

	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	217-221 S. 2 nd St. – Map Amendment from CBD-2 to CBD-1 Zoning District		
	City Staff:	Russell Colby, Planning Division Manager		
Please check appropriate box (x)				
	PUBLIC HEARING 4/22/14	X	MEETING 4/22/14	X
APPLICATIONS UNDER CONSIDERATION:				
Map Amendment				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report				
Application				
Letter requesting continuation of the public hearing				
EXECUTIVE SUMMARY:				
<p>The subject property is a lot improved with two buildings: a residential structure fronting on S. 2nd St. and a second building fronting on Indiana St. that houses a restaurant/tavern on the lower level and other residential uses above.</p> <p>The property is located in the Central Historic District and is a designated Historic Landmark called the Gates Estate.</p> <p>The property is currently zoned CBD-2 Mixed Use Business District and was assigned this zoning in 2006 when the City adopted a comprehensive zoning ordinance amendment that created a new zoning district structure. “Restaurant/tavern” is not a permitted use in the CBD-2 zoning district and therefore the use is considered to be legal non-conforming.</p> <p>The applicant and property owner, Craig Bobowiec, recently became aware of the non-conforming status of the restaurant/tavern business and has submitted a Map Amendment requesting a CBD-1 zoning designation for the property in order for the restaurant/tavern business to be considered a legal permitted use.</p>				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
<p>Conduct the public hearing.</p> <p>Staff has prepared a recommendation for approval based upon the information available prior to the public hearing. If the Commission feels they have adequate information to close the public hearing, Findings of Fact have been prepared for consideration.</p>				

Community & Economic Development
 Planning Division

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Staff Report

TO: Chairman Todd Wallace
 And the Members of the Plan Commission

FROM: Russell Colby
 Planning Division Manager

RE: 217-221 S. 2nd St. – Map Amendment (CBD-2 to CBD-1)

DATE: April 18, 2014

I. APPLICATION INFORMATION:

Project Name: 217-221 S. 2nd St.

Applicant: Craig Bobowiec

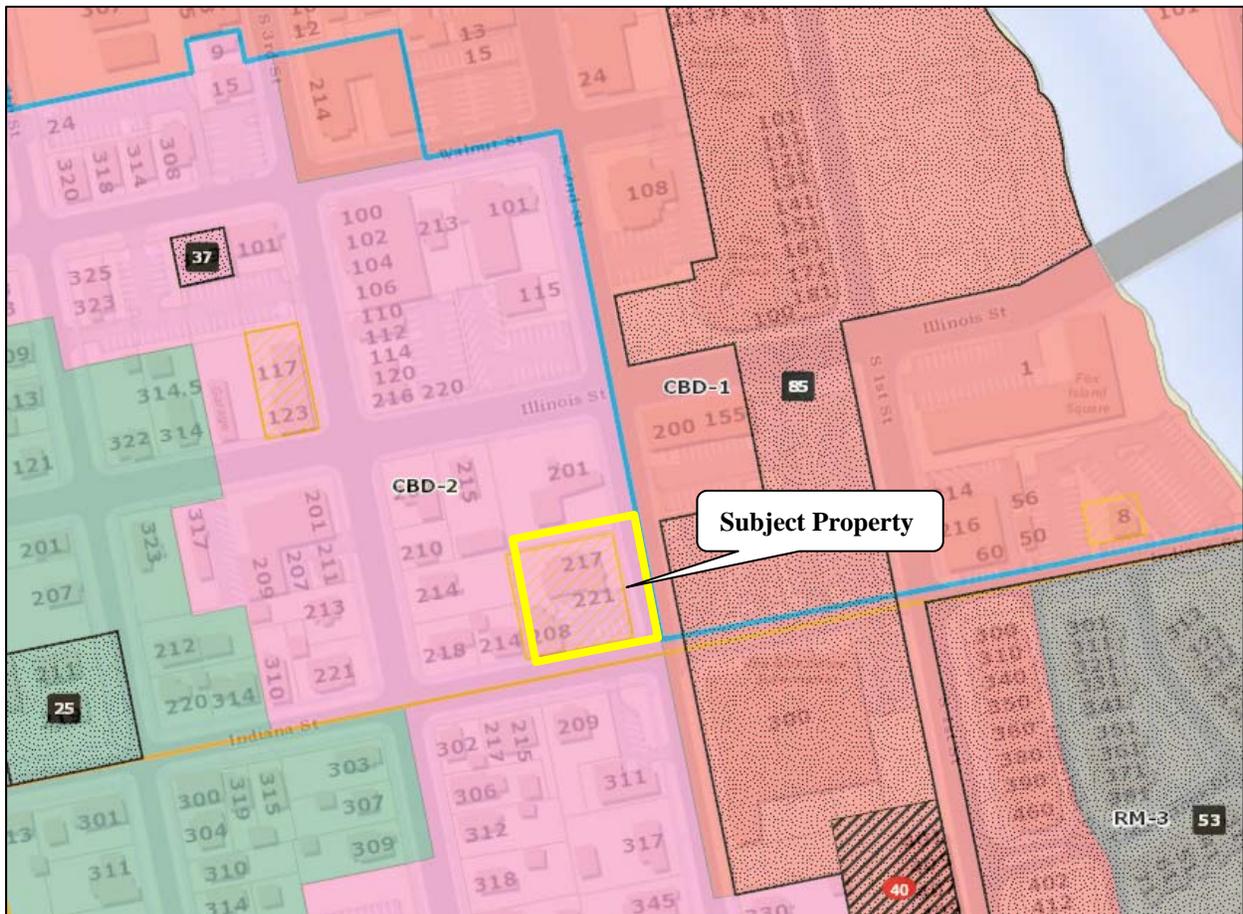
Purpose: Rezoning to CBD-1 District for the purpose of making the restaurant/tavern use a Permitted Use.

General Information:		
Site Information		
Location	217-221 S. 2 nd St.	
Acres	0.392	
Applications	Map Amendment	
Applicable Zoning Code Sections	17.04 Administration 17.14 Business and Mixed Use Districts Table 17.14-2 Business and Mixed Use Districts Bulk Requirements	
Existing Conditions		
Land Use	Restaurant/Tavern and Residential Uses	
Zoning	CBD-2 Mixed Use Business District Central Historic District & Historic Landmark	
Zoning Summary		
North	CBD-2 Mixed Use Business Dist.	Motor Vehicle Repair (Kevin's)
East	CBD-1 Central Business District and Downtown Overlay District	Private Parking Lot (Blue Goose)
South	CBD-2 Mixed Use Business Dist.	Office and Residential buildings
West	CBD-2 Mixed Use Business Dist.	Office and Residential buildings
Comprehensive Plan Designation		
Mixed Use		

Aerial Photograph



Zoning Map



II. BACKGROUND:

Property History

The subject property is a lot improved with two buildings: a residential structure fronting on S. 2nd St. and a second building fronting on Indiana St. that houses a restaurant/tavern on the lower level and other residential uses above.

The property is located in the Central Historic District and is a designated Historic Landmark called the Gates Estate. The buildings were constructed on the site in 1896 and were given landmark designated by the City in 2000 (Ordinance #2000-Z-15).

Zoning Status

The property is currently zoned CBD-2 Mixed Use Business District and was assigned this zoning in 2006 when the City adopted a comprehensive zoning ordinance amendment that created a new zoning district structure. “Restaurant/tavern” is not a permitted use in the CBD-2 zoning district and therefore the use is considered to be legal non-conforming. Legal non-conforming status means that the use can continue to exist, provided it is not abandoned. Abandonment occurs when the use is vacant and unoccupied for a continuous period of 180 days or more. (For more information, see Chapter 17.08 of the Zoning Ordinance.) The residential uses on the property are permitted uses.

From 1960 to 2006, the property was zoned B-3 Service Business District, which is comparable to the current BC Community Business or BR Regional Business Districts in terms of the type of commercial uses permitted. Upper level residential uses were also permitted.

Prior to 2006, the fringe areas around Downtown were designated with a mix of commercial districts. With the 2006 Zoning Ordinance, the City’s goal with the new CBD districts was to create uniform districts that were more reflective of the traditional downtown development pattern.

March 2006 Zoning Map



Comparable Zoning Districts, pre-2006 vs. current:
B2C = CBD-1
B2 = BC
B3 = BR
B2T = RT with BT overlay
M1 = M-2
R4 = RM-2
R5 = RM-3

Proposal

The applicant and property owner, Craig Bobowiec, recently became aware of the non-conforming status of the restaurant/tavern business and has submitted a Map Amendment requesting a CBD-1 zoning designation for the property in order for the restaurant/tavern business to be considered a legal permitted use.

In response to the application, staff researched file information from the 2006 Zoning Ordinance adoption process, which spanned 2003-2006 and involved a Zoning Commission set up specifically for the purpose of proposing a new ordinance. Staff did not locate any documentation indicating that the subject property or this block /general area was discussed with regard to where the dividing line should fall between the new CBD-1 and CBD-2 districts.

III. ANALYSIS OF MAP AMENDMENT

A. COMPREHENSIVE PLAN

Land Use Designation

The Comprehensive Plan Land Use designation for this property is *Mixed Use*. Both the CBD-1 and CBD-2 districts are “mixed use” zoning districts. The plan does not directly address the appropriate location to designate a boundary between the core and fringe of the downtown.

Commercial Area Policies, p. 48:

“Appropriately transition from more intensive uses within Downtown to the residential areas that surround it: Downtown St. Charles is surrounded on all sides by established residential neighborhoods. The City should continue to utilize a transitional zoning district to transition from intense uses in the Downtown core to more compatible uses on the periphery.”

Downtown Sub Area Plan:

The subject property is located along S. 2nd St./Rt. 31, which is identified as a “Gateway Frontage” on p. 87-88. Gateway frontages are streets that offer primary entry into Downtown and therefore provide first impressions.

Recommended development characteristics for the Gateway Frontage area are listed on p. 88. Regarding land uses, the plan states: *“Uses should be mixed, comprised of traditional downtown mixed use activities such as retail, restaurant and local services, as well as secondary uses including offices and services with less customer visitation. Multi-story mixed uses buildings should also be encouraged. Multi-family may also be appropriate on the fringe areas of Downtown.”*

Directly north of the subject property is Catalyst Site H, which includes the properties at the northeast, northwest and southwest corners of the intersection of Illinois St. and S. 2nd St.

Catalyst Site H is described on p. 90:

“The intersection of 2nd Street and Illinois Street is a prominent location in Downtown. While the southeast corner has an attractive building with Franscesca’s Restaurant, the other three quadrants are underutilized considering the setting. These properties should be redeveloped with mixed use, multi-family or green space that enhance the character of 2nd Street as a gateway corridor from the south.”

B. ZONING STANDARDS

A copy of Chapter 17.14 of the Zoning Ordinance is attached, with sections highlighted for reference.

This chapter contains the Purpose Statement for each zoning district (Section 17.14.010), Permitted and Special Uses (Table 17.14-1), and Bulk Regulations (Table 17.14-2).

IV. RECOMMENDATION

Conduct the public hearing.

Staff has prepared a recommendation for approval based upon the information available prior to the public hearing. If the Commission feels they have adequate information to close the public hearing, Findings of Fact have been prepared for consideration.

The Plan Commission may wish to modify the Findings of Fact based on additional evidence presented at the public hearing.

Draft Findings of Fact for Plan Commission consideration

The Plan Commission shall record its findings regarding these matters in relation to the proposed amendment, and shall transmit those findings to the City Council with its recommendation. The Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

1. The existing uses and zoning of nearby property.

To the east is the Blue Goose store parking lot, part of the First Street Redevelopment PUD, in the CBD-1 district and Downtown Overlay District.

To the north is Kevin's Auto Service, a motor vehicle repair business, in the CBD-2 district.

To the west and south are offices and residential uses in converted residential structures in the CBD-2 district.

2. The extent to which property values are diminished by the existing zoning restrictions.

In comparison to the proposed CBD-1 zoning, the existing CBD-2 zoning classification limits the type of commercial uses on the subject property and provides more restrictive density and bulk regulations. The property is also located in the Central Historic District and is a designated Historic Landmark, which may limit the potential for the property to be redeveloped.

3. The extent to which the reduction of the property's value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public.

The Historic Preservation status promotes the City's interest in preserving structures that are significant to the City's history.

Information has not been submitted to substantiate that a potential reduction in property value for the other factors listed in Finding #2 promotes the health, safety, welfare, morals, or general welfare of the public.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification.

The property is suitable for the existing and proposed zoning classifications.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located.

The property is not currently vacant.

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district.

Not directly applicable- Both districts are Mixed-Use districts.

7. The consistency of the proposed amendment with the City’s Comprehensive Plan.

The property is classified as Mixed Use in the Comprehensive Plan. Both the existing and proposed zoning districts are mixed-use zoning districts.

The Comprehensive Plan recommends maintaining a transitional zoning district (CBD-2) around the core of downtown. This property is located on the edge of the CBD-1 district and properties zoned CBD-2 separate the subject property from residential neighborhoods to the west.

Within the Downtown Subarea Plan, the property is located in the “Gateway Frontage” category. Recommended development characteristics for the Gateway Frontage area are listed on p. 88. Regarding land uses, the plan states: “Uses should be mixed, comprised of traditional downtown mixed use activities such as retail, restaurant and local services, as well as secondary uses including offices and services with less customer visitation. Multi-story mixed uses buildings should also be encouraged. Multi-family may also be appropriate on the fringe areas of Downtown.”

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

There is no evidence to suggest that the 2006 zoning designation of the subject property as reflected on the adopted Zoning Map was made in error; however, there is also no record that the City purposefully chose to designate the subject property and the surrounding block in the CBD-2 district instead of the CBD-1 district.

9. The extent to which the proposed amendment creates nonconformities.

The proposed rezoning would not create any new nonconformities. The existing legal non-conforming Restaurant/Tavern use would become a Permitted Use in the CBD-1 District.

10. The trend of development, if any, in the general area of the property in question.

The most recent development in the area is the First Street Redevelopment Project, located to the east of the subject property, which is a higher density mixed-use project. Properties around the subject property are developed. While some buildings have been renovated in recent years, no other surrounding properties have been redeveloped.

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Sections:

17.14.010	Purpose Statements
17.14.020	Permitted and Special Uses; Downtown Overlay Exemptions
17.14.030	Bulk Regulations

17.14.010 Purpose Statements

A. BL Local Business District

The purpose of the BL Local Business District is to provide locations for small-scale service and retail uses that primarily serve the convenience needs of St. Charles neighborhoods. The BL District permits a mix of uses, but care must be taken to ensure that adequate access, parking and screening is provided so as not to negatively impact adjoining residential neighborhoods.

B. BC Community Business District

The purpose of the BC Community Business District is to accommodate mid-size retail and service development along Strategic Regional Arterial corridors such as Route 64 and Randall Road. Uses in the BC District have the potential to generate significant automobile traffic, and therefore care must be taken to properly design access and parking facilities. Since this district is located along the roads that serve as gateways into St. Charles, quality building architecture, landscaping and other site improvements are necessary to ensure this type of development enhances St. Charles' image.

C. BR Regional Business District

The purpose of the BR Regional Business District is to provide locations along Strategic Regional Arterial corridors for shopping centers and business uses that draw patrons from St. Charles, surrounding communities and the broader region. The BR District consists primarily of large-scale development that has the potential to generate significant automobile traffic. It should be designed in a coordinated manner with an interconnected street network that is consistent with the City's Comprehensive Plan. Uncoordinated, piecemeal development of small parcels that do not fit into a larger context are discouraged in the BR District.

Compatible land uses, access, traffic circulation, stormwater management and natural features, all should be integrated into an overall development plan. Because this district is primarily at high-visibility locations, quality building architecture, landscaping and other site improvements are required to ensure superior aesthetic and functional quality.



D. CBD-1 Central Business District

The purpose of the CBD-1 Central Business District is to provide for the maintenance and orderly growth of a mixed use, pedestrian friendly, compact district of retail, service, office, and higher density residential uses in the central area of the City. Development within the CBD-1 District is intended to promote the upgrade and full utilization of existing older structures as well as appropriate redevelopment.



E. CBD-2 Mixed Use Business District

The purpose of the CBD-2 Mixed Use District is to provide for a properly scaled mixed-use transition between single-family residential neighborhoods and the retail core of the CBD-1 Central Business District. The CBD-2 District permits a mix of retail, service, office, and medium-density residential uses within buildings that are of a reduced height and scale than that permitted in the

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CBD-1 District. However, development in this district is also intended to retain a pedestrian-oriented character, similar to that of the CBD-1 District.

F. **Downtown Overlay District**

The purpose of the Downtown Overlay District is to preserve the economic vitality and pedestrian character of downtown's shopping core within the CBD-1 and CBD-2 Districts by encouraging the continuous flow of pedestrian movement. This is accomplished by limiting uses on the first floor that typically generate relatively little pedestrian activity or are otherwise incompatible with a pedestrian oriented shopping area. Only those uses listed in Table 17.14-1 shall be permitted on the street level or first floors of buildings/structures within the Downtown Overlay District.

17.14.020 Permitted and Special Uses; Downtown Overlay Exemptions

- A. Table 17.14-1 lists permitted and special uses for the business districts, and for the first floor level of the Downtown Overlay District.
- B. Buildings within the Downtown Overlay District are restricted with respect to the uses permitted on the first floor level, as provided in Table 17.14-1.

- 1. Exemptions. Notwithstanding these restrictions, the first floor level of a building within the Downtown Overlay District may be occupied for any use permitted within the underlying zoning district (i.e., CBD-1 or CBD-2), upon certification by the Director of Community Development that its physical characteristics make it unsuitable for occupancy for any of the first floor uses permitted within the Downtown Overlay District, and that altering such physical characteristics would either 1) be incompatible with the purpose of Chapter 17.32 (Historic Preservation) of this Title or 2) impose an undue financial burden on the property owner. Such physical characteristics may include but shall not be limited to: inappropriate placement, size or orientation of doors or windows, a floor level which is not of a similar elevation to the adjoining sidewalk, lack of window area for display of goods, lack of street frontage, and interior space which is not adaptable to the permitted uses because of structural components or limitations on accessibility. For purposes of this section, an undue financial burden shall mean where the estimated cost of altering the building exceeds 25% of the current appraised value of the property.

- 2. Certification for Office Use. The first floor level of a building within the Downtown Overlay District may be occupied by certain office uses (Bank, Financial Institution, Office-Business and Professional, and Medical/Dental Clinic) upon certification by the Director of Community Development that the proposed office use will meet the purpose of the Downtown Overlay District, as identified in Section 17.14.010.F, to generate pedestrian activity and be compatible with a pedestrian oriented shopping area. To be eligible for the certification, a property owner must demonstrate that the property has been vacant, not under lease, and publicly listed for lease for a minimum of 180 days by providing documentation demonstrating the space was listed on a public listing service.

The proposed office user shall demonstrate that the following criteria will be met:

- a. The business will be open to the general public during normal business hours and may require that customers make an appointment for service.
- b. The primary function of the business establishment will be to provide direct services to customers that are physically present.
- c. The interior space of the business will be configured such that a) the street-level storefront entrance will serve as the public entrance and b) a reception area or waiting area for visitors will be provided directly accessible from the public entrance.
- d. Street-facing storefront windows and doors will not be obstructed at any time and shall be utilized to provide a view of the interior office visible to pedestrians on the street. Illuminated exterior signs and the interior of the storefront shall be illuminated during evening hours.

A Certification for Office Use shall apply to the specific business only. A new Certification for Office Use shall be required for any new business to occupy a space. The Certification

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for Office Use may be revoked if the Director of Community Development finds the business is not operating in accordance with the certification.

3. Appeal. If a property owner or business tenant has formally requested an Exemption or a Certification for an Office Use pursuant to subsections “a” or “b” above, and if the request has been formally denied by the Director of Community Development, the property owner or business tenant may request an appeal of the decision before the City Council. The City Council shall consider only the criteria listed above and may uphold or reverse the decision of the Director of Community Development.

(Ord. 2013-Z-20 § 2.)

17.14.030 Bulk Regulations

Table 17.14-2 establishes the Bulk regulations for the business districts.

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TABLE 17.14-1 PERMITTED AND SPECIAL USES								
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT						SPECIFIC USE STANDARDS	
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR			CBD-2
					CBD1	CBD2		
RESIDENTIAL USES								
Artist Live/Work Space				P			P	Section 17.20.030
Assisted Living Facility		S		S			P	
Dwelling, Upper Level	P			P			P	
Dwelling Unit, Auxiliary							P	Section 17.20.030
Dwelling, Multi-Family				P			P	
Dwelling, Townhouse							P	
Dwelling, Two-Family							P	
Dwelling, Single-Family	P						P	
Group Home, Large							P	Section 17.20.030
Group Home, Small							P	Section 17.20.030
Independent Living Facility							P	
CULTURAL, RELIGIOUS, RECREATIONAL AND ENTERTAINMENT USES								
Art Gallery/Studio	P	P	P	P	P	P	P	
Carnival (as temporary use)		P	P	P				Section 17.20.040, 050
Cultural Facility		P	P	P	P	S	S	
Indoor Recreation and Amusement		P	P	P	P	S	S	
Live Entertainment		P	P	P	P			
Lodge or Private Club	P	P	P	P				
Outdoor Amusement			S					
Outdoor Recreation		P	P					
Park, Neighborhood	P			P	P	P	P	
Place of Worship	P	P	P	P			P	
Public Plaza	A	A	A	P	P	P	P	
Temporary Outdoor Entertainment	A	A	A	P	P			Section 17.20.030
Theater		P	P	P	P	P		
GOVERNMENTAL AND INSTITUTIONAL USES								
College/University		P	P	S				
Emergency Medical Center			P					
Fairground			S					
Golf Course			S					
Homeless Shelter				S			S	
Hospice							S	
Hospital			P					
Library				P			P	
Office, Government		P		P			P	
Post Office		P	P	P			P	
Public Service Facility		P	P	S				
School, Specialized Instructional	P	P	P	P			P	
School, Primary or Secondary							P	
RETAIL AND SERVICE USES								
Bank	P	P	P	P	P*	P*	P	Section 17.20.030 *Section 17.14.020
Bed and Breakfast				P			P	Section 17.20.030
Car Wash		S	P					Section 17.24.100
Currency Exchange		P	P	S				
Day Care Center	P	P	P	S			P	
Drive-Through Facility	S	S	S	SA			SA	Section 17.24.100
Financial Institution	P	P	P	P	P*	P*	P	*Section 17.14.020
Gas Station		P	P					Section 17.20.030
Heavy Retail and Service		P	S					

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TABLE 17.14-1 PERMITTED AND SPECIAL USES								
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Home Improvement Center		P	P					
Hotel/Motel		P	P	P	P			
Kennel		S	S					Section 17.20.030
Medical/Dental Clinic	P	P	P	P	P*	P*	P	*Section 17.14.020
Motor Vehicle Rental	P	P	P				P	
Motor Vehicle Service and Repair, Minor	P	P	P					Section 17.20.030
Motor Vehicle Sales and Leasing		P	P					Section 17.20.030
Office, Business and Professional	P	P	P	P	P*	P*	P	*Section 17.14.020
Outdoor Sales, Permanent	SA	SA	SA	S	S			Section 17.20.030
Outdoor Sales, Temporary	A	A	A	A	A		A	Section 17.20.040, 050
Pawn Shop			S					
Personal Services	P	P	P	P	P	P	P	
Coffee or Tea Room	A	P	P	P	P	A	A	
Restaurant	S	P	P	P	P			
Retail Sales	P	P	P	P	P	P	P	
Tattoo Parlor			S					
Tavern/Bar	S	P	P	P	P			
Theater		P	P	P	P			
Veterinary Office/Animal Hospital		P	P					
INDUSTRIAL/STORAGE USES								
Mini-Warehouse		P	P					
Temporary Motor Vehicle Storage		P	P					Section 17.20.030
OTHER USES								
Accessory Uses	A	A	A	A	A	A	A	Chapter 17.20, 17.22
Parking Garage/Structure			A	S	S	S	SA	Chapter 17.24
Parking Lot, Private	A	A	A	A	A	A	A	Chapter 17.24
Parking Lot, Public				P	P	P	P	Chapter 17.24
Planned Unit Development	S	S	S	S	S	S	S	Chapter 17.04
Transportation Operations Facility		S	P	S				
Communication Tower		S	S					Section 17.22.020
Communication Antenna	P	P	P	P			P	Section 17.22.020
Utility, Community/Regional		S	S				S	
Utility, Local	P	P	P	P	P	P	P	
Wind Turbine, Structure Mounted	A	A	A					Section 17.22.020.G
Wind Turbine, Tower Mounted		S	S					Section 17.22.020.H

(Ord. 2013-Z-20 § 3; Ord. 2011-Z-11 § 2; Ord. 2008-Z-24 § 4, 5; Ord. 2008-Z-3 § 2; Ord. 2003-Z-13 § 4, 6, 7; Ord. 2001-Z-42 § 1; Ord. 2001-Z-40 § 1; Ord. 2001-Z-11 § 2, 3; Ord. 1999-Z-20 § 1; Ord. 1998-Z-19 § 1; Ord. 1996-Z-12 § 11-13; Ord. 1995-Z-5 § 1; Ord. 1993-Z-19 § 4; Ord. 1993-Z-4 § 1 (B, D); Ord. 1990-Z-7 § 1; Ord. 1989-Z-6 § 1; Ord. 1986-Z-11 § XI; Ord. 1986-Z-4; Ord. 1985-Z-2 § 1; Ord. 1984-Z-6 § 2; Ord. 1984-Z-4 § 1; Ord. 1984-Z-3 § 1; Ord. 1983-Z-9 § 1; Ord. 1982-Z-3 § 1; Ord. 1982-M-16 § 1; Ord. 1981-Z-7 § 2; Ord. 1981-Z-3 § 1; Ord. 1980-Z-13 § 1; Ord. 1980-Z-3 § 1; Ord. 1978-Z-3; Ord. 1976-Z-15 § 2; Ord. 1975-Z-8 § 1; Ord. 1973-Z-1 § 1; Ord. 1972-Z-56 § 1, 2; Ord. 1972-Z-46 (A, B, C (part)); Ord. 1968-31 (part); Ord. 1967-14 (part); Ord. 1966-33 § 1, 2; Ord. 1961-29; Ord. 1960-18 § VIII (E) (2); Ord. 1960-16 § VIII (F) (2, 3); Ord. 1960-16 § VIII (E) (3); Ord. 1960-16 § VIII (D) (2, 3); Ord. 1960-16 § VIII (C) (2, 3); Ord. 1960-16 § VIII (B) (2).)

BUSINESS AND MIXED USE DISTRICTS

TABLE 17.14-2 BUSINESS AND MIXED USE DISTRICTS BULK REGULATIONS					
ft = feet sf = square feet du = dwelling unit B = building and structures P = parking lots	ZONING DISTRICT				
	BL	BC	BR	<u>CBD-1</u>	<u>CBD-2</u>
Minimum Lot Area ¹	Dwelling, Upper Level: 3,000sf/du Drive-thru facilities, Minor Motor Vehicle Service & Repair: 1 acre Other Uses: No minimum lot area	1 acre	1 acre	Dwelling, Upper Level & Multi-family: 1,000 sf/du Nonresidential Uses: No minimum lot area	Single-Family: 5,000sf Two-family: 3,750 sf/du Townhouse: 3,000 sf/du Upper Level & Multi-Family: 2,200sf/du Non-Residential Uses: 5,000 sf
Minimum Lot Width	None	None	None	None	Townhouse, multi-family, mixed-use development: 100 ft All other uses: 50 ft
Maximum Building Coverage ²	60%	40%	30%	None	Single-family: 25% All other uses: 40%
Maximum Gross Floor Area per Building	10,000 sq	75,000 sq	None	40,000 sq	10,000 sq
Maximum Building Height	30 ft	40 ft	40 ft	50 ft	40 ft
Front Yard ³	B: Minimum 20 ft P: Minimum 10 ft	B, P: Minimum 20 ft	B, P: Minimum 20 ft	B: Maximum 5 ft/No Minimum P: Minimum 5 ft	B, P: Minimum 5 ft
Side Yards:					
Interior Side Yard	B: Minimum 5 ft P: None	B: Minimum 10 ft P: None	B: Minimum 15 ft P: None	B: If provided, minimum 5 ft P: None	B: Minimum 5 ft P: None
Exterior Side Yard	B: Minimum 20 ft P: Minimum 10 ft	B, P: Minimum 20 ft	B, P: Minimum 20 ft	B: Maximum 5 ft/No minimum P: Minimum 5 ft	B, P: Minimum 5 ft
Minimum Rear Yard	B: 20 ft, P: None	B: 30 ft, P: None	B: 30 ft, P: None	B,P: None	B: 20 ft, P: None

¹ The Lot Area for Two Family, Townhouse and Multi-Family developments with more than one lot may be calculated by adding the land area of all lots and common areas on which one category of dwellings is located, and dividing the total land area by the total number of dwelling units of that category. Common areas may be included in the calculation of land area, except for the area within a public or private street right of way; if no right of way is designated to private streets, the area between the backs of curbs of the private street shall be excluded.

² In the CBD-2 District, if a detached garage is provided in lieu of an attached garage, or if an attached garage is accessed via an alley, a) on lots 65 feet or less in width, 500 square feet of additional Building Coverage is allowed, and b) on lots more than 65 feet in width, 250 square feet of additional Building Coverage is allowed.

³ If an existing parking facility is resurfaced or reconstructed, and the parking facility does not meet the current parking setback requirement, the required set back may be reduced by fifty percent (50%). If the existing parking facility is set back at a distance greater than fifty percent (50%) of the required parking facility set back of the Zoning District, the existing parking facility setback shall not be reduced.

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TABLE 17.14-2 BUSINESS AND MIXED USE DISTRICTS BULK REGULATIONS					
ft = feet sf = square feet du = dwelling unit B = building and structures P = parking lots	ZONING DISTRICT				
	BL	BC	BR	<u>CBD-1</u>	<u>CBD-2</u>
Landscape Buffer Yard (B, P) ⁴	10 ft	25 ft	40 ft., except on lots with a building over 150,000 sf of gross floor area: 80 ft.	None	10 ft

(Ord. 2013-Z-21 § 2; Ord. 2012-Z-5 § 3; Ord. 2011-Z-1 § 12; Ord. 2008-Z-24 § 6; Ord. 1986-Z-11 § XIII & XIV; Ord. 1980-Z-20 § 1; Ord. 1972-Z-46 (A, B, C) (part); Ord. 1968-31 (part); Ord. 1960-16 § VIII (F) (4,5); Ord. 1960-16 § VIII (E) (4,5); Ord. 1960-16 § VIII (D) (4, 6, 7); Ord. 1960-16 § VIII (C) (4, 5); Ord. 1960-16 § VIII (B) (4, 5).)⁵

⁴ Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, RT or RM District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

CITY OF ST. CHARLES
TWO EAST MAIN STREET
ST. CHARLES, ILLINOIS 60174-1984



COMMUNITY DEVELOPMENT/PLANNING DIVISION

PHONE: (630) 377-4443 FAX: (630) 377-4062

ZONING MAP AMENDMENT APPLICATION

Received Date
RECEIVED
St. Charles, IL

MAR 26 2014

CITYVIEW

Project Name: 217 & 221 S. Second St.

Project Number: 2014 -PR- 009

Application Number: 2014 -AP- 014

CDD
Planning Division

Instructions:

To request a zoning map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Planning Division.

City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a Plan Commission public hearing or meeting date.

The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.

1. Property Information:	Parcel Number (s): 09-34-114-011	
	Street Address (or common location if no address is assigned): 217 and 221 South Second Street	
2. Applicant Information:	Name Craig Bobowiec	Phone 630-664-5766
	Address 508 Cedar Street St. Charles, IL 60174	Fax n/a
		Email cbobowiec@sbcglobal.net
3. Record Owner Information:	Name Same as above	Phone same as above
	Address Same as above	Fax n/a
		Email same as above
4. Billing: <i>To whom should costs for this application be billed?</i>	Name Same as above	Phone same as above
	Address Same as above	Fax same as above
		Email same as above

Zoning and Use Information:

Comprehensive Plan Land Use Designation of the property: Commercial/Mixed Use

Current zoning of the property: CBD-2

Is the property a designated Landmark or in a Historic District? Yes

Current use of the property: Restaurant/tavern and 2 unit residential

Proposed zoning of the property: CBD-1

Proposed use of the property: Same - no change in use proposed

If the proposed Map Amendment is approved, what improvements or construction are planned? (An accurate site plan may be required to establish that the proposed improvement can meet the minimum zoning requirements)

No improvements or construction are currently contemplated. Map amendment reflects previous and current uses and corrects a previous zoning change that created a non-conforming use.

Attachment Checklist

- APPLICATION:** Completed application form signed by the applicant.
- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- REIMBURSEMENT OF FEES AGREEMENT:** An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- PROOF OF OWNERSHIP and DISCLOSURE:**
 - a) A current title policy report; or
 - b) A deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

LEGAL DESCRIPTION: For entire subject property, on 8 ½ x 11 inch paper

PLAT OF SURVEY:

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

SITE PLAN:

Simple site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)

SOIL AND WATER CONSERVATION DISTRICT APPLICATION:

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

X ENDANGERED SPECIES REPORT:

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecofcat.state.il.us/ecopublic/>

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

<u>Craig & Bobourne T/E</u>	<u>3-26-14</u>
Record Owner	Date
<u>J. Leake, Atty.</u>	<u>3/26/14</u>
Applicant or Authorized Agent	Date

FINDINGS OF FACT SHEET – MAP AMENDMENT



The St. Charles Zoning Ordinance requires the Plan Commission to consider factors listed below in making a recommendation to the City Council.

As an applicant, the “burden of proof” is on you to show why the proposed zoning is more appropriate than the existing zoning. Therefore, you need to “make your case” by explaining how the following factors support your proposal. If a factor does not apply to the property in question, indicate “not applicable” and explain why it does not apply.

217 and 221 South Second St.
Project Name or Address

03/25/14
Date

From the Charles Zoning Ordinance, Section 17.04.320.D:

In making its recommendation to grant or deny an application for a Zoning Map Amendment, including changes to Zoning District and Overlay boundaries, the Plan Commission shall consider:

1. The existing uses and zoning of nearby property. *(Relate the proposed land use and zoning to the land use and zoning of other properties in the area)*

To the east, Blue Goose, commercial (CBD-1); to the north, Kevin's Auto Service (CBD-2); to the west, residential (CBD-2); and to the south, residential (CBD-2). The proposed land use and zoning are consistent with the planned uses, existing uses and zoning of the properties in the area.

2. The extent to which property values are diminished by the existing zoning restrictions. *(Compare the value of the subject property and nearby properties under the current zoning to their potential value under the proposed zoning.)*

This property was previously zoned B-3 in the City of St. Charles. The 2006 comprehensive rezoning changed the property zoning to CBD-2. The CBD-2 zoning does not allow the restaurant/tavern use and has significantly diminished the property value and created a non-conforming use. The value of nearby properties will not be diminished by the proposed rezoning.

3. The extent to which the reduction of the property’s value under the existing zoning restrictions promotes the health, safety, morals or general welfare of the public. *(If the existing zoning decreases the value of the subject realty, does it also produce any perceptible public benefits?)*

The reduction of the property's value does not promote the health, safety, morals or general welfare of the public, nor does it produce any perceptible public benefits.

4. The suitability of the property for the purposes for which it is presently zoned, i.e. the feasibility of developing the property for one or more of the uses permitted under the existing zoning classification. *(Can the subject property reasonably be used for any of the uses currently permitted? Physical and market conditions may be considered.)*

The property is ideally suitable for the existing, legal, non-conforming uses and the requested zoning change will provide for the existing permitted uses to be consistent with the municipal code.

5. The length of time that the property has been vacant, as presently zoned, considered in the context of the land development in the area where the property is located. *(If a property has been vacant longer than other similar properties in the area, it may be an indicator that the existing zoning is inappropriate.)*

N/A

6. The evidence, or lack of evidence, of the community's need for the uses permitted under the proposed district. *(Development trends, market forces, and the Comprehensive Plan may be considered.)*

The property, as currently used, provides commercial, residential and tax base benefits and allows continuation of these beneficial uses to the community consistent with the Comprehensive Plan.

7. The consistency of the proposed amendment with the City's Comprehensive Plan.

The proposed amendment is completely consistent with the City's Comprehensive Plan.

8. Whether the proposed amendment corrects an error or omission in the Zoning Map.

The proposed amendment corrects an error or omission in the Zoning Map created by the 2006 Comprehensive Rezoning and will return the property to the CBD-1 as a conforming use.

9. The extent to which the proposed amendment creates nonconformities. *(Generally it is not appropriate to rezone a property unless it can comply with the requirements of the new zoning.)*

None

10. The trend of development, if any, in the general area of the property in question. *(New development, redevelopment, changes in use, or other changes in the area may help to justify a change in zoning.)*

The trend and characted of development in the general area of the property supports the requested map/amendment.

Plan Commission recommendation shall be based upon the preponderance of the evidence presented and the Commission shall not be required to find each Finding of Fact in the affirmative to recommend approval of an application for Map Amendment.

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JOTHAM S. STEIN P.C.

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Palo Alto, California 94306
Tel: (650) 327-1900 Fax: (650) 424-9710

April 8, 2014

Todd Wallace
Plan Commission Chair
City of St. Charles
2 E. Main Street
St. Charles, Illinois 60174

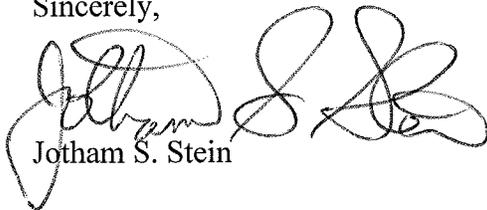
Re: Plan Commission Public Hearing on April 22, 2014

Dear Mr. Wallace,

I respectfully request a continuance of one month for the entire Plan Commission public hearing for the application for a zoning change to the property at 217-221 South Second Street. The public hearing on this matter is currently scheduled for April 22, 2014. I am the owner of the LLC that owns the adjacent property at 214 South Third Street and cannot attend a public hearing on April 22, 2014 because I have a previously scheduled business trip out of town. I am also not available to attend on May 6, 2014. Consequently, I request a continuance of the entire public hearing on the 217-221 South Second Street re-zoning application until the Plan Commission's meeting on May 20, 2014.

Thank you for your anticipated cooperation.

Sincerely,


Jotham S. Stein