



**O'FALLON PLANNING COMMISSION
AGENDA**

TUESDAY, JANUARY 28, 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. **(P2013-11)** – Zoning Amendment Subject to the Planned Development Ordinance for B-1(P) Planned Community Business District for property immediately east of 302 East Highway 50; the proposal is to construct "Domino's Retail Center" - a Domino's restaurant space with pick-up window, and a retail space; Petitioner is Mark Ratterman, MBR Management.
8. Reports of Standing and Special Committees – no reports
9. Reports and Communications
10. Adjournment

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

Community Development Department

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**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 Handly 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



PROJECT REPORT

TO: Planning Commission
FROM: Justin Randall, Senior City Planner
Ted Shekell, Planning Director
DATE: January 28, 2014
PROJECT: P2013-11: Domino's Retail Center, Planned Use

Location: 302/304 East Highway 50
Ward: 3
Applicant/Owner: MBR Management, Mark Ratterman
Submitted: December 23, 2013

Introduction

Mark Ratterman has filed an application requesting rezoning a parcel of land at 302/304 East Highway 50 from B-1(P) to B-1(P), Planned Community Business District for a 3,300 square foot structure. Half of the building would be used for Domino's pizza and the other half for a retail tenant. The vacant property was formerly occupied by KFC. The subject property is 0.48-acre (20,900 square feet) in size and 25 feet of the subject property was part of a lot line adjustment to create a larger parcel for the Dairy Queen restaurant adjacent to the west.

Zoning & Land Use

The subject property is currently zoned B-1(P), Planned Community Business District. The subject property was a part of the Planned Use approval for Dairy Queen, however at the time of approval, nothing was planned for this portion of the property. The planned use process has been triggered due to the proposed use of a "drive-in or drive-through service" as listed in Section 158.116 of the O'Fallon, Illinois Code of Ordinances and the existing Planned Use designation.

Adjacent Zoning

North: SR-3
East: B-1
South: B-1 & B-2(P)
West: B-1

Adjacent Land Use

North: Community Park across Highway 50
East: Animal Hospital of O'Fallon
South: Multi-Family Apartments along Park Entrance Place and Bel-O
Cooling & Heating along Whitehall Drive.
West: Dairy Queen Grill & Chill

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

Comprehensive Plan

The O'Fallon Comprehensive Plan Future Land Use Map depicts the subject property as General Commercial, which is consistent with the proposed Domino's pizza and retail use.

Discussion Points/Issues

Land Use

The subject property is identified as *General Commercial* in the Comprehensive Plan. The proposed project is consistent with the Comprehensive Plan. The subject property is surrounded by commercial uses to the east, west, and southwest, and Community Park to the north, across Highway 50. A Planned Use rezoning is required because the project includes a drive-thru and because the property is already governed by an existing Planned Use rezoning.

The subject property has been vacant since KFC demolished their building several years ago. The proposal includes a 3,300 square foot building, 1,650 square foot Domino's, with a walk-in cooler off the back of the building and 1,650 square feet designated for a separate retail facility. The site is small, totaling less than half an acre in size. Because of the limited size of the parcel a smaller sized restaurant like Domino's and a small retail business may be appropriate since the traffic generated by a Domino's site and a small retail business should be lighter than other fast food restaurants or a larger retail space. The Domino's model will include very little dine-in space, providing only 12 seats, mostly for waiting customers. Concerns have been raised over the size of the building and the retail use associated with the development. The development was scaled down by approximately 200 square feet since the first submittal. However reducing the footprint forced the walk-in cooler to be located outside of the building and required the Domino's and retail side of the building to be flipped. Overall, the proposed building architecture is comparable to what the Commercial Design Handbook recommends and is in keeping with commercial redevelopment in O'Fallon and Highway 50.

Traffic Circulation/Parking

Ingress and Egress: Access to the site will be by means of one access point off of Highway 50. There is currently an access point for the property, but will be relocated further east toward the Dairy Queen site. The relocation of the entrance will create better spacing of the access points along Highway 50 between the subject property and the Animal Hospital of O'Fallon. All improvements of the access point to Highway 50 will require IDOT approval.

Additionally, there was a condition stated in the ordinance approving the Dairy Queen project that required "a cross-access easement must be provided along the northeast corner of the Dairy Queen property in the event a future connection to the property to the east is warranted by the City." The design of the site has taken the cross-access agreement into account with the design and is proposing to continue the cross-access to the east onto the adjacent Animal Hospital of O'Fallon property, both in front of and behind the proposed building.

Parking: The proposed building has two proposed uses, a restaurant (Domino's) and a retail suite. Restaurants with drive-thru facilities require 8 stacking spaces for the drive-thru. This particular site does not meet the 8 stacking spaces for the drive-thru use of Domino's. As proposed the site can accommodate up to 3 vehicles at the pick-up window. However, the use is not the typical drive-thru like a McDonalds, Taco Bell, etc. since the Domino's site will only use the pick-up window for call-ahead orders and will not include a speaker box and on-site ordering through the drive-thru. When originally submitted, the Domino's site was on the eastern side of the building with vehicles able to circle around the building to the pick-up window, with no issue of stacking. However the original site plan had poor on-site circulation and parking aisles widths were not met. With the reduced building size and re-orientation of the drive-thru, staff raised the concern to the developer and engineer about the reduced stacking spaces the site currently provides. The developer indicated that the majority of the Domino's sites with pick-up windows only provide 2-3 vehicle stacking spaces. Staff also contacted Lee Cannon of CBB and discussed the proposal and was informed the 3 vehicles stacking spaces should be sufficient and should not cause any overflow into the driving aisle nor spill out into Highway 50.

Fast Food Restaurants have two parking ratios, and the code requires that the ratio that requires the most parking spaces be applied. The first ratio is 9 parking spaces per 1,000 gross floor area (1,740 sq. ft. = 16 spaces). The

second ratio is based on number of seats and employees (12 seats + 6 employees = 10 spaces). Additionally the code requires the retail component of the building to provide parking at a rate of 4 parking spaces per 1,000 gross floor area (1,740 sq. ft. = 7 spaces). The site plan has provided 9 parking spaces in the front of the building and an additional 11 spaces to the rear of the building that will be for the employees, totaling 20 spaces for the development.

In this particular case, staff is not opposed to the petitioner's request to use the second ratio. The site appears to have enough parking for the use as long as all employees park at the rear of the building. The petitioner has provided 20 parking spaces, including 1 handicap-accessible space near the entrance to the building, in addition to the 3 stacking spaces for the drive-thru. All parking stalls meet the City's dimensional requirements.

On-site circulation: In response to recommendations by City staff, the applicant has redesigned the site to accommodate the required escape lane around the drive-thru, shifted the proposal back to meet the 24-foot drive aisle width and has incorporated the cross-access easement with Dairy Queen. Additionally, the proposal plans to continue the cross-access with animal hospital, in both the front and the rear to assist in maintaining good on-site circulation.

Sidewalks

A new concrete sidewalk along the frontage of Highway 50 has been shown on the plans with a proposed accessible route to the building in accordance with the Illinois Accessibility Code.

Utilities and Drainage

Public water and sanitary sewer is available to serve the subject property. The sewer line servicing this site will be part of a sewer main replacement to be done this spring. Stormwater will flow to an existing inlet on Highway 50 and overland flow to the existing ditch at the southwest corner of the property. The City Engineer has waived the requirement for detention for this project because the redevelopment of the site is providing a 9% reduction in impervious surface as the site was previously developed as a KFC restaurant.

Building

The proposed 3,300 sq. ft. building has been designed to meet many recommendations of the Commercial Design Handbook, including use of multiple building materials (brick, stone and metal), creating a base, middle, top and the use of awnings.

The tight layout for the site has required the location of the dumpster to the southwest corner of the site. This location is all the way to the rear of the site, but will be visible from the public right-of-way. The developer attempted to turn the dumpster perpendicular to the public right-of-way. However the turning movements of the trash truck will limit the location of the dumpster.

Landscaping and Buffer Requirements

Section 158.144 of the Code of Ordinances outlines requirements for parking lot landscaping. The proposed landscape plan meets the City's requirements, with the exception of the applicant not providing the required 7 ft wide planting strip around the parking lot on the east, south and west. The petitioner has requested a variance to reduce the planting strip to ensure the appropriate drive aisles width could be met. Staff would much rather see the drive aisle widths maintained over a wider buffer strip. The plan does still provide for a 3-foot wide buffer on the sides and in the rear the property abuts a drainage area.

No buffers are required for this project, but the applicant is providing a 6 ft tall vinyl privacy fence and landscaping along the southern property line.

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Signage

According to Chapter 158, "Sign Regulations" of the Code of Ordinances, the applicant is permitted to install one freestanding sign on the property. The applicant has yet to provide a detail for the monument sign shown on the plan approximately 8 feet from the property line. The elevations provided by the architect shows a sign for Domino's on the building however it is unclear the actual size of the sign. If the planned use application is approved, the petitioner will have to submit a sign package in accordance with the Code of Ordinances, *Signs*: Section 158.160 through 158.168

Hours of Operation

Domino's restaurant will be open Sunday through Thursday from 10:00 am to 12:00 am and Friday and Saturday from 10:00 am to 2:00 am. There proposed hours of operation for the retail use was not provided, since there is not a current tenant for the space.

Review and Approval Criteria

Section 158.119 of the Code of Ordinances "Consideration of a Planned Use" lists several criteria for evaluating planned uses. Evaluation of the project based on these factors is included under each criterion.

1. The criteria governing the rezoning of the property and approval of site plans, as set forth in the standards and requirements found elsewhere in the zoning code or in other applicable law,
The project does not meet all applicable zoning standards. The site has requested variances to the required stacking spaces, the required buffer around the parking lot and the size of the landscape islands within the parking lot.
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 contains adequate provisions for public services, provides adequate control for vehicular traffic. However, the vehicular traffic could be greatly altered if the Domino's use is ever repurposed for a different type of restaurant. Staff recommends a condition to limit the reuse of the building to require a new Planned Use approval.
3. The relationship and compatibility of the proposed plan to adjacent properties and the surrounding neighborhood.
The new building will complement the adjacent commercial properties and continue the redevelopment of Highway 50.
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 all other regulations.
5. The use(s) are designed, located and proposed to be operated so that the public health, safety and welfare will be protected.
The proposed development is designed to be operated to protect the public health, safety and welfare.
6. An identified community need exists for the proposed use.
Yes, a community need exists for the proposed use.
7. The proposed use(s) will not impede the normal and orderly development and improvement of the surrounding property, nor impair the use, enjoyment, or value of neighboring properties.
The proposed use will not negatively impact surrounding properties.
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 and will add value to the neighborhood.

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9. The appropriateness of the minimum dimensions and areas of lots and yards set forth in the applicable zoning district regulations.
10. *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 with the following conditions:

1. Staff supports the petitioner's request to design the site to meet the parking ratio of 1 space per each 2 seats plus 2 spaces for every 3 employees.
2. A variance is granted to allow a reduction from 8 stacking spaces to 3 stacking spaces for the Domino's site.
3. A variance is granted to allow a reduction in the width of the required 7 foot wide landscape planting strip along the east, south and west property lines.
4. A variance is granted to allow a reduction in the size of landscape islands from 120 square feet to 100 square feet.
5. A cross-access easement must be provided along the northeast and southeast corners of the Domino's site to the adjacent animal hospital.
6. The planned use approval is for Domino's and one retail/office use only. The pick-up window and drive-thru is authorized only for the Domino's use. Any future use that would utilize the pick-up window would need to be re-approved by the City.

Attachments

Attachment 1 – Project Application
Attachment 2 – Zoning Map
Attachment 3 – Surrounding Land Use Map
Attachment 4 – Site Plan
Attachment 5 – Building Elevations and Floor Plan

Community Development Department

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CITY OF O'FALLON

DEC 23 2013

DATE PAID

Planned Use / Re-Zoning Application

NAME OF PROJECT: DOMINOS RETAIL CENTER
ADDRESS/GENERAL LOCATION: 302 E. Hwy 50 or 304 E Hwy 50
SUBDIVISION NAME & LOT NUMBER(S): WHITEHALL CENTER Lot 2
PARCEL NUMBER(S): 04-32.0-102-031

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: B-1P PROPOSED NUMBER OF BUILDINGS: 1
PROPOSED ZONING: B-1P PROPOSED GROSS FLOOR AREA: 3,420 SF
PROPOSED # OF LOTS: 1 AREA IN ACRES: 0.48
PROPOSED # OF DWELLING UNITS: NA PRESENT USE: VACANT

APPLICANT INFORMATION:

NAME: MARK RATTERMAN
COMPANY: MBR MANAGEMENT
ADDRESS: 201 N. MAIN ST., STE 300
ST. CHARLES, MO 63301
PHONE: 636-947-4433 x339
FAX: 636-947-6917
EMAIL: MRATT@MBRMGT.COM

DESIGN PROFESSIONAL INFORMATION:

NAME: JEFF MOON
COMPANY: BAX ENGINEERING
ADDRESS: 221 POINT WEST BLVD.
ST. CHARLES, MO 63301
PHONE: 636-928-5552
FAX: 636-928-1718
EMAIL: JMOON@BAXENGINEERING.COM

SIGNATURE OF APPLICANT

SIGNATURE OF DESIGN PROFESSIONAL

DATE RECEIVED: 12-23-13
APPLICATION RECEIVED BY: [Signature]
APPLICATION FEE: \$500.00

STAFF USE ONLY

PROJECT ID #: P2013-11
STAFF ASSIGNED: [Signature]
PLAN REVIEW FEE DEPOSIT REC'D: \$100.00

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PROJECT NARRATIVE

This project is located at 302 East Highway 50. This tract is 0.48 acres in size and is Lot 2 of Whitehall Center. Lot 1 was the development of the Dairy Queen restaurant at the corner of Hwy 50 and Whitehall Drive which was completed 2 years ago.

This project will consist of a 3,480 square foot building with one half being used for a Dominos restaurant with a pick up window, and one half being proposed retail. The retail use has not been determined at this time but will comply with the current zoning requirements.

There will be 19 parking spaces with one handicap space which will comply with the city code standards. The site coverage is: Building: 3,480 sf (16%) Pavement: 13,598 sf (66%) Greenspace: 3,817 sf (18%)

Access to the site will be provided by a new entrance per IDOT standards along with driveway connections to the properties on both sides of this development.

All utilities are available onsite with an existing 10" water main along the front property line and sanitary sewer, gas service and electric provided from the rear. Storm water will sheet flow to the existing drainage ditch at the southwest corner of the site.

As allowed per City Code Article 9 (Planned Uses) the following modifications to the underlying district regulations are part of this development:

1 - 20 foot drive aisle between 90 degree parking.

City code requires 24 feet wide drive aisle.

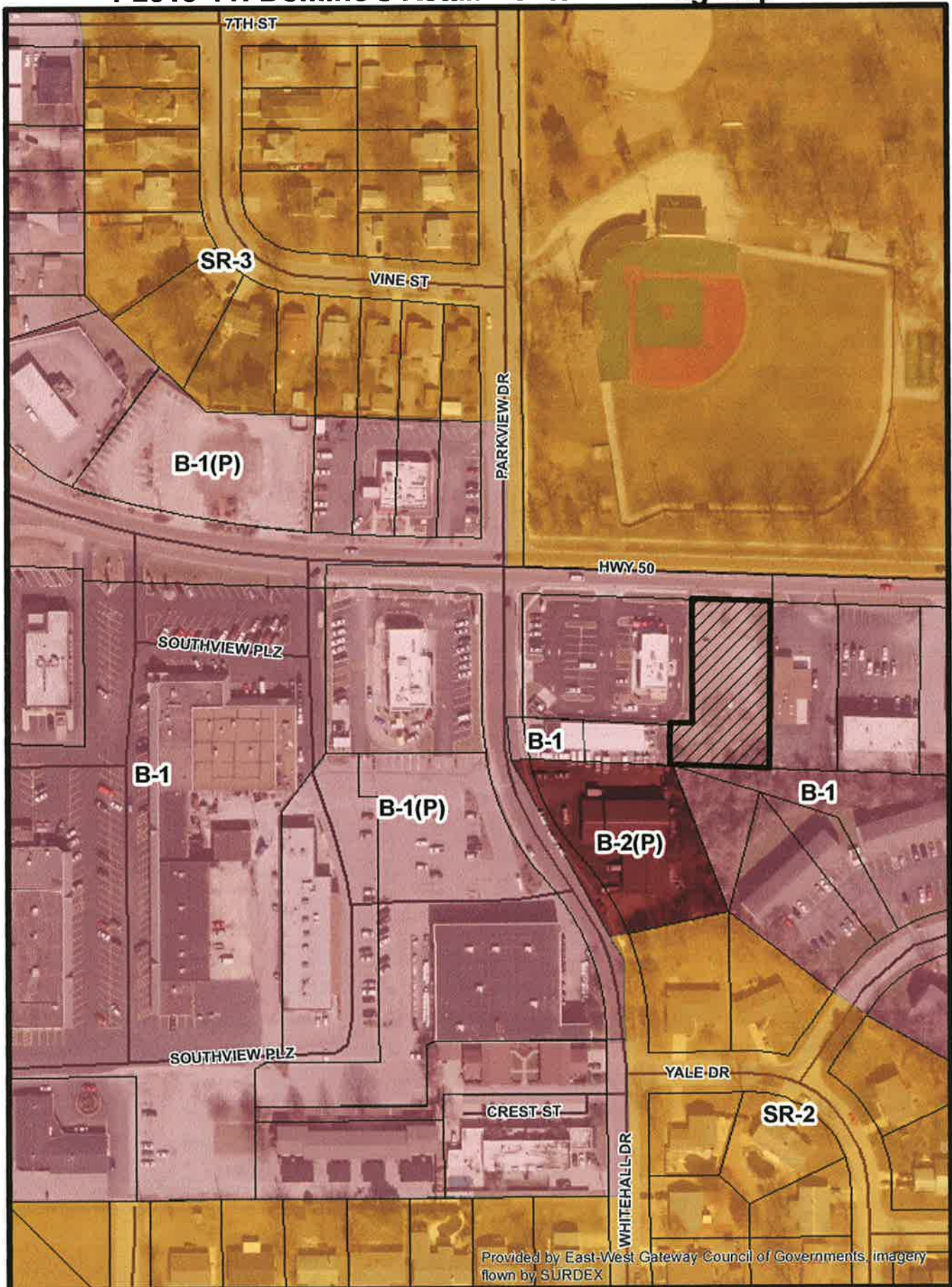
2 - 3 foot Side yard buffer.

City code required buffer is 5 feet wide.

3 - Landscape island with 105 square feet of space and no tree.

City code requires 120 square feet and a tree.

P2013-11: Domino's Retail Center - Zoning Map



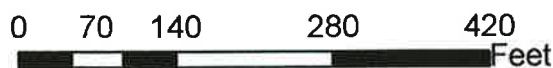
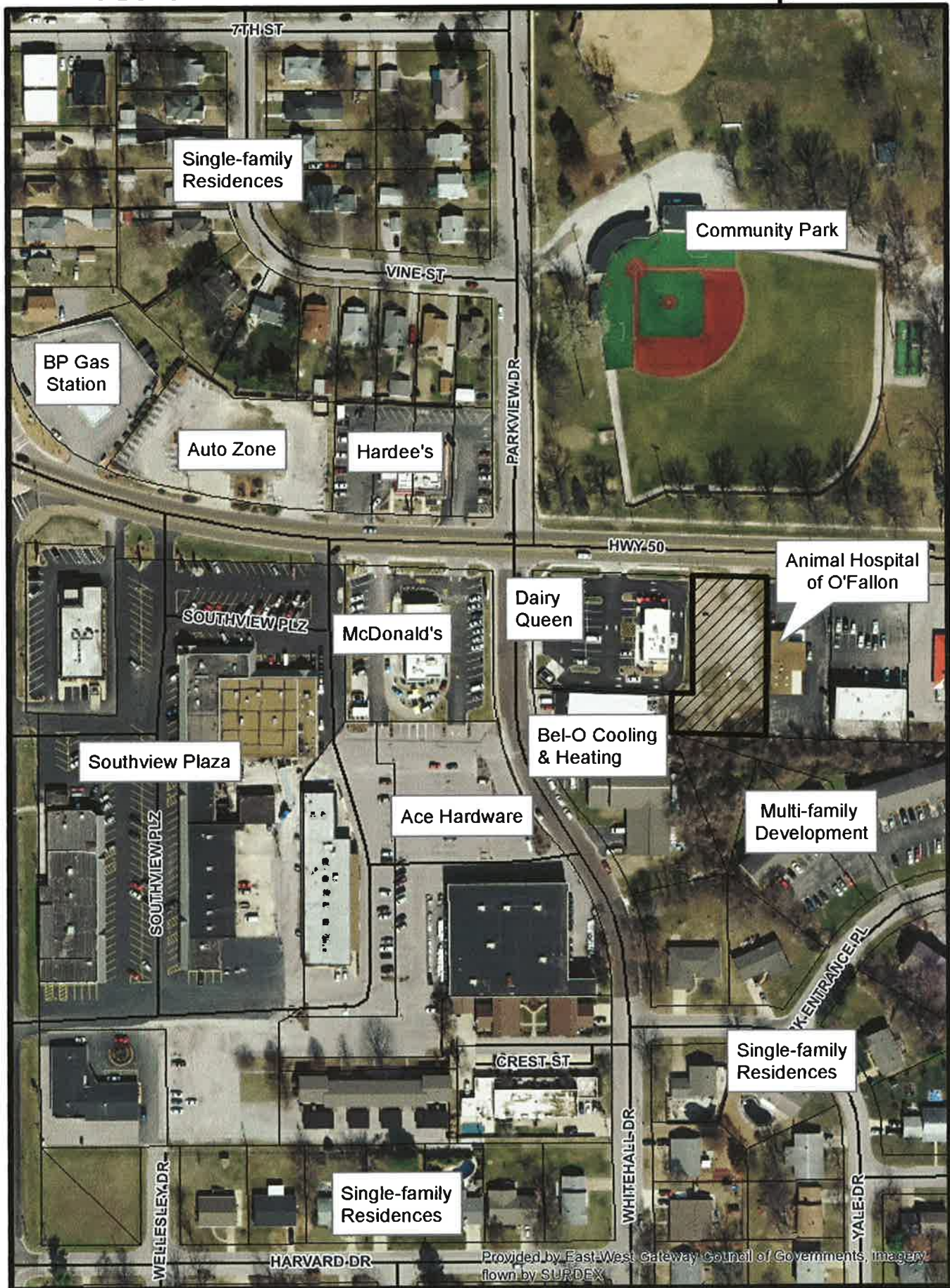
Provided by East-West Gateway Council of Governments, imagery
flown by SURDEX



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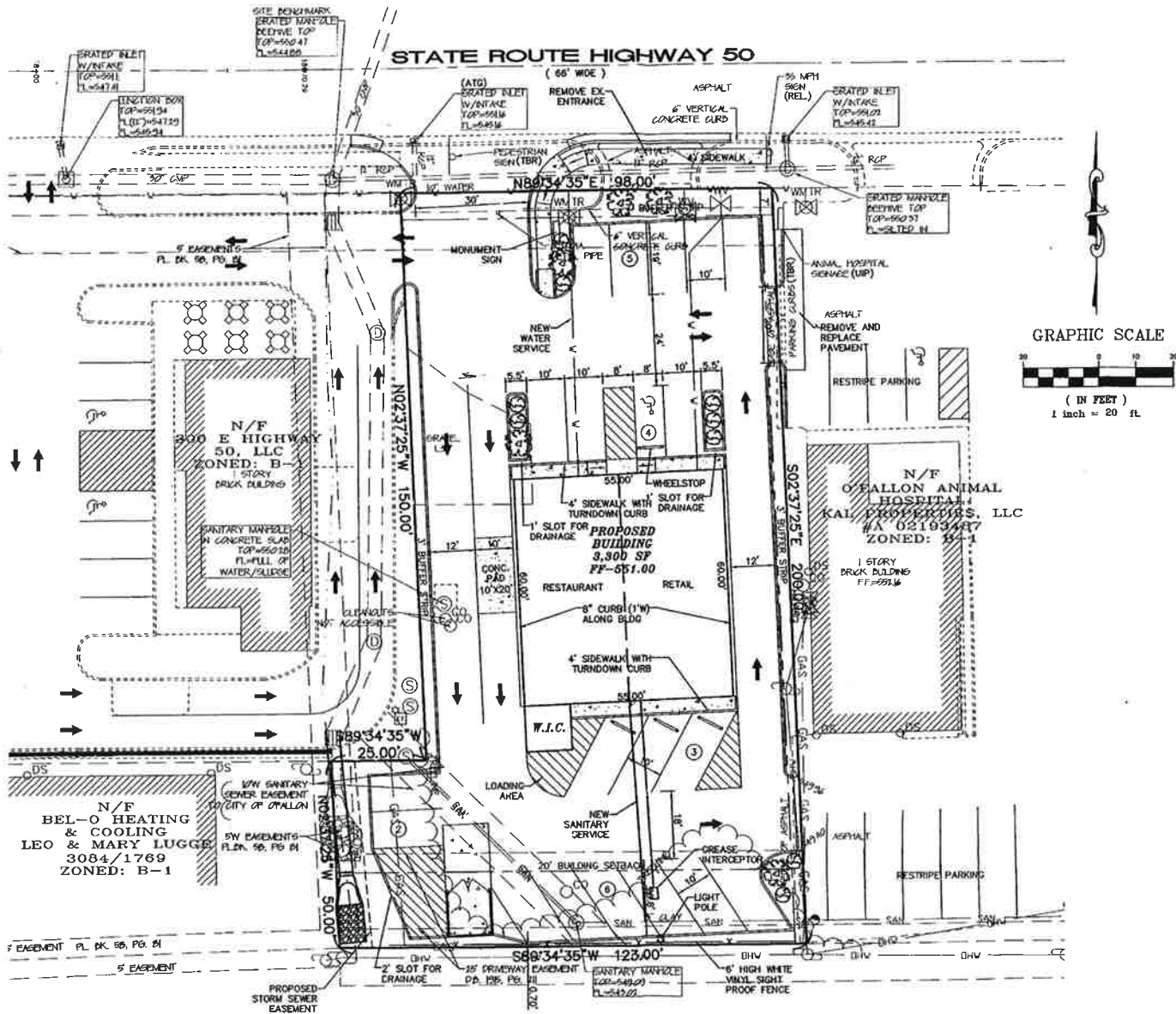


P2013-11: Domino's Retail Center - Land Use Map



A PRELIMINARY SITE PLAN FOR *DOMINOS RETAIL CENTER*

A TRACT OF LAND BEING LOT 2 OF "WHITEHALL CENTER"
AND PART OF THE NORTHWEST QUARTER OF SECTION 32,
TOWNSHIP 2 NORTH, RANGE 7 WEST OF
THE 3RD PRINCIPAL MERIDIAN
ST. CLAIR COUNTY, ILLINOIS



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CITY COUNCIL APPROVAL

THE PRELIMINARY SITE PLAN FOR DOMINOS RETAIL CENTER WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF O'FALLON, ILLINOIS ON THE ____ DAY OF ____ 2014.

MAYOR GARY GRAHAM
DATE: _____

ATTEST:

PHIL GOODWIN, CITY CLERK
DATE: _____

LANDSCAPE LEGEND

SYMBOL	QUANTITY	COMMON NAME
(DECIDUOUS)	5	BALD CYPRESS, WHITE ASH, HACKBERRY, RED MAPLE (2" MIN. CAL.)
(SHRUB)	9	WILD HYDRANGEA, FRAGRANT SUMAC, BLACK COHOSH, COMPASS PLANT (18" MIN.)

NOTE: LANDSCAPING AS SHOWN SHOULD BE REVIEWED BY A QUALIFIED LANDSCAPE DESIGNER.

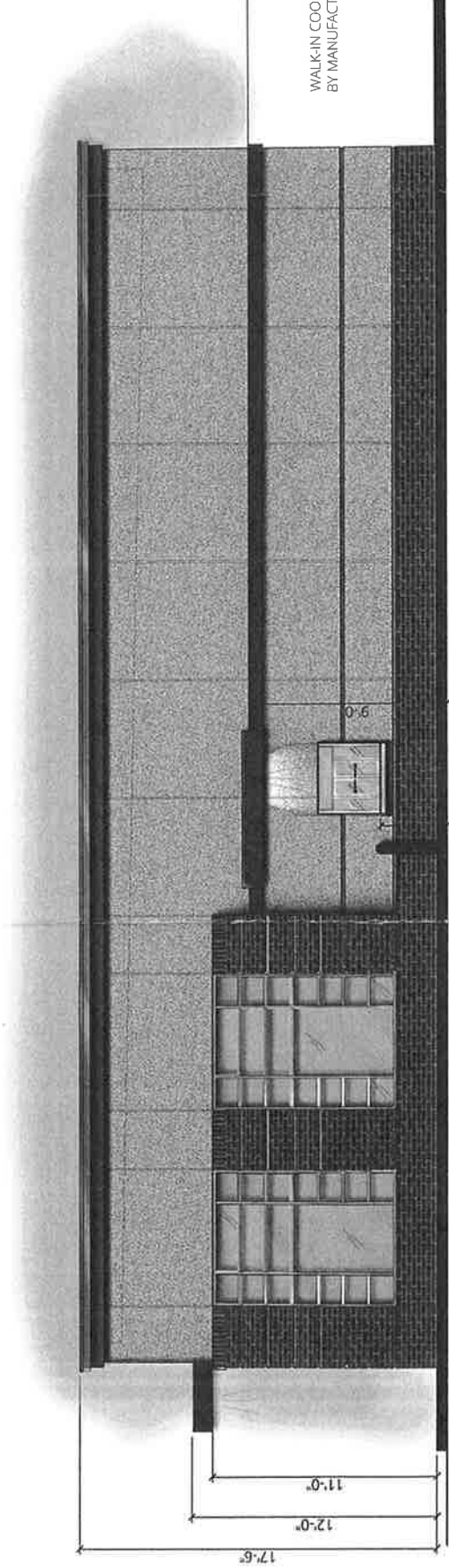
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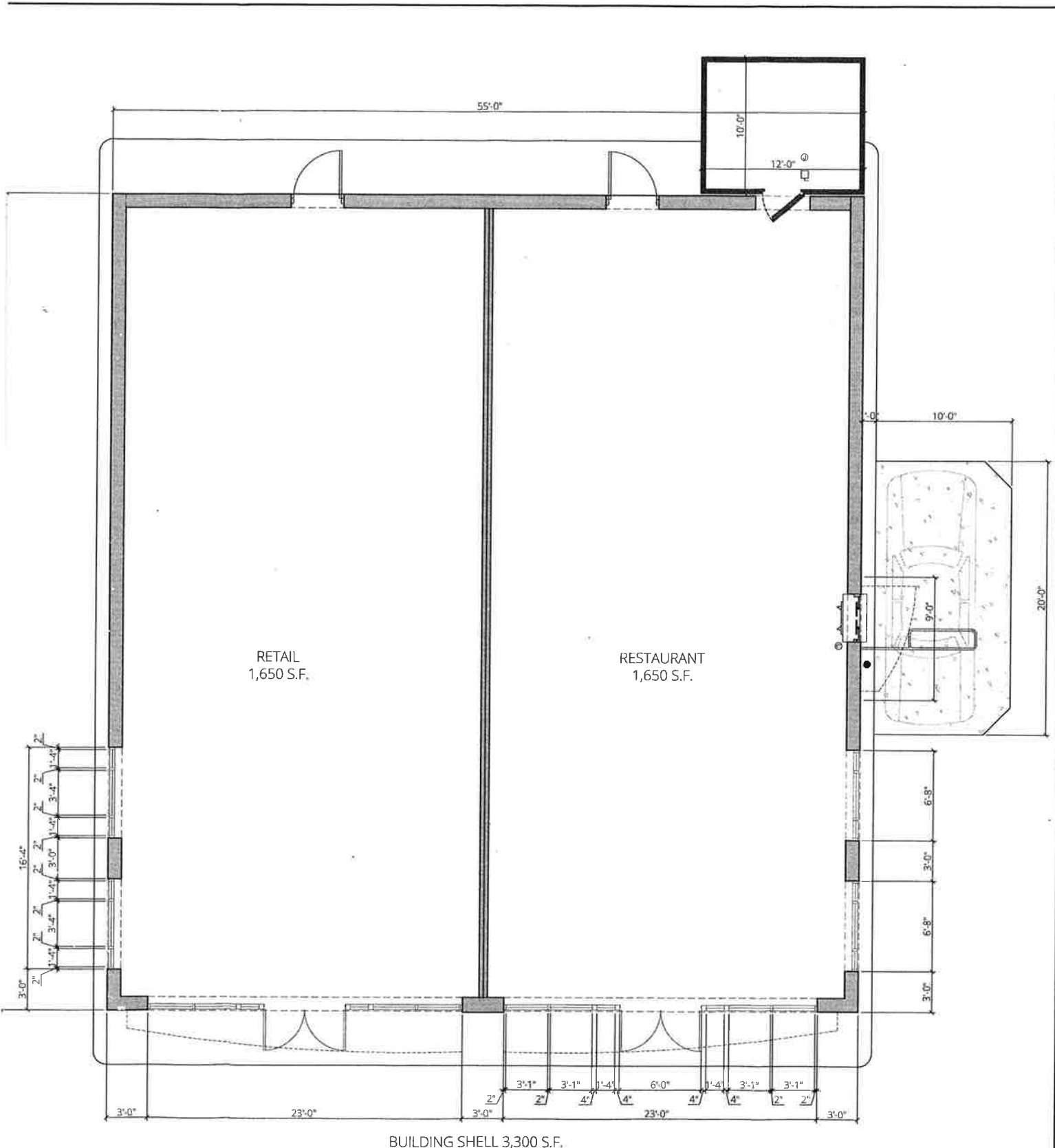
1 PROPOSED NORTH ELEVATION

A2.0 SCALE: 1/4" = 1'-0"



2 PROPOSED WEST ELEVATION

A2.0 SCALE: 1/4" = 1'-0"



1
A1.0 PROPOSED FLOOR PLAN
SCALE: 1/4" = 1'-0"



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