



**AGENDA (amended for location change)
COMMUNITY DEVELOPMENT COMMITTEE**

**Monday, January 27, 2014
6:00 PM**

**City Council Chambers
(this meeting only)**

I) Roll Call

II) Approval of Minutes – January 13, 2014

III) Items Requiring Council Action – February 3, 2014

- A. Future Land Use Map Amendment – Hartman Lane (1st Reading)
- B. Joe's Place Adult Daycare – Planned Use (1st Reading)
- C. MainStay Suites Hotel – Planned Use (1st Reading)
- D. General Text Amendments – "Rural Residential"; Home Daycare; Fences; Pool Regulations (1st Reading)

IV) Other Business – None

NEXT MEETING: Monday, February 10, 2014 – 6:00 P.M. – Mayor's Conference Room

General Citizen Comments: The City of O'Fallon welcomes comments from our citizens. The Illinois Open Meetings Act provides an opportunity for citizens to speak at all committee and Board meetings. However, 5 ILCS 120/1 mandates that NO action shall be taken on matters not listed on the agenda. Please submit your name to the chairman and limit your comments so that anyone present has the opportunity to speak.



**MINUTES
COMMUNITY DEVELOPMENT COMMITTEE
6:00 PM Monday, January 13, 2014**

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

CALL TO ORDER: 6:00 PM

- I) Roll Call** – *Committee members:* Jerry Albrecht (chair), Gene McCoskey (vice chair), David Cozad, Ray Holden, and Harlan Gerrish. *Other Elected Officials Present:* Courtney Cardona, Ed True, John Drolet, Herb Roach, Jerry Mouser, Kevin Hagarty, Richie Meile and Michael Bennett. *Staff:* Walter Denton, Pam Funk, Ted Shekell, Jeff Stehman, Justin Randall, and Grant Litteken. *Visitors:* Charlie Pitts, Georgia Hillyer and Stewart Drolet.
- II) Approval of Minutes from Previous Meeting**– All ayes. Motion carried.
- III) Items Requiring Council Action**
- A. Special Event Permit – Ace Hardware Temporary Greenhouse – Justin Randall brief explanation on special event for Ace Hardware and indicated it was consistent with previous approvals. No concerns were raised. The committee recommended approval with a vote of 5-0.
 - B. Special Event Permit – St. Elizabeth's Heart Health Awareness Month – Justin Randall brief explanation on special event for Ace Hardware and indicated it was consistent with previous approvals. The committee recommended approval with a vote of 5-0.
 - C. Streetscape Design Study for Green Mount Road Corridor – Ted Shekell provided an explanation over the proposed streetscape design study to be conducted by SWT. Mr. Shekell reminded the committee of the previous contracts for this project and indicated this was the third contract of the scope of work for the Green Mount Road Corridor. Mr. Shekell indicated SWT has a rich history of streetscape design work in the Midwest and have partnered many times with Horner & Shifren on projects. The committee recommended approval with a vote of 5-0.
- IV) Other Business**- None

MEETING ADJOURNED: 6:10 PM

NEXT MEETING: Monday, January 27, 2014 – 6:00 PM – Mayor's Conference Room

Prepared by: Justin Randall, Senior City Planner

DRAFT MINUTES
O’FALLON PLANNING COMMISSION
January 14, 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, excused; Joe Rogers, present; Ray Rohr, present; Larry Sewell, present; A quorum was declared present by Sewell.

MINUTES: Motion was made by Baskett and seconded by Cavins to approve the minutes of August 13, 2013. 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, Senior Planner Justin Randall, and Assistant City Planner Anne Stevenson. Present in the audience were City Aldermen Courtney Cardona, David Cozad, Ray Holden, and Herb Roach. Sewell gave an overview of the process that would be followed for the evening.

UNFINISHED BUSINESS: None.

PUBLIC HEARINGS:

(P2013-09) – Future Land Use Map Amendment subject to the City of O’Fallon 2006 Comprehensive Plan from “Single-Family Residential” and “Neighborhood Residential” to “Office/Service” or other similar institutional category as may be determined to reflect potential development and such proposed uses as may be determined to be appropriate for an adjacent 4.37 acre parcel (Parcel ID #03-36.0-300-034), located at 1032 Hartman Ln. The petitioner is the City of O’Fallon.

Public hearing was opened at 6:06 p.m. Shekell explained the necessity of analysis of the Comprehensive Plan amendment as it relates to Joe’s Place. Randall presented an overview of the staff report explaining that Joe’s Place requires rezoning, which is inconsistent with the Future Land Use Map. The inconsistency with the proposed zone district and the Future Land Use Map resulted in the evaluation of the proposed Future Land Use Map amendment. Maps of the approximate 38.2 acres area and surrounding properties and their land use designations were shown. Randall highlighted a previously proposed Future Land Use Map Amendment, which included part of this area, which the City Council denied in 2009.

Randall explained the consideration for Land Use Amendment of 38.2 acres, instead of just the 4.37 acre proposed Joe’s Place property, is due to the traffic use and density of Hartman Ln and Frank Scott Parkway and the existing adjacent and nearby uses.

Randall’s PowerPoint presentation included:

Existing Conditions:

- Comprehensive Plan
 - 16.8 acres *Single Family Residential*
 - 21.4 acres *Neighborhood Residential*
- Land Uses
 - Primarily residential in nature
 - Commercial development centered around the intersection of Frank Scott Pkwy and Hartman Ln.

Proposed Amendment:

- Proposed Amendment
 - Zoning
 - Proposed use not completely incompatible (with surrounding areas)
 - However, other office uses (in the area may be in conflict with existing local uses)
 - Future Land Use Map
 - Spot Zoning
 - Without amending the Future Land Use Map rezoning 1032 Hartman Ln could be considered Spot Zoning.
 - Danger of Spot Zoning (legal ramifications could be costly to the City)
 - The City (and the Community Development Department have strayed away from) Spot Zoning

Evaluating the Amendment

- Location of *Office / Service*
 - Sound Planning Principles – office and commercial use are to be located around intersections and highly traveled arterials, like Frank Scott Parkway.
- Roadway Classification
 - Hartman Ln – residential connector to West Highway 50 to Frank Scott Pkwy
 - Frank Scott Pkwy – heavier commercial arterial
- Cause of Change
 - Development Pressure – what kind of applications have been received by the City – all have been residential in nature
 - Existing (infrastructure) conditions change – St. Clair County has authorized Frank Scott Pkwy to be widened but presently no changes for Hartman Ln
- Creating sprawling Commercial Activity along Hartman Ln – Hartman Ln is a residential-type connector to businesses on Central Park, Hwy 50 and Frank Scott Pkwy

Baskett stated it appears we are trying to avoid commercial on Hartman Ln but office and service fits in better with the neighborhoods. He asked if staff was presuming that the land will not develop into residential in near future. Shekell responded with the economic downturn of years past, there has not been a lot of growth in that area but it is unlikely that office/service will be proposed. The impact of the rezoning of the Joe's Place

property will be felt on all the adjoining properties, and single family is the most protected use in O'Fallon. Joe's Place petition, without consideration of the surrounding area by a Future Land Use Amendment, could be considered spot zoning.

Shekell stated for Sewell that approval of a Future Land Use Map amendment will pave the way for approval of Joe's Place. Shekell was unaware of any inquiries of interest in this property over the last 6 years and recollected that only a church had been conceptually approved with Stone Bridge Villas and Estates. No others were seriously proposed. Shekell stated there are several acres with homes on them in the immediate area currently for sale. If the Comprehensive Plan Amendment were approved it could trigger 2-3 office-type proposals.

Shekell reported that as currently zoned, the SR-1B(P) single-family and the MR-1(P) multi-family zoning could allow single-family, duplexes or villas, a church, or private school, while in an O-1 office district accounting offices, banks, nursing homes, attorney offices, doctor offices and other non-high traffic flow would be permitted with some requiring planned use approval.

Rohr asked what separates adult daycare from regular daycare and Shekell responded that regular daycares are licensed by the State.

Public comments were opened at 6:32 p.m.

Janis Stauder, owner of 1032 Hartman Ln, was sworn in. Joe's Place is a social adult daycare operating Monday – Friday 6 am – 6pm. Stauder read a statement explaining the purpose of the facility and stated her desire for Office zoning not commercial. The area is not suitable for single-family as it is land-locked on all sides, but is a desirable location for her use on Hartman Ln near Frank Scott Pkwy and Hwy 50. Stauder offered that her development will improve the value of the homes and villas in Stone Bridge and she will be making public improvements along Hartman Ln and near the fountain. Her property will be very residential-like. In response to being considered spot-zoning, Stauder referenced the Rock Springs development in 2010 which was granted rezoning and stated spot-zoning is not illegal. Stauder reported that the area has changed greatly since 2006 in that there are more commercial lots than residential lots with the major intersection of Frank Scott Pkwy and Hartman Ln being less than ½ mile away. Residential construction is stagnant and Stauder referenced that part of her property is zoned multi-family. Stauder reported she has signatures supporting the proposal from some of the Stone Bridge Villas residents.

Shekell pointed out the southern part of this property is zoned multi-family which could be 2-, 3-, or 4-plexes similar to the Villas and the northern part is single-family.

Dave Arnold, resident of Stone Bridge Villas, was sworn in. Arnold reported that Stauder had made a presentation to the Villa residents on January 10th and is also responding to Stauder's comments made at that meeting. Arnold testified that he requested the zoning proposal be rejected based on:

- Stauder's contractor stated they chose this property because 30,000 vehicles pass this location but they didn't answer why they didn't purchase property already zoned commercial.
- Rezoning to commercial is in direct conflict with the zoning and Planning Commission and adjacent properties
- Structure would face Three Rivers Drive not Hartman Ln
- Only ingress and egress to the residential development is Three Rivers Dr.
- Advised that up to 40 Alzheimer and dementia patients seen on any operating day, but building could handle up to 60. Stauder presumed there would be over 60 a day with staggered stays and a proposed second phase facility
- Several hundred cars coming and going daily onto the site including visitors, suppliers, patients, and part-time staff which will affect traffic, traffic patterns, and congestion during rush hour on Hartman Ln and Three Rivers Dr.
- Placing a daycare senior center in front of the Villas will give the perception that the Villas is a geriatric retirement community. With the building set behind the Stone Bridge Villas and Estates monument entry sign, it will give the public and potential buyers the impression that Joe's Place is part of the Stone Bridge development
- Stauder stated (during the residents' meeting) that these types of patients tend to roam and could accidentally wander into the pond in front of the clubhouse so she proposed to install a wrought-iron fence. This would allow the patients and their activities to be easily viewed by potential buyers at the sales office, people in the club house, and by some of the villa and private homes' occupants.
- Stone Bridge is currently perceived as a desirous, upscale retirement community and Joe's Place will negatively impact salability and home value of current and new homes.
- As there are no licensing requirements by the state, anyone could be hired regardless of qualification. No one specifically trained to provide dementia patient care will be at Joe's Place.
- Lack of specific training and professional oversight, and no licensing requirement, or City ordinances to govern care could lead to higher likelihood of patients wandering out of the building and off the property.

Shekell clarified traffic count information that according to IDOT maps, the intersection at Frank Scott Pkwy has approximately 15,800 cars per day and Hartman Ln in front of the proposed facility location has approximately 8,600 cars per day.

Jack Eddinger, 1220 Three Rivers Dr, was sworn in. Stone Bridge Villas is about 70% built-out, and there are 72 units occupied and sold and there will be 110 units when completed. The Estates has about 75 lots. When all sold and occupied, there will be a substantial increase in traffic on Three Rivers. Eddinger stated concern with this spot zoning that if approved, it would be difficult to deny future potential commercial proposals. While the service of Joe's Place is needed, this is not the most desirable location and Eddinger encouraged the Commission to deny the request.

Stewart Drolet, was sworn in. Drolet observed that houses in this area are set back from Hartman Ln, along Hwy 50 and Green Mount Road many residences were torn down or

are now commercial (referenced the proposed hospital), and suggested making light commercial or office close to the main roadways and the residential set back.

Susan Hoff was sworn in. When Fontebella was proposed as a group home at 1033 Hartman Ln, concern was raised that if the property was rezoned and if they went out of business, the property could have been less desirably used as a drug rehab or mental health home which could have affected the property values nearby. This is the difference she observes between what she had proposed and what Joe's Place is proposing. Hoff reported that they tried to sell the 4 acres property as single family but there was no interest in it. Hoff stated that high traffic on Hartman Ln keeps residents away and the property will likely not be single-family. She is interested in seeing Joe's Place go into this location.

Johnnave Jones-Handley was sworn in. She testified that people who live there plan to be there for a while and they keep improving their development. While the idea of the center is a good one, she cannot support this apparent spot zoning if there is no guarantee from the City that it wouldn't have a domino effect for adjacent properties.

Stauder testified the building will face Hartman Ln and only the entrance would be off of Three Springs. So far as traffic control, Stauder reported Shekell advised her internal and external traffic control on her plans would not be a problem.

Lloyd "Lee" Mordis was sworn in. He stated that in 2005, he and several others put in Stone Bridge Villas. The residentially zoned property that was earmarked for church was planned for 900 cars per day and the turn lane on Three Rivers was for the church parking lot. Richland Park Dr was designed to go through the area north of Frank Scott Pkwy that is Office/Service Land Use and there is a floodplain creek area present just to the east. There is no right turn lane from Frank Scott Pkwy onto Hartman Ln. Mordis reported there are office/residential uses on Frank Scott Pkwy and on Old Collinsville Road and he stated there is a cost difference to purchasing commercial vs. residential property.

Sal Elkott, Elkott Engineering, was sworn in. He pointed out that most of the parcel will remain greenspace. As most of this parcel is zoned multi-family, he wanted to point out that multi-family homes could go into that area if this development cannot go through.

Public comments were closed at 7:11 p.m.

Staff Recommendation:

Randall presented the Staff Recommendation as follows:

Consistent with the 2009 evaluation of the area, staff still envisions *Single Family* and *Neighborhood Residential* land uses and densities as being more appropriate than the *Office / Service* classification and would provide a buffer between the single-family residential land uses to the north along Hartman Ln from the commercial and office uses to the south (in the area around the intersection of Frank Scott Pkwy and Hartman Ln). Staff does not recommend amending the 2006 O'Fallon Comprehensive Plan and the

Future Land Use Map from *Single Family Residential* and *Neighborhood Residential to Office / Service* for the approximately 38.20 acres of land along Hartman Ln, including the parcel proposed for the adult daycare.

Baskett questioned why Staff believed that the property could be developed single-family with the traffic. Shekell responded that what is desired is commercial/office impact near the intersections. However, when it expands further down the corridors, traffic is more congested and the result is a negative impact on the established residential areas. They have tried to focus on regional commercial at Exits 14, 16, and 19 and more localized commercial on the arterial and collector streets such as on the northwest corner of Hartman Ln and Frank Scott Pkwy. Hartman Ln is not a commercial collector; it is a residential collector with a predominant land use of residential in this area until further to the north closer to Hwy 50. While office uses are good buffers, the City Council has determined that the Comprehensive Plan Future Land Use Map has to have definite lines drawn to prevent uses from spilling-over and creeping of commercial land uses into residential areas. Shekell surmised that one use is not enough to make a change warranted.

Shekell replied to Arell-Martinez that if the property was rezoned and Joe's Place changed ownership, the use could change.

Baskett emphasized that the job of the Commission is to follow the Comprehensive Plan as adopted and City Council will make the final decision.

Motion was made by Rohr and seconded by Rogers to approve the Staff's Recommendation.

ROLL CALL: Arell-Martinez, aye; Baskett, aye; Cavins, aye; Rogers, aye; Rohr, aye; Sewell, aye. All Ayes. Motion carried to approve Staff's Recommendation.

The project moves to Community Development Committee on January 27, 2014, at 6 p.m. The public hearing was closed at 7:22 p.m.

(P2013-07) – Zoning Amendment Subject to the Planned Development Ordinance for O-1(P) Planned Office District for 1032 Hartman Ln; the proposal is to construct “Joe’s Place Adult Day Care”, an adult daytime respite care facility; Petitioner is Janis Stauder for Stauder Group, LLC.

Public hearing was opened at 7:23 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 several site photos taken by Staff. The Comprehensive Plan Future Land Use Map shows the property as Single Family Residential. Randall highlighted various points and issues from Staff's Project Report dated January 14, 2014, among them:

- History of the property as a part of the Stone Bridge Master Plan
- Site plan showing phasing plan
 - Land use

- Building elevation and rendering and uses within the building
- Traffic circulation and compliant parking provided
- Drainage into an existing and a proposed pond
- Landscaping and buffering which meet City requirements
- Review and approval criteria
 - Relationship to the Neighborhood
 - Surrounding use are residential in nature
 - Proposed use could be complimentary of the surrounding uses
 - Broader analysis of the Comprehensive Plan is required.
 - Conformity with other City Ordinances
 - Inconsistent with the Comprehensive Plan
 - Normal and Orderly Development
 - Proposal may impede the normal and orderly development of the surrounding area
 - Architectural Quality
 - Concerns over compliance with Commercial Design Handbook
 - 360° Architecture
 - Building Materials – 50% is required to be brick, stone, stucco, or other fiber-cement siding; however, much is vinyl siding which can easily be distressed by lawncare equipment.

Public comments were opened at 7:35 p.m.

Janice Stauder was sworn in. She testified:

- Traffic: She will be providing some transportation which will ease traffic in and out of the facility. She is not planning on housing 60 people because of the type of patients they will be caring for.
- Qualifications: Stauder has a long-term plan to be in this location and the need for this type of service will double in the next 5-6 years. While a state license is not required, she will be certified with National and Illinois Adult Services Associations and will follow the rules. She is qualified as a CNA and has much personal experience and will have continuing specialized education in place for her employees.
- Overfill ponds: The fountain pond on site is storm sewer overfill provided so the second pond may not be necessary.
- Current zoning: noted that the property is zoned both multi-and single-family.
- Building material: There will be a sidewalk next to the building so distress by lawncare equipment will be less likely and she will be using Hardie board which is more resistant and a better quality.

Shekell reported that the drawings indicated vinyl siding but Stauder's change to Hardie board is better.

Houston Handy was sworn in and asked how far the driveway into the development is from the retention pond.

Sal Elkott was sworn in and stated engineering criteria governed the location of the entrance, but he did not have the tools with him to give the distance measurement. However, the long distance should be considered good for traffic on Three Rivers Dr.

Steward Drolet was sworn in asked about the sudden concern of spot zoning. He was assured by Baskett that it has frequently been discussed as a concern during other Commission meetings and Shekell indicated spot zoning doesn't usually get discussed as much unless compliance with the Comprehensive Plan comes into question.

Charles Pitts was sworn in and asked if there were any thoughts about enlarging Hartman Ln. He also asked about setbacks and sidewalks for this development. Shekell replied that such improvements to Hartman Ln are unlikely with the current traffic count of 8,600 vehicles per day. The count would have to grow over two times to warrant that improvement. With this project, sidewalks are required and proposed on Hartman Ln as well as on other sides of the development.

Susan Hoff was sworn in and stated the design of the building is attractive and is a great use for, and will meld well with, the residential area and suggested a conditional use permit.

Jack Eddinger was sworn in and testified that while this concept is good and is needed, and he commended Stauder's idea, it is not the right place for this development so he cannot support the proposal.

Stauder compelled the Commission that this is the time for the Comprehensive Plan to be re-addressed and changed as there is no residential trend for this property

Lloyd Mortis was sworn in and stated the long rectangular property to the south of Three Rivers Dr was initially contracted and intended to be the church parking lot, but it was not petitioned to the City. Mortis asked why Stone Bridge didn't move the club house up to the front, acquire more parking, and create more lots for the villa development and questioned how many single-family lots remain unsold.

Hoff commented that if no one is interested in single-family there, the City will have to make a decision.

Public comments were closed at 7:56 p.m.

Staff Recommendation:

Randall read over the Staff Recommendation as follows:

Staff does not recommend the proposed use at this location at this time, unless the broader area is proposed for change to *Office / Service* in the Comprehensive Plan.

Motion was made by Cavins and seconded by Rohr to approve the Staff's Recommendation.

ROLL CALL: Arell-Martinez, aye; Baskett, aye; Cavins, aye; Rogers, aye; Rohr, aye; Sewell, aye. All Ayes. Motion carried to approve Staff's Recommendation.

The project moves to Community Development on January 27, 2014, at 6 p.m. The public hearing was closed at 7:59 p.m.

(P2013-06) – Zoning Amendment Subject to the Planned Development Ordinance for B-1(P) Planned Community Business District for change of use of the existing structures at 128 Regency Park Drive for a MainStay Suites Hotel, an extended stay hotel. Petitioner is BJR Property, Inc., Ron Schantz

Public hearing was opened at 8:02 p.m. Randall presented an overview of the project and staff report. A map of the subject and surrounding properties was shown, along with a photo taken by Staff. Randall highlighted various points and issues from Staff's Project Report dated January 14, 2014, among them:

- History as a retirement community with 78 units
- No changes to building proposed or required
- No changes to site proposed or required
- Currently zoned commercial, but requires planned use approval for hotel use

Public comments were opened at 8:06 p.m.

Charles Pitts was sworn in and asked if an occupancy rates study has been performed to determine economic viability. Shekell replied that occupancy rates run very well in O'Fallon. Each unit will have a kitchenette and there are only two other hotels that offer extended stays in O'Fallon. The developer, not the City, is the one taking the risk to change the use to a hotel and the City cannot interject our decision making into private sector competitiveness.

Ron Schantz was sworn in. He testified that Scott Air Force Base feeds into the hotels. The occupancy rate in town is over 80%. MainStay Suites is an upscale extended stay and is a growing market across the country. The hospitals being built to the east will benefit the development. Schantz explained the rooms are 620 sq ft full apartments, almost 30% larger than other locations, and there is a gym, a workout room, and a theater. However, with only about 20 residents in the facility, and with many other senior citizens facilities in the area, it has become economically impracticable to continue with the present operation.

Public comments were closed at 8:12 p.m.

Staff Recommendation:

Randall read over the Staff Recommendation as follows:

Staff recommends approval of the project, as an extended stay hotel.

Motion was made by Baskett and seconded by Cavins to approve the Staff's Recommendation.

Arell-Martinez reported she has toured the facility quite a few times and the building will be a good fit for this use.

ROLL CALL: Arell-Martinez, aye; Baskett, aye; Cavins, aye; Rogers, aye; Rohr, aye; Sewell, aye. All Ayes. Motion carried to approve the amendment.

The project moves to Community Development on January 27, 2014, at 6 p.m. The public hearing was closed at 8:13 p.m.

(P2013-08) – General Text Amendments to the Zoning Code of Ordinances regarding New “Rural Residential” Zoning District Classification; and amending home day care, fences, and pool regulations.

Public hearing was opened at 8:14 p.m. Stevenson presented an overview of the four proposed text amendments and the staff report dated January 14, 2014. Stevenson delivered the PowerPoint presentation in four parts:

- Part 1: Rural Residential & Clustering as Planned Use
- Part 2: Screening/Buffering Fences
- Part 3: Home Daycare
- Part 4: Swimming Pools

PART 1: Rural Residential & Clustering as Planned Use

Shekell interjected that default zoning when property is annexed is Agricultural, which allows burning leaves, and keeping of various farm-type animals (swine, goats, chickens, etc...) and is sometimes less desirable to some of the residential neighbors. Rural Residential (RR) is proposed as the bridge between the agricultural and the residential districts.

Rural Residential and Clustering

- Create more suitable district for most annexed properties
- Reduce conflicts between agricultural uses and surrounding development
- Preserve rural character/small town feel and continued agricultural uses
- Recommended in 2006 O'Fallon Comprehensive Plan
 - Overall density no more than 1 dwelling unit per acre
- Will not affect existing properties, unless annexed or rezoned

Rural Residential Regulations

Area & Bulk Regulations – Principal Structures (e.g. home)

- Zone District: RR
- Maximum Number of Dwellings Units: 1 per 1 Acres
- Minimum Lot Area: 1 Acre
- Lot Width at Building Line : 100 Feet
- Mean Lot Depth: 150 Feet

- Depth of Front Yard: 25 Feet
- Depth of Side Yard Abutting a Street: 25 Feet
- Depth of Side Yard Abutting a Lot: 10 Feet
- Minimum Distance to Nearest Principal Structure on an Adjacent Lot: 20 Feet
- Depth of Rear Yard: 25 Feet
- Maximum Lot Coverage: 25%
- Maximum Height of Principal Building: 35 Feet

Area & Bulk Regulations – Accessory Structures (e.g. pole barn)

- Maximum Height: 35 Feet
- Principal Building or Structure: 10 Feet
- Front Lot Line: 60 Feet
- Side Lot Line, Street Side: 25 Feet
- Side Lot Line, Interior Side: 5 Feet
- Rear Lot Line: 5 Feet

Supplementary Regulations – Accessory Buildings

- Currently has language that limits size for all *single family* districts
- Proposed regulations for rural residential
 - Allow for larger sized accessory structures
 - 35 ft high
 - 2,500 sq ft max ground floor area, 5,000 sq ft total floor area
 - Do not tie the size of the accessory structure to the principal structure
 - Allow for metal siding (unless otherwise prohibited by private subdivision regulations)
 - Structures used for animals must be setback 25 ft from property line

Permitted Uses

- “Light Agricultural” Uses (hobby farm)
 - Horses, donkeys, emus, ostriches, llamas, alpacas – two (2) animals per acre, max three (3) animals; and
 - Sheep or goats – two animals per acre, max six (6) animals; and
 - Chickens – six (6) hens per acre, max twelve (12) hens, no roosters allowed.
- All outdoor areas used for animals shall be fenced, shall not be within 10 ft of the side or rear property lines, and shall not be within 25 ft of any public right of way.
- All others *selected* from Agricultural District

Accessory Uses

- Boarding of horses or keeping of horses for rent or hire as part of an authorized Home Occupation
- All others same as other residence districts

Annexation

- Currently, in a majority of cases, Ag is the most similar zoning district available
- New RR District would become most similar and would be compatible with other types of development

Proposed Language:

Article 1, Division 1, Section 1.100, Zoning of Annexed Lands

All territory which may hereafter be annexed to the City shall automatically, upon annexation, be classified as RR Rural Residential District and subject to the requirements of the RR district, unless otherwise stipulated in a pre-annexation agreement, there is a more appropriate zone district that is comparable to the property's existing zoning in St. Clair County, or until the territory is rezoned. The owner of said property may petition for rezoning simultaneously with the petition for annexation, pursuant to Article 8 of the Zoning Code.

Stevenson reported an entire subdivision can be zoned RR and the lots can be larger than one acre.

Clustering

- Cluster developments suggested as a planned use in the 2006 Comprehensive Plan
- O'Fallon hosted conservation design workshop & presentation by renown consulting firm Applied Ecological Services (AES) in 2007 using as example the property at the northeast corner of Old Collinsville and Milburn School Roads
- Image was shown representing clustering of 18 lots compared to a development made mostly of all privately owned lots; clustering example dedicated 50% of the land as permanent preservation of natural land area
- Specifically adding as a planned use in Article 9 (would still have public hearing, etc.) and listing some guiding principals
- Create interconnected, permanently preserved natural areas and farmland
- Possible relaxation of roadway standards to help reduce impervious surfaces and reduce long-term infrastructure maintenance costs
- Can still do traditional style development if desired
- More options available to developers

Defined "Cluster/Conservation Development":

A form of development that concentrates buildings or lots on a part of the site, reserving a significant amount of the land to be used for the permanent preservation of natural areas, agricultural land, and environmentally sensitive features.

- To the greatest degree practicable, natural areas shall connect to natural areas or potential natural areas, on neighboring properties.
- To the greatest degree practicable, natural areas shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development.
- Stormwater and roadway designs may vary from code requirements as approved by the city engineer and city council.

Defined "natural area"

- A natural area is an area of land, not necessarily undisturbed, which either retains or has been substantially restored to its original natural or native character. Natural area shall not include parkways, landscape islands, detention areas, athletic fields, golf courses turfed areas, or similar features.

Shekell spoke that a Rural Residential clustered development would have to be a planned use so lot sizes and accessory structure uses would also be considered during that stage.

Tom & Lisa Hudder were sworn in. Their ten acre property on Seven Hills Road is zoned single family and would be more suitable as Rural Residential. The property zoning was reported inaccurately in the real estate listing when they purchased it. Due to the single-family zoning and the use of the property when they purchased it, they have had to apply for variances for horses and to replace a dilapidated shed with a pole barn which was more suitable in size to house the equipment and vehicles needed for this size lot.

Shekell reported there was documentation when the property was going through the annexation process that the owner at the time desired A zoning; however, when the ordinance went to City Council, the zoning was single-family. This example points out the need for this middle-ground zone district that was non-existent at the time of that annexation.

Baskett asked if the City expects to see many properties request to rezone Rural Residential and asked if the City is going to charge the same fees for those rezonings. Shekell reported the Hudders will likely petition for Rural Residential as no properties will be automatically rezoned if the RR district is adopted. Owners will be responsible for the appropriate fees for rezoning.

Baskett asked if a property is annexed into the City as Rural Residential and is adjacent to property in the City zoned Ag, if a buffer was required and what happens if the Rural Residential owner doesn't agree with the Ag uses. Shekell reported a buffer is not required and owners should always be aware and cautions of property they are considering purchasing as there are no changes proposed to Ag with the creation of the Rural Residential district.

PART 2: Screening/Buffering Fences

Problem:

- Code was unclear and inconsistent regarding materials required for screening/buffering fences

Example of conflict and solution from sections of the Code, along with sample amendments, were presented to the Commission. More examples were available in the agenda packet.

PART 3: Home Daycare

Problem:

- Code was inconsistent regarding defining how to determine maximum number of children allowed in a home daycare
- Use "home day care" and "home child care" interchangeably, but only home day care is defined

- Parking requirements are not specific and cause problems administratively and may not serve intended purpose. More of a performance standard-type wording is recommended.
- Notification of surrounding property owners is hold over from when home day cares were special use permits. Not required for any other home occupation.

Department of Children and Family Services regulations were conferred. Examples of inconsistencies and sample changes were presented.

Shekell explained some of the current rules are outdated and are more of a nuisance to the prospective caregivers.

PART 4: Swimming Pools

Problem:

- Required separation between the principal and accessory structure is primarily related to fire hazard which is not a concern with pools.
- As long as building code pool regulations are being met, additional regulations are not needed.

Recommended added text to Section 3.05 SWIMMING POOLS:

Pools need not meet the minimum separation from the primary structure of 10 feet as shown in Section 2.04(e) Schedule: Area and Bulk Regulations for Accessory Buildings or Structures, column O. Any applicable swimming pool building code requirements must be met.

Public comments were opened at 8:52 p.m.

Charles Pitts was sworn in. He asked if the 50% represented in the clustering example was part of the proposed regulation and Stevenson confirmed it was not, it was just an example. Pitts asked who would likely own the property that is not part of a specific lot and Stevenson replied that homeowner associations or non-profit conservation-based groups usually own them. Shekell shared the property on North Lincoln is owned by Heartland Conservancy.

Pitts asked if there were possible incentives to promote clustering and Shekell reported the charrette of the example provided concluded an average 15% savings on utilities, stormwater, and roadway infrastructure by clustering would be seen because those services are concentrated. There is also less grading and less of a negative impact on existing stormwater systems. In a Rural Residential district with a planned use approval of lots smaller than one acre, there could be tailor-made set of covenants because a prescriptive set of codes would not be feasible. Pitts explained clustering is very progressive and is required in many east coast communities. He congratulated the Commission and the City government with the degree of care and effort they have put forward for the community.

Public comments were closed at 8:58 p.m.

Staff Recommendation:

Stevenson read over the Staff Recommendation as follows:

Staff recommends approval of all text amendments as proposed.

Motion was made by Rohr and seconded by Baskett to approve the Staff's Recommendation.

ROLL CALL: Arell-Martinez, aye; Baskett, aye; Cavins, aye; Rogers, aye; Rohr, aye; Sewell, aye. All Ayes. Motion carried to approve the text amendments as recommended.

The project moves to Community Development on January 27, 2014, at 6 p.m. The public hearing was closed at 9:00 p.m.

REPORTS OF STANDING AND SPECIAL COMMITTEES: None.

REPORTS AND COMMUNICATION:

Stevenson announced Domino's Retail Center is scheduled for public hearing January 28th.

Rohr announced Gateway Classic Cars is planned for the former American TV building.

Election of officers: No new nominations were made. Motion made by Arell-Martinez and seconded by Rogers to re-elect Vice-Chairman Baskett and Secretary Cavins. All Ayes. Motion carried.

ADJOURNMENT:

Motion was made by Rohr and seconded by Baskett to adjourn. All ayes. Motion carried. The meeting was adjourned at 9:06 p.m.

Respectfully submitted,

Vicki Evans, Transcriptionist

Minutes approved by Planning Commission



MEMORANDUM

TO: Community Development Committee
FROM: Justin Randall, Senior City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 27, 2014
SUBJECT: P2013 – 09:
Amendment to the 2006 O'Fallon Comprehensive Plan & Future Land Use Map (1st Reading)

Recommendation

The Planning Commission held a public hearing on the above referenced application at their January 14, 2014 meeting. The Commission voted 6-ayes and 0-nay to deny the Future Land Use Map Amendment to *Office / Service*.

Project Background and Summary

The evaluation of the Future Land Use Map for this area is a result of an application submitted by Janis Stauder of Stauder Group, LLC to operate an adult day care at 1032 Hartman Lane. The parcel would be rezoned from SR-1B(P) Planned Single-family Residence Dwelling District and MR-1(P) Planned Two-,Three-, and Four-Family Residence District to "O-1 (P)" Planned Office District.

The broader comprehensive plan amendment looked at a 38-acre area, which includes the subject property of the Stauder Group, LLC's application. Staff determined the O-1 Office District would be the most appropriate zone district for the adult day care and considered the Office District the least intense non-residential zone district and land use category. Thus, staff's analysis is focused on whether the Future Land Use Map should be amended from *Single Family Residential* and *Neighborhood Residential* to *Office / Service*.

Please see the attached Plan Commission Project Report for more detailed information on the proposed amendment.

Staff Recommendation

Consistent with the 2009 evaluation of the area, staff still envisions *Single Family* and *Neighborhood Residential* land uses and densities as being more appropriate than the *Office / Service* classification and would provide a buffer between the single-family residential land uses to the north along Hartman Lane from the commercial and office uses to the south (in the area around the intersection of Frank Scott Parkway and Hartman Lane).

At this time, staff does not recommend amending the 2006 O'Fallon Comprehensive Plan and the Future Land Use Map from *Single Family Residential* and *Neighborhood Residential* to *Office / Service* for the approximately 38.20 acres of land along Hartman Lane, including the parcel proposed for the adult daycare.

Attachment:

Report to Plan Commission

Community Development Department

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PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Planning Director
DATE: January 14, 2014
PROJECT: P2013 – 09:
Evaluation of an amendment to the 2006 O'Fallon Comprehensive Plan Future Land Use Map

Summary

For the Planning Commission meeting Tuesday, January 14, 2014, there is a public hearing scheduled which involves an evaluation of an amendment to the 2006 O'Fallon Comprehensive Plan - Future Land Use Map. Staff has conducted an evaluation of a potential Comprehensive Plan amendment because of an application submitted by the Stauder Group, LLC for an adult day care use at 1032 Hartman Lane. The proposed project of the Stauder Group, LLC is incompatible with the 2006 O'Fallon Comprehensive Plan – Future Land Use Map, and would require the map to be amended from *Single Family Residential* and *Neighborhood Residential* to *Office / Service*. The area staff has evaluated consists of approximately 38.2 acres of land north of Frank Scott Parkway along Hartman Lane and includes Parcel ID Nos. 03-36.0-300-009, 03-36.0-300-034, 03-36.0-400-007, 03-36.0-300-010, 03-36.0-300-020, and 03-35.0-300-019.

Future Land Use Map

Surrounding Proposed Land Uses:

- North: Single Family Residential (yellow)
- East: Single Family Residential (yellow) and Office / Service (purple)
- South: Village of Shiloh "Highway Business"
- West: Village of Shiloh "Country Estates"

Applicable Ordinances, Documents and Reports

Public Notice: Public Notice of this Comprehensive Plan Amendment and the rezoning of the property located at 1032 Hartman Lane has been fulfilled in accordance with Section 8.05 and 8.06 of the City of O'Fallon Zoning Regulations. The City has notified property owners within 250 feet of the subject parcel (1032 Hartman Lane) 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

Existing Conditions

The subject property of the proposed project by the Stauder Group, LLC is classified under the 2006 O'Fallon Comprehensive Plan and Future Land Use Map as *Single Family Residential* and consists of 4.36 acres. The total

Comprehensive Plan evaluation area consists of approximately 38.2 acres, 16.8 acres classified as *Single Family Residential* and 21.4 acres classified as *Neighborhood Residential*.

In the 2006 O'Fallon Comprehensive Plan and Future Land Use Map, the *Single Family Residential* land use category is a suburban residential district with no more than 3 dwelling units per acre. Corresponding zoning districts would include zone districts of SR-1 and SR-1B. *Neighborhood Residential* in the city's Comprehensive Plan provides for a density of residential uses up to 7 detached single-family units per acre, and would include zoning districts of SR-1, SR-2, and SR-3, and under certain circumstances may include attached villas through the Planned Use process, with homeownership being encouraged as a part of that land use designation.

The surrounding area is primarily residential in nature with uses including agricultural and rural residential uses to the north, west, and south, and residential uses in Stone Bridge Estates and Stone Bridge Villas to the east. The intersection of Hartman Lane and Frank Scott Parkway has begun to develop with commercial uses. The 2006 O'Fallon Comprehensive Plan and Future Land Use Map designate the northwest quadrant of the intersection as General Commercial and the Village of Shiloh has designated the other three quadrants of the intersection as Highway Business and zoned the properties accordingly to B-3 Highway Business.

History

This particular area of the City of O'Fallon was previously evaluated for an amendment to the 2006 O'Fallon Comprehensive Plan and Future Land Use Map as a result of a proposed development in 2009. The development was requesting 5.33 acres of land at 1033 Hartman Lane be rezoned from "A", Agricultural District, to "MR-2(P)", Planned Multi-Family Residential Dwelling District for the proposed use of a maternity shelter group home. The change in zoning was going to require the subject property to be reclassified as *Multi-Family Residential* future land use category.

At the time, staff envisioned that this general area would likely develop into higher density residential uses, similar to Stone Bridge Villas on the east side of Hartman Lane. During the analysis of the proposed amendment, staff noted the *Neighborhood Residential* land use and density would also provide a suitable transition between the single-family residential land uses to the north and the commercial and office uses to the south (in the area around the intersection of Frank Scott Parkway and Hartman Lane). Staff's analysis of the area led to a recommendation to amend the Future Land Use Map to *Neighborhood Residential* to reflect the existing development (Stone Bridge Estates) and future residential growth along Hartman Lane. At the July 20, 2009 City Council meeting, the proposed ordinance for the Future Land Use Map amendment failed on the ordinance's first reading via a vote of 4 ayes and 10 nays.

Proposed Amendment

The evaluation of the Future Land Use Map for this area is a result of an application submitted by Janis Stauder of Stauder Group, LLC to operate an adult day care at 1032 Hartman Lane. The parcel would be rezoned from SR-1B(P) Planned Single-family Residence Dwelling District and MR-1(P) Planned Two-,Three-, and Four-Family Residence District to "O-1 (P)" Planned Office District.

Spot Zoning

Staff evaluated the potential to amend the Future Land Use Map from *Single Family Residential* to *Office / Service* for the property located at 1032 Hartman Lane, which would allow for all zone districts. However the adult day care land use is required to be located in a non-residential zone district, which would have resulted in "spot zoning" as defined in *Griswold v. City of Homer* (10/25/96), 925 P 2d 10115, which defines it as "the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owner of such property and to the detriment of other owners." Illinois courts have found that not every rezoning is ipso facto void as spot zoning, but there every case must be evaluated with a comprehensive review of existing uses established in the area and the relationship with the comprehensive plan of the city. Rezoning a property to a zone district that is out of character with surround zoning, land uses and the comprehensive plans can result in the courts

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determining the rezoning was in fact spot zoning and deem the change in zoning illegal. The City of O'Fallon and the Community Development Department has made an assertive effort not to spot zone a property, especially when the proposed use and zoning is inconsistent with the 2006 O'Fallon Comprehensive Plan and Future Land Use Map. Therefore to avoid spot zoning, staff evaluated a broader change to the Future Land Use Plan.

The broader comprehensive plan amendment looked at a 38-acre area, which includes the subject property of the Stauder Group, LLC's application. Staff determined the O-1 Office District would be the most appropriate zone district for the adult day care and considered the Office District the least intense non-residential zone district and land use category. Thus, staff's analysis is focused on whether the Future Land Use Map should be amended from *Single Family Residential* and *Neighborhood Residential* to *Office / Service*.

Staff believes that non-residential uses associated with the *Office / Service* land use category should generally be located near major access routes and interchanges rather than in more low density residential areas such as the subject area. The East-West Gateway Council of Governments has classified Hartman Lane as an Urban Collector and Frank Scott Parkway as a Minor Arterial. Sound planning principles would direct non-residential uses to be located nearest the intersection and transition out to less intense residential uses. Therefore, it would be more pertinent to focus non-residential uses on the heavier arterial of Frank Scott Parkway than the residential connector of Hartman Lane. The City of O'Fallon and the Village of Shiloh have acknowledged the intersection as a potential for non-residential uses as all four quadrants of the intersection are identified as commercial.

In considering the impetuous for a comprehensive plan change, typically the area proposed for the change would have experienced notable changes, or at least pressure to change, in the development pattern for the area. In this particular area along Hartman Lane, the only change has been residential in nature.

While the area around 1032 Hartman Lane is located within close proximity to Frank Scott Parkway, staff is apprehensive of allowing non-residential uses to leak too far north of the Frank Scott Parkway corridor. The existing uses of the area are primarily residential and therefore may not be an appropriate location for non-residential land uses associated with the *Office / Service* land use category.

Consistent with the 2009 evaluation of the area, staff still envisions *Single Family* and *Neighborhood Residential* land uses and densities as being more appropriate than the *Office / Service* classification and would provide a buffer between the single-family residential land uses to the north along Hartman Lane from the commercial and office uses to the south (in the area around the intersection of Frank Scott Parkway and Hartman Lane).

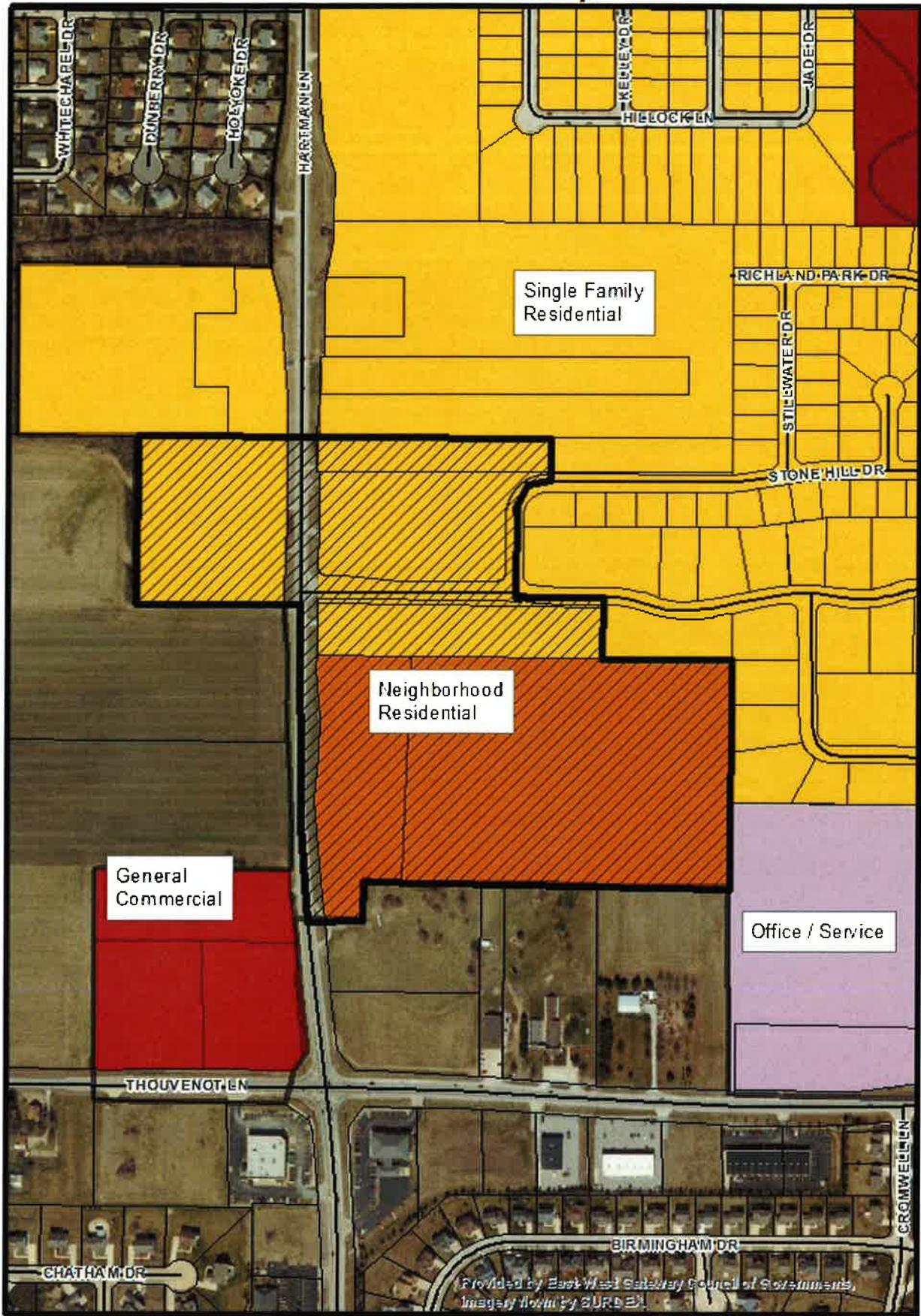
Staff Recommendation

Due to the subject property's lack of frontage to Frank Scott Parkway and the existing development that has occurred around the area, including the Stone Bridge Villa development, staff does not recommend amending the 2006 O'Fallon Comprehensive Plan and the Future Land Use Map from *Single Family Residential* and *Neighborhood Residential* to *Office / Service* for the approximately 38.20 acres of land along Hartman Lane (Parcel ID Nos. 03-36.0-300-009, 03-36.0-300-034, 03-36.0-400-007, 03-36.0-300-010, 03-36.0-300-020, and 03-35.0-300-019), including the parcel proposed for the adult daycare.

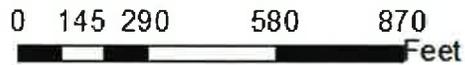
Attachments

2006 O'Fallon Future Land Use Map of the Evaluation Area

P2013-09: Future Land Use Map Amendment



Evaluation Area





MEMORANDUM

TO: Community Development Committee
FROM: Justin Randall, Senior City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 27, 2014
SUBJECT: P2013-07: Joe's Place, Planned Use (1st Reading)

Recommendation

The Planning Commission held a public hearing on the above referenced application at their January 14, 2014 meeting. The Commission voted 6-ayes and 0-nay to deny the requested rezoning and Planned Use for Joe's Place, an adult daycare.

Project Background and Summary

Stauder Group, LLC has filed an application requesting approval to operate an adult daycare at 1032 Hartman Lane. The parcel would be rezoned from SR-1B(P) Planned Single-family Residence Dwelling District and MR-1(P) Planned Two-, Three-, and Four-Family Residence District to "O-1 (P)" Planned Office District. The proposal is for the site will be developed in two phases with a building for the adult daycare and associated parking and landscaping..

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

Staff Recommendation

The development of an adult daycare facility for the region appears to be a very worthwhile project, and the owners are to be commended for their initiative to develop such a facility. However, it appears that based on the land use analysis of the immediate area, the project would not be consistent with the Comprehensive Plan which limits the site to single-family uses. The office zoning lacks consistency with existing and future uses for the area in both O'Fallon and Shiloh. The project could impede the normal and orderly development of the surrounding property and create conflicts due the close proximity of owner-occupied single family villas to the east and the broad array of land uses associated with a rezoning the subject property to office. The property is not suitable to be issued a use variance, because the property is vacant and would lack the evidence to be able to pass all four tests of a use variance. Staff does not recommend the proposed use at this location at this time, unless the broader area is proposed for change to *Office / Service* in the Comprehensive Plan.

Attachment:

Report to Plan Commission



PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Planning Director
DATE: January 14, 2014
PROJECT: P2013-07: Joe's Place, Planned Use

Location: 1032 Hartman Lane
Ward: 5
Applicant/Owner: Stauder Group, LLC – Janis Stauder
Submitted: December 9, 2013

Introduction

Stauder Group, LLC has filed an application requesting approval to operate an adult daycare at 1032 Hartman Lane. The parcel would be rezoned from SR-1B(P) Planned Single-family Residence Dwelling District and MR-1(P) Planned Two-,Three-, and Four-Family Residence District to "O-1 (P)" Planned Office District.

History of Site

The subject property was a part of a larger development known as Stone Bridge Master Planned Development (P2005-08). The project consisted of three parts, a single-family residential development (Stone Bridge Estates), a multi-family development (Stone Bridge Villas) and a 5-acre tract of land (the subject property) for a 20,000 square foot community church. However, the approval of the Stone Bridge Master Plan indicated "The church shall comply with the Planned Use Ordinance and be required to submit a preliminary development plan for approval, showing the proposed site plan prior to any city approvals of the church." The church has never submitted a planned use for the construction of the church and the property remains undeveloped. Subsequently, the property has been sold to the current petitioner Stauder Group.

Zoning & Land Use

The subject property is currently split zoned SR-1B(P) Planned Single-family Residence Dwelling District and MR-1(P) Planned Two-,Three-, and Four-Family Residence District.

Adjacent Zoning

North: A, SR-1, SR-B
East: SR-1B(P) & MR-1(P)
South: A
West: A

Adjacent Land Use

North: Residential – Single-family residential uses along Hartman Lane
East: Residential – Single & multi-family residential uses in Stone Bridge
South: Residential – Single-family residential uses along Hartman Lane
West: Residential – Single-family residential uses along Hartman Lane

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

Applicable Ordinances, Documents and Reports

O'Fallon Comprehensive Plan: The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as *Single Family Residential*. The proposed project would more appropriately fit within the *Office / Service* land use designation. Therefore, the proposed project is inconsistent with the Comprehensive Plan.

Zoning Ordinance and Planned Use Ordinance: The proposed office building is subject to Article IX Planned Uses of the Zoning Ordinance and requires a development plan. The property is also subject to the O, Office District requirements.

Public Notice: Public Notice of this project has been fulfilled in accordance with Section 8.05 and 8.06 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

Discussion Points/Issues

Land Use

Agricultural and rural residential uses surround the subject property to the north, west, and south, and residential to the east. The subject property is identified as *Single Family Residential* on the Future Land Use Map of the Comprehensive Plan. The proposed adult daycare project would require an amendment of the City's Comprehensive Plan for the site to an *Office / Service* land use classification; after a land use analysis by staff, the property is more suitable for a *Neighborhood Residential* land use classification instead of *Office / Service*, which is discussed in greater detail in a separate staff report.

While this particular use of an adult daycare may not be completely incompatible with the surrounding land uses, staff must evaluate the proposed land use, other potential land uses allowed under the O-1 Office District and compatibility with the Comprehensive Plan. As detailed in the Comprehensive Plan Amendment staff report, staff does not believe that the Future Land Use Map should be amended, thus rezoning the property to O-1 Office District would be inconsistent with the Comprehensive Plan and could be defined as spot zoning.

Building

The applicant has proposed a phased development consisting of two 5,400 square foot (90' x 60') buildings. The first phase proposes construction of a 5,400 square foot building with multiple rooms associate with an adult daycare use, including a kitchen, dining area, salon, activity area, nap area and offices. The buildings have a 640 square foot (32' x 20') canopy over the drive aisle for drop-off and pick-up of attendees of the daycare. The canopy over the drive aisle for pick-up has a clearance of 11.67 feet, however the Fire Department will require a minimum of 13 feet of clearance.

The building will be constructed primarily of higher end vinyl siding, similar to hardie board siding with a stone base on the front elevation and a pitched roof with architectural shingles to provide a residential appearance to the building. The dumpster enclosure will be constructed with brick material compatible with the main building.

Traffic Circulation/Parking

Ingress and Egress: Access to the site will be by means of one access point from Three Rivers Drive, approximately 360 feet east of Hartman Lane.

Community Development Department

Parking: Code requires 1 parking spaces per 400 gross floor area for daycare use, plus an unobstructed pick-up area to include either a minimum for 2 dedicated spaces, a pull off lane, or other dedicated pick-up area, in addition to a safe pedestrian walkway. The applicant is proposing to use approximately 5,400 square feet as an adult daycare in Phase 1, which will require 14 parking spaces. Phase 2 of the proposal is a 5,400 addition that would be an expansion of the daycare use, requiring an additional 14 parking spaces. The development will provide 15 parking spaces, two of which will be designated as accessible spaces in Phase 1 and 16 parking spaces in Phase 2. The plan provides a dedicated area for pick-up in accordance with the code. All parking stalls meet the City's dimensional requirements.

On-site circulation: On-site circulation has been reviewed by staff. It is staff's opinion the parking lot as depicted on the site plan will effectively address internal, as well as external traffic control.

Utilities and Drainage

Public water and sewer is available to serve the subject property. The site has an existing detention pond that is associated with the Stone Bridge Villas development and maintained by the property owners association. The plans provide for an area for an additional detention area to provide. Although there is a possibility the existing detention pond may be sized for development on the subject property, but final detention calculations and analysis of the existing detention pond have not be conduct to determine the viability for a shared detention area. If during final construction design it is determined the existing detention basin can be shared, a joint-maintenance agreement between the affected parties will be necessary.

Sidewalk

Per City requirements, a sidewalk is required to be installed in front of all new developments. The plan is showing a 4-foot sidewalk is being shown on the property along Hartman Lane and shown in the right-of-way along Three Rivers Drive and Stone Hill Drive.

Landscaping and Buffer Requirements

The proposed landscape plan meets the City's requirements for landscaping the parking lot and buffering the adjoining property to the north. The plan provides street landscaping along Hartman Lane, provides for the 7-foot buffer around the parking lot and landscaping in the parking lot islands. The plan is proposing a structural buffer fence or berm per code along the northern property line. The final design of the structural buffer will be determined after final earth volumes are calculated.

Signage

According to Article 12, "Sign Regulations" of the Zoning Code, the applicant is permitted to install one freestanding sign on the property. They are also allowed to have up to two wall signs (on the west and south sides of the building). At this time, the applicant has provided only provided a potential design of the freestanding sign to be placed along Hartman Lane. The freestanding sign has two potential issues, one being the proposed height is nine feet and would have to be setback from the property line 12 feet and is currently proposed 8 feet back. The sign could be reduced by one foot in height and remain where proposed. Additionally the base is only allowed to extend 20" past the face of the sign. At this time there is not enough detail to determine whether the proposal complies with that regulation.

Review and Approval Criteria:

Section 9.050 of Article IX "Planned Uses" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,
The project meets all applicable zoning standards, except as noted regarding the proposed free standing sign.

Community Development Department

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 adequately controls vehicular traffic and provides open space as required by code.
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.
The new building and land use has the potential to be complement the adjacent single family residences in the area, however the use requires an amendment to the Comprehensive Plan and as detailed in a separate staff report, staff does not believe amending the Future Land Use Map to Office / Service for the broader area is appropriate.
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 change from single-family use to office / service use would not be consistent with the present Comprehensive Plan nor the proposed amendments detailed in a separate staff report. Additionally, the Commercial Design Handbook recommends the building be design with a "base, middle and top". The building currently has no base on three sides and is inconsistent with the Commercial Design Handbook design principles.
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 of this parcel as a non-residential use may impede the normal and orderly development and improvement of the surrounding property, and it could impair the use, enjoyment, or value of neighboring residential properties.
8. The degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood.
The proposed building has architectural features and materials that make it aesthetically appealing along the front (western) façade. However, the side and rear facades nearest to the single-family uses do not have the same architectural details and appeal as the front façade and do not incorporate several recommendations of the Commercial Design Handbook.
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 O-1 Office District.

Staff Recommendation

The development of an adult daycare facility for the region appears to be a very worthwhile project, and the owners are to be commended for their initiative to develop such a facility. However, it appears that based on the land use analysis of the immediate area, the project would not be consistent with the Comprehensive Plan which limits the site to single-family uses. The office zoning lacks consistency with existing and future uses for the area in both O'Fallon and Shiloh. The project could impede the normal and orderly development of the surrounding property and create conflicts due the close proximity of owner-occupied single family villas to the east and the broad array of land uses associated with a rezoning the subject property to office. Staff does not recommend the proposed use at this location at this time, unless the broader area is proposed for change to Office / Service in the Comprehensive Plan.

Community Development Department

Attachments

Attachment 1 – Project Application

Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map

Attachment 4 – Site Plan

Attachment 5 – Building Elevations

Community Development Department

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CITY OF O'FALLON

DEC - 9 2013

DATE PAD

Planned Use / Re-Zoning Application

NAME OF PROJECT: Joe's Place Adult Day Care

ADDRESS/GENERAL LOCATION: 1032 Hartman lane, O'Fallon, IL 62269

SUBDIVISION NAME & LOT NUMBER(S): No proposed subdivision of land

PARCEL NUMBER(S): 03-36.0-300-034

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: MR-1 (P) and SR-1B (P)

PROPOSED NUMBER OF BUILDINGS: Two Buildings

PROPOSED ZONING: "O"1 (P)

PROPOSED GROSS FLOOR AREA: 6,500 SF per Building

PROPOSED # OF LOTS: No proposed subdivision of land

AREA IN ACRES: 4.37 +/-

PROPOSED # OF DWELLING UNITS: N/A

PRESENT USE: Vacant lot

APPLICANT INFORMATION:

NAME: Janis Stauder

DESIGN PROFESSIONAL INFORMATION:

NAME: Sal Elkott, PE

COMPANY: Stauder Group, LLC

COMPANY: Elkott Engineering, PC

ADDRESS: 509 Abby Lane

ADDRESS: 110 West Main Street

Swansea, IL. 62226

Belleville, IL 62220

PHONE: (618) 303 6414

PHONE: 618 257 8488

FAX:

FAX: 618 277 1019

EMAIL: staudergroupllc@aol.com

EMAIL: sye@elkott.com

Signature of Janis Stauder
SIGNATURE OF APPLICANT

Signature of Sal Elkott
SIGNATURE OF DESIGN PROFESSIONAL

RECEIVED DEC 09 2013		STAFF USE ONLY	
DATE RECEIVED:		PROJECT ID#:	P2013-07
APPLICATION RECEIVED BY:	J. Randall	STAFF ASSIGNED:	Justin Randall
APPLICATION FEE:	yes \$500.00	PLAN REVIEW FEE DEPOSIT REC'D:	yes \$900

BPR owner info: Stauder Group LLC
233 Wacker Dr. 8th Floor
Chicago, IL 60606

RECEIVED DEC 09 2013

ATTACHMENT 4
NARRATIVE INTRODUCING PROJECT

Stauder Group, LLC, proposes to build a daytime respite care facility to serve the needs of families dealing with loved ones who are suffering with Alzheimer's or Dementia.

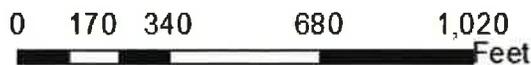
The proposed project is known as Joe's Place Adult Day. Joe's Place will provide a safe and caring environment, rich with socialization, activities of daily living, personal care & grooming, nutritious meals, and basic medical supervision.

The facility is family-owned and operated and will offer flexible scheduling to meet the needs of the patient and their family.

Project data is listed in the following bullet items:

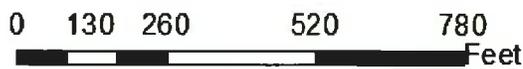
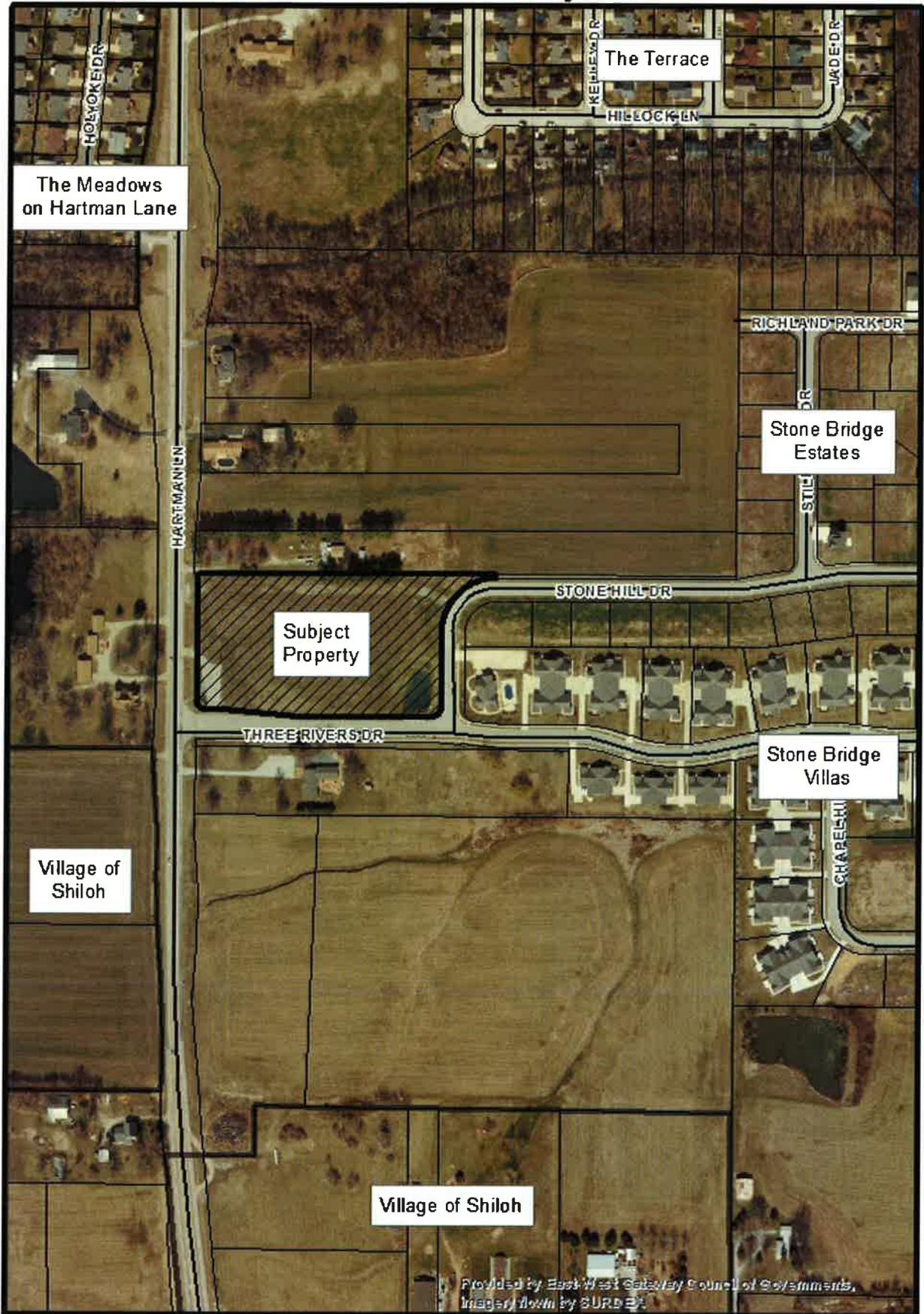
- **The name and address for the legal owner of the property:** Ms Janis Stauder, Stauder Group, LLC, 509 Abby Lane, Swansea, IL 62226
- **Project address:** 1032 Hartman Lane, O'Fallon, IL
- **Parcel existing zoning:** from MR-1(P) & SR-1B(P)
- **Parcel proposed zoning:** is to "O1"(P).
- **Parcel area:** the parcel measures in area approximately 4.3 acres and is located at the north east corner of the Hartman Lane and Three Rivers intersection.
- **Proposed buildings:** two buildings of 6,500 SF each that will be built in two phases, one building to a phase.

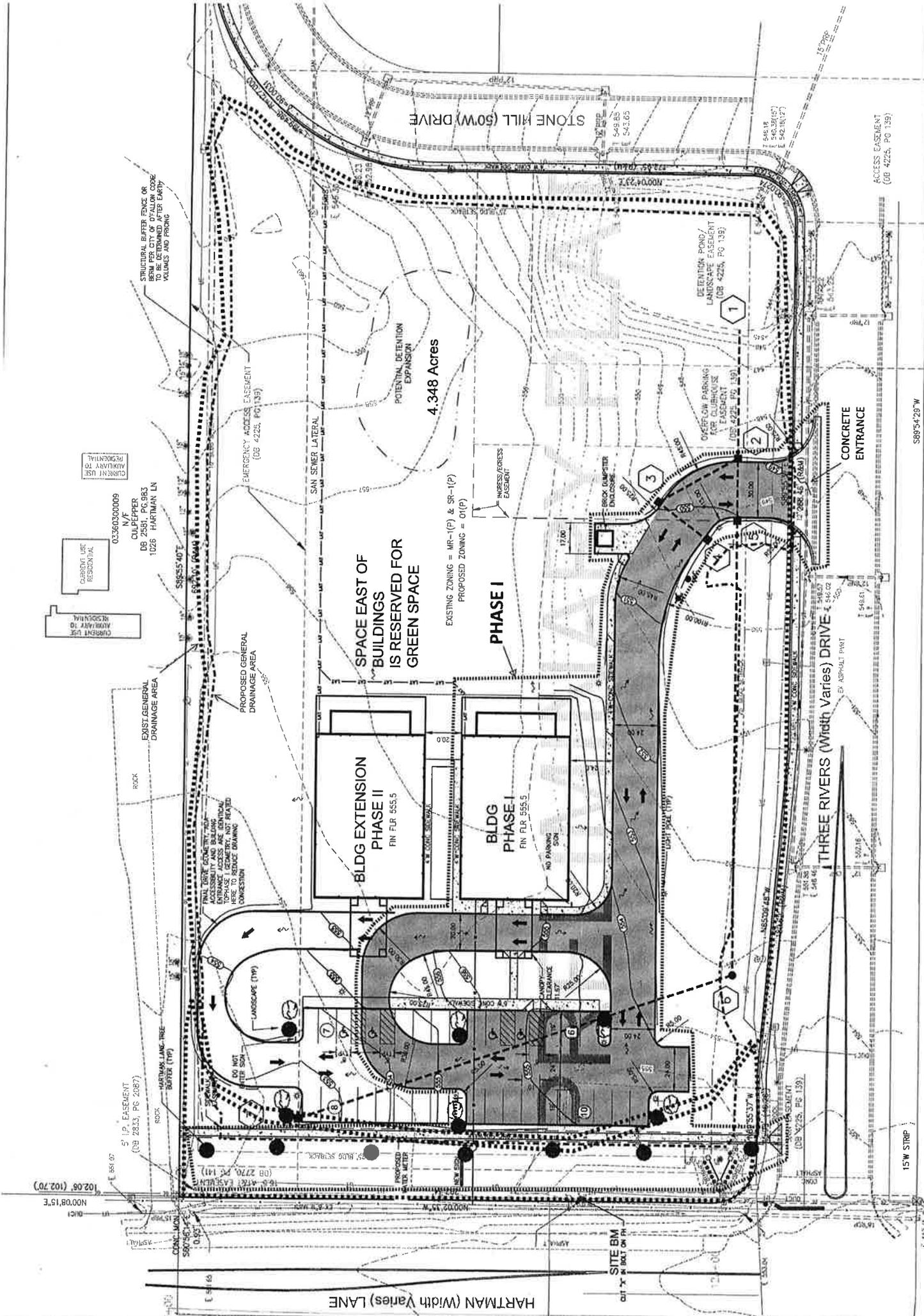
P2013-07: Joe's Place Adult Daycare - Zoning Map



Provided by East West Gateway Council of Governments, Imagery from ESRI

P2013-07: Joe's Place Adult Daycare - Land Use





03-360300009
 N/F
 CULPEPPER
 DB 2501, PG.983
 1026 HARTMAN LN

STRUCTURAL BUFFER FENCE OR
 BERM PER CITY OF AUSTIN
 TO BE DETERMINED AFTER EAVES
 VOLUMES AND PRONG

EMERGENCY ACCESS EASEMENT
 (DB 4226, PG.139)

SPACE EAST OF
 BUILDINGS
 IS RESERVED FOR
 GREEN SPACE

4.348 Acres

EXISTING ZONING = MR-(P) & SR-(P)
 PROPOSED ZONING = O(P)

PHASE I

BLDG EXTENSION
 PHASE II
 FIN FLR 555.5

BLDG
 PHASE I
 FIN FLR 555.5

DETENTION POND/
 LANDSCAPE EASEMENT
 (DB 4226, PG.139)

OVERFLOW PARKING
 (SEE COURTYARD
 EASEMENT
 (DB 4226, PG.139))

CONCRETE
 ENTRANCE

THREE RIVERS (Width Varies) DRIVE

ACCESS EASEMENT
 (DB 4226, PG.139)

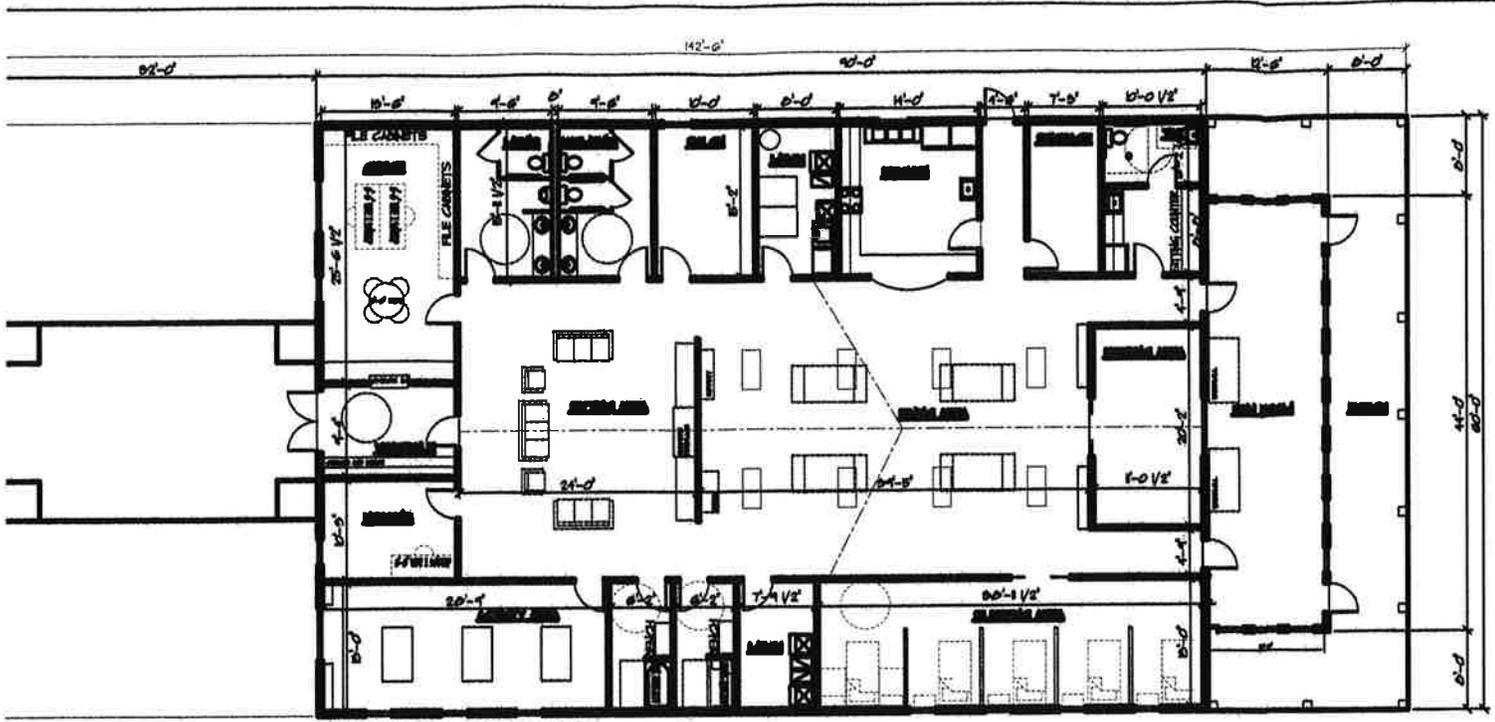
589'54.29" W
 858.17' (860.40')

15' W STRIP

HARTMAN (Width Varies) LANE

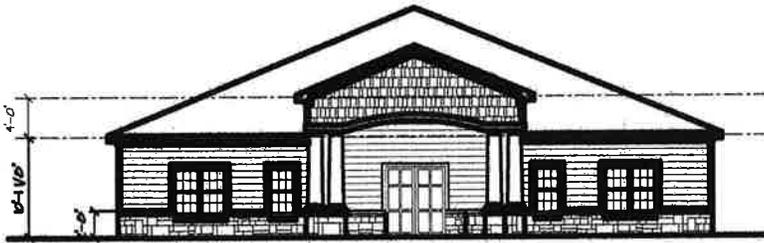
SITE BM
 CUT "X" IN BOLT ON PH

ACD 1-7-14



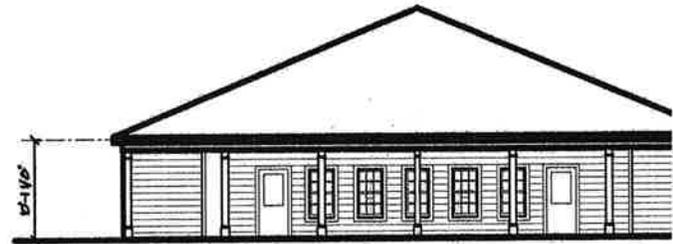
FRONT ELEVATION

SCALE: 1/8" = 1'-0"
 SQUARE FEET = 5,400



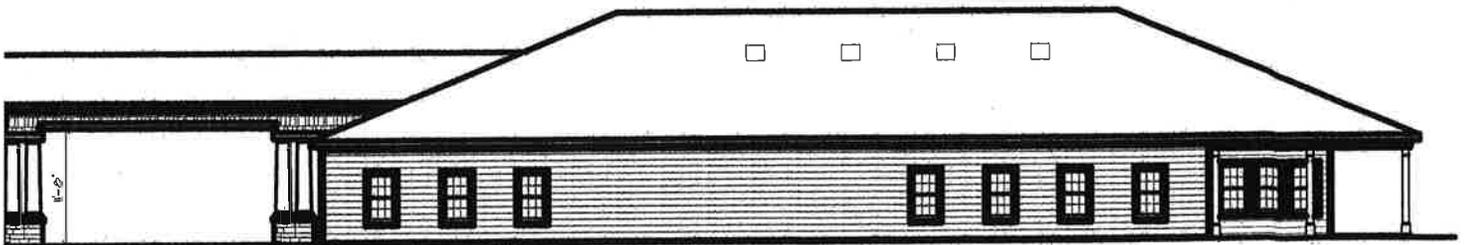
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



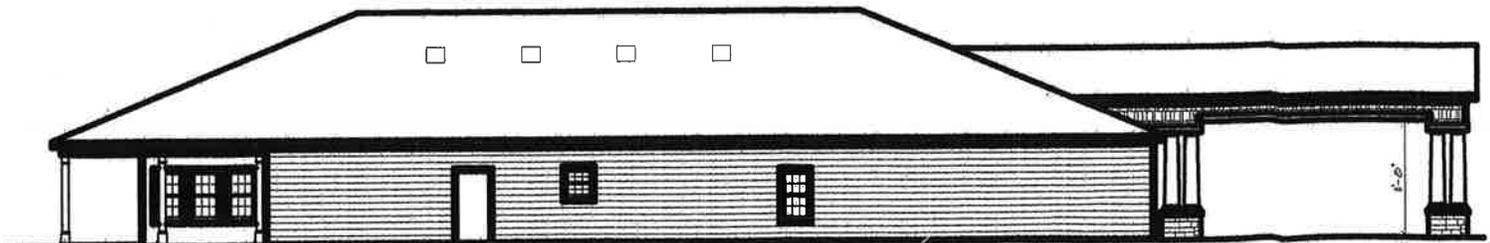
BACK ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

ncid 12-16-13 uc



12-16-13re



MEMORANDUM

TO: Community Development Committee
FROM: Justin Randall, Senior City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 27, 2014
SUBJECT: P2013-06: MainStay Suites Hotel, Planned Use (1st Reading)

Recommendation

The Planning Commission held a public hearing on the above referenced application at their January 14, 2014 meeting. The Commission voted 6-ayes and 0-nay to approve the requested Planned Use for MainStay Suites Hotel, as an extended stay hotel.

Project Background and Summary

BJR Property Inc. has filed an application requesting a change of use for a parcel of land at 128 Regency Drive zoned B-1(P) from a retirement facility to a hotel. The application indicates the reuse of the existing structure and parking lot for MainStay Suites Hotel. The building has 78 suites available.

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

Staff Recommendation

Staff recommends approval of the project, as an extended stay hotel.

Attachment:

Report to Plan Commission



PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
THRU: Ted Shekell, Planning Director
DATE: January 14, 2014
PROJECT: P2013-06: MainStay Suites Hotel, Planned Use

Location: 128 Regency Park Drive

Ward: 1

Applicant/Owner: BJR Property Inc., Ron Schantz

Submitted: November 27, 2013

Introduction

BJR Property Inc. has filed an application requesting a change of use for a parcel of land at 128 Regency Drive zoned B-1(P) from a retirement facility to a hotel. The application indicates the reuse of the existing structure and parking lot for MainStay Suites Hotel.

History of Site

The property is rezoned in 2008 (P2008-14) from B-1 to B-1(P) for a retirement community. The plan was approved to construct a 16,616 square foot 4-story building with an asphalt parking lot with 80 parking spaces including 4 handicap spaces near the entrance to the building.

Zoning & Land Use

The subject property is currently zoned B-1(P), Community Business District.

Adjacent Zoning

North: B-1

East: SR-3

South: B-1

West: B-1(P)

Adjacent Land Use

North: Commercial – Country Inn & Suites

East: Residential

South: Commercial – soon to be La Quinta Inn & Suites

West: Commercial/Retail - Regency Center

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

Applicable Ordinance, Documents and Reports

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

Zoning Ordinance and Planned Use Ordinance: The proposed office building is subject to Article IX Planned Uses of the Zoning Ordinance and requires a development plan. The property is also subject to the B-1, Community Business District requirements.

Public Notice: Public Notice of this project has been fulfilled in accordance with Section 8.05 and 8.06 of the City of O'Fallon Zoning Regulations. More specifically, the applicant has notified property owners within 250 feet of the subject property via certified mail of the filing of the zoning amendment. Additionally, the City has notified property owners within 250 feet of the subject parcel of the public hearing at least 15 days prior to the hearing and published notice of the public hearing in a local newspaper at least 15 days in advance. Proof of notification is on file with the City's Community Development Department.

Discussion Points/Issues

Land Use

The subject property is identified as *Regional Commercial* in the Comprehensive Plan. The proposed project is consistent with the Comprehensive Plan. The subject property is surrounded adjoined by hotel uses to the north and south, commercial center to the east and residences to the west. The zoning hearing has been triggered due to the proposed use of "hotels, motels, and overnight accommodations" being treated as a "Planned Use" in Section 9.020 of the Zoning Code of Ordinances.

According to the applicant, the continued viability of the senior living facility was in question, giving the low occupancy rates of seniors living in the facility. It became apparent to the owner that an alternative use for the facility would be needed, and he desires to convert the facility from senior living to an extended stay hotel.

The proposed change to an extended stay hotel is for transient residents with anticipated short-term stays. The B-1 zone district does not allow for the facility to be used for residential dwellings for the permanent residency of the occupant.

Traffic Circulation/Parking

Ingress and Egress: The site will continue to provide access from existing private drives off of Regency Park Drive. There will be two full access points into the parking lot from the private drives.

Parking: The proposal will use the existing parking lot, which is curbed with a concrete barrier curb. The site requires the installation of 78 parking spaces. The applicant has provided 80 parking spaces, including 4 handicap-accessible parking spaces located near the entrance to the building.

Sidewalks: No sidewalks were constructed with the senior living apartments, due to the street being private.

Landscaping and Buffer Requirements

Under the original improvements of the site, the applicant provided the required tree at 50 ft intervals around parking lots and drive aisles, as well as the required landscaping within the parking lot islands.

Additionally, the site has provided dense landscaping and a privacy fence consistent with a Class "A" structural buffer along the eastern property lines, a variance was approved to reduce the width of the landscape buffer from 10 feet to 7 feet for two small portions of the buffer to allow for vehicular access in this area. No change is proposed or required.

Lighting

Parking lot lighting will remain as constructed in accordance with Article XI "Parking and Loading Regulations."

Utilities and Drainage

The existing public water and sewer will remain as previously constructed. No impervious surfaces are being added; therefore no drainage information is required.

Signage

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

Hours of Operation

Community Development Department

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

Hours of operation are proposed to be 24 hours per day, 7 days per week. A staff attendant will be on duty at all times.

Review and Approval Criteria

Section 9.050 of Article IX "Planned Uses" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,
The project 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 development will not have a significant impact on traffic.
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.
Reuse of the existing building will not negatively affect adjacent properties.
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 and 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 proposed development meets the area-bulk requirements set forth in the B-1 Community Business District.

Staff Recommendation

Staff recommends approval of the project, as an extended stay hotel.

Attachments

- Attachment 1 – Project Application
- Attachment 2 – Zoning Map
- Attachment 3 – Surrounding Land Use Map
- Attachment 4 – Site Plan

Community Development Department

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Planned Use / Re-Zoning Application

NAME OF PROJECT: MainStay Suites Hotel

ADDRESS/GENERAL LOCATION: 128 Regency Park Dr, O'Fallon, IL 62269

SUBDIVISION NAME & LOT NUMBER(S): Part of Lot 10 of Regency Park - 1st Addition and part of Outlot A of Regency Park - 2nd Addition, City of O'Fallon, St. Clair County, IL
PARCEL NUMBER(S): 03-25.0-327-026

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

- PLANNED USE B-1(P) to B-1(P)
- RE-ZONING (STANDARD MAP AMENDMENT)

CITY OF O'FALLON
NOV 27 2013
DATE PAID

SUMMARY DATA (RESPOND TO ALL THAT APPLY):

PRESENT ZONING: B-1-P

PROPOSED NUMBER OF BUILDINGS: 1 *64,320 sq ft*

PROPOSED ZONING: B-1 (P)

PROPOSED GROSS FLOOR AREA: 17,040 SQF

PROPOSED # OF LOTS: 1

AREA IN ACRES: 2.05 AC.

PROPOSED # OF DWELLING UNITS: n/a

PRESENT USE: n/a

per County records

APPLICANT INFORMATION:

NAME: BJR Property Inc.

COMPANY: 2913 18th Fairway Dr.

ADDRESS: 128 Regency Park Dr, O'Fallon, IL 62269

PHONE: 618-622-2220

FAX: Belleville, IL 62220

EMAIL: _____

Ron Schantz 576-
SIGNATURE OF APPLICANT

DESIGN PROFESSIONAL INFORMATION:

NAME: Ron Schantz

COMPANY: _____

ADDRESS: 128 Regency Park Dr, O'Fallon, IL 62269

PHONE: 618-622-2220

FAX: _____

EMAIL: info@Chancellor Senior Apartments.com

SIGNATURE OF DESIGN PROFESSIONAL

DATE RECEIVED: <u>11-27-13</u>	STAFF USE ONLY
APPLICATION RECEIVED BY: <u>ML/all</u>	PROJECT ID #: <u>P2013-06</u>
APPLICATION FEE: <u>\$250.00</u>	STAFF ASSIGNED: <u>J. Randall</u>
	PLAN REVIEW FEE DEPOSIT REC'D: <u>N/A</u>

RECEIVED DEC 1 1 2013

BJR PROPERTIES INC.
128. REGENCY PARK DRIVE
O'FALLON, IL 62269
PHONE: 618-622-2220

PROPOSED MAINSTAY SUITES

PART OF LOT 10 OF REGENCY PAK 1ST ADDITION AND PART OF OUTLOT A OF REGENCY PARK 2ND ADDITION, CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS

PROJECT NARRATIVE

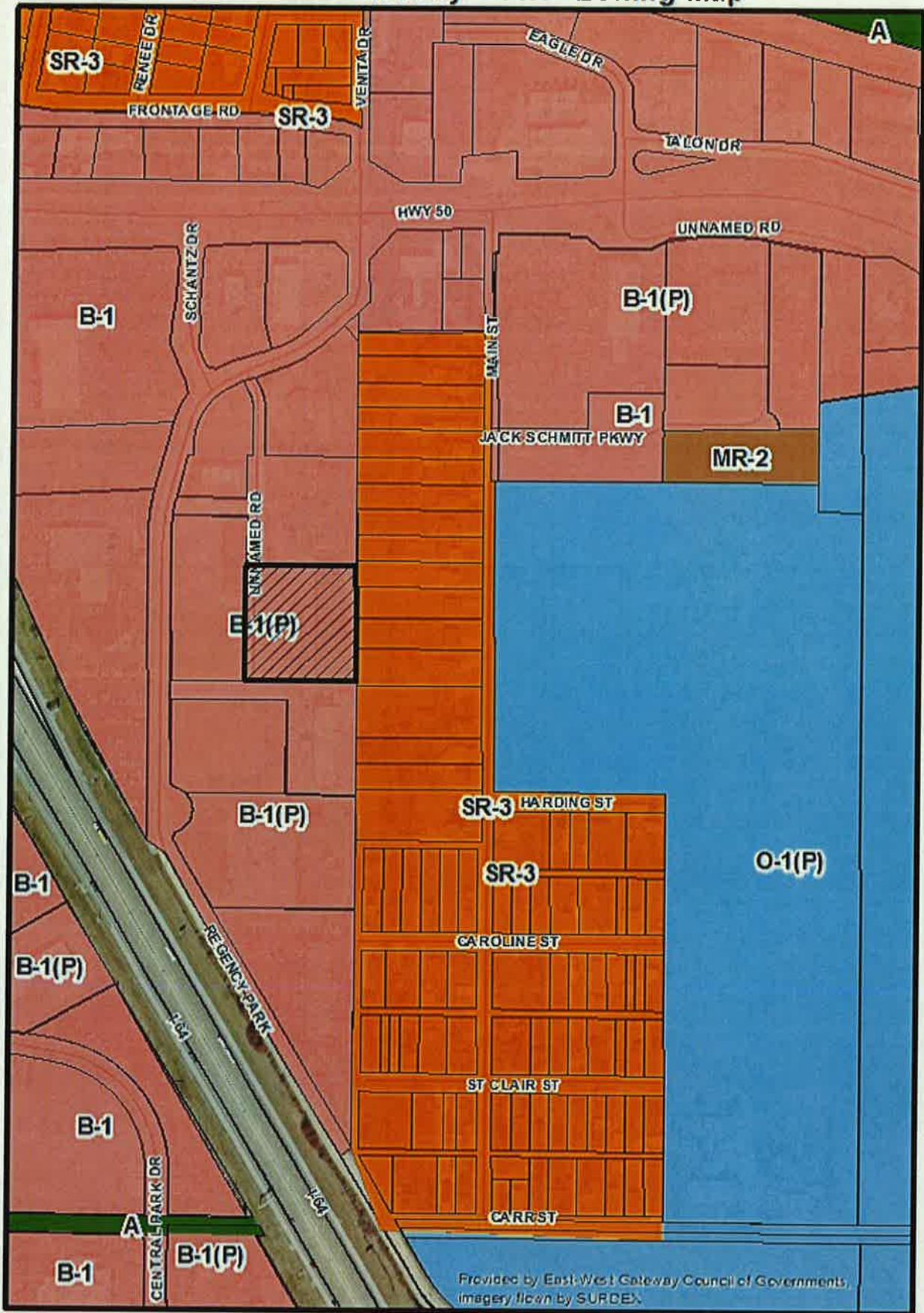
The proposed 16,616 ft² (64,320 ft² gross floor area) extended stay building will have 78 apartments which are permitted in the B-1 zoning district classification. The total area of Lot 10 of Regency Park 1st Addition and Outlot A of Regency Park 2nd Addition is 2.05 acres. Drainage detention required by the increase in impervious surface is to be provided off site and calculations for detention in the off-site detention ponds have been submitted and approved previously with the Regency Park 1st and 2nd Addition subdivision development plans. Landscaping is to be around the perimeter of the proposed paved surface, at the ends of parking aisles and around the perimeter of the building as required by the City's ordinances.

As shown on the site plan, access to this property is provided by two entrances from an existing Private Drive which connects to Regency Park. The site plan shows 76 spaces including 4 accessible spaces. Property will employ 2 housekeepers and 1 manager. Utilities including sewer, water, gas, and electric for this existing building are coming from existing lines along the Private Drive. The adjacent property to the West, North, and South is zoned B-1, the property to the East is Zoned Residential.

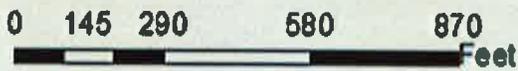
The contract owner of the property is:

BJR Properties Inc.
128 Regency Park Dr.
O'Fallon, IL 62269

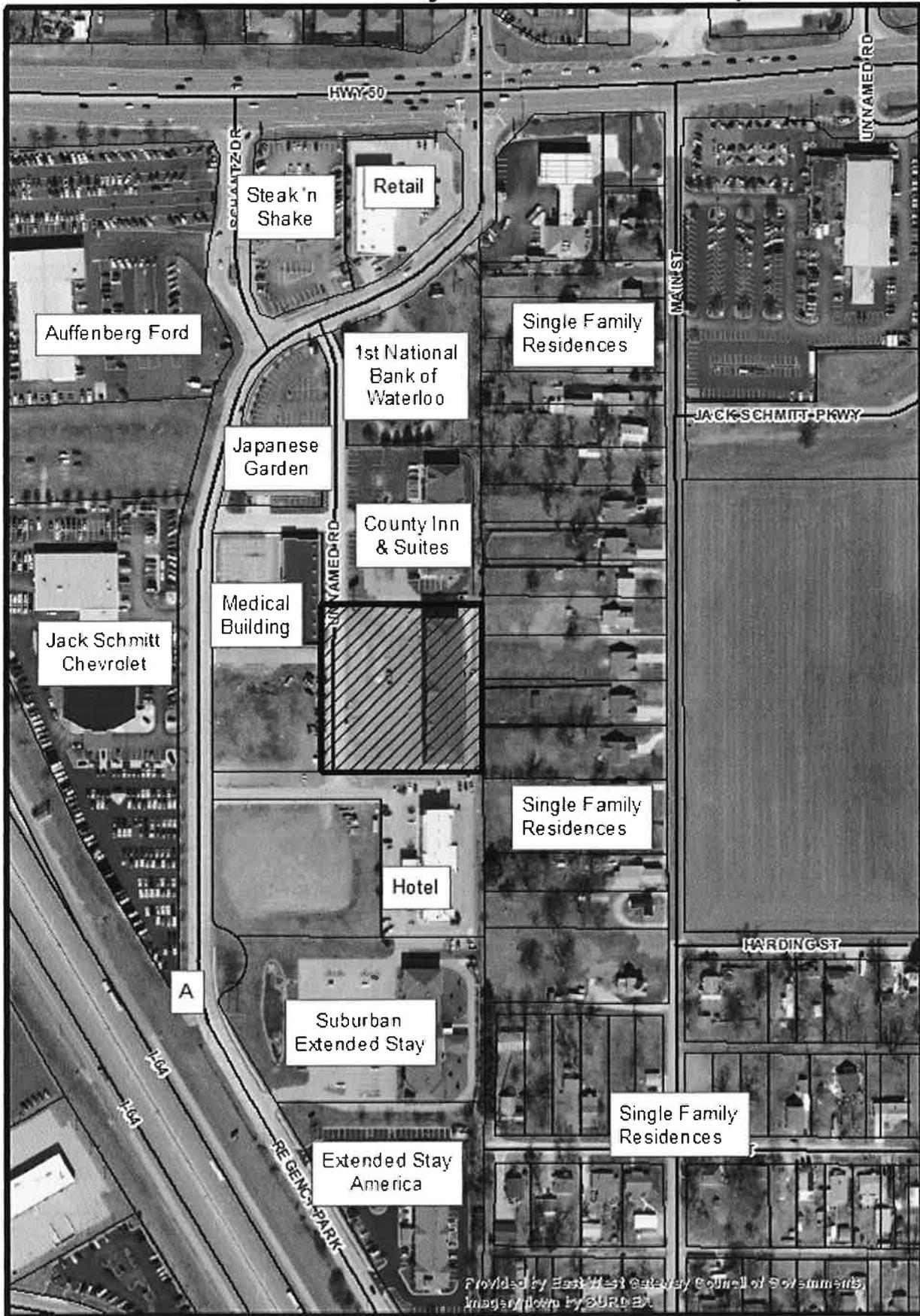
P2013-06: MainStay Hotel - Zoning Map



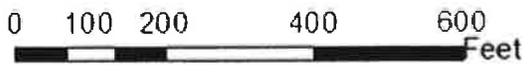
Provided by East-West Gateway Council of Governments, imagery licensed by SURDEX.



P2013-06: MainStay Hotel - Land Use Map



Provided by East West Gateway Council of Governments
 Imagery from by GURDEA





MEMORANDUM

TO: Community Development Committee
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 27, 2014
SUBJECT: Proposed Text Amendments to the Zoning Code of Ordinances

Recommendation

The Planning Commission reviewed these amendments at their January 14, 2013 meeting and voted 6 ayes to 0 nays to recommend approval.

Introduction

Staff is proposing a number of changes to the Zoning Code of Ordinance under the Public Hearing and application P2013-08. The proposed changes to the Zoning Code of Ordinance include text amendments regarding the following topics:

- 1) Creation of Rural Residential District & Clustering as a Planned Use
- 2) Clarifying fencing material for required screening
- 3) Home daycare regulations;
- 4) Pool setbacks from primary structure;

Staff has provided separate memos for the Rural Residential District and a memo to address the other three items. While there is only one public hearing, the Planning Commission may amend the text amendments and vote on the proposed amendments separately.

Community Development Department

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MEMORANDUM

TO: Community Development Committee
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 27, 2014
SUBJECT: Proposed Text Amendments to the Zoning Code of Ordinances
Part 1- Rural Residential Zoning District & Clustering as a Planned Use (1st Reading)

Recommendation

The Planning Commission reviewed these amendments at their January 14, 2013 meeting and voted 6 ayes to 0 nays to recommend approval.

Proposal

The proposed Rural Residential District seeks to do two things. First, creating a new Rural Residential District may help alleviate conflicts between property annexed into the city and other neighboring developments. Presently, most property annexed into O'Fallon, unless it is proposed for development, is brought in as Ag by default, even though the properties are most often 1-3 acre tracts having homes rather than agricultural operations. For many of these properties, it seems to make more sense to have a "bridge" district between the existing Single Family which has minimum 10,000 sq ft lots, and the Ag District which has a minimum of 3 acres and permits uses such as burning of yard waste and accommodating all animals (including swine) that have caused complaints from neighboring developments in the past. The proposed Rural Residential District would have a minimum 1 acre lot size, would still permit some animals like horses, with restrictions, and would allow larger accessory structures (e.g. pole barn) than permitted in single family districts, but the RR district would prohibit some animals such as swine and would not allow burning of yard waste. The suggested code language is mainly a combination of regulations carefully chosen from the existing Agricultural and Single Family Districts. It is also generally consistent with St. Clair County's Rural Residential zoning district.

Secondly, the RR District would permit creative design options for some future residential development, such as clustering or conservation subdivisions. Since at least 2006, the City of O'Fallon Comprehensive Plan has called for creating a new Rural Residential zoning district with the purpose of allowing relatively low density housing with some continued agricultural uses in order to help preserve the small town character of O'Fallon. The Comprehensive Plan also recommends allowing clustering of home sites within a subdivision which would permanently preserve open space, lower the amount of impervious surfaces, and reduce future infrastructure maintenance costs. While it is not expected that this zoning district will be heavily used by developers in the future, it will give them a creative option for having rural residential style developments that would permit a mix of homes, open space, and the keeping of some animals as part of

Community Development Department

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

the subdivision's design. The proposed change to Article 9 specifically allows clustering as a Planned Use in most residential districts and sets forth some general principals regarding this type of development.

Additionally, as you will see in the attached list, in creating the new district, several existing areas of the zoning ordinance need to be amended to include language regarding the RR district in various lists and tables.

It should be noted that **NO EXISTING PROPERTIES** will be affected by this change. It will only affect future properties annexed in as RR, and those would each be approved only by the City Council.

Zoning Code Text Amendments Related to New Rural Residential District

A. Article 1, Division 1, Section 1.100, Zoning of Annexed Lands

Unless land is rezoned at the time of its annexation into the City, annexed land shall automatically attain the zoning district classification most similar to the district it is currently zoned under the County or prior jurisdiction zoning, unless the land is not lawfully zoned, in which case it shall attain Agricultural District zoning classification under this Code until the property is rezoned pursuant to the provisions of this Chapter.

All territory which may hereafter be annexed to the City shall automatically, upon annexation, be classified as RR Rural Residential District and subject to the requirements of the RR district, unless otherwise stipulated in a pre-annexation agreement, there is a more appropriate zone district that is comparable to the property's existing zoning in St. Clair County, or until the territory is rezoned. The owner of said property may petition for rezoning simultaneously with the petition for annexation, pursuant to Article 8 of the Zoning Code.

Comment [AS1]: With Rural Residential as the default district in most cases, we won't have as many problems with conflicts between subdivisions and rural properties. e.g. No yard waste burning or pigs in RR.

B. Article 1, Division IV, Definitions

Cluster/Conservation Development: A form of development that concentrates buildings or lots on a part of the site, reserving a significant amount of the land to be used for the permanent preservation of natural areas, agricultural land, and environmentally sensitive features.

1) To the greatest degree practicable, natural areas shall connect to natural areas or potential natural areas, on neighboring properties.

2) To the greatest degree practicable, natural areas shall be designated as a single block and not divided into unconnected small parcels located in various parts of the development.

3) Stormwater and roadway designs may vary from code requirements as approved by the city engineer and city council.

Natural Area: A natural area is an area of land, not necessarily undisturbed, which either retains or has been substantially restored to its original natural or native character. Natural area shall not include parkways, landscape islands, detention areas, athletic fields, golf courses turfed areas, or similar features.

Residential district: A zoning district designated by this Chapter as AG, RR, SR-1A, SR-1, SR-1B, SR-2, SR-3, MR and MH.

Comment [AS2]: Residential district already defined. Just adding RR to this list and removing a district that doesn't exist.

C. Article 2, Section 2.01, Zoning Districts- General

- (a) For the purpose of this Ordinance, the City is hereby divided into ~~thirteen (13)~~ fourteen (14) categories of zoning districts as follows:

Symbol: Designation:

A Agricultural District

RR Rural Residential District

SR-1 Single-Family Residence Dwelling District

- SR-1B Single-Family Residence Dwelling District
- SR-2 Single-Family Residence Dwelling District
- SR-3 Single-Family Residence Dwelling District
- MR-1 Two, Three, and Four-Family Residence Dwelling District
- MR-2 Multi-Family Residence Dwelling District
- MH-1 Single-Family Mobile Home Dwelling District
- MH-2 Single-Family Modular Residence and Immobilized-Mobile Home Dwelling District
- O-1 Office District
- B-1 Community Business District
- B-2 General Business District
- I Industrial District

(b) ~~Whenever reference by letter designation is hereinafter made to any of the foregoing districts, such reference shall mean and include all of those districts whose symbols include such letter used in the reference (i.e., "R" Districts include the second through the fifth of the aforesaid districts of (a) above), unless otherwise indicated in the reference. Whenever reference by word designation is hereinafter made to any of the foregoing districts, such reference shall mean and include those districts whose names include such words used in the reference (i.e., "Residence" Districts means and includes the second through fifth of the aforesaid districts of (a) above), unless otherwise indicated in the reference.~~

Comment [AS3]: Artifact from old code. This section is being removed because this "shorthand" is not used elsewhere in the code AND conflicts with the definition of Residence District currently in Article 1 (which is more recent and accurate).

D. Article 2, Section 2.04(e) Schedule: Area and Bulk Regulations, Principal Structures in the Rural Residential District

Zone District:	RR
Maximum Number of Dwellings Units:	1 per 1 Acres
Lot Area in Square Feet or Acres:	3 Acres
Lot Width at Building Line, in Linear Feet:	100 FT.
Mean Lot Depth, in Linear Feet:	150 FT.
Depth of Front Yard, in Linear Feet:	25 FT.
Depth of Side Yard Abutting a Street, in Linear Feet:	25 FT.
Depth of a Side Yard Abutting a Lot, in Linear Feet:	10 FT.
Minimum Distance to Nearest Principal Structure on an Adjacent Lot, in Linear Feet:	20 FT.
Depth of Rear Yard in Linear Feet:	25 FT.
Maximum Lot Coverage in Percent:	25%
Maximum Height of Principal Building in Linear Feet:	35 FT.

Comment [AS4]: In line with the maximum density set forth in the Comprehensive Plan

E. Article 2, Section 2.04(e) Schedule: Area and Bulk Regulations, Principal Structures in the Rural Residential District

B-1, Column H

No side yards are required, except: in the instances where the subject lot abuts an "RR," "SR," "MR," or "MH" district or, where a side yard is voluntarily provided, a side yard of at least 12 feet shall be required

B-2, Column H

No side yards are required, except: in the instances where the subject lot abuts an "RR," "SR," "MR," or "MH" district, a side yard of at least 25 feet shall be required

F. Article 2, Section 2.04(e) Schedule: Area and Bulk Regulations, Accessory Buildings or Structures in the Rural Residential District

Zone District:	RR
Maximum Height in Linear Feet:	35 FT.
Principal Building or Structure, in Linear Feet:	10 FT.
Front Lot Line, in Linear Feet:	60 FT.
Side Lot Line, STREET Side, in Linear Feet:	25 FT.
Side Lot Line, INTERIOR Side, in Linear Feet:	5 FT.
Rear Lot Line, in Linear Feet:	5 FT.

Comment [AS5]: Except as otherwise noted, these number are from the current Agricultural District regulations

Comment [AS6]: Set at 5 feet to keep it proportional with SR districts which allow 25 feet at 3 foot setback. 40% increase in height, approximately 40% Increase In setback

Article 2, Section 2.05(d) Permitted Uses; Accessory uses; Exceptions; Special Permits in the Rural Residential District

"RR" RURAL RESIDENTIAL DISTRICT

Permitted Principal Structures

Building structures of the following classes:

- Class 1, Conventionally-built building structures, and
- Class 2, Prefabricated building structures.

G. Permitted Principal Uses

Agricultural uses, but not including stockyards, commercial livestock or poultry feeding nor agricultural processing plants. All outdoor areas used for animals shall be fenced, shall not be within 10 feet of the side or rear property lines, and shall not be within 25 feet of any public right of way. Animal types and counts shall be regulated as follows:

- a. Horses, donkeys, emus, ostriches, llamas, alpacas – two (2) animals per acre, max three (3) animals; and
 - b. Sheep or goats – two animals per acre, max six (6) animals; and
 - c. Chickens – six (6) hens per acre, max twelve (12) hens, no roosters allowed.
- (See Supplemental Regulations for Accessory Structures in Section 4.05)

One-family dwellings of the following class, as regulated by Section 2.04(e), Line 1:

- Class 1, Conventionally-built residence dwellings, and
- Class 2, Prefabricated residence dwellings.

Comment [AS7]: All principal & accessory uses below are SELECTED from our Ag District Regulations unless otherwise noted.

Essential governmental and essential public utility services, subject to the applicable provisions of Sections 3.13, 3.14, and 4.17.

Public service uses, including filtration plants, pump stations, water reservoirs, sewage treatment plants, police and fire stations or other governmental uses, subject to the applicable provisions of Sections 3.13, 3.14, and 4.17.

Railroad right of way and trackage, but not including classification yards, terminal facilities, nor maintenance facilities.

Temporary produce stands for the sale of agricultural produce raised upon the premises, provided adequate off-street parking is available and congestion or hazards would not be created in conjunction with the location of access thereto.

Radio or television transmission towers, subject to the provisions of Section 4.15 and all other applicable regulations

H. Permitted Accessory Uses

Any accessory use permitted and as regulated in the SR-1 district, unless specified as a permitted principal use in this district.

Accessory uses that are clearly supplementary and secondary to the principal use of the subject premises.

Boarding of horses or keeping of horses for rent or hire as part of an authorized Home Occupation.

I. Planned Uses

Churches and other places of formal worship, subject to the provisions of Section 3.07, but not including funeral chapels or mortuary chapels.

Cluster/Conservation Development

Golf courses of regulation size "Par 3" golf courses, but not including commercially operated golf driving ranges nor miniature golf courses, provided that no clubhouse, parking lot, nor accessory building shall be located nearer than five hundred (500) feet to any dwelling or another zoning lot.

Fishing lakes or clubs, provided that no building, parking lot nor other intense use activity is located nearer than five hundred (500) feet to any dwelling or another zoning lot.

Libraries, museums, art galleries and similar public cultural facilities, subject to the provisions of Section 3.13.

Private clubs, lodges, or camps, except those whose chief activities are a service customarily carried on as a business.

Public, private, or parochial schools or other uses offering courses of instruction in accordance with standards for compulsory education.

J. Exceptions

Any exception permitted and as regulated in the SR-1 district.

K. Supplementary Regulations

Any given permitted use is subject to the provisions of Article III and/or Article IV, as applicable thereto.

L. Article 3, Section 3.13, Public Buildings

In any district where municipally owned or other publicly owned buildings are permitted the following additional requirements shall be met:

(a) In any SR, MR or MH Dwelling District, ~~or in an A Agricultural District,~~ or RR Rural Residential District, all municipal or other publicly owned buildings shall be located at least twenty-five (25) feet from all property lines. (#949;12-17-79)

(b) In any SR, MR or MH Dwelling District, ~~in an A Agricultural,~~ RR Rural Residential District, or in any B Business District, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least six (6) feet in height. Such storage areas, maintenance yards, or storage warehouse shall be located at least twenty-five (25) feet from any front and/or side property line. (#949;12-17-79)

M. Article 3, Section 3.14, Public Utility Stations; Exchanges; Essential Services

Electrical substations, gas regulator stations or telephone exchange facilities in any SR, MR or MH Dwelling District, ~~or in an A Agricultural District,~~ or RR Rural Residential District, shall be subject to the following regulations:

[remainder of this section to remain unchanged]

N. Article 3, Section 3.25, Home Child Care

Home child care shall be a permitted accessory use to a residential dwelling and subject to all home occupation requirements within an A, RR, SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District, provided that for any home child care use for four or more children, the following site and use requirements shall be satisfied at all times:

Where the facility does not fully qualify as a permitted accessory use but satisfies the general requirements for a Special Use Permit established by this Code and otherwise meets the purposes of this Section, and

granting such permit is necessary to satisfy the public interest, then a home child care may be approved as an accessory use to a residential dwelling by Special Use Permit in any A, RR, SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District.

O. Article 4, Section 4.05 Accessory Buildings

(A) No accessory building shall be used for residential purposes except as otherwise provided in this Ordinance.

(B) (Text relocated from here from Article 1, Definitions, Accessory Building or Structures)

(C) The following additional regulations apply only to accessory buildings (garages, shed, etc) only in the RR (rural residential) zoning district:

a) The ground floor area of each accessory building shall not exceed 2,500 sq. ft. (total floor area not to exceed 5,000 sq. ft.).

b) The setback requirement between accessory buildings on the same lot shall be a minimum of 10 linear feet.

c) Any accessory structure used for animals must be a minimum of 25 feet from any side or rear property line.

Comment [AS8]: These regulations allow for larger sized accessory structure and do not tie them to the size of the principal structure. Would allow for metal sided accessory buildings as is in character with a more rural feel. Could be restricted by covenants if desired.

P. Article 9, Section 9.020 Planned Use- When Required

B. Change In Use requiring Planned Use Approval. A Planned Use approval shall further be required for any new, expanded or changed use that includes any one or more of the following specific uses:

[Add to list]

ff. Cluster/Conservation Development in the RR, SR-1, SR1-B, SR-2, and SR-3 residential zoning districts, as defined in Article 1.

Q. Article 11, Section 11.070, Proximity of Vehicle Parking Spaces to Use

A. Off-site parking.

1. Parking spaces shall be located on the same property containing the use for which they are required unless specifically authorized by variance of the City Council. In the event a parking variance is received the following shall in all cases apply: (1) the parking must be provided on a property with the same zoning classification as the property that the spaces serve, or a less restrictive zoning classification; and (2) no required parking spaces may be located across any State or US highway from the use they are intended to serve; (3) off-property variances may be granted up to 200' feet away in RR, SR, MR, MH, or B-1, or B-2 districts or within 500 feet in Ag or Industrial districts.

R. Article 13, Section 13.070, Buffers, Where Required

A Landscape buffer shall be provided within any development pursuant to the applicable requirements in Table 13.2 and the following situations:

- 1) A buffer shall be required along a side or rear lot line that abuts a different zoning district, as identified in Table 13.1 below.

Table 13.1 Situations Where Buffer is Required					
Zoning of Adjacent Development	Zoning of Proposed Development				
	I	B-1 & B-2	O-1	MH & MR	AG, RR, SR1, SR1B, SR2 & SR3
AG, RR, SR1, SR1B, SR2 & SR3	D	A or B	A or B	A or B	-
MH & MR	D	A or B	A or B	-	A or B
B-1 & B-2	C	-	-	A or B	A or B
O-1	C	-	-	A or B	A or B
I	-	C	C	D	D
Required Buffer Design					
(Letters in table correspond with the design standards below and in Figure 13.1)					
A. Structural Buffer - 6' fence or wall with landscaping B. Structural Buffer - Combination of berm, fencing and landscaping C. Natural Buffer - opaque natural screen or vegetation D. Natural Buffer with a fence					

S. § 90.07 CERTAIN ANIMALS RESTRICTED TO AGRICULTURAL DISTRICTS.

It shall be unlawful to keep any cattle, horses, swine, sheep, goats, or more than six bee hives in the city, unless within a zoned Agricultural District or Rural Residential District, in accordance with Section 2.05(d).

T. § 94.01 NUISANCES ENUMERATED

(M) To own or possess any swine, goats, horses, or chickens within the city, unless within a zoned Agricultural District or Rural Residential District, in accordance with Section 2.05(d);



MEMORANDUM

TO: Community Development Committee
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 27, 2014
SUBJECT: Proposed Text Amendments to the Zoning Code of Ordinances
Part 2- Fencing, Home Day Cares, & Pools (1st Reading)

Recommendation

The Planning Commission reviewed these amendments at their January 14, 2013 meeting and voted 6 ayes to 0 nays to recommend approval.

Introduction

Through constant use and careful study, staff has noticed a few small problems or inconsistencies in our zoning code that have the potential to make administering the code difficult and/or have unintended consequences. This series of text amendments seeks to resolve issues on three topics:

- 1) Specifying the fence material and type for required buffering and screening
- 2) Clarifying/amending home daycare regulations
- 3) Allowing placement of pools closer to home than other accessory structures

Proposal

1) City regulations are a bit unclear on what type of fencing material is appropriate for required screening and buffering. Our definitions specify wood, other areas specify vinyl, and some places don't specify that it has to be solid privacy fencing at all. The proposed changes would allow for wood or vinyl depending on the circumstances and specify solid privacy fencing in all cases.

2) Our code has conflicting language on the maximum number of children allowed in a home day care. A review of DCFS regulations and our own goals resulted in a small change that makes the code clear and consistent. Also, staff recommends removing some requirements that may be counterproductive regarding parking and notice to surrounding property owners.

3) City code requires a separation of 10 feet between a principal and accessory structure (such as a shed or pool). This separation requirement is primarily for fire safety and is therefore not applicable in the case of a pool. As long as building code pool safety requirements are being met, pools don't require further regulation regarding distance to primary structure.

Community Development Department

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#2- Clarification on types of fencing permitted for required screening

A. Article 3, Division II, Section 3.070 Site Plan Design Standards & Requirements:

A. 3) All fences for the purpose of required screening or buffering shall be of a durable, maintenance free material such as vinyl or masonry. Chain link is not permitted for any required screening or buffering. Gates for enclosures may be allowed the option of chain link if constructed with a vinyl coating and vision slats.

B. Section 13.150. Definitions

5. *Buffer, Structural.* A visual screen created through construction of a solid wooden or vinyl fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, to present an opaque visual separation when viewed from one side to the other throughout the year.

C. Article 2, Section 2.05(d), B-1 B-2 and I Permitted Accessory Uses

Storage of merchandise or inventory usually carried in stock, provided that all outdoor storage shall be completely concealed by a solid fence at least six (6) feet in height that meets the standards of Article 3, Division II, Section 3.070.

D. Article 3, Div 1, Section 3.08 GARAGES, REPAIR

In repair garages, all repair work, servicing, storage of parts and equipment and the dismantling of vehicles shall be done completely within an enclosed building, or shall be enclosed by a solid fence at least 6 feet in height that meets the standards of Article 3, Division II, Section 3.070.

E. Article 3, Div 1, Section 3.10 JUNK YARDS

(a) All storage of parts, equipment, and the dismantling of vehicles, shall be done within a completely enclosed building, or within an enclosure of a solid fence not less than 6 feet in height that meets the standards of Article 3, Division II, Section 3.070.

F. Article 3, Div 1, Section 3.13 PUBLIC BUILDINGS

(b) In any SR, MR or MH Dwelling District, in an A Agricultural, or in any B Business District, there shall be no permanent storage of heavy construction or maintenance equipment (such as excavating, road building, or hauling equipment), unless in an enclosed building or enclosed within a solid wall or fence at least six (6) feet in height that meets the standards of Article 3, Division II, Section 3.070. Such storage areas, maintenance yards, or storage warehouse shall be located at least twenty-five (25) feet from any front and/or side property line.

G. Article 3, Div1, Section 3.14 PUBLIC UTILITY STATIONS; EXCHANGES; ESSENTIAL SERVICES

(f) If transformers are exposed, there shall be provided, an enclosing fence or wall, at least 6 feet in height, and landscaping adequate to shield view and noise of the same and to screen from the outside view the handling of materials on the premises. Fence or wall must meet the standards of Article 3, Division II, Section 3.070.

H. Section 3.26 DRIVE-THROUGH REGULATIONS

(b) A solid screening fence or wall will be required, along with appropriate landscaping, to be placed between any property used for a drive-through facility and any adjoining residentially zoned property in order to screen passenger car headlight glare from adjacent residential property. The extent and height of such fence or wall is to be determined at the time of final development plan approval. Fence or wall must meet the standards of Article 3, Division II, Section 3.070.

Project #3- Home Daycare Regulations

I. Article 1, Division IV, Definitions

71) Day care facility: Terms associated with day care facilities shall be defined as follows:

a) Day Care (home) or Child Care (home). A family home occupied by the day care provider in which family-like care is given to no more than eight (8) ~~persons not related to the day care provider, children under 12 years of age~~ for any part of the twenty-four (24) hour day, without overnight stays.

Comment [AS1]: Keeps code consistent with itself and follows DCFS wording

b) Day Care (commercial). A building occupied by a day care provider that receives more than (8) eight persons for care for any part of a twenty-four (24) hour day, without overnight stays.

Article 3, Section 3.25 Home Child Care

Home child care shall be a permitted accessory use to a residential dwelling and subject to all home occupation requirements within an SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District, provided that for any home child care use for four or more children, the following site and use requirements shall be satisfied at all times:

(a) Any residence, which is renter-occupied, shall provide written permission from the property owner approving the use of the residence for home health care.

(b) Proof of licensure from the State of Illinois Department of Children & Family Services for the specified address.

(c) Construction of a permanent, four foot (4') fence around all designated outdoor play areas located on the subject property. All play equipment shall be kept in good repair.

J. ~~(d) Minimum of two (2) off-street parking spaces located onsite per facility.~~ Adequate street access, turn-around capacity, and safe and efficient ingress and egress design so as to not interfere with neighboring properties or area traffic.

(e) Inspection by City staff when approved for use by state license to ensure adherence to current building codes and fire codes prior to issuance of permit.

(f) Number of children is limited to eight (8), including the caregiver's own natural, adopted, or foster children, related children, and unrelated children under age 12 living in the home. This does not include facilities which receive only children from a single household.

(g) Hours of operation shall not exceed amounts permitted by the state license, however children received by a home child care facility must be for less than 24 hours per day.

(h) When a home child care is in violation of certain covenants and restrictions adopted through a Homeowner's Association, Board of Trustees, or other subdivision governing body, the City does not enforce or take into account private covenants when granting home child care permits.

(i) Employees are limited to only inhabitants of the residence in accordance with Section 3.02 Home Occupation provisions of this ordinance.

(k) The use and site fully complies with all applicable federal, state and local laws.

(l) An approved site plan reflecting compliance with all applicable site requirements.

K. ~~No Site plan shall be approved until the applicant has provided written notice of the application to adjoining property owners within 100 feet of the site. Proof of such written notice and the date such notice was provided to adjoining property owners shall be provided to the City prior to approval. The zoning authorization and site plan approval may be revoked by the Director if any of the requirements herein are at any time not satisfied during Home child care use.~~

Comment [AS2]: Not required for any other home occupation

Where the facility does not fully qualify as a permitted accessory use but satisfies the general requirements for a Special Use Permit established by this Code and otherwise meets the purposes of this Section, and granting such permit is necessary to satisfy the public interest, then a home child care may be approved as an accessory use to a residential dwelling by Special Use Permit in any SR-1, SR-1B, SR-2, SR-3, MR-1, MR-2, MH-1, or MH-2 District.

Any person aggrieved by a decision of the Planning Director in approving or denying zoning authorization for a Home Day Care and site plan as meeting the requirements set forth herein as a permitted use may be appealed to the City Council by filing a written appeal with the Director within 10 days after the decision, which shall stay such decision until Council action. Council decision on the appeal shall occur at its next regular meeting after filing of such appeal, unless the Council extends such time for good cause.

Project #4- Pool Setbacks

L. Section 3.05 SWIMMING POOLS

No public or private swimming pool in any district shall be located in any required front yard; however, if not more than six feet in height, such use may be located in any required side or rear yard, but not closer than 10 feet to a side lot line adjacent to a street, and subject to the provisions of Section 3.01. Pools need not meet the minimum separation from the primary structure of 10 feet as shown in Section 2.04(e) Schedule: Area and Bulk Regulations for Accessory Buildings or Structures, column O. Any applicable swimming pool building code requirements must be met.