

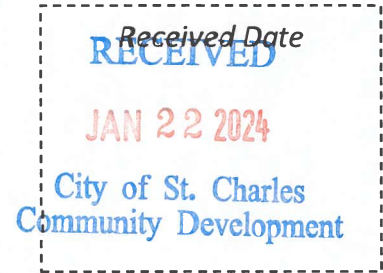
City of St. Charles
 Community Development Division
 2 E. Main Street
 St. Charles, IL 60174



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

GENERAL AMENDMENT APPLICATION

For City Use	
Project Name:	<u>1317 E. Main St</u>
Project Number:	<u>2024 -PR- 001</u>
Cityview Project Number:	<u>PLGA20240002</u>



- File this application to request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17).
- 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 any questions 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.

1. Applicant Information:	Name: <u>ANDRZEJ KOCZWARA</u>	Phone: <u>847-630-2587</u>
	Address <u>1317 E MAIN ST</u> <u>SAINT CHARLES, IL 60174</u>	Email: <u>andy@americanhwy.com</u>

2. Information Regarding General Amendment:

What is the amendment regarding?

MOTORCYCLE MUSEUM & ART GALLERY

What Code sections are proposed for amendment?

Chapter(s):

Section(s):

Wording of the proposed Amendment: *Insert below or attached on a separate page*

To allow cultural facilities as a special use in the BL Zoning District

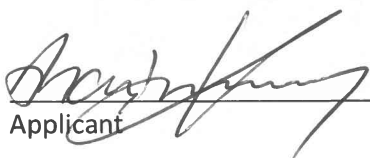
3. Required Attachments:

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: \$500
- 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 for a General Amendment application only: \$1,000.
- FINDINGS OF FACT: Fill out the attached form based on the proposed General Amendment.

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.

 Applicant
01/17/24 Date

CITY OF ST. CHARLES
REIMBURSEMENT OF FEES AGREEMENT

I. Owner: 151 FIELDGATE, LLC

Owner of Property: GARY MCGNATH

Date: 1/19/24

Owner's Address:

Owner's Phone Number: 630-721-9500

If Owner is a Land Trust, the names and addresses of the beneficiaries of the Trust:

II. Person Making Request (Petitioner/Applicant): FOX VALLEY CAPITAL, LLC

Name of Petitioner/Applicant: ANDY KOZLUKAMA

Petitioner's/Applicant's Address: 3006 KING RICHARD CIR SAINT CHARLES, IL

Petitioner's /Applicant's Phone Number: 847-630-2587 60174

III. Location of Property:

General Location of Property: 1317 E MAIN ST SAINT CHARLES, IL 60174

Acreage of Parcel:

Permanent Index Number(s): 09-26-302-002-0000

Legal Description (attach as Exhibit A)

IV. Reimbursement of Fees:

If the City determines, in its sole and exclusive discretion, that it is necessary to obtain professional services, including, but not limited to, attorneys; engineers; planners; architects; surveyors; court reporters; traffic, drainage or other consultants, and/or to incur costs related to any required notices or recordations, in connection with any Petition or Application filed by the Petitioner/Applicant, then the Petitioner/Applicant and Owner shall be jointly and severally liable for the payment of such professional fees and costs, as shall actually be incurred by the City.

The City Administrator is hereby authorized to assign the above described services to the City staff or to consultants, as they deem appropriate. When the City staff renders any services contemplated by this agreement, then in such case the City shall be reimbursed for its cost per productive work hour for each staff person providing said services.

At the time the Petitioner/Applicant requests action from the City, he shall deposit the following amounts with the City as an initial deposit to collateralize the obligation for payment of such fees and expenses:

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

As the review proceeds, the City shall deduct incurred expenditures and costs from the funds deposited. If the remaining deposit balance falls below \$500.00, the petitioner/applicant, upon notice by the City, shall be required to replenish the deposit to its original amount. The Petitioner/ Applicant shall replenish the deposit amount within fifteen (15) days of receipt of an invoice directing the replenishment of said deposit. Failure to remit payment within fifteen (15) days will cause all reviews to cease.

A petitioner/applicant who withdraws his petition or application may apply in writing to the Director of Community Development for a refund of his initial deposit. The City Administrator may, in his sole discretion, approve such refund less any actual fees and costs, which the City has already paid or incurred relative to the Petition or Application.

Upon the failure to the Petitioner/Applicant or Owner to reimburse the City in accordance with this Agreement, no further action shall be undertaken on any Petition or Application by the Mayor and City Council, or by any other official or quasi-deliberations, the granting of any relief or approvals, and the execution or recording of any documents, until all such outstanding fees are paid in full and/or the initial deposit is restored to its full amount. Further, the City may deny any application for a grading, building or other permit if such amounts have not been paid in full.

Upon any failure to reimburse the City in accordance with this section, the City may in its discretion, apply any or all of the initial deposit to the outstanding balance due and/or elect to place a lien against any real property associated with the Petitioner/Applicant's Petition or Application. In the event such amounts are not paid in full within sixty (60) days after the date when the statement of such amounts due is delivered or deposited in the U.S. mail by the City, such amounts due shall be deemed delinquent and finance charges in accordance the City's policy for accounts receivable shall be added to the amount due until such amount due, including all delinquency charges, is received by the City. Said lien shall be in an amount equal to the outstanding amount owed to the City.

The remedies available to the City as set forth hereinabove are non-exclusive and nothing herein shall be deemed to limit or waive the City's right to seek relief of such fees against any or all are responsible parties in a court of competent jurisdiction.

Any remaining balance of funds deposited pursuant to this Agreement shall be refunded upon the later occurring of the following events: completion of City deliberation on the petition or application, recordation of all necessary documents associated with the petition or application, or issuance of a building permit upon the real property in question.

FINDINGS OF FACT – 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.

Amendment Description/Ordinance Section Number:

From the St. 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.

Future motorcycle museum and art gallery.
Bringing a interest to a tourism and visitors
for the City. Point of intest to general public.

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

The use is allowed in other Commercial districts

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.

Change in policy to allow cultural facility as a Special
Use

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

In State of Illinois currently we dont have motorcycle museum of this size. Display of 100 old motorcycles always brings intrest of public. Education for yand generation. I kees my colection priet for 30 years and its time to shere my passion with others

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

Existing building

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

Would allow other BL zoned properties to request a Special Use for cultural facility

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 General Amendment.