



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.

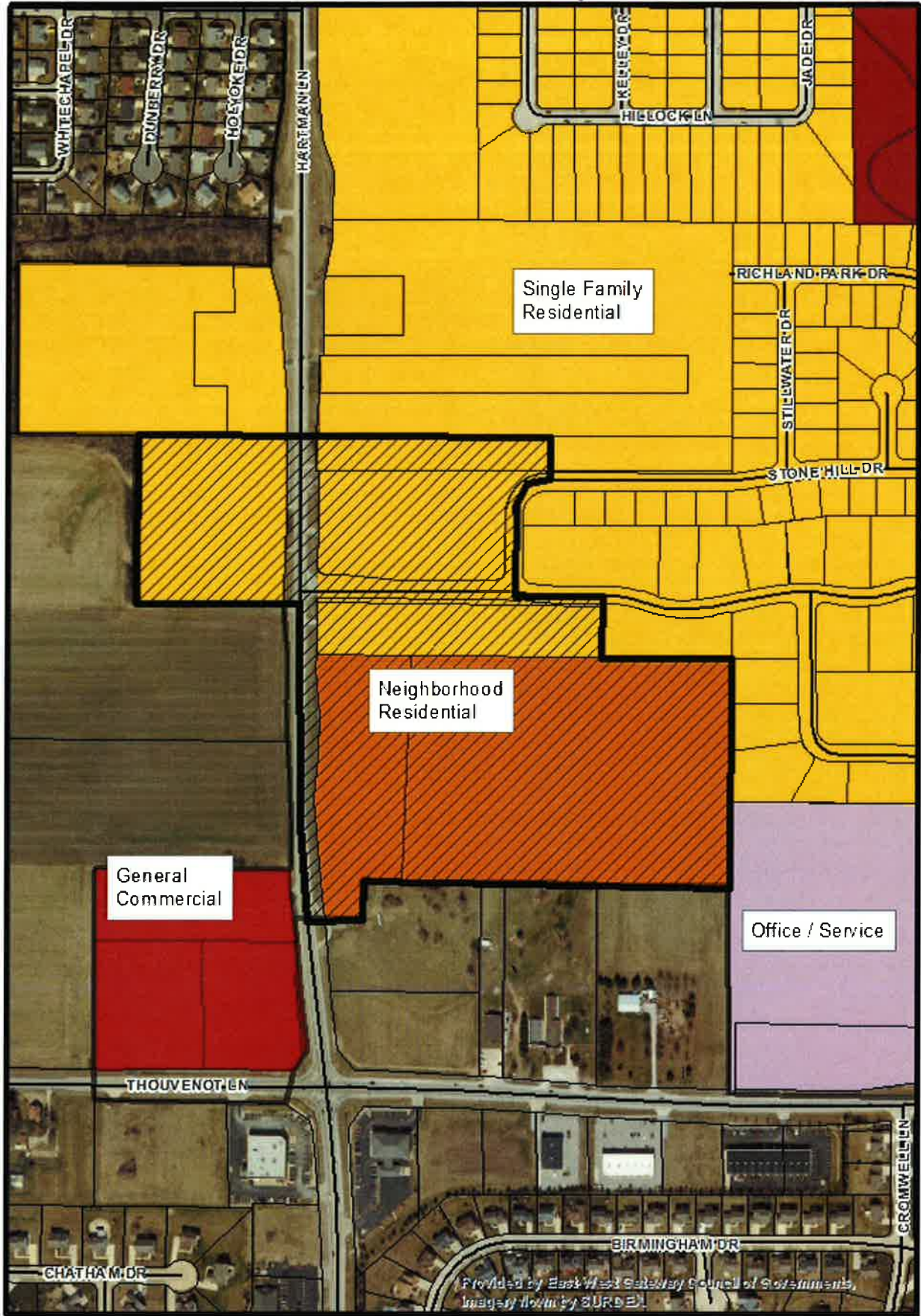
Attachments

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

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P2013-09: Future Land Use Map Amendment



Evaluation Area

