



AGENDA ITEM EXECUTIVE SUMMARY

Title:	Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to Alcohol or Tobacco Sales Establishments
Presenter:	Russell Colby

Please check appropriate box:

	Government Operations		Government Services
X	Planning & Development – (3/14/16)		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

Executive Summary:

City Council has expressed an interest in limiting the locations where liquor stores and tobacco stores can locate. Currently, the Zoning Ordinance does not differentiate between general Retail Sales and alcohol/tobacco sales, meaning that liquor stores and tobacco stores can locate in any commercial zoning district. Some commercially-zoned property is adjacent to or surrounded by residential uses.

Staff is proposing a General Amendment to create an “Alcohol or Tobacco Sales Establishment” category for businesses that devote more than 50% of their retail floor area to the sale of alcohol or the sale or consumption of tobacco products.

At the November City Council retreat, staff presented a concept for zoning changes to create the use category and establish locations in which the use is permitted:

- Permit Alcohol or Tobacco Sales Establishments in major commercial district (BC Community Business, BR Regional Business, and CBD-1 Central Business Districts)
- Permit Alcohol or Tobacco Sales Establishments in the BL Local Business and CBD-2 Mixed Use Business Districts along major arterial roads only (Main St., Randall Rd., Kirk Rd.).

The staff report provides information on how this new use category would relate to the City’s liquor license categories. In short, Class A-1 licenses (Liquor Stores) would be affected, but other packaged liquor license categories would continue to be classified as Retail Sales under the Zoning Ordinance.

Plan Commission Review

The Plan Commission held a public hearing on 3/22/16 and 4/6/16 and recommended approval of the General Amendment with a vote of 6-0 (with two abstaining). Although the two members who abstained did not offer a specific reason, discussion during the public hearing centered on whether there was sufficient basis to call out this specific business type and regulate it in a different manner than other types of retail sales businesses. (It was also noted that there appears to be an inconsistency in the zoning regulation due to the BL district permitting Restaurants or Taverns as a Special Use in any location, while the new Alcohol/Tobacco Establishment use category will be restricted to only certain portions of the BL district.)

Attachments: *(please list)*

Plan Commission Resolution, Staff Report, General Amendment Application

Recommendation / Suggested Action *(briefly explain):*

Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to Alcohol or Tobacco Sales Establishments

<i>For office use only:</i>	<i>Agenda Item Number:</i> 3C
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City of St. Charles, Illinois
Plan Commission Resolution No. 1-2016

A Resolution Recommending Approval of a General Amendment to Ch. 17.12 “Residential Districts”, Section 17.12.020 “Permitted and Special Uses”; Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”; and Chapter 17.30 “Definitions”, Section 17.30.020 “Use Definitions” (Alcohol/Tobacco Sales Establishment Use Category)

Passed by Plan Commission on April 5, 2016

WHEREAS, it is the responsibility of the St. Charles Plan Commission to hold public hearings and review requests for amendments to Title 17, “Zoning”; and

WHEREAS, the Plan Commission held a public hearing and has reviewed the petition for a General Amendment to Ch. 17.12 “Residential Districts”, Section 17.12.020 “Permitted and Special Uses”; Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”; and Chapter 17.30 “Definitions”, Section 17.30.020 “Use Definitions” (Alcohol/Tobacco Sales Establishment Use Category); and

WHEREAS, in accordance with Section 17.04.320.C, the Plan Commission has considered the following criteria for General Amendment:

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

On page 43, a Residential Land Use policy states, “Preserve the character of the City’s existing single-family residential neighborhoods”. The proposed amendment will prevent a land use that is incompatible with the character of the City’s residential neighborhoods from locating on isolated commercial parcels that are surrounded by residential neighborhoods.

On page 46, the Commercial Areas Framework Plan calls for Neighborhood Commercial areas (such as the properties located within the BL Local Business District) to be, “geared toward providing for the daily shopping, service and convenience needs of surrounding neighborhoods” and, “should be located along major corridors and at key intersections, along the edges of residential neighborhoods”. The proposed amendment will allow alcohol/tobacco sales establishments in the BL District, but along major arterial streets only, and not within pockets of BL zoned property surrounded by residential neighborhoods.

On page 49, a Commercial Area policy states, “Appropriately transition from more intensive uses within Downtown to the residential uses that surround it”. The CBD-2 district is the transitional zoning district between the downtown core and adjacent residential neighborhoods. The proposed amendment will promote this transition by limiting alcohol/tobacco sales establishments in the CBD-2 district to properties along Main Street/Rt. 64 only.

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

The proposed amendment is consistent with the following purposes of Title 17: promoting the public health, safety, comfort, convenience and general welfare; preserving and enhancing the quality of life for residents and visitors; and protecting the character of established residential neighborhoods. In addition, the classification of uses as proposed is consistent with the purpose statement of each impacted zoning district.

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 of policy.

The proposed amendment adds clarification to existing text by differentiating alcohol/tobacco sales establishments from the general retail sales use category. The amendment also reflects a change in policy to limit alcohol/tobacco sales establishments to locations along Strategic Regional Arterial (SRA) routes or within the downtown core.

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

Establishments that sell alcohol and/or tobacco are licensed by approval of the City Council under the authority of the State of Illinois. As a part of the liquor or tobacco license review, the location of the business is considered.

It is in the public interest to better align the City’s zoning use restrictions with the community’s expectations regarding the appropriate location for Alcohol/Tobacco Sales Establishments.

The resulting change to the code will continue to provide for a sufficient area within the community in which an Alcohol/Tobacco Sales Establishment can locate.

5. The extent to which the proposed amendment creates non-conformities.

The proposed amendment will create one nonconformity; One-Stop Liquors at 14th and Prairie streets will become a legal, nonconforming use. The business can remain in operation, but will not be able to be expanded.

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

Currently, liquor/tobacco sales establishments are considered part of the general retail sales use category. Retail Sales are permitted in all of the business and mixed use zoning districts, as well as in the Transitional Business overlay district. The proposed amendment will continue to allow liquor/tobacco sales establishments within all of the business and mixed use zoning districts, however such establishments will only be permitted along SRA routes in the BL and CBD-2 district, and not within the BT overlay district.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.12 “Residential Districts”, Section 17.12.020 “Permitted and Special Uses”; Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”; and Chapter 17.30 “Definitions”, Section 17.30.020 “Use Definitions” (Alcohol/Tobacco Sales Establishment Use Category).

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Pretz, Spruth, Schuetz

Nays:

Abstain: Doyle, Macklin-Purdy

Absent: Frio

Motion Carried: 6-0

PASSED, this 5th day of April 2016.

Chairman
St. Charles Plan Commission

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Bancroft
And Members of the Planning and Development Committee

FROM: Russell Colby, Planning Division Manager
Ellen Johnson, Planner

RE: Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance)
regarding an Alcohol/Tobacco Sales Establishment use category

DATE: April 6, 2016

I. GENERAL INFORMATION

Project Name: General Amendment – Alcohol/Tobacco Sales

Applicant: City of St. Charles

Purpose: Create an Alcohol/Tobacco Sales Establishment use category and establish locations in which the use is permitted.

II. BACKGROUND

In the summer of 2015, City Council considered a liquor license application that would allow a liquor store at 710 S. 3rd St., which is the current location of the St. Charles Mini-Mart.

The property is zoned BL Local Business District. Retail Sales are permitted in the BL District. Under the Zoning Ordinance, the sale of alcohol is considered a retail use and therefore falls into the Retail Sales use category.

Neighbors voiced opposition to allowing a liquor store at 710 S 3rd St. due to the property's location within a residential neighborhood. City Council voted to deny the application.

In response to this issue, Aldermen expressed concern for the possibility of liquor stores and related uses such as tobacco stores locating in pockets of commercially zoned property within, or adjacent to, predominately residential areas. Aldermen expressed an interest in addressing this issue through zoning; in particular, to differentiate between alcohol/tobacco sales and the general Retail Sales use category and to identify locations where alcohol/tobacco sales should be allowed.

Zoning for liquor stores and tobacco stores was a topic of discussion at the 2015 mid-year City Council Retreat. At the Retreat, Staff presented a concept for zoning changes to address this issue. Aldermen expressed support for the conceptual proposal. Staff is now bringing the proposal forward as a General Amendment.

III. PROPOSAL

1. Add “Alcohol or Tobacco Sales Establishment” as a new zoning use category, separate from the general Retail Sales use category.
 - a. **Ch. 17.30 Definitions, Section 17.30.020 Use Definitions**- Definition of “Alcohol or Tobacco Sales Establishment”:

“An establishment where the primary purpose, based on floor area, is the sale of a) packaged alcoholic liquor directly to the consumer for consumption off the premises, or b) tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, “Tobacco”, directly to the consumer for consumption either on or off the premises. An establishment that has over 50% of the total retail floor area dedicated to the sale or consumption of these items shall be considered an Alcohol or Tobacco Sales Establishment. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G), Tavern/Bar, or Restaurant (G), as defined herein.”
 - b. **Ch. 17.30 Definitions, Section 17.30.020 Use Definitions**- Amend the “Retail Sales” definition to state that Retail Sales does not include Alcohol or Tobacco Sales Establishments.
2. Permit Alcohol or Tobacco Sales Establishments in all commercial zoning districts. However, in the BL Local Business and CBD-2 Mixed Use Business districts, limit the locations where the use is permitted to properties with frontage along Main St./Route 64, Randall Rd., and Kirk Rd. (SRA- Strategic Regional Arterial routes). The use will not be allowed in the BT Transitional Business Overlay.
 - a. **Ch. 17.12 Residential Districts, Table 17.12-1 Permitted & Special Uses**- Alcohol or Tobacco Sales Establishment is not a permitted use in the BT Overlay.
 - b. **Ch. 17.14 Business & Mixed Use Districts, Table 17.14-2 Permitted & Special Uses**- Alcohol or Tobacco Sales Establishment is a permitted use in the following zoning districts:
 - BL Local Business (in limited locations)
 - BC Community Business
 - BR Regional Business
 - CBD-1 Central Business
 - CBD-2 Mixed Use Business (in limited locations)
 - c. **Ch. 17.20 Use Standards, Section 17.20.030 Standards for Specific Uses**- Alcohol or Tobacco Sales Establishment:
 1. In the BL Local Business District, this use is permitted only on properties with frontage on Main Street/Route 64, Randall Road, or Kirk Road.
 2. In the CBD-2 Mixed Use Business District, this use is permitted only on properties with frontage on Main Street/Route 64.

IV. ANALYSIS

The proposal limits the locations where Alcohol or Tobacco Sales Establishments are permitted to properties in major retail/commercial shopping areas, the downtown core, and along Strategic Regional Arterial streets (SRA Routes), which are Main St., Randall Rd., and Kirk Rd.¹

Specifically, the proposal limits Alcohol or Tobacco Sales Establishments to only certain locations within the BL and CBD-2 zoning districts.

1. Impacted Zoning Districts:

As provided in the Zoning Ordinance, the purpose of the BL Local Business District is as follows:

“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 provide so as not to negatively impact adjoining residential neighborhoods.”

Most properties in the BL District are located along Main Street, on both sides of downtown, and back up to residential neighborhoods. BL District parcels are smaller in size than parcels zoned BC or BR, and contain smaller scale commercial and office uses. A limited number of properties in the BL District do not front on Main Street, and some of these properties are surrounded by residential development. The proposed amendment will restrict Alcohol/Tobacco Sales Establishments from locating in these locations.

The purpose of the CBD-2 Mixed Use Business District is as follows:

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

The CBD-1 District forms the core of downtown St. Charles, while the CBD-2 District is meant to be a mixed-use transitional area between the higher intensity uses downtown and the residential neighborhoods surrounding downtown. Alcohol/Tobacco Sales Establishments will only be permitted in the CBD-2 District along Main Street, consistent with the purpose of the CBD-2 District to provide a transition between more the more intensive uses downtown and the surrounding residential neighborhoods.

The dashed red lines shown on Figures 1-3 indicate the BL and CBD-2 zoned parcels where Alcohol/Tobacco Sales Establishments will be permitted:

¹ Strategic Regional Arterial (SRA) routes are identified by the Illinois Department of Transportation and are intended to carry larger volumes of traffic at higher speeds, as a complement to the region’s expressway system. Main St./Route 64, Randall Rd., and Kirk Rd. are the only three SRA routes designated in St. Charles.

Figure 1: CBD-2 and BL parcels where Alcohol or Tobacco Sales Establishments will be permitted- east side of downtown.

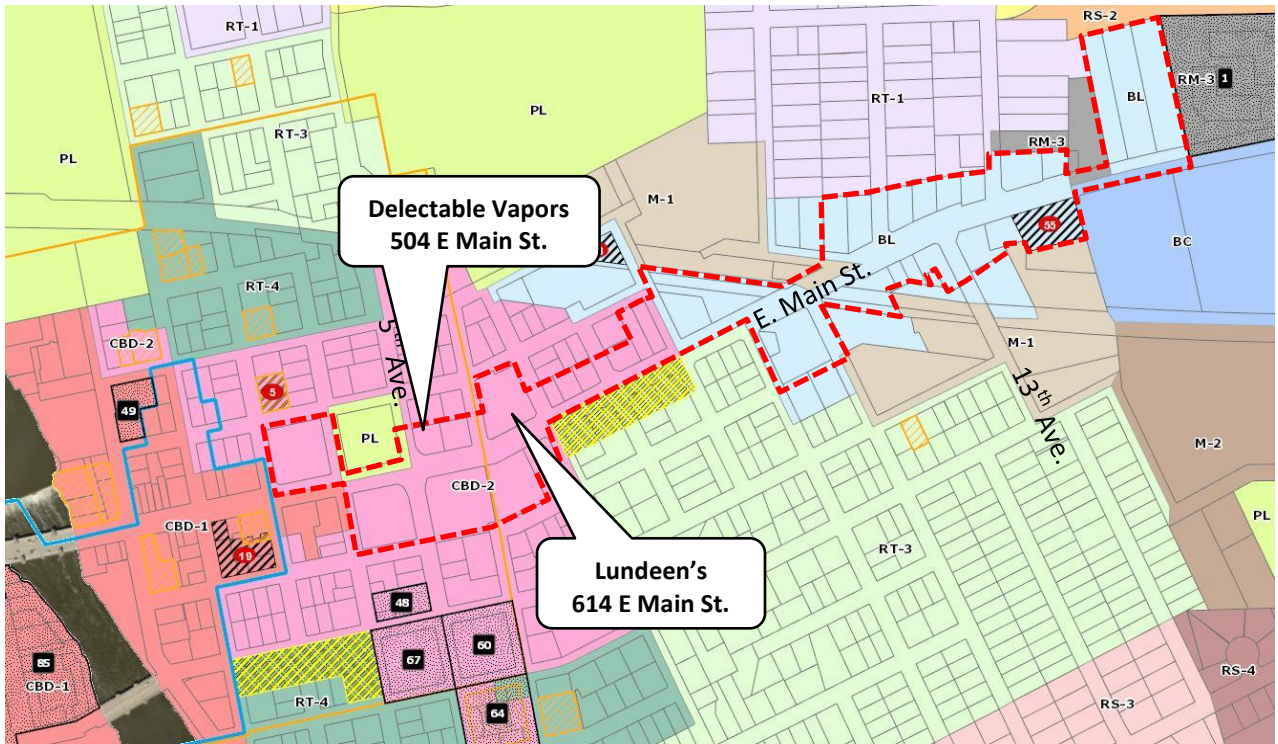


Figure 2: CBD-2 and BL parcels where Alcohol or Tobacco Sales Establishments will be permitted- west side of downtown.

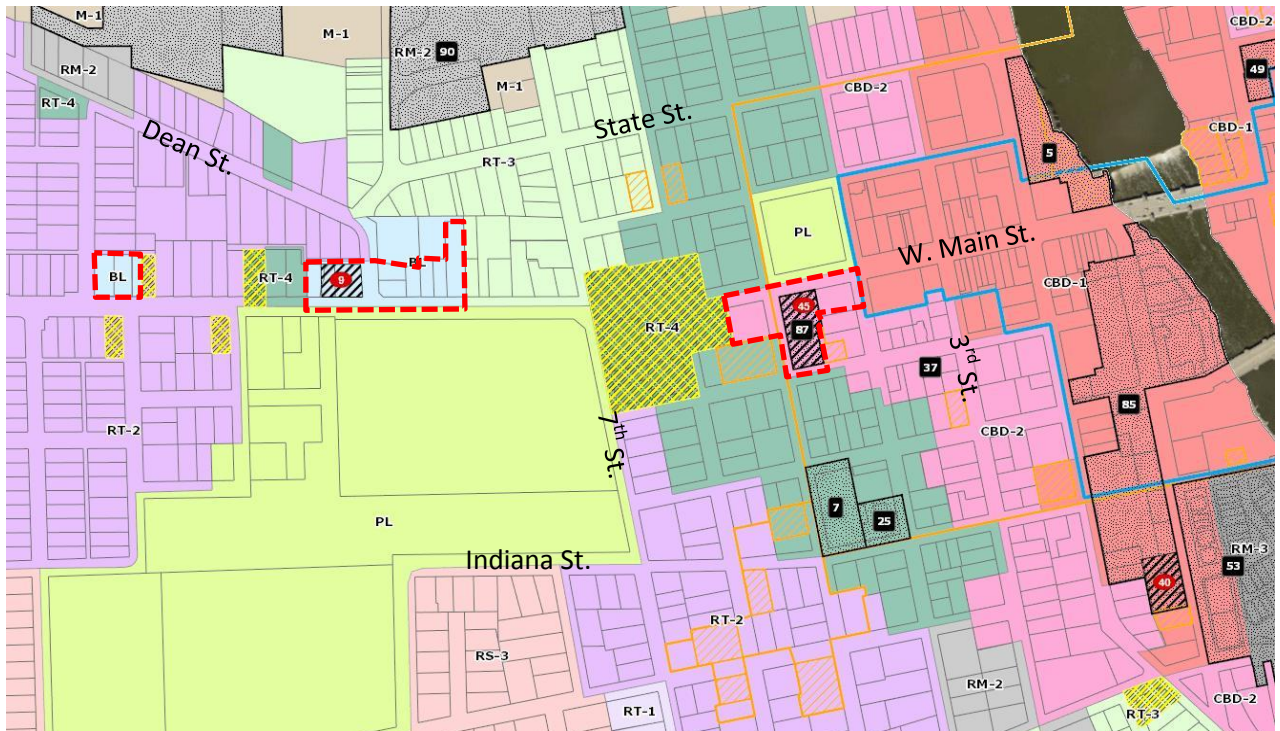
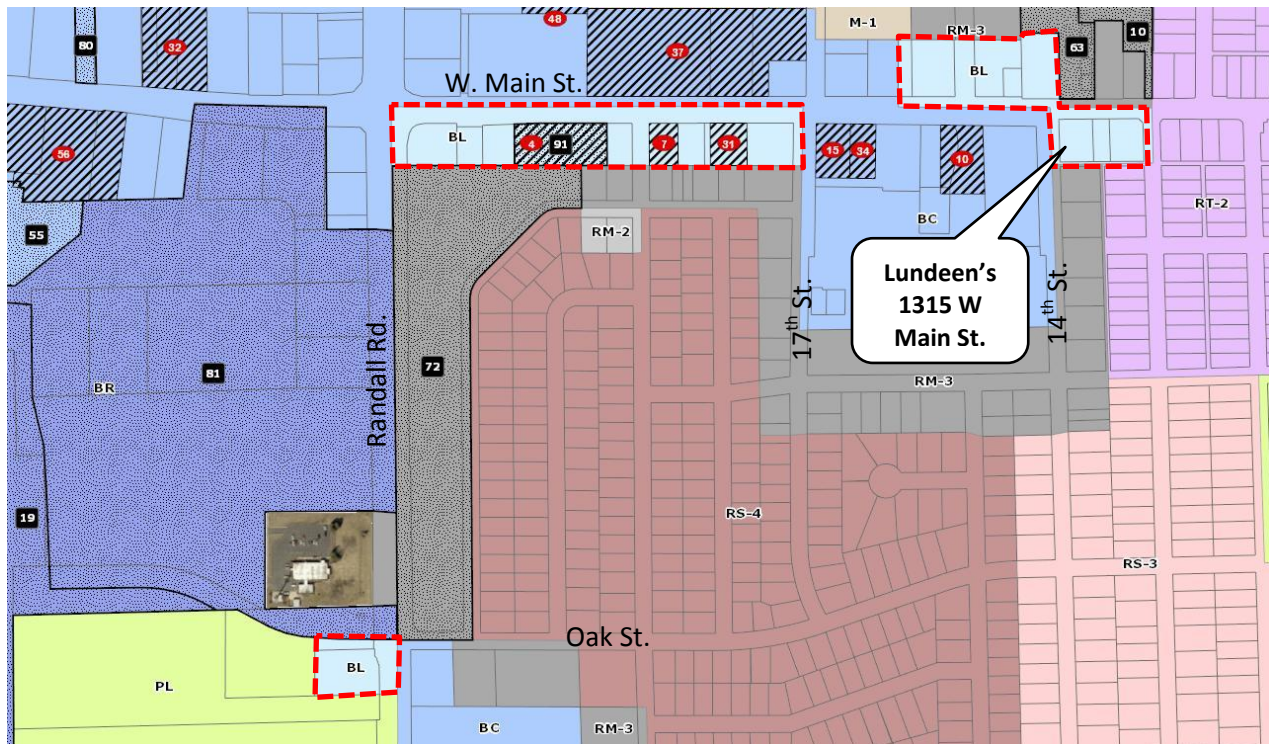


Figure 3: BL parcels where Alcohol or Tobacco Sales Establishments will be permitted - W. Main St. and Randall Rd. area.



The attached map shows BL and CBD-2 zoned parcels where Alcohol/Tobacco Sales Establishments will not be permitted.

2. Impact on Existing Businesses

Most existing businesses will comply with the proposed restrictions. The following liquor/tobacco stores currently exist in the BL and CBD-2 Districts but will continue to be permitted under the proposal because they are located along Main Street:

- Lundeen's, 614 E Main St (CBD-2)
- Lundeen's, 1315 W Main St. (BL)
- Delectable Vapors, 504 E Main St. (CBD-2)

However, One-Stop Liquors at 1401 Prairie St., which is zoned BL but is not located along an SRA route, will become a legal, nonconforming use. The business can continue to operate, but cannot be expanded. If One-Stop Liquors closes and the property is vacant for more than 180 days (6 months), the use will be considered abandoned and an Alcohol or Tobacco Sales Establishment will not be able to locate there again.

3. Liquor Licenses & Alcohol Sales Establishments:

City Code Title 5 "Business Licenses and Regulations", Ch. 5.08 "Alcoholic Beverages" regulates liquor licensing. Class A Packaged Alcoholic Liquor Licenses, "authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises". Class A licenses are divided into five sub-classes:

- A-1. Class A-1 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. Such licenses shall not be authorized for gasoline filling stations. The primary purpose of the premises shall be the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand square feet (2,000’).
- A-2. Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000’), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.
- A-2B. Class A-2B licenses shall authorize the retail sale of beer and wine only in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of beer and wine, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000’), and provided the square footage devoted to the retail sale of beer and wine is ten percent (10%) or less, of the gross square footage.
- A-4. Class A-4 licenses shall authorize the retail sale of beer for consumption on or off the premises, where brewed on the premises, provided the retail sale of beer for consumption off the premises shall be in original packages only. Class A-4 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises where fermented on the premises.
- A-5. Class A-5 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor shall be incidental to non-alcoholic liquor retail sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, by the glass only, for consumption on the premises.

Implications:

- For a standard liquor store, the store must be at least 2,000 sf and the primary purpose must be the sale of alcohol. Gas stations are not eligible for this type of license (Class A-1).
 - This type of business would be classified as an Alcohol/Tobacco Sales Establishment.
- For stores that sell liquor or beer/wine but the primary purpose of the store is to sell other products, like a grocery store or drug store, the store must be at least 10,000 sf, and the area devoted to alcohol sales must be 10% or less of the gross square footage (Class A-2 and A-2B licenses).
 - Stores like convenience stores that are under 10,000 sf are not eligible to obtain a liquor license. For example, the mini mart on S. 3rd St. is 2,400 sf. It would not be able to get a liquor license to sell alcohol in a portion of the store, because the store is not 10,000 sf. The only way that location would be able to obtain a liquor license would be to become a liquor store.
 - These types of business would *not* be classified as an Alcohol/Tobacco Sales Establishment. It would be considered Retail Sales and would therefore be permitted in all commercial zoning districts.

- The Class A-4 license would be required for micro-breweries with tasting/tap rooms. This type of use would be considered a Tavern/Bar or Restaurant under the zoning ordinance. Tavern/Bar and Restaurant are not permitted in the CBD-2 zoning district, and are permitted only as a Special Use in the BL district. Tavern /Bar and Restaurant would continue to be permitted as a Special Use in the BL district, because they are different use categories than an Alcohol/Tobacco Sales Establishment.
- For stores that sell wine and more specialty liquor and beer (Class A-5 license), the area devoted to the sale of these products cannot exceed 25% of the annual gross sales of the business.
 - o This type of business would be classified as an Alcohol/Tobacco Sales Establishment if the primary purpose, in terms of floor area of the retail area, is for the sale of alcohol products. If the primary purpose is not sale of alcohol, it would be considered Retail Sales and would therefore be permitted in all zoning districts.

Class A Packaged Alcoholic Liquor Licenses	Business requiring license would be classified as an Alcohol/Tobacco Sales Establishment
Class A-1	Yes
Class A-2	No
Class A-2B	No
Class A-4	No
Class A-5	Yes (if floor area used for alcohol sales is over 50% of total retail floor area)

4. Tobacco Licenses & Tobacco Sales Establishments:

Per City Code Title 5 “Business Licenses and Regulations”, Ch. 5.16 “Tobacco”, there are three types of tobacco licenses:

- Retail Tobacco Dealer – over the counter
It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with intention of selling at retail, giving away or delivering tobacco, alternative tobacco devices or tobacco products within the City without first obtaining a retail tobacco license. No smoking, sampling or testing is permitted on the premises.
- Retail Tobacco Dealer – product sampler (Specialty Store)
It shall be unlawful to permit smoking on the premises at an establishment that also sells tobacco, alternative tobacco devices or tobacco related devices without first obtaining a retail tobacco dealer – product sampler license. The sale, sampling or testing of alternative tobacco products or smoking tobacco shall be permitted on the premises.
- Wholesale Tobacco Dealer
It shall be unlawful to offer for sale at wholesale, give away, deliver, or keep with the intent of selling at wholesale, giving away or delivering tobacco, alternative tobacco devices or tobacco products within the City without first obtaining a wholesale tobacco dealer license. A wholesale tobacco dealer who also conducts retail sales shall be required to obtain

a retail tobacco dealer license in addition to the wholesale tobacco dealer license. No smoking, sampling or testing is permitted on the premises.

Implications:

- A Retail Tobacco Dealer (over the counter) license is required for any establishment selling tobacco or alternative tobacco products, regardless of the amount of space dedicated to sale of such products.
- A Retail Tobacco Dealer (product sampler) license is required for an establishment that permits on-site product sampling, such as a hookah lounge.
- The type of business that would require a Wholesale Tobacco Dealer license would be permitted only in the City’s manufacturing zoning districts.

V. PLAN COMMISSION RECOMMENDATION

The Plan Commission held a public hearing for the General Amendment on 3/22/16 and 4/6/16 and recommended approval with a vote of 6-0 (with two abstaining). Although the two members who abstained did not offer a specific reason, discussion during the public hearing centered on whether there was adequate basis to call out this specific business type and regulate it in a different manner than other types of retail sales businesses. (It was also noted that there is an inconsistency in the zoning regulation due to the BL district permitting Restaurants or Taverns as a Special Use.)

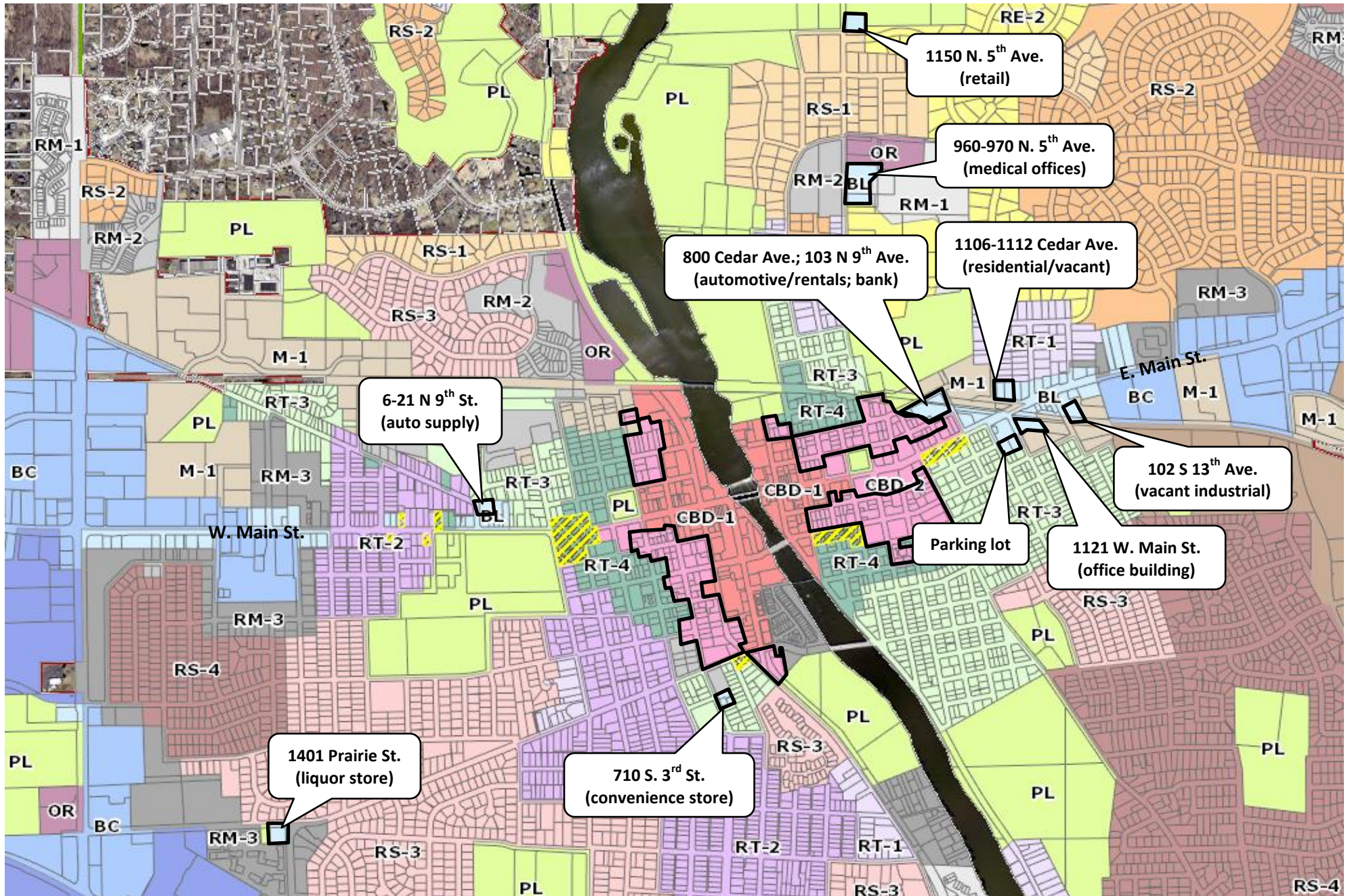
VI. ATTACHMENTS

- Selected definitions from Ch. 5.16
- Map of BL and CBD-2 properties where Alcohol/Tobacco Sales Establishments will not be permitted
- Application for General Amendment, filed by staff on 2/17/16

Ch. 5.16 definitions of tobacco products, alternative nicotine products, and Hookah Lounge:

1. “Alternative nicotine products” means a product of device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means (commonly known as e-cigarettes). Alternative tobacco or nicotine products includes synthetic tobacco products which are intended to replicate tobacco and tobacco products. Alternative nicotine products excludes “tobacco products” as defined in this section and any product approved by the United States food and drug administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
2. “Hookah Lounge” means an establishment where patrons share shisha (flavored tobacco) from a communal hookah or nargile which is placed at each table. Typically a disposable mouthpiece is provided for each user for hygiene reasons. Some Hookah Bars offer traditional shisha or herbal shisha (contains no tobacco/nicotine) but herbs produce tar when they burn and for the purposes of this ordinance, will be treated the same as tobacco/alternative nicotine products in reference to their use and/or sale.
3. “Tobacco and tobacco products” means cigarettes cigars or tobacco intended for human use, including loose tobacco, pipe tobacco, chewing tobacco and snuff.

BL and CBD-2 Parcels where Alcohol/Tobacco Sales Establishments will not be permitted



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

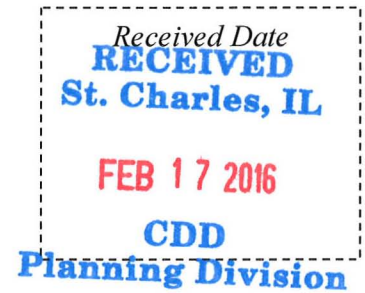


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	<u>GA - Alcohol + Tobacco Sales</u>
Project Number:	<u>2016 -PR- 001</u>
Application Number:	<u>2016 -AP- 004</u>



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), 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.

Applicant:	Name	City of St. Charles	Phone	630-377-4443
	Address	2 E. Main St. St. Charles, IL 60174	Fax	630-377-4062
			Email	ejohnson@stcharlesil.gov

Attachment Checklist

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

- APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance (\$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. (For a General Amendment application only: \$1,000 deposit.)
- FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

□ **WORDING OF THE REQUESTED TEXT AMENDMENT**

What is the amendment regarding?

Add "Alcohol or Tobacco Sales Establishment" as a new zoning use category.

What sections are proposed for amendment?

Chapters(s): 17.12; 17.14; 17.20; 17.30

Section(s): Table 17.12-1; Table 17.14-1; Section 17.20.030; Section 17.30.020

The wording of the proposed amendment: Insert below or attached wording on a separate page.

See attached.

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.

Ellen Johnson 2/17/10
Applicant Date

Ch. 17.12 Residential Districts, Table 17.12-1 Permitted & Special Uses

BT

Alcohol or Tobacco Sales Establishment *not permitted*

Ch. 17.14 Business & Mixed Use Districts, Table 17.14-1 Permitted & Special Uses

	BL	BC	BR	CBD-1	CBD-2	Specific Use Standards
Alcohol or Tobacco Sales Establishment	P	P	P	P	P	Section 17.20.030

Ch. 17.20 Use Standards, Section 17.20.030 Standards for Specific Uses

Alcohol or Tobacco Sales Establishment:

1. In the BL Local Business District, this use is permitted only on properties with frontage on Main Street/Route 64, Randall Road, or Kirk Road.
2. In the CBD-2 Mixed Use Business District, this use is permitted only on properties with frontage on Main Street/Route 64.

Ch. 17.30 Definitions, Section 17.30.020 Use Definitions

New Use Category:

Alcohol or Tobacco Sales Establishment: An establishment where the primary purpose, based on floor area, is the sale of a) packaged alcoholic liquor directly to the consumer for consumption off the premises, or b) tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, "Tobacco", directly to the consumer for consumption either on or off the premises. An establishment that has over 50% of the total retail floor area dedicated to the sale or consumption of these items shall be considered an Alcohol or Tobacco Sales Establishment. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G), Tavern/Bar, or Restaurant (B), as defined herein.

Amended Use Category (underlined):

Retail sales: An establishment where the primary purpose is the sale of physical goods, products or merchandise directly to the consumer. This use includes, but is not limited to, stores that sell groceries, hardware, clothing, auto parts, electronics, appliances, jewelry, antiques and shoes. This use also includes carpet stores, electronics superstores, and furniture stores. This use does not include Heavy Retail and Service, Home Improvement Center, Pawn Shops, Adult Uses, or Alcohol or Tobacco Sales Establishments, as defined herein.

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.

See attached.

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.

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

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.

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

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

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

Findings of Fact

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

On page 43, a Residential Land Use policy states, "Preserve the character of the City's existing single-family residential neighborhoods". The proposed amendment will prevent a land use that is incompatible with the character of the City's residential neighborhoods from locating on isolated commercial parcels that are surrounded by residential neighborhoods.

On page 46, the Commercial Areas Framework Plan calls for Neighborhood Commercial areas (such as the properties located within the BL Local Business District) to be, "geared toward providing for the daily shopping, service and convenience needs of surrounding neighborhoods" and, "should be located along major corridors and at key intersections, along the edges of residential neighborhoods". The proposed amendment will allow alcohol/tobacco sales establishments in the BL District, but along major arterial streets only, and not within pockets of BL zoned property surrounded by residential neighborhoods.

On page 49, a Commercial Area policy states, "Appropriately transition from more intensive uses within Downtown to the residential uses that surround it". The CBD-2 district is the transitional zoning district between the downtown core and adjacent residential neighborhoods. The proposed amendment will promote this transition by limiting alcohol/tobacco sales establishments in the CBD-2 district to properties along Main Street/Rt. 64 only.

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

The proposed amendment is consistent with the following purposes of Title 17: promoting the public health, safety, comfort, convenience and general welfare; preserving and enhancing the quality of life for residents and visitors; and protecting the character of established residential neighborhoods. In addition, the classification of uses as proposed is consistent with the purpose statement of each impacted zoning district.

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 adds clarification to existing text by differentiating alcohol/tobacco sales establishments from the general retail sales use category. The amendment also reflects a change in policy to limit alcohol/tobacco sales establishments to locations along Strategic Regional Arterial (SRA) routes or within the downtown core.

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

Establishments that sell alcohol and/or tobacco are licensed by approval of the City Council under the authority of the State of Illinois. As a part of the liquor or tobacco license review, the location of the business is considered.

It is in the public interest to better align the City's zoning use restrictions with the community's expectations regarding the appropriate location for Alcohol/Tobacco Sales Establishments.

The resulting change to the code will continue to provide for a sufficient area within the community in which an Alcohol/Tobacco Sales Establishment can locate.

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

The proposed amendment will create one nonconformity; One-Stop Liquors at 14th and Prairie streets will become a legal, nonconforming use. The business can remain in operation, but will not be able to be expanded.

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

Currently, liquor/tobacco sales establishments are considered part of the general retail sales use category. Retail Sales are permitted in all of the business and mixed use zoning districts, as well as in the Transitional Business overlay district. The proposed amendment will continue to allow liquor/tobacco sales establishments within all of the business and mixed use zoning districts, however such establishments will only be permitted along SRA routes in the BL and CBD-2 district, and not within the BT overlay district.