

**AGENDA
CITY OF ST. CHARLES
PLAN COMMISSION
CHAIRMAN TODD WALLACE**

**TUESDAY, APRIL 22, 2014 - 7:00 P.M.
COUNCIL CHAMBERS
2 E. MAIN ST., ST. CHARLES, IL 60174**

1. Call to order.

2. Roll Call -

Chairman Todd Wallace	Brian Doyle	James Holderfield
Vice Chairman Tim Kessler	Steve Gaugel	Tom Pretz
Sue Amatangelo	Curt Henningson	Tom Schuetz

Auditory Members - Holly Cabel, St. Charles Park District
- Donald Schlomann, School District #303

3. Presentation of minutes of the April 8, 2014 meeting.

PUBLIC HEARING

4. 217-221 S. 2nd St. (Craig Bobowiec)

Application for Map Amendment from CBD-2 Mixed Use Business District to CBD-1 Central Business District

5. General Amendment (Terry Grove)

Amendment to Chapter 17.28 "Signs" regarding off-premise signs in the CBD-1 and CBD-2 zoning districts

MEETING

6. 217-221 S. 2nd St. (Craig Bobowiec)

Application for Map Amendment from CBD-2 Mixed Use Business District to CBD-1 Central Business District

7. General Amendment (Terry Grove)

Amendment to Chapter 17.28 "Signs" regarding off-premise signs in the CBD-1 and CBD-2 zoning districts

8. Meeting Announcements

Tuesday, May 6, 2014 at 7:00pm Council Chambers
Tuesday, May 20, 2014 at 7:00pm Council Chambers

Tuesday, June 3, 2014 at 7:00pm Council Chambers

9. Additional Business from Plan Commission Members, Staff, or Citizens.

10. Adjournment

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, APRIL 8, 2014**

Members Present: Todd Wallace, Chairman
 Brian Doyle
 Steve Gaugel
 Curt Henningson
 Tom Pretz
 Sue Amatangelo
 James Holderfield

Members Absent: Tim Kessler
 Tom Schuetz

Also Present: Russell Colby, Planning Division Mgr.
 Christopher Tiedt, Development Engineering Division Mgr.
 Court Reporter

1. Call to order

The meeting was called to order at 7:00 p.m. by Chairman Wallace.

2. Roll Call

Chairman Wallace called the roll. A quorum was present.

3. Presentation of minutes of the March 18, 2014 meeting.

A motion was made by Ms. Amatangelo, seconded by Mr. Doyle and unanimously passed by voice vote to accept the minutes of the March 18, 2014 meeting.

4. 600-660 S. Randall Rd. – Randall Shoppes (Dyn Rote, LLC)

Application for Concept Plan
-Concept Plans dated 2/10/14

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

5. Dunham Creek Subdivision – 2455 Dunham Rd. (Advanced Commodities Inc.)

Application for Final Plat of Subdivision
-Final Engineering Plans dated 3/5/14
-Final Plat of Subdivision dated 2/6/14

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Mr. Henningson made a motion to approve the Final Plat of Subdivision contingent upon resolution of all staff comments prior to City Council action, seconded by Ms. Amatangelo.

Minutes – St. Charles Plan Commission

Tuesday, April 8, 2014

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Roll Call Vote:

Ayes: Henningson, Gaugel, Pretz, Doyle, Amatangelo, Wallace, Holderfield

Nays:

Absent: Kessler, Schuetz

Motion carried: 7-0

6. Meeting Announcements

Tuesday, April 22, 2014 at 7:00pm Council Chambers

Tuesday, May 6, 2014 at 7:00pm Council Chambers

Tuesday, May 20, 2014 at 7:00pm Council Chambers

7. Additional Business from Plan Commission Members, Staff, or Citizens. None

8. Adjournment at 7:55PM.

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PRESENT:

- MR. TODD WALLACE, Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. CURT HENNINGSON, Member;
- MR. JAMES HOLDERFIELD, Member; and
- MR. THOMAS PRETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager; and
- MR. CHRISTOPHER TIEDT, Development Engineering Division Manager.

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1 CHAIRMAN WALLACE: All right. The
2 meeting of the St. Charles Plan Commission will come to
3 order.

4 Tim is not here. So I'll do the roll call.
5 Wallace here.
6 Kessler absent.
7 Amatangelo.

8 MEMBER AMATANGELO: Here.

9 CHAIRMAN WALLACE: Doyle.

10 MEMBER DOYLE: Here.

11 CHAIRMAN WALLACE: Gaugel.

12 MEMBER GAUGEL: Here.

13 CHAIRMAN WALLACE: Henningson.

14 MEMBER HENNINGSON: Here.

15 CHAIRMAN WALLACE: Holderfield.

16 MEMBER HOLDERFIELD: Here.

17 CHAIRMAN WALLACE: Pretz.

18 MEMBER PRETZ: Here.

19 CHAIRMAN WALLACE: Schuetz is absent.

20 Item 3 on your agenda, presentation of the
21 minutes of the March 18th, 2014, meeting.

22 Is there a motion to approve?

23 MEMBER AMATANGELO: So moved.

24 MEMBER DOYLE: Second.

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1 CHAIRMAN WALLACE: It's been moved and
2 seconded. All in favor.

3 (Ayes heard.)

4 CHAIRMAN WALLACE: Opposed.

5 (No response.)

6 CHAIRMAN WALLACE: That motion passes
7 unani mousl y.

8 Item 4 on your agenda is 600-660 South
9 Randall Road, Randall Shoppes, Dyn Rote, LLC,
10 application for a concept plan. The concept plan is
11 dated 2/10/14.

12 Staff, is there anything that we need to know
13 before we begin the concept plan review?

14 MR. COLBY: There is not.

15 CHAIRMAN WALLACE: Okay. I know it's
16 been awhile since we've done one. I don't know if we
17 did at the last meeting because I wasn't here. But for
18 everyone who is not familiar with a concept plan
19 review, there is not an application that's been filed
20 for this particular matter. Is that correct?

21 MR. COLBY: There is an application
22 filed for a concept plan review. It's nonformal
23 request.

24 CHAIRMAN WALLACE: Sorry. Yes. There

1 is an application for a concept plan review, which is
2 what we're doing today, and this is a way for
3 applicants to come before the city and to propose an
4 idea and get feedback from the Plan Commission prior to
5 putting in the expense and time of an application and
6 going through the whole process.

7 So what we're going to do today is we're
8 going to listen to the application and ask questions,
9 and then most importantly for the applicant, to provide
10 feedback both positive and negative regarding the plan.

11 Any questions?

12 (No response.)

13 CHAIRMAN WALLACE: Okay. Is the
14 applicant ready?

15 MR. KEYS: Sure thing.

16 Good evening. My name is Marvin Keys. I am
17 general counsel for First Rockford Group, which is a
18 real estate development company. We're based out of
19 Rockford.

20 The applicant before you is Dyn Rote, LLC,
21 which is just one of our entities. First Rockford
22 Group has been around -- actually this October is our
23 30th anniversary as a real estate development company.
24 We have a couple million square feet of commercial

1 space, retail space. We have another million or so
2 square feet of office space, and a couple million
3 square feet of industrial space that we own and operate
4 and manage as a company.

5 We purchase properties, and we hold them
6 long-term. We're not a company that flips properties.
7 We do these as long-term investments, and we put
8 quality tenants in our buildings, and we retain them
9 for the long-term with the income stream from them.

10 The petition that you have in front of you
11 and what we're here for today is a property that's
12 located at the southeast corner of Prairie and Randall
13 Road. It's an existing strip center that's -- I guess
14 you've probably seen the pictures in your packet, but
15 this is kind of the current state of the building.
16 It's kind of a '70s -- '60s, '70s kind of a style.
17 It's a very dated, very tired center. The parking lot
18 needs a lot of work. The facade itself is in mediocre
19 shape. All the signage is kind of falling apart.

20 Most of the tenants are leaving. They have
21 already -- before we purchased the property, which we
22 did just a month or so ago, we knew the tenants that
23 were existing there other than the comic store were
24 already going to be leaving. So we kind of have a

1 clean slate that we can work with, resubdivide the
2 building itself, and put in some tenants.

3 We already have some tentative deals in place
4 at least for a big chunk of the building with a
5 national tenant, a mattress store. They've got a
6 thousand stores across the country. So we do have some
7 activity. It's contingent upon us doing this rehab.
8 They want kind of a fresh, new looking building.

9 So what we're proposing to do is basically we
10 would take the whole facade and rework all the facia.
11 It looks in theory -- you can see on these two
12 designs -- these are kind of two of just renderings of
13 the same design, just from different angles. It looks
14 like it's a little paint, some brick and stone, but
15 it's actually quite a bit of work.

16 The way that the current overhang is for the
17 building cantilevers out over the sidewalk; and the way
18 the structural beams are, they actually run all the way
19 out through the awning or through the overhang that's
20 there; and so we actually have to go into each space,
21 go back about 10 to 15 feet in the space, put in
22 supports, remove all the facade because we're going to
23 get rid of -- it's got lots and lots of ugly stone -- I
24 mean not stone, brick that's just kind of painted, it's

1 not very nice looking, and change it into a glass
2 storefront. So in order to do that, we've got to put
3 the supports in, rip all that out and put new glass in,
4 then lower it back down. So it's quite a bit of work
5 that we would be going through to get this done.

6 In addition to that, we'd be redoing the
7 parking lot. We'd be basically adding a number of
8 parking spaces. One of the issues that we've had with
9 people as we've talked to the tenants to go into the
10 building is the -- while the parking technically meets
11 your zoning requirements for the shopping center, it
12 meets the code for the spaces, the bare minimum for any
13 just generic retail use, it's not enough for today's
14 modern retail tenant.

15 They want a better parking field, more
16 parking for -- even though it technically meets the
17 ordinance, they don't care. They want to see five cars
18 per thousand, five-and-a-half cars per thousand,
19 instead of the four cars per thousand, which is what
20 most of the codes just minimally require. So one of
21 the things is to go in there, resurface the entire
22 parking lot, and then add parking all along Randall
23 Road.

24 Additionally, the building has almost zero

1 landscaping currently. It's got some grassy areas, and
2 by the sign there is a little bit of landscaping, and
3 over on the other end of the building where -- that
4 would be the south end of the building, there's some
5 bushes there as well, but there is nothing along
6 Randall. There is nothing along Prairie. There is
7 nothing anywhere else within the entire footprint of
8 the property.

9 So we'd be coming in with landscaping and
10 doing it in accordance with at least the requirements
11 of the code for the types of landscaping along Randall
12 Road, putting in bushes and trees and shade trees and
13 things like that that are currently just simply missing
14 from the property.

15 We're doing this request as a PUD because
16 already the building doesn't meet the code. The
17 parking lot is already closer to the street than would
18 be permitted. The building itself is closer to the
19 rear lot line, the side yard lot line than would be
20 permitted. All these things are the existing
21 conditions.

22 In addition, in order to do the things that
23 we need to do in order to make this viable in order to
24 spend the money that we need to spend in order to get

1 this into a condition that is something that looks
2 nice, something that we can be proud of in a community
3 that we're just coming into, we need to do basically a
4 plan that allows us to kind of meet the tenants' needs.

5 We've done it as a PUD because we think it
6 allows us the flexibility to vary from some of the code
7 requirements that would otherwise be individual
8 variances and provide something that's much better for
9 the village than what is currently in place. It will
10 be significantly improved beyond what you have today.

11 So we think that the analysis of the cost
12 benefit analysis for the village -- or for the city in
13 comparison to what you have now, it's a good tradeoff
14 knowing that we're going to be taking this basically
15 tired old building and turn it into something that fits
16 in with what's happening all along the Randall Road
17 corridor with new development and all of that that's
18 happening.

19 We also, as part of this, there is an
20 option -- Option No. 2 is kind of what we are -- what
21 you see on the plans right now in front of you is what
22 we would be planning to do at least initially. We'll
23 do this, get everything going.

24 As we find tenants and as we kind of get a

1 better feel for who ends up occupying the building, we
2 have a second facade which would -- you can see
3 basically the building as it currently is. It ends
4 about here. We could add this additional space and
5 kind of do a whole kind of a signature area on the end
6 cap there which isn't possible with the existing
7 building without basically tearing down more completely
8 what's there, and you can do this addition.

9 That parking change as well allows us -- or
10 the additional parking spaces would allow us to do that
11 at some time in the future and still meet the code
12 requirements, and we would only do this option if, as
13 we go through, the tenants who end up coming in are
14 tenants who are low parking users, who are comfortable
15 with the parking requirements of the city and aren't
16 needing excess parking.

17 So this is kind of -- it's not our initial
18 plan, but it's something that is an option in the
19 future depending on how the tenant mix plays out with
20 the building. So we're kind of presenting it as part
21 of this so that in the event it comes about, we would
22 have already shown you what we might be looking to do
23 so that you've already kind of preapproved, hey, this
24 is also one of the possible options.

1 CHAIRMAN WALLACE: Have you considered
2 pursuing cross access with Jewel?

3 MR. KEYS: Yes. The issue is this
4 parking -- or this particular building is not part of
5 that subdivision, or it wasn't part of what was --
6 there's recorded covenants against the rest of that
7 area that prohibit -- no liquor sales, no food sales of
8 any kind. I mean, there's a laundry list. It's a
9 100-page set of codes and restrictions.

10 If we were to connect to them, they would
11 want us to abide by those restrictions, which severely
12 hampers what can be done with this building. I mean,
13 literally, a restaurant that sells alcohol even though
14 it doesn't really conflict with what the grocery store
15 behind does, it's restricted in the document.

16 Also the mall that was back there, that used
17 to be back there, those restrictions from the mall also
18 are part of that document, and they impose much more
19 restrictive requirements, only permitting food sales in
20 a kiosk in a mall, essentially. So those are the only
21 exceptions.

22 So it doesn't -- there's no -- we'll still
23 continue to talk to them, but it's not an expectation
24 of ours that we're going to be able to reach a mutually

1 agreed-upon access over and across their parcel, but we
2 will continue to pursue that. I think it would be
3 helpful for us, and I don't think it harms them, but
4 they see it as doing us a favor.

5 CHAIRMAN WALLACE: Brian.

6 MEMBER DOYLE: I was thinking along the
7 same lines. I have a question for staff.

8 Those covenants, are they dictated and/or
9 does Jewel have the right to refuse changes to those
10 covenants? Is it part of -- I mean, Shodeen is the
11 owner of the property; correct?

12 MR. COLBY: Yes. I can't speak to how
13 that agreement is structured though. I don't know what
14 rights Jewel has in terms of their agreement with
15 Shodeen.

16 MEMBER DOYLE: But potentially it could
17 be a covenant that is bound by a lease.

18 MR. COLBY: It very well could be.

19 MEMBER DOYLE: Okay. All right.

20 CHAIRMAN WALLACE: All right. Any other
21 questions? We'll go ahead and just do questions and
22 get to, you know, our opinions regarding the project.

23 Sue.

24 MEMBER HOLDERFIELD: I have a

1 question --

2 CHAIRMAN WALLACE: Oh, I'm sorry. Yes.

3 MEMBER HOLDERFIELD: -- about the
4 parking, and I don't know who to address this to.
5 Maybe, Russ, you can help on this.

6 I live in this community, so I've known that
7 building from the date it was built. Originally along
8 Randall Road there between the parking lot and Randall
9 Road, there was a pretty deep ditch that ran parallel
10 to Randall, and I think a lot of the patrons that went
11 to that building backed out and ran off into the ditch.

12 So I'm wondering now as we're looking at
13 this -- I went over to the property today -- since that
14 occurred, and that was, I guess, tile that was put in
15 there, and it was backfilled, and it's just grassy
16 area. There is no asphalt on it at all, but I'm just
17 wondering from the standpoint of a technical sense if
18 that can even be accomplished, if that can be a parking
19 lot put upon that side. So I don't know if that's
20 going to be an issue there or not.

21 MR. TIEDT: Currently, there are some
22 utilities, as you indicated, along the Randall Road
23 right-of-way. However, their proposal for placing a
24 curb in that area would not hamper those utilities.

1 CHAIRMAN WALLACE: Sue, did you have
2 something?

3 MEMBER AMATANGELO: Thank you.

4 I'm just curious if you can give us an idea
5 of what the eastern elevation will look like because
6 that will back up to the Jewel parking lot, but it's
7 still very visible by all of the people that are going
8 in and out of Jewel. So did you, by any chance, do a
9 rendering of --

10 MR. KEYS: We didn't do a rendering of
11 the back side of the building. We would carry the same
12 kind of theme, obviously not the glass, along the back
13 side. It would be basically a fresh facia applied onto
14 what's existing there to match what is on the front and
15 then the side, just kind of the same colors and the
16 textures that we would have in the -- kind of along
17 the -- the bands up here would carry along the back
18 side so that the building as a whole remains cohesive,
19 but we wouldn't be doing glass storefronts or those
20 kinds of things in the back side of the building.

21 CHAIRMAN WALLACE: Can you do me a favor
22 and flip one of those around, Option 2.

23 MR. KEYS: Sure.

24 CHAIRMAN WALLACE: Thank you.

1 I'm just curious. So really Building Option
2 2 would be, we'll say, phase 1.

3 MR. KEYS: Correct.

4 CHAIRMAN WALLACE: Then Building Option
5 1 would be after an anchor is -- you would add on that
6 space.

7 MR. KEYS: Yeah. If the tenant mix
8 worked out right, it would have to be the right set of
9 circumstances, but yes.

10 CHAIRMAN WALLACE: Okay. I mean, one
11 thing that I'm seeing is in looking at the plans, I
12 think that Option 1 from a -- from the standpoint of
13 interest, I like what I see on Option 2 with the
14 supports that you have; and if you look at the long
15 view of Building Option 1, it seems like quite a long
16 space with no articulation in the building. I mean,
17 it's very straight all the way across the front.

18 So one of the things that I would suggest
19 would be to add, you know, a pillar or something like
20 that. I mean, is there any reason to not do that?

21 MR. KEYS: You're saying --

22 CHAIRMAN WALLACE: Actually --

23 MR. KEYS: -- somewhere in this section?

24 CHAIRMAN WALLACE: Yes. Flip that one

1 back around. I'll show you. See how long the building
2 is?

3 MR. KEYS: Somewhere --

4 CHAIRMAN WALLACE: Somewhere in there
5 just to make something to break it up a little bit. I
6 mean, certainly I think the way you have it is an
7 improvement. Almost anything is an improvement over
8 what's there now, but, you know, I also do like the
9 idea about trying to have an anchor-type tenant.

10 I know I've always had problems since Randall
11 Video went out of there describing what that strip mall
12 is, and that's been how many years ago? I think I was
13 about 14 at the time. But yeah, having something where
14 it could be identified, I think would be nice.

15 MEMBER HOLDERFIELD: Todd, I have to
16 agree with you. I hadn't thought about that, but
17 looking at Building Option 1 that you have up now with
18 the sandstone projections that come out, those two, if
19 those would kind of repeat going down, you know.

20 MR. KEYS: Somewhere in here.

21 MEMBER HOLDERFIELD: Yeah.

22 MR. KEYS: I think that's a good idea.

23 CHAIRMAN WALLACE: And maybe even also
24 from the roofline. I'm not an architect, but, you

1 know, even if something could be added. You know, on
2 Option 1, you see the anchor there, and it has interest
3 on that end, and down at the other end you have
4 something. But in the middle it's just like, you know,
5 kept on going, kept on going, you know, almost didn't
6 know when to stop.

7 So it would be nice if there was some --

8 MR. KEYS: Having a vertical --

9 CHAIRMAN WALLACE: Like a vertical
10 variation.

11 MR. KEYS: Yes. In the mix here.

12 CHAIRMAN WALLACE: Basically, yes. I
13 think that that would make it -- that would improve on
14 the looks.

15 MEMBER HOLDERFIELD: I have a question.
16 I've got to tell you this is such an improvement over
17 what is there, but the signage -- I didn't see
18 anything, a picture or anything about the signage
19 that's proposed. Is it on Randall, or would it be on
20 Prairie or --

21 MR. KEYS: We would be taking the
22 existing sign, and we'll basically obviously be
23 replacing all of the internal workings, but taking that
24 same footprint in the same location and just making it

1 the same kind of facia, brick along the bottom.

2 MEMBER HOLDERFIELD: As far as the
3 height and so forth?

4 MR. KEYS: Yes. Matching what -- the
5 footprint or the base is still going to be the same as
6 what the existing one is in the same location, but it
7 will be a much nicer sign. We do have a rendering of
8 it. I'm surprised -- I thought I had sent it along,
9 but we do have a rendering, and we'll provide that
10 obviously at the next step. I apologize that I didn't
11 put it in here because we do have one.

12 MEMBER PRETZ: Is the outside
13 material -- is that brick, or what kind of material are
14 you planning on putting on the wall?

15 MR. KEYS: The area here, obviously,
16 we'd be doing the glass storefronts. These are stone,
17 not brick, but like kind of a nicer stone, irregularly
18 shaped stone, but it's very kind of high end.

19 MEMBER PRETZ: Is that all the way
20 across the front or just on the pillars themselves?

21 MR. KEYS: On the pillars and then -- so
22 each of the pillars would have the stone itself, and
23 then these would be a brick.

24 MEMBER PRETZ: So what's along the top?

1 MR. KEYS: On the top is the EIFS, the
2 standard kind of EIFS that you -- kind of a textured
3 EIFS that's pretty standard in retail shopping centers
4 that you apply the sign to because the sign bands are
5 all going to be in those areas. You've got to have
6 just the concrete and the EIFS on it to be able to
7 attach them and to do that, so. . .

8 MEMBER GAUGEL: In terms of the cross
9 access, I think that it would be very nice to see, you
10 know, something take place. I think one of the biggest
11 challenges for that property is that single entrance.
12 You know, it's very difficult to make a left turn if
13 you're heading west on Prairie without getting plowed
14 into Randall Road from behind versus turning right into
15 there.

16 So if you do the build-out, that would, I
17 would imagine, limit that potential for cross access
18 into the Jewel parking lot, and there's only going to
19 be access over by the Fifth Third. Is that going to be
20 a consideration if that build-out happens, a cross
21 access at that point?

22 MR. KEYS: Well, the expectation I think
23 with regard to the cross access would be through the
24 Fifth Third and kind of being able to -- I mean,

1 basically creating a circular pattern as opposed to
2 doing it --

3 MEMBER GAUGEL: Yeah.

4 MR. KEYS: -- because of the fact that
5 you would have the future building that would sit right
6 there. You couldn't put it so close to -- I mean, I
7 guess you could. I don't know that the traffic
8 engineers would like it too much being in that
9 location, but we'll do some further exploration of that
10 and get you some more details as we go along.

11 But we've contemplated it. It was one of the
12 things staff had mentioned when we first met with them.
13 So we will do some further exploration and see if maybe
14 the bank has the ability to allow us to do it without
15 getting Jewel's -- I don't know that they could, but
16 we'll see what we can do.

17 MEMBER HENNINGSON: Steve, in answering
18 your question, I've dealt with some national grocery
19 tenants, completely nonnegotiable. You probably won't
20 get a response from them.

21 MEMBER AMATANGELO: With Option 1 or
22 building one that you have on the floor there with the
23 addition, how many tenants are you planning to have in
24 the building?

1 MR. KEYS: You know, it's almost
2 impossible to say at this point because the space is
3 easily divisible into -- you could have
4 1500-square-foot users all along, or you could have --
5 I mean, the end cap is likely going to be a
6 4800-square-foot user who we're talking to right now
7 for -- this area down here is 4800 square foot, and the
8 comic book store stays. That's the one tenant that
9 stays, and they're like 1500 square feet but they -- if
10 we relocated them -- that's another thing actually I
11 don't think I mentioned.

12 Currently there is a little -- kind of an
13 inset where the tobacco store used to be. It was a
14 popular thing for a while that you had these little
15 insets on the shopping centers, and they end up being
16 just places where the wind kind of turns around and the
17 garbage deposits.

18 So we are intending to straighten that out,
19 and we're talking to the tenant about shifting down to
20 be right there, and then we would have that entire
21 remaining space as one -- it could be one tenant. It
22 could be multiple tenants. But it gives us that
23 flexibility to expand it out.

24 My expectation is -- just based on what we

1 do, I would expect right now the way it sits currently,
2 we'd have four or five tenants in the building, but it
3 could end up being three. I wouldn't expect it to be
4 less than three, and I wouldn't expect it to be more
5 than six.

6 MEMBER AMATANGELO: After you do the
7 expansion, how many parking spaces will be available?

8 MR. KEYS: I don't know the number off
9 the top of my head, but it just goes above what the
10 code requires for the minimum. It's just above that,
11 not much above it, but it's like .2 cars per thousand
12 above what the code minimum is.

13 MEMBER AMATANGELO: Thank you.

14 CHAIRMAN WALLACE: Brian.

15 MEMBER DOYLE: So I have a couple
16 questions about the setbacks and sidewalk connections.

17 So first, before I get to that, on the south
18 face of the building adjacent to the bank, I think that
19 actually the bank has a garbage dumpster sort of right
20 there on the parking pad just south of this parcel.

21 If you walk around that south end of the
22 building right there, there's a little sidewalk that
23 kind of ends right there. It just sort of dead ends.

24 MR. KEYS: Yes.

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1 MEMBER DOYLE: And then you're facing an
2 enclosure for a garbage dumpster.

3 Now, what strikes me is that the setbacks and
4 then the sidewalk dead ends. On your parcel are bushes
5 along the south edge of the building there, but there
6 is no -- you know, I'm not quite certain where that
7 sidewalk goes because it goes into the other parcel,
8 but it's not -- it doesn't go into your garbage
9 receptacles; right?

10 MR. KEYS: No. The garbage receptacles
11 for this property are on the north side of the
12 building.

13 MEMBER DOYLE: Okay.

14 MR. KEYS: So the property line for this
15 stops literally, I mean, it's -- the survey is in here.
16 It's like 2 feet from that property. The building
17 stops 2 feet from the property line, and right on the
18 property line is a row of trees on their property, on
19 the south edge of the building, and then their parking
20 lot starts.

21 MEMBER DOYLE: Okay. So that's theirs.

22 MR. KEYS: Yes.

23 MEMBER DOYLE: Okay. I see.

24 So I guess, you know, one of the things

1 that -- I just mentioned that because sidewalk
2 connectivity is one of the things that in general our
3 comprehensive plan tries to put emphasis on to
4 encourage walkability.

5 Now, you're sticking with your current
6 footprint there, right, so I mean --

7 MR. KEYS: Correct.

8 MEMBER DOYLE: -- it's not like you're
9 asking for a variance that is beyond current use.

10 MR. KEYS: Correct.

11 MEMBER DOYLE: The variance, if you can
12 call it a variance, but the PUD that you're proposing
13 is -- if the footprint of the building after it's
14 renovated is the same and many of the setbacks are
15 already nonconforming, is it the decreased parking
16 setbacks from Randall Road, is that one of the things
17 that's causing --

18 MR. KEYS: That's part of it, yes.

19 In addition, there's internal landscaping
20 requirements. There is currently no internal
21 landscaping of any kind on the property. As part of
22 this, we're putting in some islands that would have
23 landscaping in them along here, but it wouldn't --
24 there isn't a way to meet the building foundation

1 landscaping to the extent it applies if we put in the
2 additional -- the new building in order to keep the
3 facade or the building kind of going in the same
4 design. We couldn't kind of just suddenly kick out and
5 have the building foundation landscaping. So while
6 that's -- I think it's exempt for existing buildings.
7 It would in theory apply to the new building.

8 MEMBER DOYLE: I see.

9 MR. KEYS: We are doing a dumpster
10 enclosure. So that's taken care of. I can't remember.
11 There's --

12 MEMBER DOYLE: Let me ask you on Randall
13 Road, the decreased parking setback that you're
14 requesting, will that permit a sidewalk to be installed
15 on the Randall Road frontage? Will the decreased
16 setback preclude the option to have a sidewalk?

17 MR. KEYS: I mean, to some extent -- I
18 guess yes and no. Some portions -- currently, there's
19 some portions that the sidewalk -- I mean, the parking
20 lot goes all the way to the property line as it
21 currently sits.

22 MEMBER DOYLE: Currently sits.

23 MR. KEYS: There's no setback of any
24 kind in some sections of that parking lot. Kind of

1 down towards the end cap on the south end, there is a
2 little -- there's a finger, like four or five spaces
3 that goes all the way to the property line currently.

4 So there isn't -- I mean, it wouldn't --
5 we're not eliminating that or moving those back because
6 there's not enough room between the building and those
7 spaces to do that. So there is right-of-way along
8 Randall Road, and then there is 6 feet between the
9 parking and the Randall Road -- or the property line
10 for Randall Road and then the right-of-way for Randall
11 Road. So there is sufficient space, not necessarily
12 though all on our property, if that's the question.

13 MEMBER DOYLE: Well, Russ, I guess what
14 I'm asking here, generally, I'm talking about these
15 issues -- both the issues that I observed south of the
16 building as well as the setbacks as a way of asking if
17 we were to approve of the concept plan, as they go
18 forward with this concept plan, are we boxing ourselves
19 in and precluding the ability for you as a developer,
20 for future developers to enhance the streetscaping or
21 for the city to. I mean, would the city have the
22 option to put a sidewalk in there?

23 MR. COLBY: Well, typically the sidewalk
24 would be located within the street right-of-way. So it

1 would be within the Randall Road right-of-way, and
2 Randall Road is a Kane County road.

3 The most likely scenario, if there was going
4 to be a sidewalk there, would be when that road is
5 reconstructed or widened, a sidewalk will likely be
6 installed in that entire length of property.

7 I think as the applicant was stating, there
8 is space to put a sidewalk on that property, but that
9 would displace all of the landscaping that can be
10 located, and the expectation is that at some point in
11 the future when there is a complete sidewalk along that
12 block, it would be installed within the road
13 right-of-way.

14 MEMBER DOYLE: So typically that's where
15 it would happen.

16 MR. COLBY: Yes.

17 MEMBER DOYLE: It wouldn't be within the
18 parcel. It would happen in the right-of-way.

19 MR. COLBY: Correct.

20 MEMBER DOYLE: Okay. And I'm going to
21 hold off on the stuff that's -- I mean, the parcel
22 that's south of you is not in your control, so that's
23 all not part of the concept plan.

24 MR. KEYS: Correct.

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1 MEMBER HENNINGSON: Russ, is there
2 currently a sidewalk on Randall Road in front of the
3 bank?

4 MR. COLBY: No, there is not. There is
5 really no sidewalk along that block.

6 MEMBER HENNINGSON: But there is along
7 Prairie.

8 MR. COLBY: Yes.

9 MEMBER HENNINGSON: Okay.

10 MEMBER HOLDERFIELD: The curbs are there
11 for that bus stop, and the bus stop is going to stay
12 there.

13 MR. COLBY: Yes.

14 MR. KEYS: Yes.

15 MEMBER HOLDERFIELD: I'm going to get
16 off the parking lot for a moment and go back to the
17 north end of the building.

18 It just struck me when we were talking
19 earlier about the dumpster location --

20 MR. KEYS: Yes.

21 MEMBER HOLDERFIELD: -- and you said
22 that the dumpster on the first phase would be located
23 on the north end of the building.

24 Is that going to be screened at all from

1 Prairie Street, or is it just going to be a dumpster
2 sitting out there at the north end of the building?

3 MR. KEYS: Well, that's what it
4 currently is.

5 MEMBER HOLDERFIELD: I know.

6 MR. KEYS: We are building a dumpster
7 enclosure that is consistent with the style and design
8 of the building itself. It will be a -- I don't want
9 to --

10 MEMBER HOLDERFIELD: Well, I was just
11 thinking of a retaining wall or a block wall that
12 matches the texture of the building.

13 MR. KEYS: Yeah. It will be a -- it
14 won't be --

15 MEMBER HOLDERFIELD: Instead of a --

16 MR. KEYS: -- a wooden fence or
17 whatever. It will be like the facade of the building
18 itself. It will be the EIFS structure that will
19 match -- the colors match the design and architectural
20 features. It will blend in.

21 Then with the building -- on the future
22 building, it actually sits behind that building. It's
23 basically kind of tucked into the same place it would
24 be now. It's just completely hidden by the building.

1 It would be around the corner.

2 CHAIRMAN WALLACE: Any other questions?

3 (No response.)

4 CHAIRMAN WALLACE: Any questions from
5 members of the audience? Comments? Yes.

6 MEMBER DOYLE: I have a comment.

7 CHAIRMAN WALLACE: Yes.

8 MEMBER DOYLE: Since this is a concept
9 plan, coming back to the issue that Chairman Wallace
10 raised at the beginning, I think it's lamentable what
11 was mentioned earlier about national chains, if it's
12 true that they are -- that's just nonnegotiable, and
13 there is nothing to be done about easements or an
14 access to Jewel.

15 What really would be exciting here in the
16 future would be to negotiate something with the
17 property to the east of you to have east-facing
18 storefronts, you know. I patronize the Jewel, and I
19 have never seen that parking lot full. I don't know, I
20 mean, how much parking is right there, but, you know,
21 one of the things that the city generally is interested
22 in doing here is encouraging catalyst sites that will
23 reinvigorate development here, and I think that this is
24 a great start, and I absolutely support what you're

1 proposing.

2 This is really more of a comment for staff
3 which is that, you know, if there's any way for us to
4 facilitate some sort of a negotiation with the property
5 to the east to enable this to be more of a catalytic
6 site, you know, and to consider development
7 opportunities that are facing inwards, you know, to
8 make it a little bit more integrated with the other
9 properties around it is really what I'm getting at.

10 I think that would be really exciting and
11 really beneficial to everybody involved, with the
12 possible exception of Jewel. I think you can do that.
13 If you can't do that, then you can't. I don't see
14 anything here that would preclude that. Do you know
15 what I mean?

16 MR. KEYS: Yeah.

17 MEMBER DOYLE: So I just mention that
18 because I think that's something that the city should
19 be -- whatever we can do, we should be assisting you,
20 if that is something that is of interest to you, to
21 pursue that kind of opportunity. If it's not in your
22 interest, then what you're proposing is excellent.

23 MR. KEYS: I don't know if you want me
24 to respond. I think the issue that -- I understand

1 what you're saying about having the rear-facing
2 storefronts and kind of integrating it with the
3 shopping center in back.

4 It's not popular with the tenants, I guess,
5 is the best way to say it. They want their storefront
6 facing the busy street, and they need the rear of their
7 stores for their storage, and they don't want glass
8 back there. They want walls. They want -- they don't
9 want that to be something that's easily accessible in
10 any way, shape, or form.

11 That's just based on our experience with
12 tenants. In some cases where you end up with kind of
13 more lifestyle centers, whole developments, you'll see
14 that happen as kind of a natural course because all
15 sides of the building are part of kind of a bustling
16 atmosphere of commerce.

17 When it's a frontage road in front of a
18 grocery store, we've been down that road before, and
19 the tenants don't want it. It's not that it can't be
20 done. It's that the tenants just don't have any
21 interest because it doesn't give them their storage
22 space. The way they've laid out their stores in a
23 thousand other places, and now they've got to find some
24 way to not have their storage in the back of the

1 building, and it just doesn't work with any of their
2 floor plans. So that's a major kind of, I guess,
3 stumbling block to that kind of concept.

4 MEMBER DOYLE: Yeah. And I guess the
5 reason I bring it up is that this whole area as
6 proposed is that we try to develop a lifestyle center
7 on all of these parcels, and I support that idea, and
8 it just needs one -- you know, a couple of successful
9 businesses to sort of get the ball -- get the momentum
10 going. It may be that that's something that can only
11 happen 15, 20 years down the road, you know, and it's
12 sort of pie in the sky right now, but I guess that's as
13 far as we can take that.

14 MEMBER PRETZ: I had a question.
15 On the east side of the building is there --
16 and Brian stated, you know, concerning the sign and
17 doing what you can on that. If the ultimate result is
18 just a solid wall, is there enough space and room to be
19 able to do maybe some appropriate landscaping so that
20 when you're in the Jewel parking lot and taking a look
21 at the building, that you're just not looking at solid
22 wall?

23 MR. KEYS: The answer is no just because
24 it's 5 feet from that lot line, and the sidewalk for

1 the tenants who are on the far end of the building to
2 get their garbage to the garbage dumpsters is along
3 that back side of the building. So there isn't --
4 there's just physically not enough space in between
5 the --

6 MEMBER PRETZ: How about some handcarts?
7 Sorry.

8 MR. KEYS: I think you'll see
9 whenever -- I'll have the architect put together the
10 renderings from the rear of the building, and I think
11 it will fit with what is there. It won't just be a
12 solid wall. It will have at least some architectural
13 differences, so that it's not just a solid -- whether
14 it's the painting, through split-face block, some
15 different things that we use to make the back of the
16 building not look just like a solid wall.

17 CHAIRMAN WALLACE: All right. Any other
18 comments?

19 (No response.)

20 CHAIRMAN WALLACE: Okay. I think that
21 we've kind of given, you know, most of what I can think
22 of unless there's something that somebody wants to add.

23 Russ.

24 MR. COLBY: Well, one question we wanted

1 to pose to the Plan Commission is if you're supportive
2 of the applicant receiving a PUD for the project.

3 CHAIRMAN WALLACE: As opposed to? What
4 do you mean?

5 MR. COLBY: Well, you know, the zoning
6 ordinance identifies purposes for the PUD process --

7 CHAIRMAN WALLACE: Yes.

8 MR. COLBY: -- and since this is a
9 single-lot PUD, which is something we typically don't
10 encourage, we wanted to at least ask the Plan
11 Commission that question because I think in this
12 situation probably the only other option would be a
13 setback variance probably with a scaled-down version of
14 the project.

15 I mentioned in the staff materials, you know,
16 the applicant's investment in this property is sort of
17 what's triggering them to encounter these zoning
18 issues. Some of them are preexisting, but obviously
19 from the staff's perspective, you know, we think this
20 is a positive improvement, and we'd like to see it
21 happen; but there's sort of a question of, you know,
22 what regulatory -- how we set this up, and so we wanted
23 to pose the question to the Plan Commission if this met
24 the criteria for a PUD.

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1 CHAIRMAN WALLACE: Well, I think that in
2 the past our aversion to one-lot PUDs is where we have
3 a lot with nothing on it, where somebody wants to do it
4 just because they want to do what they want to do, and
5 they're not dealing with an existing structure.

6 Is that accurate, would you say, Russ?

7 MR. COLBY: Yes.

8 CHAIRMAN WALLACE: Okay. That's what my
9 feeling is, but go ahead, Brian.

10 MEMBER DOYLE: I would say looking on
11 page 6 of the staff memo, I would suggest that items 1,
12 5, and 6 are applicable to this concept plan.

13 The fact that we have very obsolete buildings
14 that present non conformities -- I appreciate the
15 forward thinking in terms of increasing the amount of
16 parking space to build capacity, to add new storefronts
17 down the road. That couldn't be done if we just used
18 the underlying zoning. So I think that it does, in
19 fact, provide for a creative approach that will
20 redevelop an obsolete site. So I would support it.

21 CHAIRMAN WALLACE: Well, one of the
22 other things that I see is making it into something
23 that is more coherent than what's there because the
24 parking -- I've been to the unit all the way on the end

1 closest to the bank before, and there is no parking for
2 it. There is a turnaround. I mean, basically, if you
3 want to pull straight ahead and park your car there
4 where you're really not supposed to, but it doesn't
5 make sense the way that it is, and I think doing
6 something --

7 In addition, I think when this comes back
8 before us, we're going to see some decent landscaping
9 where none exists at this point. What we have is, as
10 Jim pointed out, basically grass, where there used to
11 be a ditch, not really anything improved over that,
12 so. . .

13 MEMBER DOYLE: And the last thing, you
14 know, just sort of comes back to all the things we've
15 been talking about about the surrounding area. No. 7,
16 to encourage a collaborative process among developers,
17 neighboring property owners, and residents, et cetera.

18 You know, this applicant is sort of boxed in.
19 He doesn't have any options to do that with the
20 surrounding property owners, and that's I think the
21 very reason why I made the lengthy comment that I did
22 about trying to facilitate that if we can. Because
23 that is exactly the goal is to have a more integrative
24 development strategy for all of these parcels, but if

1 that can't be done because we have an obstinate
2 business nearby, then we can do what we can.

3 CHAIRMAN WALLACE: Well, I think if they
4 made a successful business out of it, that the neighbor
5 at that point is going to want to have cross access.

6 So I'd say good luck.

7 MEMBER GAUGEL: I think this is an
8 excellent candidate for a PUD. That point 6, to
9 encourage redevelopment of sites containing obsolete or
10 inappropriate buildings -- it's obsolete because not
11 enough tenants want these. It's plain and simple.

12 So I think what you're proposing is -- I
13 think it's exciting. I think it would be great for
14 that property. I think this would be a perfect example
15 for a PUD as opposed to going with a zoning variance.

16 CHAIRMAN WALLACE: Anything else?

17 (No response.)

18 CHAIRMAN WALLACE: Nothing. All right.
19 Staff, anything? Okay.

20 MR. KEYS: Thank you very much. I
21 appreciate your time.

22 CHAIRMAN WALLACE: All right. Thank
23 you.

24 MR. KEYS: We'll be back soon.

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CHAIRMAN WALLACE: All right. That concludes Item 4 on the agenda.

PROCEEDINGS CONCLUDED AT 7:45 P.M.

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Final Plat of)
Subdivision, Dunham)
Creek Subdivision,)
2455 Dunham Road.)

REPORT OF PROCEEDINGS
City Council Chambers
2 East Main Street
St. Charles, Illinois 60174
April 8, 2014
7:45 p.m. - 7:54 p.m.

Reported by: Joanne E. Ely,
CSR, RPR
Notary Public, Kane County, Illinois

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PRESENT:

- MR. TODD WALLACE, Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. CURT HENNINGSON, Member;
- MR. JAMES HOLDERFIELD, Member; and
- MR. THOMAS PRETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager; and
- MR. CHRISTOPHER TIEDT, Development Engineering Division Manager.

REPORT OF PROCEEDINGS -- 04/08/2014

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1 CHAIRMAN WALLACE: Item 5 is Dunham
2 Creek Subdivision, 2455 Dunham Road, (Advanced
3 Commodities, Inc.), application for final plat of
4 subdivision, final engineering plans dated 3/5/14,
5 final plat of subdivision dated 2/6/14.

6 Russ.

7 MR. COLBY: Yes. I will go ahead and
8 give you the staff report.

9 This is a large property located at the
10 southwest corner of Dunham Road and Country Club Road.
11 What's being proposed is a two-lot subdivision of the
12 property to create two single-family residential lots.

13 The existing house that's there would be
14 accommodated on one lot, and a new lot would be created
15 to the south. This site has a large drainageway that
16 flows through it and a considerable amount of wetlands
17 that sort of limit how the site can be developed.

18 The applicant has worked around those issues
19 to accommodate two lots on the site. There is an
20 engineering plan included in your packet. The staff
21 has reviewed those documents and provided comments, and
22 there's comments attached to the staff report.

23 The items that are identified are generally
24 minor. They don't relate to the actual layout of the

REPORT OF PROCEEDINGS -- 04/08/2014

4

1 subdivision, but they're things that we think it needs
2 to address.

3 So staff is making a recommendation for
4 approval of the subdivision contingent upon the
5 applicant addressing all the outstanding staff comments
6 prior to City Council action.

7 We also have representatives of the applicant
8 in the audience here that can answer questions as well.

9 CHAIRMAN WALLACE: Okay. Since this is
10 an action item, it would be best if we could start with
11 a motion, but if people have questions first, that's
12 okay too.

13 Anyone?

14 MEMBER HENNINGSON: I'll make a motion.
15 Move to approve the final plat of subdivision
16 contingent about resolution of all staff comments prior
17 to City Council action.

18 CHAIRMAN WALLACE: Okay.

19 MEMBER AMATANGELO: Second.

20 CHAIRMAN WALLACE: All right. It's been
21 moved and seconded.

22 Discussion on the motion?

23 (No response.)

24 CHAIRMAN WALLACE: All right. I

1 actually have a question regarding -- sorry, I'm trying
2 to make my way back here.

3 In the zoning and subdivision design review
4 analysis, it says here the minimum front yard for lot 1
5 is 40 feet. For lot 2: At building setback line per
6 plat located where the minimum lot width is met.

7 Can you help me with that?

8 MR. COLBY: Yes. For this lot to meet
9 the minimum lot width standard -- it's more or less
10 shaped like a flag lot, which means you do not reach
11 that minimum width until you're set back far into the
12 lot. So once you're on the flag with the buildable
13 area based on the zoning requirements, it includes the
14 front yard setback of the house essentially back toward
15 the flag portion of the lot.

16 MEMBER HOLDERFIELD: Is that the lot on
17 like the southeast corner back in there?

18 MR. COLBY: Yes.

19 MEMBER HOLDERFIELD: Oriented. Right.

20 MEMBER DOYLE: So there is a setback
21 from the point that the dotted line, proposed lot 2,
22 sort of starts.

23 MR. COLBY: Correct. Because
24 effectively you can only construct in that area that's

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6

1 identified because that's the point in which the lot
2 width is met.

3 MEMBER HOLDERFIELD: It has no frontage
4 on it. It's nice and black there.

5 MR. COLBY: Well, the lot does have
6 frontage, but it's not wide enough to meet the minimum
7 lot width on the whole portion of the flag.

8 CHAIRMAN WALLACE: Any other comments?
9 Any questions for the developer?

10 (No response.)

11 CHAIRMAN WALLACE: All right.

12 MEMBER HENNINGSON: My only comment
13 would be I'd like to thank the staff and the applicant
14 for putting together a very complete package. No
15 surprises.

16 CHAIRMAN WALLACE: All right. Without
17 seeing any other comments -- anything else from staff,
18 Russ?

19 MR. COLBY: No.

20 CHAIRMAN WALLACE: Okay. With no
21 further comments, we will call the roll.

22 Wallace, yes.

23 Amatangelo.

24 MEMBER AMATANGELO: Yes.

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1 CHAIRMAN WALLACE: Doyle.
2 MEMBER DOYLE: Yes.
3 CHAIRMAN WALLACE: Gaugel.
4 MEMBER GAUGEL: Yes.
5 CHAIRMAN WALLACE: Henningson.
6 MEMBER HENNINGSON: Yes.
7 CHAIRMAN WALLACE: Holderfield.
8 MEMBER HOLDERFIELD: Yes.
9 CHAIRMAN WALLACE: Pretz.
10 MEMBER PRETZ: Yes.
11 CHAIRMAN WALLACE: All right. That
12 passes unanimously, and that concludes Item No. 5 on
13 the agenda.
14 Thank you, gentlemen.
15 Item 6, meeting announcements -- our next
16 meeting is April 22nd, May 6th, May 20th.
17 Do we have agenda items?
18 MR. COLBY: We do for the 22nd.
19 CHAIRMAN WALLACE: All right. So if
20 anyone knows that they will not be able to make it on
21 that date, will you please let staff know as soon as
22 possible.
23 Any additional business from Plan Commission
24 members?

1 MEMBER DOYLE: Yes.

2 CHAIRMAN WALLACE: Brian.

3 MEMBER DOYLE: I have a question for
4 staff. We were just looking at the concept plan for
5 this parcel. Directly north of it is a redevelopment
6 that's going on right now, you know, La Huerta. A
7 recent repavement has been done on that parcel.

8 There are no sidewalks from Prairie Street
9 into the parcel or from Randall Road into the
10 storefronts. I was reviewing the subarea plan chapter
11 of our comp plan about this, and there is a note here
12 talking about sidewalk connections. It's specifically
13 relating to that parcel, if you look on a map.

14 My question is what's the mechanism -- since
15 that didn't come before this Commission, what's the
16 mechanism for sidewalk connections to be implemented
17 when a developer is redeveloping by right?

18 MR. COLBY: Well, it depends on the
19 extent to which they are removing the existing parking
20 lot. What we often find with sites like this where
21 they basically rehab the building and they're sort of
22 rehabbing the parking lot without entirely replacing
23 it, they're allowed to basically overlay the existing
24 paving that's there with new paving, and we do not have

1 the ability to require them to install a sidewalk at
2 that point.

3 Where we do have a little bit more ability to
4 have those sort of improvements made is when someone is
5 entirely reconstructing the parking lot, you then have
6 to be brought up to the current standards, in which
7 case we would require that they plan for pedestrian
8 circulation through the lot.

9 So it's really a matter of the extent to
10 which they are removing existing improvements.

11 MEMBER DOYLE: Okay. So in their case
12 then there really wasn't -- there is no mechanism
13 because the improvements are not extensive enough.

14 MR. COLBY: Correct. They were able to
15 maintain their existing paving area where they had
16 already had paving.

17 MEMBER DOYLE: Okay. But otherwise,
18 there is a mechanism to do that?

19 MR. COLBY: Yes. If they were to
20 reconstruct the parking lot entirely, which means
21 basically digging up the entire base of the parking lot
22 and rebuilding it, which is likely what the concept
23 plan will do, in that kind of situation, then we can
24 impose design restrictions and landscaping requirements

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10

1 into a parking field.

2 MEMBER DOYLE: Thank you. That's it.

3 MEMBER HENNINGSON: On that particular
4 site, if you require them to do a sidewalk, would you
5 have to get approval from the County because Randall is
6 a County road?

7 MR. COLBY: If it was in the County's
8 right-of-way, yes. If they just wanted to construct it
9 on their property, no.

10 CHAIRMAN WALLACE: All right. Anything
11 further?

12 (No response.)

13 CHAIRMAN WALLACE: Staff? No.
14 All right. Is there a motion to adjourn?

15 MEMBER AMATANGELO: So moved.

16 MEMBER DOYLE: Second.

17 CHAIRMAN WALLACE: All in favor.

18 (Ayes heard.)

19 CHAIRMAN WALLACE: Opposed.

20 (No response.)

21 CHAIRMAN WALLACE: Motion passes.

22 The St. Charles Plan Commission is adjourned
23 at 7:55 p.m.

24 PROCEEDINGS CONCLUDED AT 7:55 P.M.

	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

Phone: (630) 377-4443
 Fax: (630) 377-4062



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

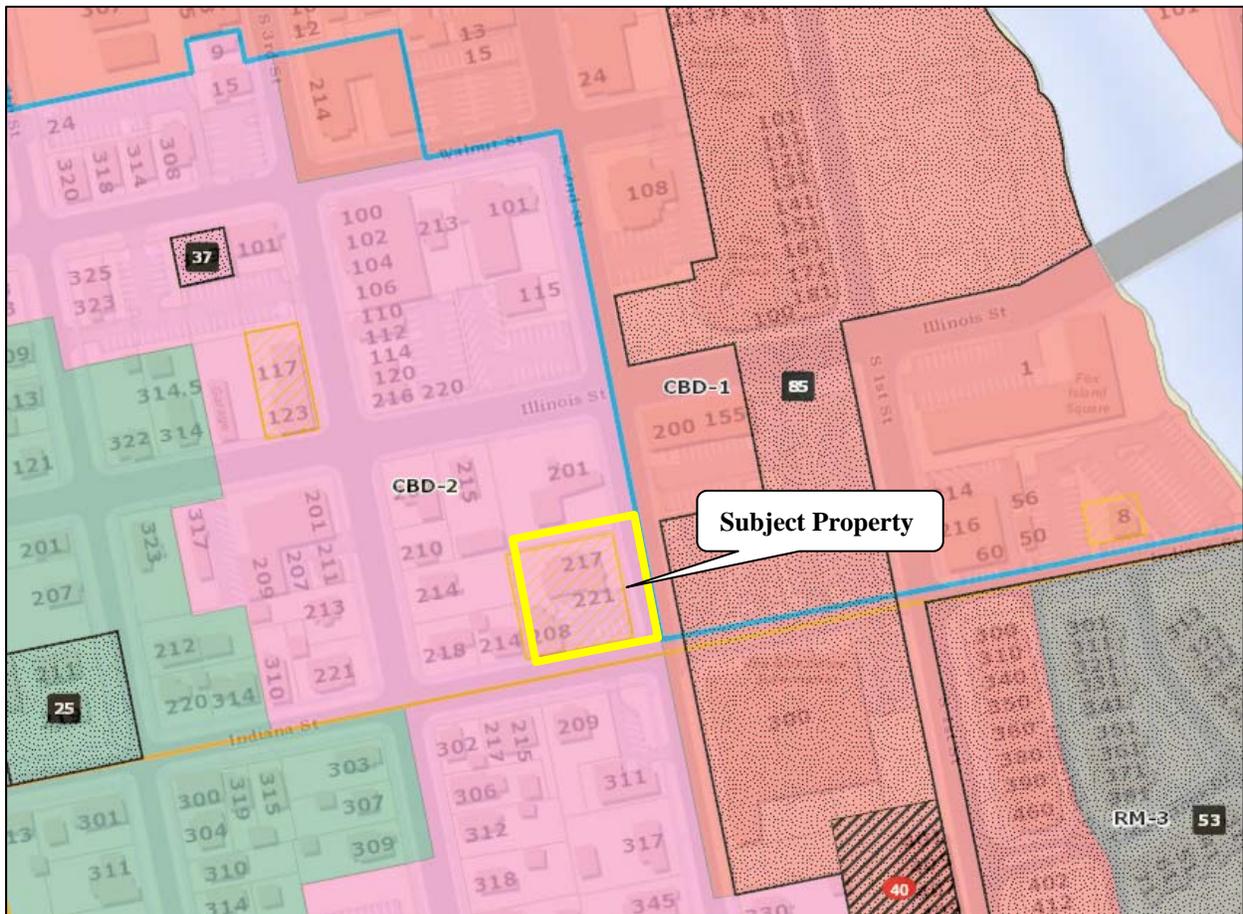
Purpose: Rezoning to CBD-1 District for the purpose of making the restaurant/tavern use a Permitted Use.

General Information:		
Site Information		
Location	217-221 S. 2 nd St.	
Acres	0.392	
Applications	Map Amendment	
Applicable	17.04 Administration	
Zoning Code	17.14 Business and Mixed Use Districts	
Sections	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.

BUSINESS AND MIXED USE DISTRICTS

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

BUSINESS AND MIXED USE DISTRICTS

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

BUSINESS AND MIXED USE DISTRICTS

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					

BUSINESS AND MIXED USE DISTRICTS

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.

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>
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.

Law Offices of
JOTHAM S. STEIN P.C.

Chicago Office
180 W. Washington, Suite 400
Chicago, Illinois 60602
Tel: (312) 870-9530 Fax: (630) 443-4399

214 S. 3rd Street
St. Charles, Illinois 60174
Tel: (630) 443-4390 Fax: (630) 443-4399
www.jotham.com

California Office
260 Sheridan Avenue, Suite 208
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

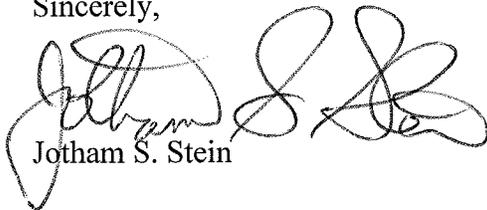
Re: Plan Commission Public Hearing on April 22, 2014

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

	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	General Amendment for Off-Premise Signs in the CBD-1 & CBD-2 zoning districts		
	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:				
General Amendment				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report				
Application				
EXECUTIVE SUMMARY:				
<p>Mr. Terry Grove is the owner of a property located at 309 N. 2nd St. (IL Route 31). This lot has no street frontage and is located between lots with frontage on N. 2nd St. and N. 4th St.</p> <p>Mr. Grove has found that the lack of signage along N. 2nd St. has hindered tenants in the building from having adequate visibility to passing traffic. The lack of signage also makes it difficult for visitors to locate the building.</p> <p>Mr. Grove has request that the City amend the sign regulations in the Zoning Ordinance to permit off-site signs for lots in the downtown (CBD-1 and CBD-2) districts that lack street frontage. He has noted that his lot is unique in the downtown, as most lots have some street frontage due to the small block configuration.</p>				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
<p>Conduct the public hearing and close if all the testimony has been taken.</p> <p>Staff has placed this item on the meeting portion of the agenda for a recommendation, should the Plan Commission feel they have adequate information to recommend on the item tonight.</p> <p>Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.</p>				

Community & Economic Development
Planning Division

Phone: (630) 377-4443
Fax: (630) 377-4062



STAFF REPORT

TO: Chairman Todd Wallace
And Members of the Plan Commission

FROM: Russell Colby, Planning Division Manager

RE: General Amendment to Title 17 (Zoning Ordinance) regarding Off-Premise Signs for lots without street frontage in the CBD-1 and CBD-2 Districts

DATE: April 18, 2014

I. GENERAL INFORMATION

Project Name: General Amendment – Off-Premise Signs in CBD-1 and CBD-2

Applicant: Terry Grove

Purpose: Amendment to allow for off-premise signs for lots in the downtown without street frontage

II. BACKGROUND

Mr. Terry Grove is the owner of a property located at 309 N. 2nd St. (IL Route 31). This lot has no street frontage and is located between lots with frontage on N. 2nd St. and N. 4th St. The lot is not officially subdivided, meaning that it was not deliberately created by a City-approved subdivision. The building is a commercial structure that has been used for various uses over the years, including retail stores, offices and a fitness center.

Mr. Grove has found that the lack of signage along N. 2nd St. has hindered tenants in the building from having adequate visibility to passing traffic. The lack of signage also makes it difficult for visitors to locate the building.

Access agreements exist to provide vehicular access to the parcel across the property at 305 N. 2nd St. Additionally, an easement agreement allows for placement of an off-premise sign for the 309 property on the 305 lot.

III. PROPOSAL

Mr. Grove has request that the City amend the sign regulations in the Zoning Ordinance to permit off-site signs for lots in the downtown (CBD-1 and CBD-2) districts that lack street frontage. He has noted that his lot is unique in the downtown, as most lots have some street frontage due to the small block configuration.

1. *In the PL District, an Identification Sign advertising a business or service may be located off-premise on an adjacent lot in the PL District.*
2. *In the CBD-1 and CBD-2 District, for lots without street frontage, in lieu of an Identification Sign located on the lot, an Identification Sign may be located off-premise on an adjacent lot with street frontage in either the CBD-1 or CBD-2 zoning district, subject to the authorization of the property owner.*
Any off-premise sign that is no longer utilized shall be removed by the owner of the sign or the owner of the property on which the sign is located.

The text limits the placement of the sign to an “adjacent lot” and the ability to install a sign on adjacent lot would be subject to the authorization of the property owner.

VI. RECOMMENDATION

Conduct the public hearing and close if all the testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a recommendation, should the Plan Commission feel they have adequate information to recommend on the item tonight.

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

FINDINGS OF FACT
GENERAL AMENDMENT

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

The Comprehensive Plan does not directly address sign requirements.

2. The consistency of the proposed amendment with the intent and general regulations of this Title.

The proposed amendment is consistent with the intent of Chapter 17.28 “Signs”, to balance the need for business signage and economic development with the community’s interest in regulating signs to enhance the attractiveness of the City. For lots in the Downtown without street frontage, the amendment will allow an identification sign to be placed on an adjacent lot in a location that can be seen by passing traffic.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment represents a change in policy to permit off-premise signs for lots in the downtown without street frontage. The issue of identification signs for lots without street frontage was not previously addressed in the ordinance.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

The amendment will apply to all properties in CBD-1 and CBD-2 districts, and specifically to lots without street frontage that can meet the other applicable criteria.

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

This amendment will not create any new nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

This amendment will apply to all CBD-1 and CBD-2 zoned lots that do not have street frontage.

EXISTING SIGN REGULATIONS FOR IDENTIFICATION SIGNS

SIGNS

TABLE 17.28-2 PERMITTED SIGNS FOR BUSINESS AND MIXED USE DISTRICTS						
Type	Maximum Number	Minimum ROW Setback	Maximum Area	Maximum Height	Other Requirements	
CBD-1 District:						
Shopping Center Signs (freestanding)	One per street frontage	10 ft	100 sf	15 ft		
Identification Signs	One per lot	Type A signs: none Type B signs: 10 ft.	Type A signs: 16 sf Type B signs: 50 sf	Type A signs: 8 ft. Type B signs: 12 ft.	Type B signs permitted only on lots with ten or more accessory parking spaces	
Wall Signs	Primary	One per business, one per building street frontage, or one per business street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located, or 125 sf, whichever is less	No higher than height of building	
	Secondary	One per wall without street frontage facing a parking lot or public plaza or One per additional public entrance to a building located on a wall without street frontage	--	1.5 sf per linear ft of wall on which located, or 100 sf, whichever is less	No higher than height of building	Only permitted on wall meeting the conditions for Secondary Wall signs
Awnings and Canopies		One per business, one per building street frontage, one per business street frontage, or one per public entrance to business, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	No higher than height of building	Awnings shall be made of cloth. Backlit awnings are prohibited
Projecting Signs	Primary	One per business	Maximum projection 4 ft from wall	18 sf; Additional 12 sf permitted for a clock or time display.	No higher than height of building	Minimum spacing between signs with a clock or time display is 200 ft; changeable copy prohibited
	Secondary	For buildings with street frontage on Main Street: One per business, plus one additional per business for upper floor businesses	Maximum projection 2 ft from wall	8 sf per sign	No higher than height of building	Must be located on wall directly opposite Main Street frontage; changeable copy prohibited

TABLE 17.28-2 PERMITTED SIGNS FOR BUSINESS AND MIXED USE DISTRICTS					
Type	Maximum Number	Minimum ROW Setback	Maximum Area	Maximum Height	Other Requirements
Banners on freestanding poles	Not more than two designs or color schemes per lot	5 ft. ¹	Total area = 1 sf per 10 sf of lot frontage ¹	--	Only permitted in parking lots ¹ ; minimum vertical clearance 9 ft
Shopping District Signs/Banners	One per building	Maximum projection 4 ft. from wall	20 sf	15 ft	May identify only the Shopping District ² in which located; shall be of a uniform design within a Shopping District

(Ord. 2010-Z-3 § 2; Ord. 2008-Z-24 § 19.)

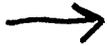
¹ Not applicable when banners are located on right of way or other public property.

² Shopping Districts include First Street South (First Street Redevelopment District); Third Street North (Old St. Charles); Riverside Drive/First Avenue (East Bank); and Century Corners.

TABLE 17.28-2 Continued

CBD-2 District:

Identification Signs	1 per lot	Type A signs: none Type B signs: 10 ft.	Type A signs: 16 sf Type B signs: 50 sf	Type A signs: 8 ft. Type B signs: 10 ft.	Type B signs permitted only on lots of more than 35,000 sf and at least one nonresidential use
Wall Signs	One per business or one per street frontage, whichever is greater	--	1.5 sf per linear ft of wall on which located	No higher than height of building	
Awnings and Canopies	One per business or one per street frontage, whichever is greater	--	Lettering = 1 sf per linear ft frontage of awning/canopy	--	Awnings shall be made of cloth. Backlit awnings are prohibited
Projecting Signs	1 per business or 1 per 50 linear feet of wall, whichever is less	Maximum projection 4 ft. from wall	8 sf	--	Changeable copy prohibited
Shopping District Signs/Banners	One per building	Maximum projection 4 ft. from wall	20 sf	15 ft	May identify only the Shopping District ³ in which located; shall be of a uniform design within a Shopping District



³ Shopping Districts include First Street South (First Street Redevelopment District); Third Street North (Old St. Charles); Riverside Drive/First Avenue (East Bank); and Century Corners.

CITY OF ST. CHARLES

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

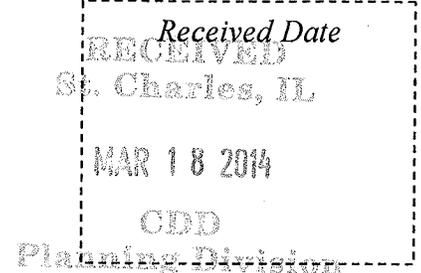


COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	<u>Gen. Amend. - SIGNS</u>
Project Number:	<u>2014 -PR- 007</u>
Application Number:	<u>2014 -AP- 012</u>



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance, 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 meeting or public hearing date for an application.

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. Applicant:	Name	Phone
	Address	Fax
	Terry F. Grove, Attorney At Law 311 N. 2nd St., Ste. 304 St. Charles, IL 60174	Email
2. Billing: <i>Who is responsible for paying application fees and reimbursements?</i>	Name	Phone
	Address	Fax
	Same as above	Email

Attachment Checklist

- APPLICATION:** Completed application form
- 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.
- WORDING OF THE REQUESTED TEXT AMENDMENT**
One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

FINDINGS OF FACT SHEET – GENERAL 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 amendment is appropriate. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate "not applicable" and explain why it does not apply.

17.28.080.G

3/17/14

Amendment Description/Ordinance Section Number

Date

From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

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

N/A

2. The consistency of the proposed amendment with the intent and general regulations of this Title.
It allows a building owner who is entitled to a free-standing sign but has no place to put a sign that can be seen by any cars or pedestrians to place the sign in a location where it can be seen.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.
I believe the proposed amendment corrects an omission in that I don't believe the City thought about buildings in the downtown that don't have any side facing a street when they drafted the sign ordinance.

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.
The City is interested in filling the downtown buildings with businesses that can thrive. It is difficult for a building to be utilized to its fullest extent if the building can't have a sign that fronts on any street.

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

The proposed amendment does not create any nonconformities.

6. The implications of the proposed amendment on all similarly zoned property in the City.

There is no other building in the downtown that does not have at least one side facing a street. If another building in the future faces the same problem, that building will also be allowed an off-site sign as long as the building owner can satisfy all other City requirements.