

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number:4b

Title:

Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) to remove the lot area requirement for Drive-Through Facilities in the BL Local Business District

Presenter:

Ellen Johnson

Meeting: Planning & Development Committee

Date: September 12, 2016

Proposed Cost: N/A

Budgeted Amount: N/A

Not Budgeted: **Executive Summary** *(if not budgeted please explain):*

David and Julie Lundeen, owners of Lundeen Liquors at 1315 W. Main St., have applied for a Special Use for a Drive-Through Facility for their business at that location. The Special Use request is also on the Planning & Development Committee agenda for this meeting.

However, the Zoning Ordinance requires that Drive-Through Facilities in the BL Local Business zoning district have a minimum lot area of 1 acre. The lot size of 1315 W. Main St. is 0.39 acre.

The Lundeens are requesting a General Amendment to remove the 1 acre lot area requirement for Drive-Through Facilities in the BL Local Business zoning district. This General Amendment would need to be approved for the Special Use request to be considered.

Plan Commission Review

Plan Commission held a public hearing for the General Amendment on 8/16/16. The Commission voted 5-2 to recommend approval. They added an advisory comment for P&D Committee to consider eliminating lot size requirements for Drive-Through Facilities in the BC Community Business, BR Regional Business, and CBD-2 Mixed Use Business zoning districts, as well.

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) to remove the lot area requirement for Drive-Through Facilities in the BL Local Business District

City of St. Charles, Illinois
Plan Commission Resolution No. 14-2016

A Resolution Recommending Approval of a General Amendment to Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.030 “Bulk Regulations” (remove lot size requirement for Drive-Through Facilities in the BL Local Business District)

Passed by Plan Commission on August 16, 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. 17.14 “Business and Mixed Use Districts”, Section 17.14.030 “Bulk Regulations” (remove lot size requirement for Drive-Through Facilities in the BL Local Business District), filed by David and Julie Anna Lundeen; 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 amendment will enable owners of existing commercial lots of less than one acre to reinvest in their property and rejuvenate the commercial corridor that is represented in the Comprehensive Plan.

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

The amendment will support the following purpose statements of Section 17.02.020: “Maintaining business areas that are attractive and economically viable”; “Conserving the value of property throughout the City of St. Charles”; “Implementing the goals and objectives of the St. Charles Comprehensive Plan”.

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.

Currently the one acre requirement hinders the ability of owners of smaller commercial lots to redevelop their property. There are numerous existing drive-through facilities that function very well on lots less than one acre in size.

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 drive-thru business model is one that is increasingly being utilized. Consumers are driving this business model by choosing to conduct their purchases using drive-thru banks, coffee shops, cleaners, drug stores, fast food, etc.

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

The amendment will not create nonconformities.

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

Proposed Drive-Through Facilities in the BL District will continue to be reviewed on a case by case through the Special Use approval process.

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”, Section 17.14.030 “Bulk Regulations” (remove lot size requirement for Drive-Through Facilities in the BL Local Business District), with an advisory comment that City Council consider removing the lot size requirement for Drive-Through Facilities in the BC, Community Business, BR Regional Business, and CBD-2 Mixed Use Business zoning districts, as well.

Roll Call Vote:

Ayes: Holderfield, Schuetz, Doyle, Frio, Kessler

Nays: Pretz, Wallace

Abstain:

Absent: Macklin-Purdy, Spruth

Motion Carried: 5-2

PASSED, this 16th day of August 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 the Members of the Planning and Development Committee

FROM: Ellen Johnson, Planner

RE: Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance) to remove the lot area requirement for Drive-Through Facilities in the BL Local Business District

DATE: September 6, 2016

I. GENERAL INFORMATION

Project Name: General Amendment – BL District Drive-Through Facility Lot Area

Applicant: David and Julie Anna Lundeen

Purpose: To permit Drive-Through Facilities on lot sizes less than 1 acre in the BL Local Business District

II. BACKGROUND & PROPOSAL

David and Julie Lundeen, owners of Lundeen Liquors at 1315 W. Main St., have applied for a Special Use for a Drive-Through Facility for their business at that location. The Special Use request is also on the Plan Commission agenda for this meeting. However, the Zoning Ordinance requires that Drive-Through Facilities in the BL Local Business zoning district have a minimum lot area of 1 acre. The lot size of 1315 W. Main St. is 0.39 acre.

The Lundeens are requesting a General Amendment to remove the 1 acre lot area requirement for Drive-Through Facilities in the BL Local Business zoning district.

III. ANALYSIS

The minimum lot area required for non-residential uses in the business and mixed use zoning districts are provided on **Table 17.14-2 Business and Mixed Use Districts Bulk Regulations**, as follows:

| | BL Local Business | BC Community Business | BR Regional Business | CBD-1 Central Business District | CBD-2 Mixed Use Business District |
|--------------------------|--|--------------------------------------|-------------------------------------|--|--|
| Min. Lot Area | <u>Drive-thru facilities, Minor Motor Vehicle Service & Repair: 1 acre</u> Other Uses: No minimum lot area | 1 acre | 1 acre | No minimum lot area | 5,000 sf |

Lot area requirements for commercial uses were not imposed in commercial zoning districts under the City’s previous Zoning Ordinance. These requirements were added to the Zoning Ordinance when it was re-written in 2006. As a result, there are many commercial parcels that are smaller in size than the current ordinance requires.

In the BL Local Business District, there is only a minimum lot area requirement for two specified uses: Drive-Through Facilities and Minor Motor Vehicle Service & Repair. These uses require a lot size of 1 acre in order to establish at any given location. These uses cannot be established on existing lots that are less than 1 acre in size.

Staff has collected lot size and use data on all BL zoned parcels. A map showing the location of the BL parcels is attached. Most properties in the BL District are located along Main Street and back up to residential neighborhoods. BL parcels are generally smaller in size than parcels zoned BC or BR, and contain smaller scale commercial and office uses. The purpose of the BL District as provided in the Zoning Ordinance 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 are provided so as not to negatively impact adjoining residential neighborhoods.”

Lot size data for parcels in the BL District is provided in Table 2. Only 8 parcels are over 1 acre in size and are therefore available for establishment of new Drive-Through Facilities or Motor Vehicle Service & Repair:

Table 2:

| | |
|-----------------------------|------------|
| Total BL Parcels | 70 |
| Median Lot Size | 0.395 acre |
| Parcels under 1 acre | 62 |
| Parcels over 1 acre | 8 |

There are 6 Drive-Through Facilities currently operating in the BL District. Lot size information for these sites is provided in Table 3. A total of 5 of these Drive-Through Facilities do not meet the 1 acre lot area requirement:

Table 3:

| | |
|---|----------------------------|
| Existing Drive-Through Facilities | 6 (4 restaurants, 2 banks) |
| Median Lot Size | 0.417 acre |
| Drive-Through Parcels under 1 acre | 5 (3 restaurants, 2 banks) |
| Drive-Through Parcels over 1 acre | 1 (1 restaurant) |

For reference, staff also collected lot size data for Drive-Through Facilities in all zoning districts. There are a number of Drive-Through Facilities located on sites less than 1 acre in size in the BC, BR, CBD-1, and CBD-2 zoning districts. This data can be found attached.

If the proposed General Amendment is approved, Drive-Through Facilities in the BL District would still require Special Use approval to establish. Applicants would continue to be required to demonstrate that all requirements of **Section 17.24.100 Drive-Through Facilities** can be met, including the number of stacking spaces, as well as parking count and all other applicable bulk standards. The 1 acre lot area

requirement would continue to apply to Minor Motor Vehicle Service & Repair. Lot area requirements for all other zoning districts would remain unchanged.

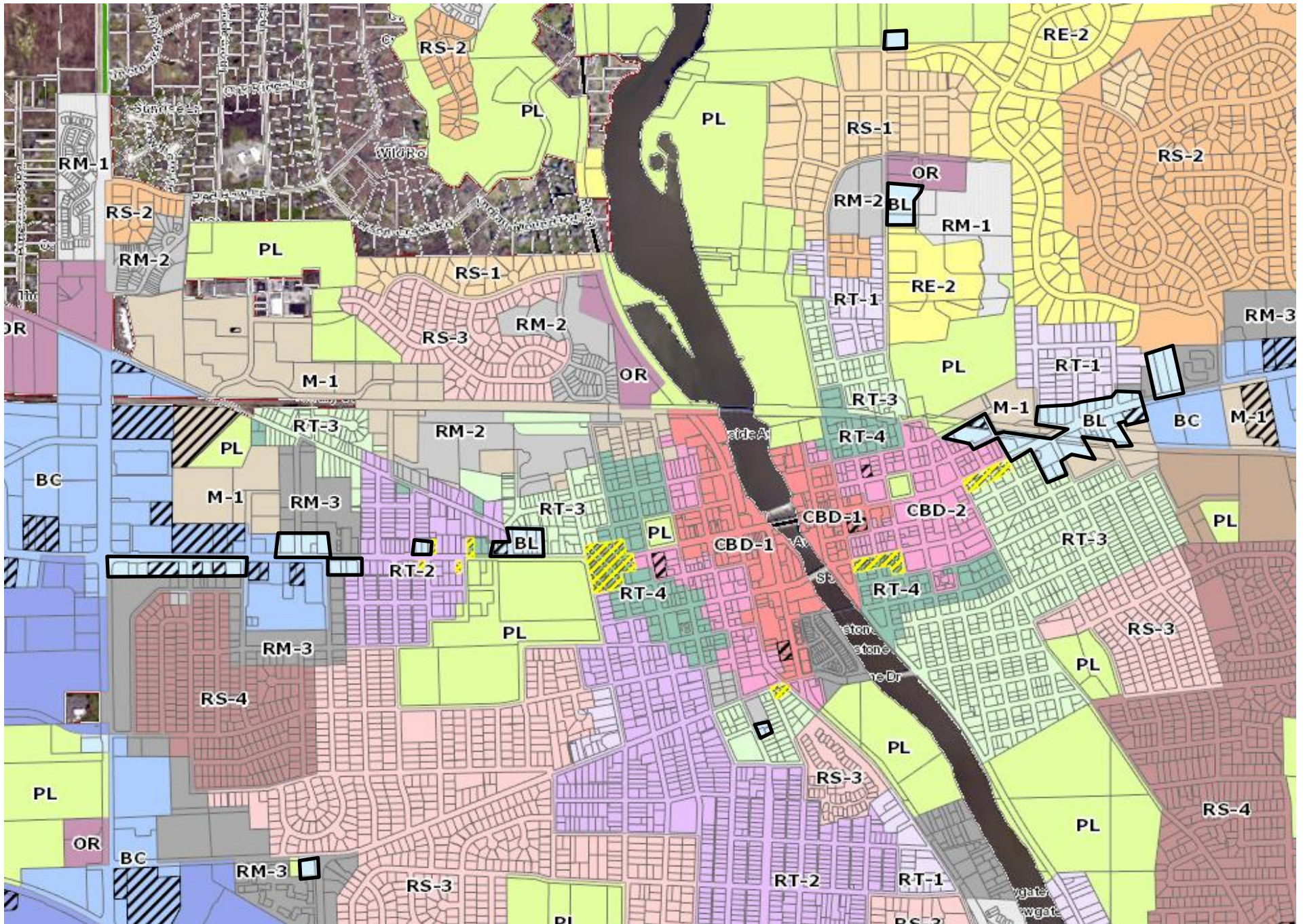
IV. PLAN COMMISSION RECOMMENDATION

The Plan Commission held a public hearing for the General Amendment on 8/16/16. The Commission voted 5-2 to recommend approval. They added an advisory comment for P&D Committee to consider eliminating lot size requirements for Drive-Through Facilities in the BC Community Business, BR Regional Business, and CBD-2 Mixed Use Business zoning districts, as well.

V. ATTACHMENTS

- Map of BL Local Business District parcels
- Lot size data for existing Drive-Through Facilities
- Application for General Amendment; received 6/28/16

BL- Local Business District Parcels



DRIVE-THROUGH FACILITIES- ALL ZONING DISTRICTS

| ADDRESS | LOT SIZE- SF | LOT SIZE- ACRES | USE | ZONING DISTRICT | |
|-------------------|--------------|-----------------|--|-----------------|--------------|
| 103 N 9th Ave. | 11,716 | 0.270 | Drive-Thru Bank | BL | Under 1 acre |
| 24 S 2nd St. | 13,611 | 0.312 | Drive-Thru Bank | CBD-1 | |
| 1615 W Main St. | 15,246 | 0.35 | Drive-Thru Bank | BC | |
| 1825 W Main St. | 15,300 | 0.351 | Drive-Thru Restaurant- Just Kabobs | BL | |
| 409 S 1st St. | 16,299 | 0.374 | Drive-Thru Bank | | |
| 900 W Main St. | 16,790 | 0.385 | Drive-Thru Restaurant- Dairy Queen | BL | |
| 1711 W Main St. | 19,500 | 0.448 | Drive-Thru Restaurant- Dunkin Donuts | BL | |
| 1910 Lincoln Hwy | 21,028 | 0.482 | Drive-Thru Restaurant- Brown's Chicken | BR | |
| 1850 Lincoln Hwy | 24,463 | 0.561 | Drive-Thru Restaurant- Salsa Verde | BR | |
| 510 Dunham Rd. | 25,265 | 0.58 | Drive-Thru Restaurant- Taco Bell | BC | |
| 2019 Dean St. | 28,954 | 0.664 | Drive-Thru Bank | BC | |
| 300 S Randall Rd. | 29,653 | 0.68 | Drive-Thru Bank | BC | |
| 2057 Lincoln Hwy | 32,300 | 0.741 | Drive-Thru Restaurant- Baskin Robin/Dunkin Donuts | BR | |
| 413 W Main St. | 32,393 | 0.743 | Drive-Thru Bank | CBD-2 | |
| 315 S Randall Rd. | 36,590 | 0.84 | Drive-Thru Bank | BL | |
| 1534 E Main St. | 38,491 | 0.883 | Drive-Thru Restaurant- Arby's | BC | |
| 942 S Randall Rd. | 40,946 | 0.94 | Drive-Thru Restaurant- Wendy's | BR | |
| 860 S Randall Rd. | 41,817 | 0.96 | Drive-Thru Bank | BR | |
| 2526 E Main St. | 42,689 | 0.98 | Drive-Thru Restaurant- Franky's | BC | |
| 600 S Randall Rd | 43,176 | 0.991 | Drive-Thru Coffee/Tea Room (not currenty in use) <i>shopping center; not stand alone parcel</i> | BC | |
| 1950 Bricher Rd. | 45,462 | 1.043 | Drive-Thru Restaurant- Taco Bell | BR | Over 1 acre |
| 2601 Oak St. | 45,738 | 1.05 | Drive-Thru Bank | BC | |
| 1790 W Main St. | 45,939 | 1.054 | Drive-Thru Restaurant- Oberweis Dairy | BC | |
| 1925 Lincoln Hwy | 47,916 | 1.1 | Drive-Thru Bank | BR | |
| 1915 W Main St. | 47,916 | 1.1 | Drive-Thru Restaurant- McDonald's | BL | |
| 150 S Kirk Rd. | 49,527 | 1.137 | Drive-Thru Bank | BR | |
| 700 S Randall Rd. | 50,530 | 1.16 | Drive-Thru Bank | BC | |
| 4068 E Main St. | | 1.17 | Drive-Thru Restaurant- Culver's | BR | |
| 2701 E Main St. | 50,965 | 1.17 | Drive-Thru Restaurant- Dunkin Donuts (not currently in use) | BC | |
| 520 Dunham Rd. | 54,886 | 1.26 | Drive-Thru Bank | OR | |
| 3879 E Main St. | 55,357 | 1.27 | Drive-Thru Bank | BR | |
| 3900 E Main St. | | 1.4 | Drive-Thru Restaurant- McDonald's | BR | |
| 3890 E Main St. | 61,855 | 1.42 | Drive-Thru Bank | BR | |
| 3000 E Main St. | 62,385 | 1.432 | Drive-Thru Bank | BR | |
| 2825 Foxfield Dr. | 63,103 | 1.448 | Drive-Thru Bank | BC | |
| 2425 W Main St. | 66,914 | 1.536 | Drive-Thru Restaurant- Buona Beef | BC | |
| 922 S Randall Rd. | 67,337 | 1.545 | Drive-Thru Restaurant- Zippy's | BR | |

| | | | | |
|-------------------|---------|-------|---|----|
| 959 S Randall Rd. | 69,696 | 1.6 | Drive-Thru Restaurant- Burger King <i>shopping center; not stand alone parcel</i> | BR |
| 3875 E Main St. | 72,440 | 1.663 | Drive-Thru Restaurant- Potbelly | BR |
| 135 Smith Rd. | 73,127 | 1.68 | Drive-Thru Bank | OR |
| 2901 E Main St. | 84,007 | 1.928 | Drive-Thru Bank | BC |
| 2751 E Main St. | 85,955 | 1.973 | Drive-Thru Pharmacy- Walgreens | BC |
| 2600 E Main St. | 93,999 | 2.159 | Drive-Thru Bank | BC |
| 1500 Lincoln Hwy | 94,726 | 2.175 | Drive-Thru Pharmacy- CVS | BR |
| 3895 E Main St. | 105,582 | 2.424 | Drive-Thru Restaurant- Portillo's | BR |
| 575 S Randall Rd. | 121,445 | 2.788 | Drive-Thru Bank | OR |
| 1910 W Main St. | 133,807 | 3.071 | Drive-Thru Restaurant- Starbucks <i>shopping center; not stand alone parcel</i> | BC |
| 1566 E Main St. | 196,020 | 4.5 | Drive-Thru Restaurant- Dunkin Donuts <i>shopping center; not stand alone parcel</i> | BC |

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

1315 W Main St.

| | |
|---------------------|-------------------------------------|
| CITYVIEW | |
| Project Name: | <i>Lundeen Liquors - West, Inc.</i> |
| Project Number: | <i>2015 -PR- 004</i> |
| Application Number: | <i>2015 -AP- 208</i> |



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 | <i>David & JulieAnna Lundeen</i> | Phone | <i>630 508 0755</i> |
| | Address | <i>6 Greenwood Ct, DeKalb, IL 60115</i> | Fax | <i>815 899 1231</i> |
| | | | Email | <i>jlu978745@aol.com</i> |

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: *-only need 1 copy-*

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?

The addition of a drive-through facility at
our 1315 W-main Street location

What sections are proposed for amendment?

Chapters(s): 17.14

Section(s): 17.14-2

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

To amend Title 17- 17.14-2 (1 acre minimum
lot area for BL zoning districts) to allow
a special use permit to be granted for
drive-through facilities for parcels under
the 1 acre provision

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.

David R. Lunder
Julie Anna Lunder 12/1/15
Applicant 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

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.

This amendment will enable owners of pre-existing commercial lots of less than one acre to re-invest in their property and rejuvenate the commercial corridor that is represented in the comprehensive plan.

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

*This amendment will move forward on Maintaining business areas that are attractive & economically viable (17.02.020 D)
2. - Increase the value of the property & esthetics for neighbors, citizens & visitors (17.02.020 E) 3. Will be implementing many of the goals & objectives for this commercial corridor as stated in the Comprehensive Plan - (17.02.020-K)*

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.

Currently the one acre requirement only benefits developers of combined acreage and large developments and hinders the owners of smaller commercial lots to re-develop their own property. There are numerous existing drive-thrus that function very well under one acre.

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 drive-thru business model is one that is only increasingly being utilized by consumers. The customers are driving this business model by choosing to conduct their purchases using a drive-thru - Banks, Coffee Shops, Cleaners, Drug stores - Fast food etc all utilize this model

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

This amendment will not create a nonconforming situation

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

Drive-thrus will continue to be reviewed on a case by case basis even after this amendment is adopted