence be installed, with evergreen trees planted every 25 feet on the outside of the fencing, along the southern property line.

#### Outdoor Storage & Noise

A site visit of the property revealed some outdoor storage of signs and materials. This is permitted by code, but outdoor storage needs to be fenced along the property lines adjoining residential land uses. The noise associated with the fabrication of signs could adversely affect neighboring residential use.

#### Utilities and Drainage

Public water and sewer is available to serve the subject property. No impervious surfaces are being added to the site.

#### Signage

At this time, the applicant has not submitted any information about adding any signage and will be bound to the requirements of the current codes when and if permits are submitted.

#### Review and Approval Criteria

Section 158.119 of Article VI "Planned Uses" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,  
*The project does not meet all applicable zoning standards. It is an existing grandfathered site. The changes made by the owner and those recommended in this report will bring the site more closely into compliance with current regulations.*
2. The physical design of the proposed plan and the manner in which said design makes adequate provisions for public services, provides adequate control over vehicular traffic, provides for and protects designated common open space and park dedication, and furthers the amenities of light, air, recreation and visual enjoyment.  
*The proposed development will not have a significant impact on traffic.*
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.  
*The continued use of the existing buildings and site will not negatively affect adjacent properties as long as appropriate buffering and fencing is provided.*
4. The conformity with the standards and principles of the Comprehensive Plan and all other adopted regulations, including the Commercial Design Handbook dated July 6, 2009 and on file with the City Clerk. (Ord 3665; passed 5-3-10)  
*The proposal is consistent with the Comprehensive Plan. The Commercial Design Handbook does not apply.*
5. The use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected.  
*The proposed development is designed to be operated to protect the public health, safety and welfare.*
6. An identified community need exists for the proposed use.  
*Yes, a community need exists for the proposed use.*
7. The proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.  
*The proposed use will not negatively impact surrounding properties as long as appropriate buffering and fencing is provided. The changes proposed in this report will improve conditions with the surrounding properties compared to the current use.*

8. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.  
*The existing building is similar to and will not detract from many of the structures surrounding the property. Appropriate buffering and fencing will mitigate any impacts to other nearby properties and limit views of outdoor storage of materials and attempt to reduce noise levels.*
9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.  
*The proposed development meets the area-bulk requirements set forth in the B-2 General Business District.*

#### **Staff Recommendation**

Staff recommends approval of the project with the following conditions:

1. Six months from the date of approval of the ordinance, a 6-foot wood or vinyl privacy fence with evergreen trees planted every 25 feet on the outside of the fencing would need to be installed along the southern property line to more closely meet current code requirements.
2. Any outdoor storage needs to be removed or located behind a sight proof wood or vinyl privacy fence.
3. An accessible space designed in accordance with Section 158.145 is required for the site.

#### **Attachments**

Attachment 1 – Project Application

Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map

Attachment 4 – Site Plan

CITY OF O'FALLON

MAY 30 2014 (MCD 528)

DATE PAID

O'Fallon  
ILLINOIS

Planned Use / Re-Zoning Application

NAME OF PROJECT: DeMond Signs + 91 Betty Ln  
ADDRESS/GENERAL LOCATION: 93 Betty Lane Po Box 414 O'Fallon IL 62269  
SUBDIVISION NAME & LOT NUMBER(S): \_\_\_\_\_

PARCEL NUMBER(S): 04-29-0-406-007 & 04-29-0-406-043

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

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

SUMMARY DATA (RESPOND TO ALL THAT APPLY):

PRESENT ZONING: SR3  
PROPOSED ZONING: B2(P)  
PROPOSED # OF LOTS: 1  
PROPOSED # OF DWELLING UNITS: 0  
PROPOSED NUMBER OF BUILDINGS: 2 Existing  
PROPOSED GROSS FLOOR AREA: 9685 sf  
AREA IN ACRES: 1.94 acres  
PRESENT USE: Commercial

APPLICANT INFORMATION:

NAME: DeMond Signs Inc  
COMPANY: \_\_\_\_\_  
ADDRESS: 93 Betty Lane Po Box 414  
O'Fallon IL 62269  
PHONE: 624-7260  
FAX: 624-8240  
EMAIL: signwenchesbglobal.net

Sue DeMond  
SIGNATURE OF APPLICANT

DESIGN PROFESSIONAL INFORMATION:

NAME: Marsha J. Maller PE  
COMPANY: TWM Inc  
ADDRESS: 4940 Old Collinsville Rd  
Swansea IL 62226  
PHONE: 624-4488  
FAX: 624-6688  
EMAIL: maller@twm-inc.com

Marsha J. Maller  
SIGNATURE OF DESIGN PROFESSIONAL

<b>RECEIVED MAY 28 2014</b>		<b>STAFF USE ONLY</b>	
DATE RECEIVED:		PROJECT ID#:	<u>P2014-06</u>
APPLICATION RECEIVED BY:	<u>J. Randall</u>	STAFF ASSIGNED:	<u>J. Randall</u>
APPLICATION FEE:	<u>250.00</u>	PLAN REVIEW FEE DEPOSIT REC'D:	<u>N/A</u>

RECEIVED MAY 28 2014

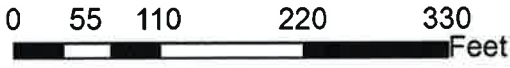
## **DeMond SIGNS REZONING PROJECT NARRATIVE**

The owners of 93 Betty Lane are seeking a rezoning of their 1.94 acres from SR3 single family residential to B2(P) heavy commercial. DeMond Signs Inc. builds, installs and services all types of signs. The City's comprehensive plan indicates that this property should be annexed as heavy commercial. The County is currently assessing the property as commercial requiring substantially more taxes.

On behalf of DeMond Signs we are requesting a rezoning of the property so the current use is a conforming use in the correct zone district. This will give the owners flexibility to refinance the property or sell the property.

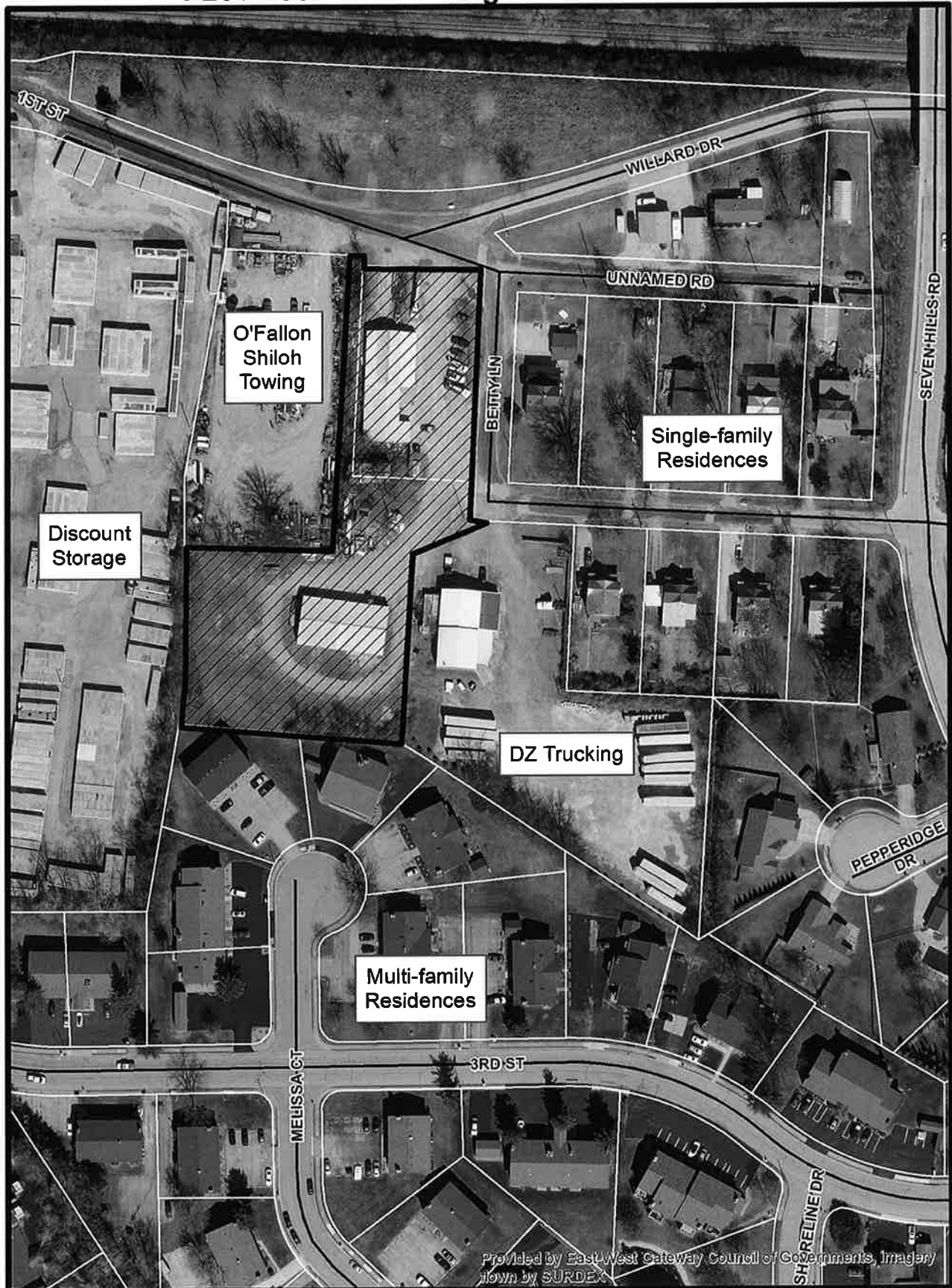


P2014-06: DeMond Signs - Zoning





## P2014-06: DeMond Signs - Land Uses



0 55 110 220 330 Feet



*O'Fallon*  
ILLINOIS

