



**O'FALLON PLANNING COMMISSION
AGENDA**

TUESDAY, JANUARY 14, 2014 @ 6:00 P.M.

O'FALLON CITY HALL - 255 SOUTH LINCOLN AVENUE

1. Call to order by Chairman.
2. "Pledge of Allegiance to the Flag."
3. Roll Call and Establishment of Quorum.
4. Reading and approval of the minutes of the previous meeting.
5. Recognition of visitors and their purpose.
6. Unfinished Business
7. Public Hearings –
 - a. **(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 Lane. The petitioner is the City of O'Fallon.
 - b. **(P2013-07)** – Zoning Amendment Subject to the Planned Development Ordinance for O-1(P) Planned Office District for 1032 Hartman Lane; 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.
 - c. **(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.
 - d. **(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.
8. Reports of Standing and Special Committees – no reports
9. Reports and Communications
 - a. Election of Officers
10. Adjournment

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

Community Development Department

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

**DRAFT MINUTES
O'FALLON PLANNING COMMISSION
August 13, 2013**

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, excused; Al Keeler, present; Joe Rogers, present; Ray Rohr, present; Larry Sewell, present; A quorum was declared present by Sewell.

MINUTES: Motion was made by Rogers and seconded by Keeler to approve the minutes of July 23, 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 Director of Planning and Zoning Ted Shekell and Assistant Planner Anne Stevenson. Sewell gave an overview of the process that would be followed for the evening.

UNFINISHED BUSINESS: None.

PUBLIC HEARINGS:

(P2013-05) – Zoning Amendment Subject to the Planned Development Ordinance from B-2 to B-2(P) Planned General Business District for reuse of the existing structures at 649 West Highway 50 for an automotive repair shop, storage and office space. Petitioner is Tim Thorpe, Thorpe's Body & Corvette, Inc.

Public hearing was opened at 6:03 p.m. Stevenson 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. Stevenson highlighted various points and issues from Staff's Project Report dated August 13, 2013, among them:

- Property was formerly Svendsen Builders used as contracting yard and office. There was heavy equipment and no outdoor storage; neither screening nor buffering was required.
- Site will serve as expansion area to Thorpe's existing business at 615 W Hwy 50 which will continue to operate with no significant changes.
- Thorpe proposes to reuse the existing structures and property for automotive services and storage as well as office space.
- Main building has brick and metal façade and will function as office building and indoor auto repairs.
- Photos depicted location of three-sided storage sheds, existing and new fencing, and the adjacent office building.

Stevenson continued and outlined the zoning petition:

- The proposed reuse of the existing buildings is consistent with the Comprehensive Plan.
- Planned Use is required as the development is a change of use from contracting yard and office to auto repair and service garage.
- One access point on West Highway 50.
- Parking may be calculated based on the office space use of the northernmost building due to the repair shop not being open to the public for general repairs. This results in six required parking spaces and nine are provided.
- 90° parking spots are suggested over the angled parking to allow easier exit from parking stalls.
- Structural buffer is required to the south towards multi-family properties and a 6-foot wood privacy fence has been installed. Landscaping is recommended on the south side. Shekell stated it would be better to have landscaping on the south side of the fence; however, as the fence is on the property line, he suggested it would be ideal for the applicant to work with the property owner to the south, Jeff Holland, to have the trees planted there on his property.
- Structural buffer is not required on eastern border of the property, but due to the proposed outdoor storage, fencing is required.
- All automobile repairs are to take place inside the building on the north side of the property, which will minimize noise issues with nearby properties.
- Possible 80 ft x 40 ft tow yard in gravel lot normally would require fencing due to outdoor storage; however, fencing already required around eastern edge of the property due to Thorpe's outdoor storage.
- No changes to utilities are proposed nor required.
- Signage will be bound by the requirements of the current Sign Code.

Sewell asked if the current structure is built for noise attenuation for the proposed use. Shekell and Stevenson replied that while the building is not specially designed to reduce automotive restoration noise, the specialty-type of auto body restoration Thorpe performs does not generate as much noise as typical auto body restoration. Shekell reported the City does not know of any complaints being registered regarding noise from the existing business at 615 W Hwy 50, and those activities will remain inside with the doors closed.

Public comments were opened at 6:15 p.m.

Steve Jeeter, owner of O'Fallon Center located in front of the proposed development, was sworn in. Jeeter testified he and his tenants welcome the new owner and occupant of this property, and have been assured by Thorpe and are pleased that the site will be cleaned up from the current condition. Jeeter offered an additional parking space if Thorpe needed.

Tim Thorpe, applicant and property owner, was sworn in. Regarding the steel structure building, Thorpe testified the building is insulated and he is unaware of any noise complaints from his existing location. The new location is far away from other businesses and deep down in a valley. The "dirty-work" of automotive assembly will remain in the existing location. The new facility will be cleaner and nicer looking for the restoration work and will make a better impression to customers who visit the site. Thorpe stated his

company is known nationwide. Shekell asked how many cars a year are restored by him and Thorpe reported 10-15 cars per year with each restoration taking a year – 1,000-2,000 hours per car.

Public comments were closed at 6:20 p.m.

Staff Recommendation:

Stevenson read over a revised Staff Recommendation from the Staff Report as follows: Staff recommends approval of the project with the following conditions:

1. 6' wooden privacy fence will be installed on along the entire length of eastern border of the gravel lot.
2. The structural buffer to the south will include a landscaped area (inside the fence) that includes at least one evergreen tree planted every 25 feet – 8 trees total.
3. All automobile repair will take place inside the northernmost building.
4. The property will not be used as a junk or salvage yard
5. As requested by applicant, an 80 ft by 45 ft portion of the gravel lot may be used for a tow yard.

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

ROLL CALL: Arell-Martinez, aye; Baskett, aye; Keeler, aye; Rogers, aye; Rohr, aye; Sewell, aye. All Ayes. Motion carried.

The project moves to Community Development on August 26, 2013, at 6 p.m. The public hearing was closed at 6:23 p.m.

REPORTS OF STANDING AND SPECIAL COMMITTEES: None.

REPORTS AND COMMUNICATION:

Shekell updated the Commission on the Senior Planner interview process.

There was discussion about the recent success of various commercial developments throughout the downtown area including Shooters, Hemingway's, Peels (coming soon), Cincotta Photography, and the local thrift and antique shops.

Also discussed were the bike trail and North Parc Grove and Illini Trails subdivisions.

ADJOURNMENT:

Motion was made by Baskett and seconded by Rogers to adjourn. All ayes. Motion carried. The meeting was adjourned at 6:36 p.m.

Respectfully submitted,

Vicki Evans, Transcriptionist

Minutes approved by Planning Commission on _____.

DRAFT



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.

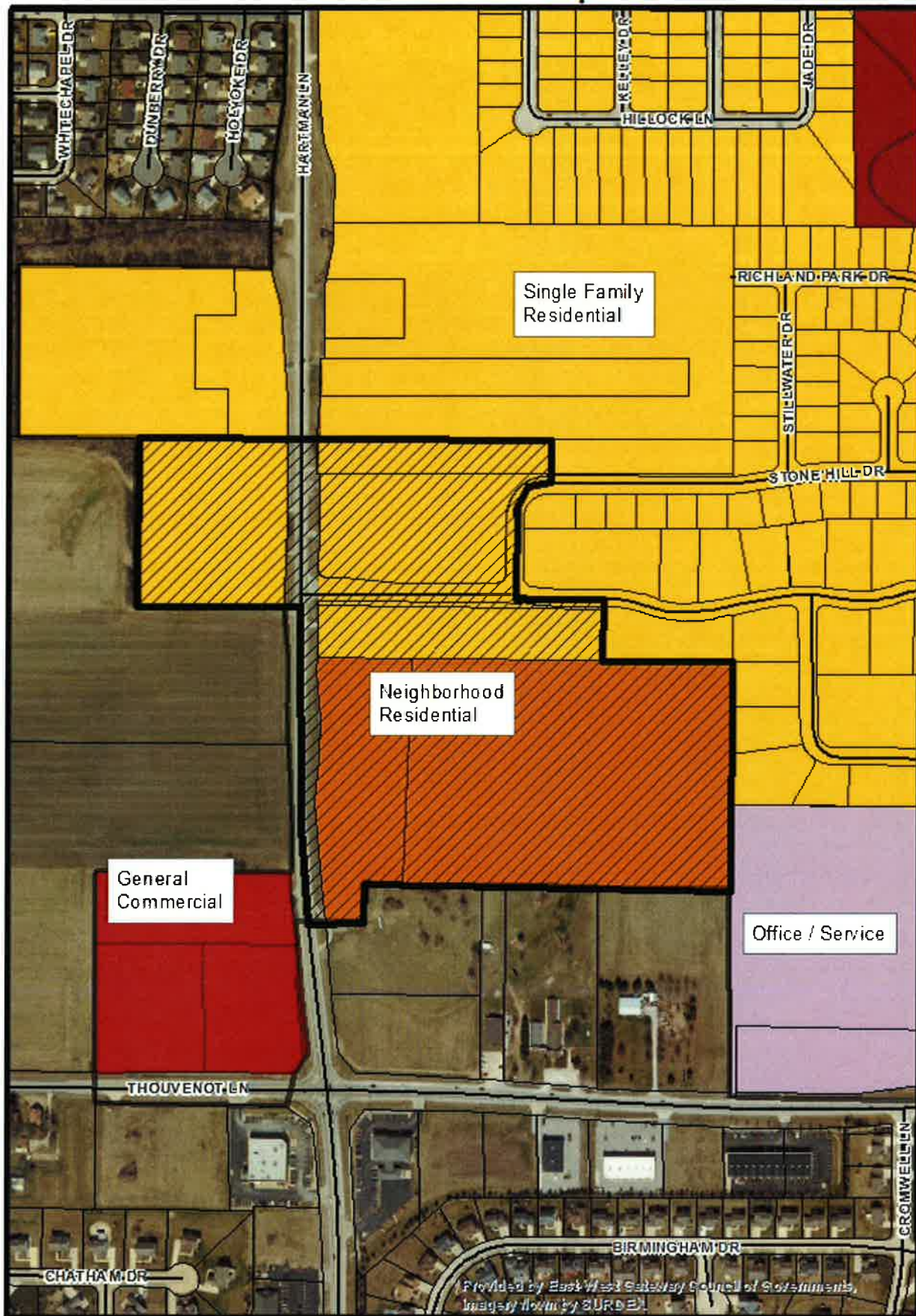
Attachments

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

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P2013-09: Future Land Use Map Amendment



Evaluation Area

0 145 290 580 870 Feet



O'Fallon
ILLINOIS



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.

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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 been conducted 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.

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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.

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Attachments

Attachment 1 – Project Application

Attachment 2 – Zoning Map

Attachment 3 – Surrounding Land Use Map

Attachment 4 – Site Plan

Attachment 5 – Building Elevations

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CITY OF O'FALLON

DEC - 9 2013

DATE PAID

Planned Use / Re-Zoning Application

NAME OF PROJECT: Joe's Place Adult Day CareADDRESS/GENERAL LOCATION: 1032 Hartman lane, O'Fallon, IL 62269SUBDIVISION NAME & LOT NUMBER(S): No proposed subdivision of landPARCEL 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 BuildingsPROPOSED ZONING: "O"1 (P)PROPOSED GROSS FLOOR AREA: 6,500 SF per BuildingPROPOSED # OF LOTS: No proposed subdivision of landAREA IN ACRES: 4.37 +/-PROPOSED # OF DWELLING UNITS: N/APRESENT USE: Vacant lot

APPLICANT INFORMATION:

NAME: Janis StauderCOMPANY: Stauder Group, LLCADDRESS: 509 Abby LaneSwansea, IL. 62226PHONE: (618) 303 6414

FAX: _____

EMAIL: staudergroupllc@aol.com

DESIGN PROFESSIONAL INFORMATION:

NAME: Sal Elkott, PECOMPANY: Elkott Engineering, PCADDRESS: 110 West Main StreetBelleville, IL 62220PHONE: 618 257 8488FAX: 618 277 1019EMAIL: sy@elkott.com

SIGNATURE OF APPLICANT

SIGNATURE OF DESIGN PROFESSIONAL

RECEIVED DEC 09 2013

STAFF USE ONLY

DATE RECEIVED: _____

APPLICATION RECEIVED BY: J. RandallAPPLICATION FEE: yes \$500.00PROJECT ID #: P2013-07STAFF ASSIGNED: Justin RandallPLAN REVIEW FEE DEPOSIT REC'D: yes \$900

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

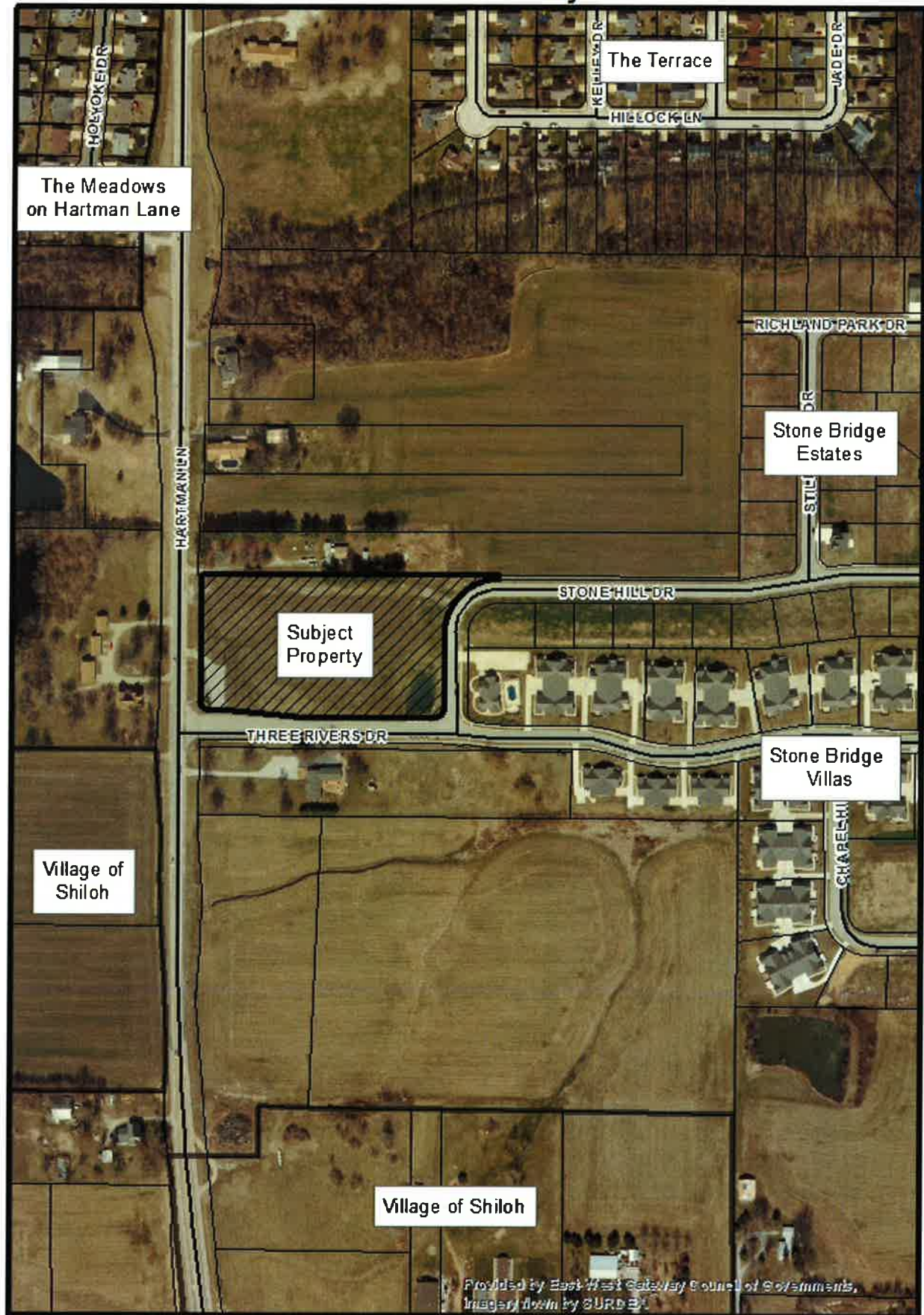


0 170 340 680 1,020 Feet



O'Fallon
ILLINOIS

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

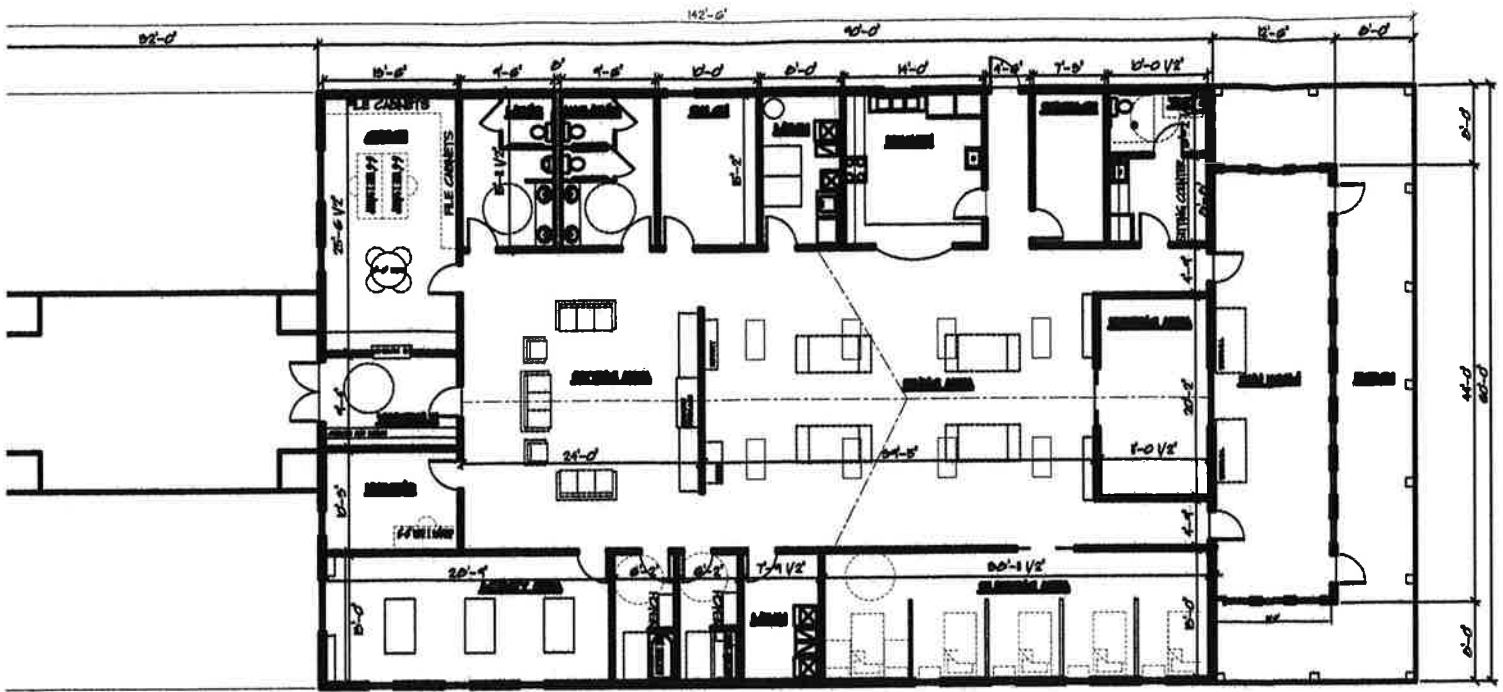


0 130 260 520 780 Feet



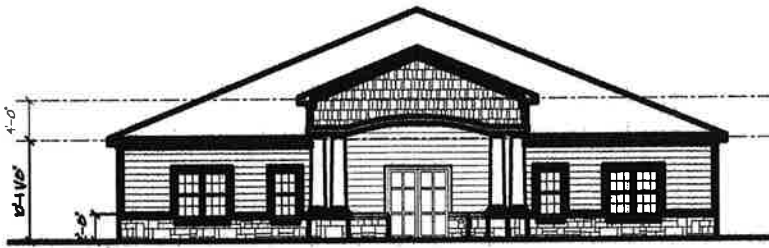
O'Fallon
ILLINOIS





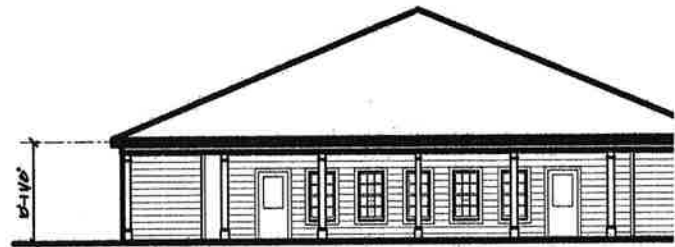
FRONT ELEVATION

SCALE: 1/8" = 1'-0"
SQUARE FEET = 6,400



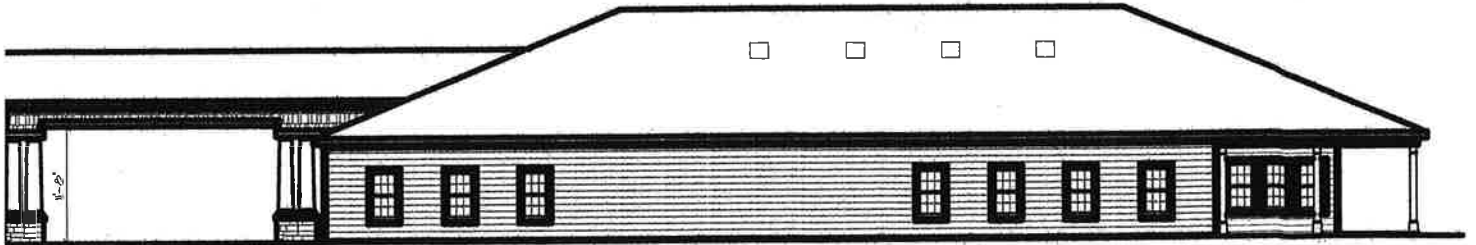
FRONT ELEVATION

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



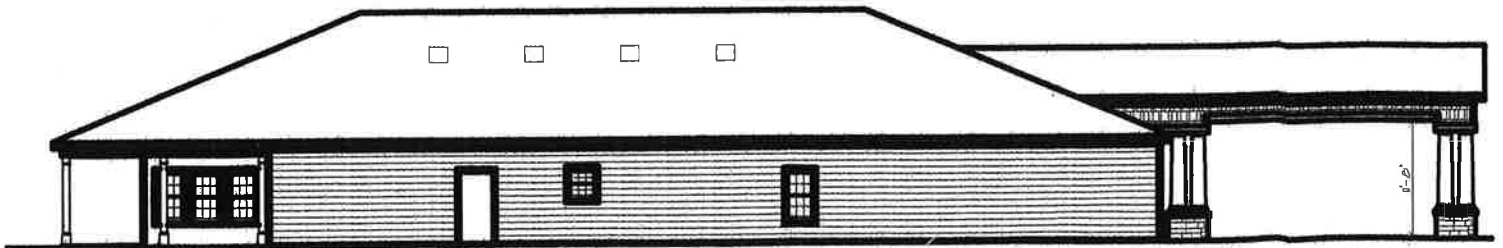
BACK ELEVATION

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



RIGHT SIDE ELEVATION

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



LEFT SIDE ELEVATION

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

NOID 12-16-13 uc



12-1613re



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 covert the facility form 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

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



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

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
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: 11.27.13
APPLICATION RECEIVED BY: ML-Jall
APPLICATION FEE: \$250.00

STAFF USE ONLY

PROJECT ID #: P2013-06
STAFF ASSIGNED: J. Randall
PLAN REVIEW FEE DEPOSIT REC'D: N/A

RECEIVED DEC 11 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 PARK 1ST ADDITION AND PART OF OUTLOT A OF REGENCY PARK 2ND ADDITION, CITY OF O'FALLON, ST. CLAIR COUNTY, ILLINOIS

PROJECT NARRATIVE

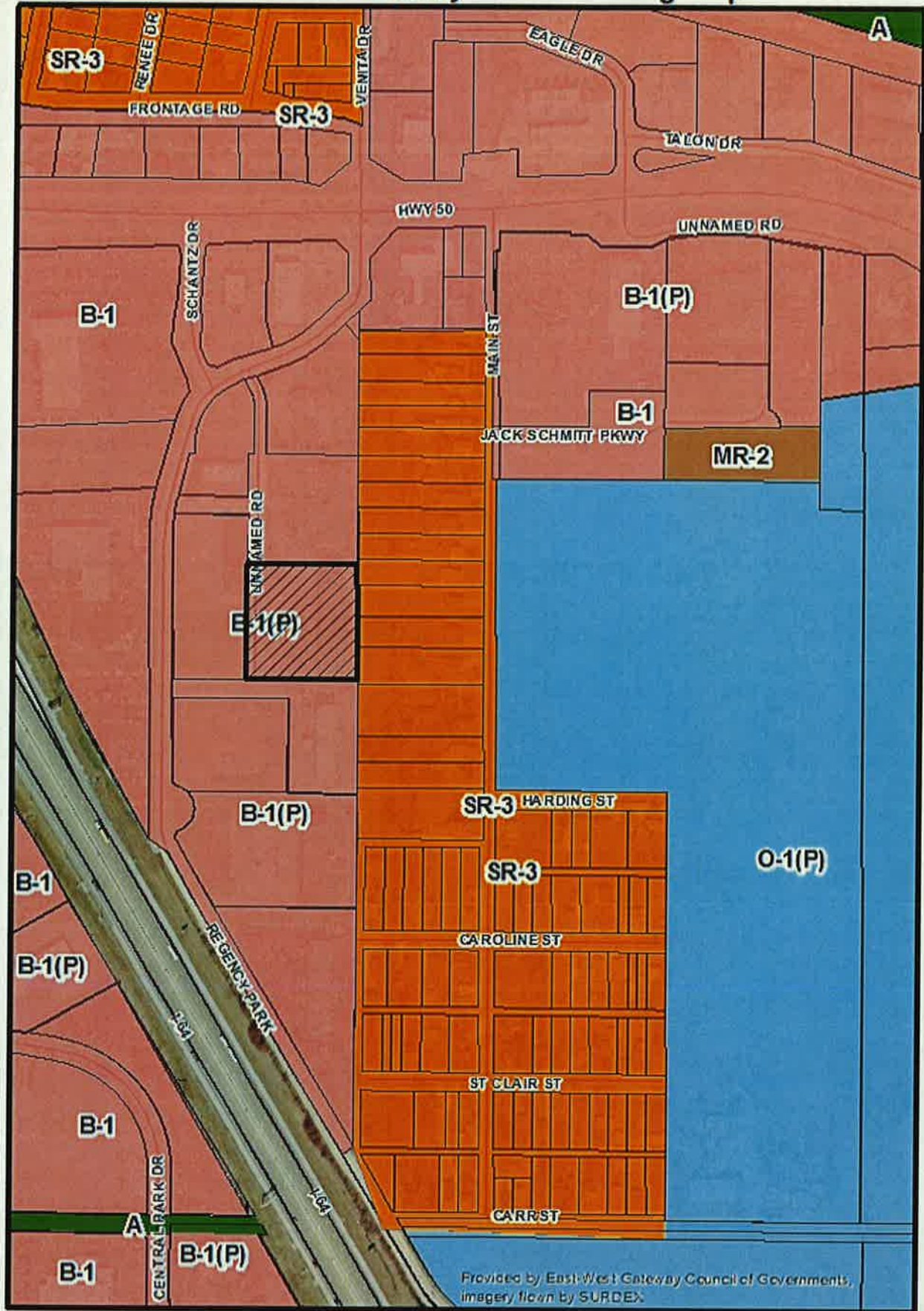
The proposed 16,616 ft² (64,320 ft² gross floor area) extended stay building will have 78 apartments which are permitted in the B-1 zoning district classification. The total area of Lot 10 of Regency Park 1st Addition and Outlot A of Regency Park 2nd Addition is 2.05 acres. Drainage detention required 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

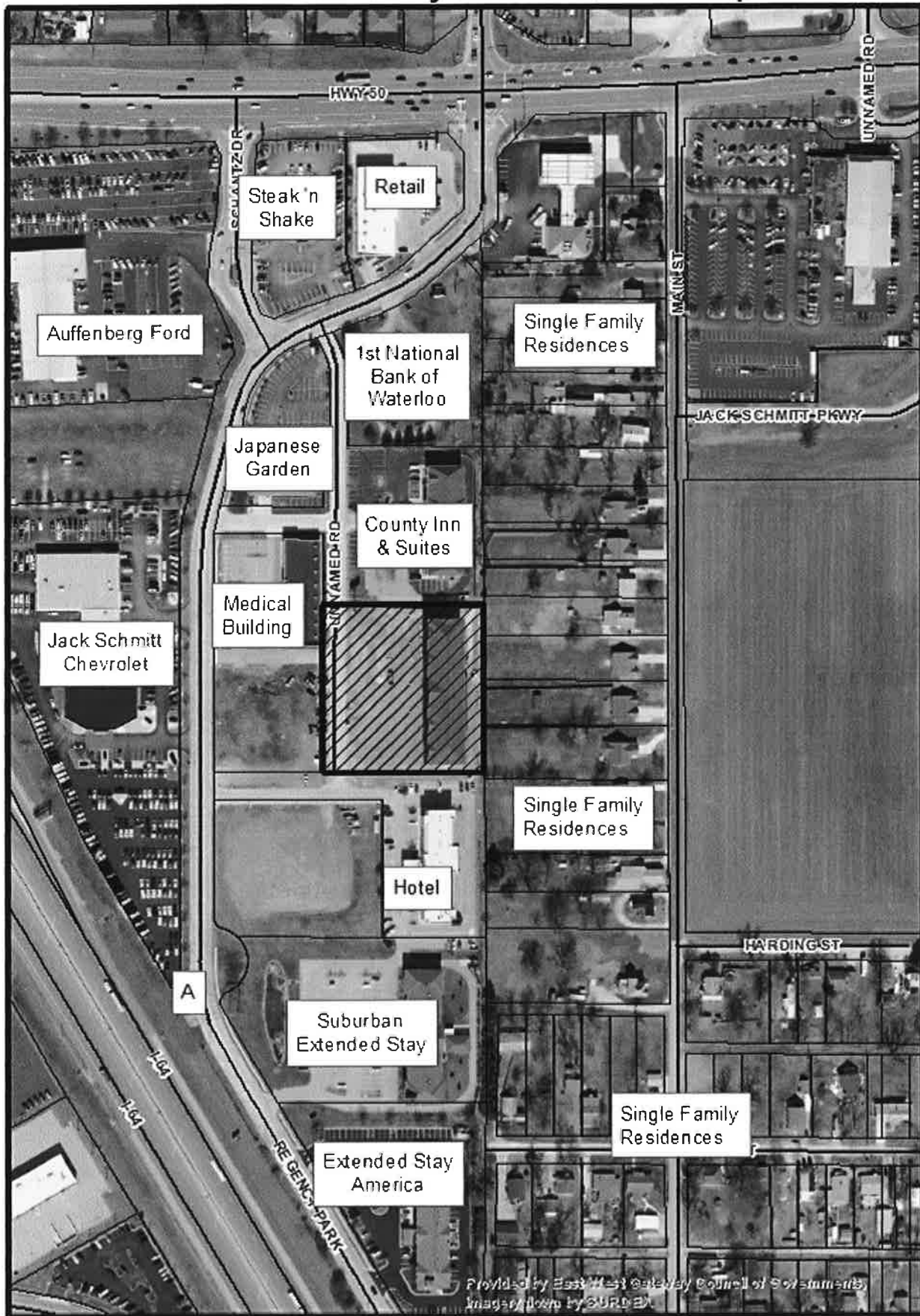


0 145 290 580 870 Feet



O'Fallon
ILLINOIS

P2013-06: MainStay Hotel - Land Use Map



0 100 200 400 600 Feet



O'Fallon
ILLINOIS



QUANTITIES
4712 SY 3" ASPHALT OVER 8" C&G
324 SF 6" THICK CONCRETE APRON
3628 SF 4" THICK CONCRETE SIDEWALK
1168 LF 6" BARRIER CURB

NOTES

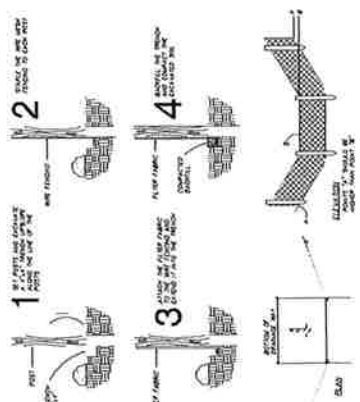
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NAME: _____
 ADDRESS: _____
 CITY: _____
 STATE: _____
 ZIP: _____

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1000

1. ALICE BARRETT SHALL BE ADVISED BY THE FBI OF ANY CHARGE, PENDING OR NOT, THAT MAY BE BROUGHT AGAINST HER.
2. THE FBI WILL BE KEPT ADVISED OF ANY CHARGE, PENDING OR NOT, THAT MAY BE BROUGHT AGAINST HER.
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10. THE FBI WILL BE KEPT ADVISED OF ANY CHARGE, PENDING OR NOT, THAT MAY BE BROUGHT AGAINST HER.



1997



(ATTACHED)
SCALE: 1" = 20'
CONTIGUOUS INTERVAL: 0.7

QUANTITIES
4712 SY 3" ASPHALT OVER 8" C&G
324 SF 6" THICK CONCRETE APRON
3628 SF 4" THICK CONCRETE SIDEWALK
1168 LF 6" BARRIER CURB

NOTES

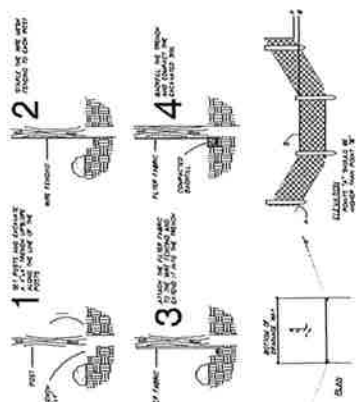
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NAME: _____
 ADDRESS: _____
 CITY: _____
 STATE: _____
 ZIP: _____

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10. THE FBI WILL BE KEPT ADVISED OF ANY CHARGE, PENDING OR NOT, THAT MAY BE BROUGHT AGAINST HER.



1997



MEMORANDUM

TO: Planning Commission
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 14, 2014
SUBJECT: P2013-08: Proposed Text Amendments to the Zoning Code of Ordinances

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

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



MEMORANDUM

TO: Planning Commission
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 14, 2014
SUBJECT: P2013-08: Proposed Text Amendments to the Zoning Code of Ordinances
Part 1- Rural Residential Zoning District & Clustering as a Planned Use

Proposal - The proposed Rural Residential District seeks to do two things. First, it will provide a more suitable district for annexing certain existing homes around the periphery of O'Fallon that currently have a rural residential character, rather than annexing them as Agriculture. Creating a new Rural Residential District may help alleviate conflicts between property annexed into the city and other neighboring developments. Our Agricultural District allows keeping of pigs, burning of yard waste and other activities which have generated complaints from neighboring residential developments in the past. 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 which permits burning of yard waste and accommodating all animals, including swine. 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 SF district, 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 the subdivision's design. The proposed change to Article 9 specifically allows clustering as a Planned Use in residential districts and sets forth some general principals on 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.

Recommendation - Staff recommends adopting the attached text amendments related to the creation of a new Rural Residential Zoning District.

Community Development Department

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

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 [A58]: 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: Planning Commission
FROM: Anne Stevenson, Assistant City Planner
THROUGH: Ted Shekell, Director of Planning and Zoning
DATE: January 14, 2014
SUBJECT: P2013-08: Proposed Text Amendments to the Zoning Code of Ordinances
Part 2- Fencing, Home Day Cares, & Pools

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 four 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.

Recommendation

Staff recommends adopting the attached text amendments related to fencing, home day cares, and pools.

Community Development Department

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

#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 [A52]: 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.