

City of St. Charles  
 Community Development Division  
 2 E. Main Street  
 St. Charles, IL 60174



Phone: (630) 377-4443  
 Email: [cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)

### SPECIAL USE APPLICATION

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

<b>For City Use</b>	
Project Name:	<u>Heritage Square II - 405 Illinois Ave.</u>
Project Number:	<u>2023 -PR- 009</u>
Cityview Project Number:	<u>PLSU202300126</u>

Received Date  
**RECEIVED**  
 AUG 01 2023  
 City of St. Charles  
 Community Development

- File this application to request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property
- Complete the application and submit with all required attachments to the Community Development Division.
- The information you provide must be complete and accurate. If you have a question please contact the Community Development Division.
- City staff will review the submittal for completeness and for compliance with applicable requirements prior to establishing a public hearing date.

<b>1. Property Information:</b>	Location:	405 Illinois Ave.	
	Parcel Number (s):	0934203011	
	Proposed Name:	Heritage Square II	
<b>2. Applicant Information:</b>	Name:	Bob Rasmussen	Phone: 630-774-9101
	Address	405 Illinois Ave. 2A	Email: bob@midwestcustomhomes.com
<b>3. Record Owner Information:</b>	Name:	Heritage Square LLC	Phone: 630-774-9101
	Address:	405 Illinois Ave. 2A	Email:

**4. Identify the Type of Application:**

- Special Use for Planned Unit Development - PUD Name:** Heritage Square II
  - New PUD
  - Amendment to existing PUD- Ordinance #: 2003-Z-15
  - PUD Preliminary Plan filed concurrently
  
- Other Special Use (from list in the Zoning Ordinance):**
  - Newly established Special Use
  - Amendment to an existing Special Use Ordinance #:

**5. Information Regarding Special Use:**

Comprehensive Plan designation of the property: Mixed Use

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

What is the property's current zoning? CBD-2 Mixed Use Business District

What is the property currently used for? office space and residential rental apartments

If the proposed Special Use is approved, what improvements or construction are planned?

complete interior remodel from office space to residential apartments.

**6. For Special Use Amendments only:**

Why is the proposed change necessary?

Office space is increasingly difficult to lease and this location would bring more opportunities for citizens to live close to our downtown. the demand for rental apartments remains high throughout St. Charles.

What are the proposed amendments? (Attach proposed language if necessary)

change the maximum number of dwelling units to 21 from the current 13 units in the PUD

**Note for existing buildings:** If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

**7. Required Attachments:**

*If multiple zoning or subdivision applications will be submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.*

**Provide 1 copy of each required item, unless otherwise noted.**

- APPLICATION FEE:** Special Use for PUD: \$1,000  
All other Special Use requests: \$750

- 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.

- REIMBURSEMENT OF FEES INITIAL DEPOSIT:** Deposit of funds in escrow with the City. Required deposit is based on review items (number of applications filed) and the size of the subject property:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

- PROOF OF OWNERSHIP:** a) A current title policy report; or  
b) A deed and a current title search

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

- OWNERSHIP DISCLOSURE:** Use the appropriate disclosure form (attached), if the owner or applicant is a Partnership, Corporation, Trust, or LLC.

- LETTER OF AUTHORIZATION:** If the property owner is not the applicant, an original letter of authorization from the property owner permitting the applicant to file the zoning application with the City of St. Charles for the subject property.

- LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 x 11 inch paper and Microsoft Word file.

- PLAT OF SURVEY:** A current plat of survey for the subject property showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

- FINDINGS OF FACT:** Fill out the attached "Criteria for Planned Unit Developments (PUDs)" form for any PUD application and the "Findings of Fact – Special Use" form for all other Special Use applications.

- LIST OF PROPERTY OWNERS WITHIN 250 FT.:** Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized. Property ownership information may be obtained using Kane County's interactive GIS mapping tool: [http://gistech.countyofkane.org/gisims/kanemap/kanegis4\\_AGOx.html](http://gistech.countyofkane.org/gisims/kanemap/kanegis4_AGOx.html)

- SOIL AND WATER CONSERVATION DISTRICT LAND USE OPINION APPLICATION:** As required by State law, submit a Land Use Opinion application and required fee directly to the Kane-DuPage Soil and Water Conservation District. Provide a copy of completed Land Use Opinion application to the City. The Land Use Opinion application can be found on the Kane-DuPage SWCD website: <http://www.kanedupageswcd.org/>

**ENDANGERED SPECIES REPORT:** As required by State law, file an Endangered Species Consultation Agency Action with the Illinois Department of Natural Resources. Provide a copy of the report to the City. The online Ecological Compliance Assessment Tool (EcoCAT) should be utilized: <https://dnr2.illinois.gov/EcoPublic/>

**TRAFFIC STUDY:** If applicable. Staff will advise you whether a traffic study is recommended based on the project. Regardless, the Plan Commission or City Council may request a traffic study as a part of the review process.

**PLANS:** All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions.

**Copies:** Ten (10) full size copies, one (1) 11" by 17", and PDF electronic file emailed to: [cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)

**Site Plan or plans shall show the following information:**

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance
17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

**(Note- For a Special Use for PUD, submit PUD Preliminary Plan Application In lieu of Site Plan)**

**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.**



7-29-27

Record Owner

Date

Applicant or Authorized Agent

Date

**OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)**

STATE OF ILLINOIS     )  
  ) SS.  
KANE COUNTY            )

I, Bob Rasmussen, being first duly sworn on oath depose and say that I am  
Manager of Heritage Square, LLC, an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

<u>Bob Rasmussen</u>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

By: , Manager

Subscribed and Sworn before me this 21<sup>st</sup> day of  
August, 20 23.

  
Notary Public



**LEGAL DESCRIPTION**

Lot 1 of Heritage Square 2, a Resubdivision of Block 18 of the original Town of St. Charles, According to the Plat Thereof Recorded November 10, 2003 as Document 2003K196949, also Recorded November 13, 2006 as Document 2006K123358 in the City of St. Charles, Kane County, Illinois.

Permanent Tax No. 09-34-203-011

## CRITERIA FOR PLANNED UNIT DEVELOPMENTS (PUDs)

**\*Use this form for PUD or PUD Amendment applications\***

*The St. Charles Zoning Ordinance requires the Plan Commission to consider the criteria listed below in making a recommendation to the City Council on whether the proposed Planned Unit Development is in the public interest. As the applicant, the "burden of proof" is on you to provide information that addresses the criteria below in order to demonstrate that the project is in the public interest.*

**PUD Name: Heritage Sqaure II**

**From the St. Charles Zoning Ordinance, Section 17.04.410.3:**

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

**i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**

1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

The planned change to the original PUD will create more residents living near downtown. the increased physical activity and social interaction will be significant as the building is a short walk to parks, bike paths and all downtown establishments.

The need for reasonable rental units in downtown St. Charles will be helped with the addition of 8 new rental apartments. The new units will fit in well as the building is existing and no changes to the exterior or landscaping is anticipated.

Although office space is far from obsolete it is certainly of minimal demand after the pandemic with no end in site to people working from home. The expense for the transition is large, but the long term economic impact will benefit our town and minimize dark vacant spaces.



ii. **The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**

- A. Conforming to the requirements would inhibit creative design that serves community goals, or**
- B. Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

**Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:**

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public are, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

The change in PUD will provide ADA accessable units to todays codes and standards.

The new units will be built to todays efficiency standards with new HVAC units, water heaters and all appliances.

iii. **The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330.C.2):**

**A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

There will be the opportunity for 8 new individuals or couples to live near downtown St. Charles and enjoy the many amenities nearby.

**B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary utilities have been, or are being, provided.**

Heritage Square II is an existing development with sufficient infrastructure to meet the needs of the change in use from office space to residential rental apartments in the 405 Illinois Ave. building. No changes to driveways, access easements or utilities are contemplated.

**C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

The surrounding properties are all residential, therefore the change in use to additional residential rental units will be a natural fit with the community and the original underlying zoning.

**D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

The change in partial use from office to residential rental units will better fit with all neighboring residential zoning. There should be no impact on the potential uses for all neighboring properties.

**E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The change to additional residential rental units will diminish the need for off street parking by 16 spaces. this will minimize any need for residents or tennants of ZHeritage Square II to park on the adjacent streets.

**F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

all new interior construction will conform to all city codes and requirements.

**iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The addition of 8 new residential units will bring more people to our town to frequent all stores and restaurants

**v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The comprehensive plan shows all residential in surrounding blocks. The change to additional residential rentals will better fit to the comprehensive plan

## RESIDENTIAL ZONING COMPLIANCE TABLE

**Name of Development:** Heritage Sqaure II

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District: Select	Ordinance #: 630-774-9101	
Minimum Lot Area			no change
Minimum Lot Width			no change
Maximum Building Coverage			no change
Maximum Building Height			no change
Minimum Front Yard			no change
Interior Side Yard			no change
Exterior Side Yard			no change
Minimum Rear Yard			no change
Landscape Buffer Yards <sup>1</sup>			no change
% Overall Landscape Area			<b>no change</b>
Building Foundation Landscaping			<b>no change</b>
Public Street Frontage Landscaping			<b>no change</b>
Parking Lot Landscaping			<b>no change</b>
# of Parking Spaces			<b>no change</b>

<sup>1</sup> Within the RM-3 zoning district, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers.