 <p>CITY OF ST. CHARLES ILLINOIS • 1834</p>	AGENDA ITEM EXECUTIVE SUMMARY		Agenda Item number: 4a
	Title:	Recommendation to approve a General Amendment to Ch. 14.14 “Business and Mixed-Use Districts”, Table 17.14.1 “Permitted and Special Uses”, regarding Cultural Facilities in the BL District	
Presenter:	Rachel Hitzemann		
Meeting: Planning & Development Committee		Date: March 11, 2024	
Proposed Cost: \$	Budgeted Amount: \$	Not Budgeted: <input type="checkbox"/>	
TIF District: None			
Executive Summary (if not budgeted, please explain):			
<p>Andrew Koczvara has submitted a General Amendment request to add “Cultural Facility” as a Special Use in the BL Local Business District.</p> <p>Mr. Koczvara has separately submitted a Special Use application to permit a motorcycle museum to be established at 1317 E. Main St. That application, which is being considered under a separate agenda item, is contingent on approval of General Amendment regarding Cultural Facilities.</p> <p>The Plan Commission reviewed the application on 2/21/24 and unanimously recommended approval.</p>			
Attachments (please list):			
Plan Commission Resolution, Staff Report, Application			
Recommendation/Suggested Action (briefly explain):			
Recommendation to approve a General Amendment to Ch. 14.14 “Business and Mixed-Use Districts”, Table 17.14.1 “Permitted and Special Uses”, regarding Cultural Facilities in the BL District			

City of St. Charles, Illinois
Plan Commission Resolution No. 1-2024

**A Resolution Recommending Approval of a General Amendment to
Ch. 17.14 “Business and Mixed-Use Districts”, Table 17.14.1 “Permitted and
Special Uses”, regarding Cultural Facilities in the BL District.**

Passed by Plan Commission on February 21, 2024

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. 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses”, regarding Cultural Facilities in the BL District; 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.

The proposed amendment would allow for a future motorcycle museum and art gallery. Bringing an interest to tourism and visitors for the City. Point of interest 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 the State of Illinois, currently there is no motorcycle museum of this size. A display of 100 old motorcycles always brings interest to the public and provides education for younger generations.

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

The proposed amendment will not create nonconformities. It is an existing building.

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

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The proposed amendment will apply to all properties in the BL zoning district.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses” to allow Cultural Facilities in the BL District.

Roll call vote:

Ayes: Funke, Wiese, Rosenberg, Fitzgerald, Vargulich

Nays: None

Absent: Moad, Hibel, Ewoldt, Gruber

Motion carried 5-0

PASSED, this 21st day of February 2024.

Chairman



General Amendment – Cultural Facilities

Applicant:	Andrew Koczvara
Purpose:	Add “Cultural Facilities” as a permitted Special Use in the BL Local Business District
Application:	General Amendment
Public Hearing:	Yes
Summary of Proposal:	Proposal is to add “Cultural Facilities” as a permitted Special Use in the BL zoning district.

A Special Use for a motorcycle museum has been filed in conjunction with this application.

Info / Procedure on Application:	<ul style="list-style-type: none">• See Sec. 17.04.320 regarding General (Text) Amendments. A General Amendment (or Text Amendment) is an application requesting a change to the Zoning Ordinance, Title 17 of the City Code. A change may be requested to a numerical standard (such as a setback requirement) or to any other text of the Zoning Ordinance. Often, a General Amendment is proposed to change the standards that apply to a specific zoning district or a specific land use or business category. Changes to the text apply to all properties in the City that are located in the same zoning district or fall within the same category of land use or business. A General Amendment application may also involve changes to procedures or application requirements that are listed in the Zoning Ordinance.• Public hearing is required. No mailed notice to surrounding property owners.• Findings: 6 items of information to consider in making a recommendation; all items need not be in the affirmative to recommend approval.
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Suggested Action:	Conduct the public hearing and close if all testimony has been taken. The item is listed for discussion and recommendation, should the Plan Commission feel that they have enough information to make a recommendation.
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Staff Contact:	Rachel Hitzemann, Planner
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I. BACKGROUND

A. Current Zoning Interpretation

Andrew Koczvara has filed this application in hopes of opening a motorcycle museum at 1317 E Main St. A motorcycle museum is classified as a “Cultural Facility” under the Zoning Code. The zoning for this property is BL- Local Business District, which does not currently permit Cultural Facilities.

The property at 1317 E Main St. has been vacant for several years. Over the last 10 years the property has been for sale on and off and its most recent uses have included a doggy day care

and more recently a storage lot for McGrath Honda. Prior to the doggy daycare, the property was used for a restaurant known as the “Cork and Fork”

ANALYSIS

A. USE

“Cultural Facility” is defined in Section 17.30.020 as follows:

Facilities open to the public including, but not limited to, museums, cultural centers, and aquariums. Cultural Facility does not include Library, Place of Worship or Lodge or Private Club, as defined herein.

Currently, “Cultural Facilities” are permitted in all of the commercial zoning districts except the BL Local Business District. It is a Special Use in the CBD-2 Mixed Use Business District.

TABLE 17.14-1	BL	BC	BR	CBD-1	Downtown Overlay		CBD-2
					CBD-1	CBD-2	
Cultural Facilities		P	P	P	P	S	S

“Cultural Facilities” are also permitted in the OR, M-1, M-2, and PL Districts.

TABLE 17.16-1	OR	M-1	M-2	PL
Cultural Facilities	P	P	P	P

B. PROPOSAL

The applicant is proposing to list Cultural Facilities as a permitted Special Use in the BL Local Business District.

The purpose statement of the BL District is provided in Section 17.14.010 as follows:

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.

The BL District is predominately located along Main Street, between downtown and Tyler Rd. on the east side and between downtown and Randall Rd. on the west side. Most BL properties are adjacent to residential areas and are generally smaller in size than BC (Community Business) or BR (Regional Business) properties. Smaller scale commercial and office uses are permitted in the BL District, while uses that have the potential to generate increased activity and noise such as Theaters, Live Entertainment, and Gas Stations, are not permitted. The attached map shows the location of BL property. Table 17.14-1 Permitted and Special Uses in the commercial zoning districts is also attached.

The applicant has requested Cultural Facilities be permitted as a Special Use in the BL District. Staff proposes the following changes to Table 17.14-1 to accommodate the applicant’s request (in ***bold italics***):

TABLE 17.14-1	BL	BC	BR	CBD-1	Downtown Overlay		CBD-2
					CBD-1	CBD-2	
Cultural Facilities	<i>S</i>	P	P	P	P	S	S

C. COMPREHENSIVE PLAN

The Comprehensive Plan designates the land use of most areas in the BL District as “Neighborhood Commercial”. The plan describes the Neighborhood Commercial land use as follows (p.39):

Areas designated as neighborhood commercial are intended toward smaller-scale retail and service commercial areas geared toward providing for the daily shopping, service, and convenience needs of surrounding neighborhoods. Uses in the neighborhood commercial areas should be of a scale and intensity to be considered generally compatible with adjacent and nearby residential uses.

The Commercial Area Policies include the following (p.48):

Promote a mix of attractive commercial uses along the Main Street Corridor that provide a range of goods and services to the St. Charles community.
A wide range of commercial uses exist along the Main Street corridor, providing a variety of goods and services to residents. As a primary east-west route through the City, Main Street contributes to the overall character, image, and appearance of St. Charles. In general, some commercial areas are newer, well maintained, well occupied, provide a desirable mix of uses, and are generally considered attractive. Others however, are older/dated, suffer from deferred maintenance and obsolescence, and suffer from a less desirable mix of uses and higher vacancy rates. The City should continue to promote reinvestment along this key commercial corridor and maintain Main Street as a unique commercial corridor that can accommodate a wide array of business types to cater to the diverse needs of the St. Charles community.

IV. **SUGGESTED ACTION**

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.

V. **ATTACHMENTS**

- Zoning Map
- Table 17.14-1
- Application, received 1/22/24

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: 1317 E. Main St
Project Number: 2024 -PR- 001
Cityview Project Number: PLGA20240002

Received Date
RECEIVED
JAN 22 2024
City of St. Charles
Community Development

- 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@american</u> <u>hwy.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

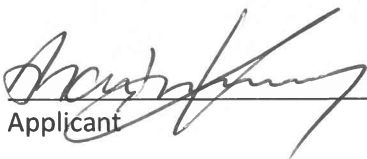
3. Required Attachments:

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

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.