

**AGENDA ITEM EXECUTIVE SUMMARY**

Agenda Item number: 4d

Title:

Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to the lot size requirement for two-family dwellings in the RT-4 District/BT Overlay

Presenter:

Ellen Johnson

Meeting: Planning & Development Committee

Date: November 14, 2016

Proposed Cost: N/A

Budgeted Amount: N/A

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

Joseph Wencowski and Patricia Brown, owners of 211 Illinois Ave., have requested a General Amendment to the Zoning Ordinance.

The applicants' property is zoned RT-4 and is within the BT Transitional Business Overlay District. The property is 5,000 sf in size and is currently improved as a two-unit building, with a first-floor office and an upper level dwelling unit.

The minimum lot size for a single-family dwelling or commercial use permitted in the BT overlay is 5,000 sf. However, 3,750 sf per unit (7,500 sf total) is required for a two-family dwelling.

The applicant wishes to sell the property and market it as having potential to be used as a two-family dwelling. The applicant is proposing to reduce the lot size requirement for two-family dwellings in the RT-4 district and BT overlay to 5,000 sf.

The proposed change would apply to all properties that are zoned RT-4 and are within the BT overlay. There are currently 18 properties with this zoning.

Plan Commission Review

The Plan Commission held a public hearing on the General Amendment on 11/1/16 and voted 6-0 to recommend approval.

Attachments *(please list):*

Plan Commission Resolution, Staff Report, 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 the lot size requirement for two-family dwellings in the RT-4 District/BT Overlay

City of St. Charles, Illinois
Plan Commission Resolution No. 20-2016

A Resolution Recommending Approval of a General Amendment to Ch. 17.12 “Residential Districts”, Section 17.12.030 “Bulk Regulations” (RT-4 District /BT Overlay lot area requirement for two-family dwellings)

Passed by Plan Commission on November 1, 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 17.12.030 “Bulk Regulations” to reduce the minimum lot area requirement for two-family dwellings in both the RT-4 District and BT Overlay, filed by Joseph Wencowski and Patricia Brown; and

WHEREAS, in accordance with Section 17.12.030.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.

There is no direct effect or deviation from the City's Comprehensive Plan. The Comprehensive Plan promotes diverse housing options within residential neighborhoods and in downtown St. Charles. This amendment would support such diversity.

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

The proposed amendment is consistent with Section 17.02.020 “Purpose and Intent” in that such amendment will preserve and enhance the quality of life for residents and visitors (B), and protect the character of established residential neighborhoods (C).

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 reflects a change in policy to reduce the minimum lot size requirement for two-family dwellings in the BT Overlay of the RT-4 District.

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 proposed amendment would be in the public interest in that it would allow for more flexibility in the use of properties within the subject zoning districts thereby benefiting

owners of such properties and prospective residents seeking housing options that are close to downtown St. Charles.

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

The proposed amendment would not create any nonconformity under the existing code. It would eliminate a nonconforming situation for any properties within the RT-4 District/BT Overlay that are at least 5,000 sf that are currently used as two-family dwellings and do not meet the current lot size requirement of 7,500 sf.

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

The proposed amendment will apply to all properties zoned both RT-4 and BT. There are eighteen (18) existing properties within this zoning. Of the eighteen (18) properties, seven (7) would be affected under this amendment due to lot size. There are two (2) properties under 7,500 sf that are presently used as two-family dwellings: 315 Illinois Avenue (5,000 sf) and 305 Illinois Avenue (5,000 sf).

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 17.12.030 “Bulk Regulations” to reduce the minimum lot area requirement for two-family dwellings in both the RT-4 District and BT Overlay.

Roll Call Vote:

Ayes: Holderfield, Schuetz, Frio, Kessler, Macklin-Purdy, Pretz

Nays:

Abstain:

Absent: Wallace, Spruth, Doyle

Motion Carried: 6-0

PASSED, this 1st day of November 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) regarding the lot size requirement for two-family dwellings in the RT-4 District and BT Overlay

DATE: November 8, 2016

I. GENERAL INFORMATION

Project Name: General Amendment – RT-4/BT Two-Family Lot Size

Applicant: Joseph Wencowski & Patricia Brown

Purpose: Reduce the minimum lot size requirement for two-family dwellings in the RT-4 District and BT Overlay

II. BACKGROUND & PROPOSAL

Applicants Joseph Wencowski and Patricia Brown are the owners of 211 Illinois Ave. The structure on the property was once a single-family home but was converted to a two-family dwelling before the applicants purchased the property in 2001.

The applicants have used the structure as an office on the first floor (a chiropractic clinic) with an apartment on the second floor.

The applicants now wish to sell the property, and desire to market it as having potential to be used as either a single-family home, mixed use (first-floor commercial with upper level dwelling), or a two-family dwelling.

The property is 5,000 sf in size. It is zoned RT-4 Traditional Single and Two-Family Residential District and is within the BT Transitional Business Overlay District. The minimum lot size for a two-family dwelling in the RT-4 district is 3,750 per unit (7,500 sf total), while the minimum lot size for a single-family dwelling or commercial use permitted in the BT overlay is 5,000 sf.

The applicant is requesting to reduce the lot size requirement for two-family dwellings in the RT-4 district and BT overlay to 5,000 sf. This means that a two-family dwelling could be established

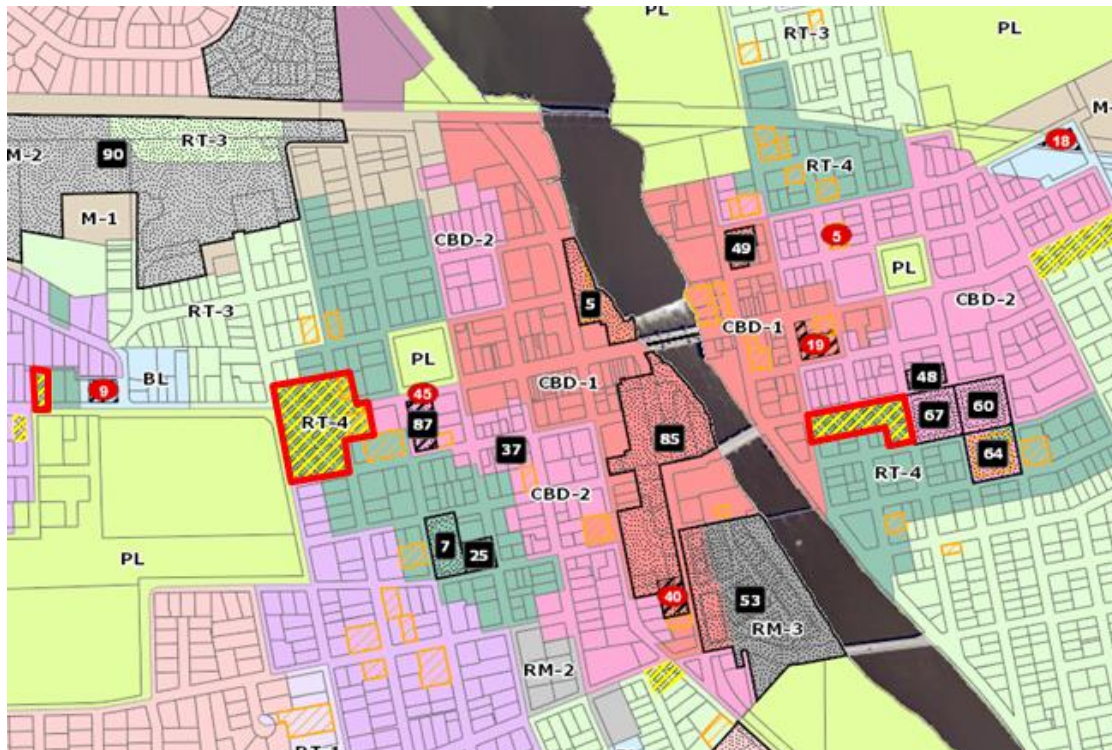
on a 5,000 sf lot. This change would apply to all properties that are zoned RT-4 and are within the BT overlay.

Note that last year, Ch. 17.08 “Nonconformities” was amended in order to “grandfather” in two-family dwellings on lots with a nonconforming lot area if the lot contained a two-family dwelling when the current Zoning Ordinance was adopted in 2006. In the case of the property at 211 Illinois Ave., while the structure was once used as a two-family dwelling, as of 2006 it was used as first-floor office space/upper level dwelling. Therefore, the property is not grandfathered in as a two-family on a nonconforming lot. For that reason, the proposed amendment is required to allow the property to be used as a two-family dwelling.

III. ANALYSIS

A. Impacted Zoning Districts

The proposed amendment applies to properties zoned both RT-4 Traditional Single and Two-Family Residential and BT Transitional Business Overlay. There are 18 total properties currently zoned as such, shown outlined in red below:



The RT-4 Traditional Single and Two-Family Residential District is the only Traditional Residential zoning district that permits both single-family and two-family dwellings. RT-4 zoned properties are generally located adjacent to the downtown area. The purpose of the RT-4 district is provided in the Zoning Ordinance as follows:

To preserve higher density single- and two-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The minimum lot size in this district is 5,000 sf. This district is primarily located in older residential neighborhoods near the downtown area. The RT-4 District also provides for

auxiliary dwellings units and limited nonresidential uses compatible with surrounding residential neighborhoods.

The BT Transitional Business Overlay District is an overlay district available to properties in the RT zoning districts adjacent to non-residential uses. Properties within the BT Overlay are generally adjacent to downtown. The purpose of the BT Overlay is as follows:

To provide locations that mix residential and small-scale office, personal service and retail uses, yet maintain a single-family residential appearance and scale. The BT Overlay permits the conversion of single-family homes into office, service and retail uses within the Traditional Residential Districts. Such uses are limited in size and generate a modest amount of commercial traffic that does not adversely impact the adjacent residential neighborhoods.

Per Section 17.12.050, the BT overlay is permitted only on lots that abut one or more non-residential use, or that are directly across a street from one or more non-residential use. The bulk requirements of the underlying zoning district apply to properties within the BT overlay.

Permitted uses in the BT overlay include any uses permitted in the underlying zoning district, as well as upper-level dwellings, artist live/work space, art gallery/studio, bed and breakfast, business and professional offices, personal service establishments, coffee or tea room, and retail sales not to exceed 2,500 sf.

B. Lot Sizes & Impact of Proposed Amendment

The minimum lot area for uses in the RT-4 district is provided in Table 1 below. Properties within the BT overlay zoned RT-4 must also meet these lot size requirements:

Table 1:

	RT-4
Minimum Lot Area	Single-Family Detached: 5,000 sf Two-Family: 3,750 sf per du (7,500 sf total)

The proposed amendment would change the required minimum lot area required for a two-family dwelling from 3,750 sf per unit (7,500 sf total) to 5,000 sf.

As previously stated, there are 18 total properties zoned both RT-4 and BT. The location, lot area, and use of these properties are listed in Table 2 below. There are two properties that currently contain two-family dwellings, both of which are under the required 7,500 sf total lot area.

If the proposed amendment were approved, all existing RT-4/BT properties could be used as a two-family dwelling, except one which has a lot area under 5,000 sf. Ten (10) of these properties could already be converted to a two-family dwelling without the proposed amendment because their lot size is over 7,500 sf. Seven (7) additional properties could be used as a two-family as a result of the proposed amendment.

Table 2:

Address	Lot Area	Use	Currently Non-conforming Lot Area	Could be Two-Family with Proposed Amendment
203 Illinois Ave.	5,000 sf	Office		✓
207 Illinois Ave.	5,000 sf	Office		✓
211 Illinois Ave.	5,000 sf	Office first floor, upper level dwelling		✓
215 Illinois Ave.	5,000 sf	Single-family		✓
305 Illinois Ave.	5,000 sf	Two-family	✓	✓
307 Illinois Ave.	5,000 sf	Single-family		✓
313 Illinois Ave.	4,600 sf	Single-family		
315 Illinois Ave.	5,400 sf	Two-family	✓	✓
215 S 4 th Ave.	10,000 sf	Single-family		✓(could be two-family without amendment)
614 W Main St.	13,427 sf	Retail		✓(could be two-family without amendment)
612 W Main St.	15,997 sf	Single-family		✓(could be two-family without amendment)
522 W Main St.	8,490 sf	Office first floor, upper level dwelling		✓(could be two-family without amendment)
521 W Main St.	16,916 sf	Office		✓(could be two-family without amendment)
605 W Main St.	20,369 sf	Office		✓(could be two-family without amendment)
619 W Main St.	31,904 sf	Retail (vacant)		✓(could be two-family without amendment)
622 Walnut St.	10,032 sf	Single-family		✓(could be two-family without amendment)
11 S 6 th St.	17,424 sf	Dental office		✓(could be two-family without amendment)
930 W Main St.	13,441 sf	Salon		✓(could be two-family without amendment)

It should be noted that additional RT-4 zoned properties could be added to the BT overlay in the future. To be eligible for the BT overlay, RT zoned properties must abut or be directly across a street from a non-residential use. A Map Amendment (rezoning) would need to be requested for a property to be added to the BT overlay. A public hearing at Plan Commission would be held, and ultimately approval would need to be granted by City Council. Currently, a total of 59 properties zoned RT-4 abut or are across a street from a non-residential use and therefore have the potential to be added to the BT overlay.

V. PLAN COMMISSION RECOMMENDATION

The Plan Commission held a public hearing on the General Amendment on 11/1/16. The Commission voted 6-0 to recommend approval.

VI. ATTACHMENTS

- Application for General Amendment; received 10/10/16

CITY OF ST. CHARLES

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

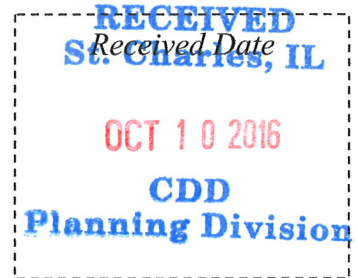


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

GENERAL AMENDMENT APPLICATION

CITYVIEW
Project Name: <u>GA- RT-4/BT Lot size</u>
Project Number: <u>2016 -PR-014</u>
Application Number: <u>2016 -AP-035</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 <u>JOSEPH WENCOWSKI</u> <u>PATRICIA BLOWN</u>	Phone <u>630-443-9255</u>
	Address <u>211 ILLINOIS AVENUE</u> <u>ST CHARLES, IL 60174</u>	Fax <u>630-443-9440</u>
		Email <u>jwencowski@aol.com</u>

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?

The amendment has as its subject matter the square footage requirement of 3,750 square feet per unit for two family dwellings in the RT-4 District.

What sections are proposed for amendment?

Ch, 17.12. "Residential Districts"

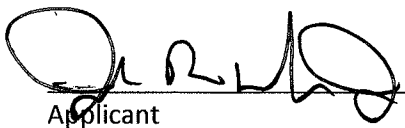
Section 17.12.030 "Bulk Regulation"

Table 17.12.2-2 "Residential District Bulk Requirements"

The wording of the proposed amendment:

Amend the existing ordinance to allow two family dwellings in properties with a minimum lot size of 5,000 square feet with the RT-4 District, BT overlay.

We certify that this application and documents submitted with it are true and correct to the best of our knowledge and belief.


Applicant

10/9/16
Date


Applicant

10/9/16
Date

FINDINGS OF FACT – GENERAL AMENDMENT

Amendment Description Ordinance Section Number: Ch. 17-12 “Residential Districts”, Section 17.12.030
“Bulk Regulations, Table 17.12-2 “Residential Buk Requirements”

Date: October 7, 2016

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

As will be seen by the following proposed amendment language there is no direct effect or deviation from the City’s Comprehensive Plan. The comprehensive City plan promotes diverse housing options within residential neighborhoods and in downtown St. Charles, which, by the revision requested by this amendment, would find support in such diversity.

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

The proposed amendment is consistent with Section 17. 02.020 – Purpose and Intent of the City of St. Charles Municipal Code in that such amendment will (B) Preserve and enhance the quality of life for residents and visitors, and (C) Protect the character of established residential neighborhoods.

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 reflects a change in policy to reduce the minimum lot size requirement for two (2) family dwellings in the BT overlay of the RT-4 District.

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 proposed amendment would be in the public interest in that it would allow for more flexibility in the use of properties within the subject zoning districts thereby benefiting housing owners of such properties and prospective residents seeking such housing options that are close to downtown St. Charles.

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

The proposed amendment would not create any nonconformity under the existing code. It would eliminate nonconforming situation for any properties that are 5,000 square feet in size within the BT overlay/RT-4 District that are currently used as two-family dwellings and do not meet the current lot size requirement of 7,500 square feet.

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

The proposed amendment will apply to all properties zoned RT-4 BT overlay. There are eighteen (18) existing properties within this zoning. Of the eighteen (18) properties, eleven (11) would be affected under this amendment due to lot size.

There are two (2) properties under 7,500 lot size that are presently used as two-family dwellings: 315 Illinois Avenue – two (2) family use dwelling consisting of two (2) apartments with a lot size of 5,000 square feet and 305 South ~~Third~~ Avenue- a two (2) family use dwelling consisting of two (2) apartments with a lot size of 5,000 square feet

FACT AND INFORMATION SHEET FOR 211 ILLINOIS AVENUE, ST. CHARLES, ILLINOIS

A two-flat building located in the Historic District of St. Charles, in close proximity to the downtown area.

Current zoning for the two-flat is RT4 and BT overlay.

At the present time there are business offices on the first floor and an apartment located on the second floor.

The building has five (5) dedicated parking spaces.

Improvements to Property:

Wiring and plumbing were updated prior to 2001.

Roof, chimney and gutters were replaced in 2011.

Exterior was painted in 2016.

Water heaters for each unit were replaced in 2004 and 2006.

HVAC – separate units – renovated prior to 2001.

Utilities:

Billed by each floor for each unit:

2 Gas meters

2 Electric meters

2 Furnaces

2 Central air conditioning units

2 Water heaters

Each unit has its own cable television connection

Breakdown on each unit:

First Floor: five rooms, full bath, kitchen and enclosed front porch.

Second Floor: two bedrooms, family room, full bath, kitchen, front porch entrance and separate rear entrance.

Basement: laundry facilities available to first and second floor residents with separate entrances.

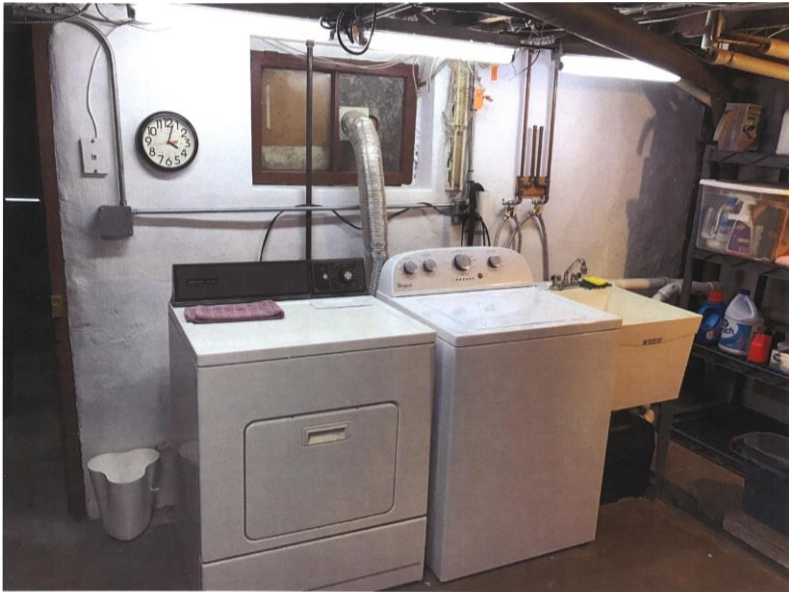
- City of St. Charles was contacted prior to the purchase of the property by the present owners in 2001 and received confirmation that the property could be used as a single residence, a business and a residence or as two (2) apartments within the 2001 zoning requirements. At the time of a 2005 appraisal for purposes of a refinancing of the property this information was once again confirmed.
- Of added significance is the fact that the properties located at 315 Illinois Avenue and 305 S. 3rd Avenue (both properties essentially on Illinois Avenue) each have two (2) apartments, the same zoning and a 5,000 square foot lot.
- The subject property has been carefully maintained by the present owners to insure that all repairs and renovations would conform to all aspects of historic district guidelines.
- The highest and best use for the subject property is a two (2) unit apartment building – providing increased tax revenues and consumer spending within St. Charles.
- See photographs of subject property showing a separation of services for each unit indicating the appropriateness of the use of two residential units for the property.
- There are currently 194 vacant office sites within the city of St. Charles and approximately 157 vacant retail sites within the city.
- The zoning amendment will enhance the sale of the property and will provide for increased revenue from a consumer spending perspective from two occupied residential units within the downtown St. Charles business district. This amendment will diminish traffic flow that an office would promote within the historic district.
- At the time of the initial listing of the property there were approximately 1,000 web site “hits” within the first week of listing and two showings that provided interested parties prepared to make offers of purchase. The interested parties determined that they would not proceed with a formal offer once they learned of the present zoning requirements that eliminated the use of the property for two residential units.
- Subsequent to the initial market interest and prospective offers there have been approximately 3,000 web site “hits” without a single showing of the property. This lack of activity in terms of showings and potential offers of interest is predicated upon the current zoning restrictions eliminating the ability to market the property as a potential two residential use property.
- Of note is that the initial listing of the property prior to the purchase by the present owners the property was marketed with the understanding that the owners could use the property for a single family residence or two residential units or an office on the first floor and a residential unit on the second without any zoning restriction on such use based on lot size.



Facing Illinois Avenue—211 Illinois Avenue, St. Charles, IL



Separate Furnaces For Each Unit



Laundry Facilities Accessible to Both Units



Separate Central Air Conditioning Units



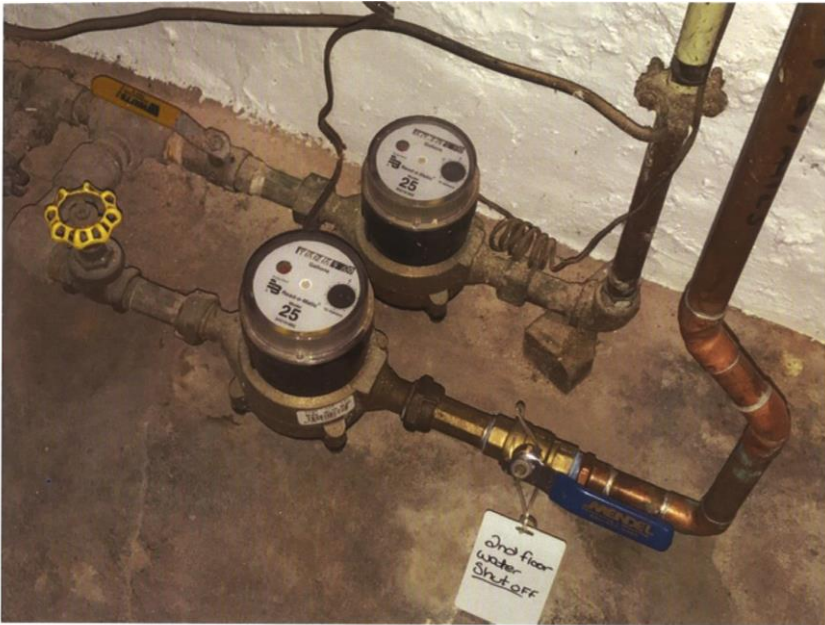
Entry from Exterior to Basement for
Upstairs Apartment



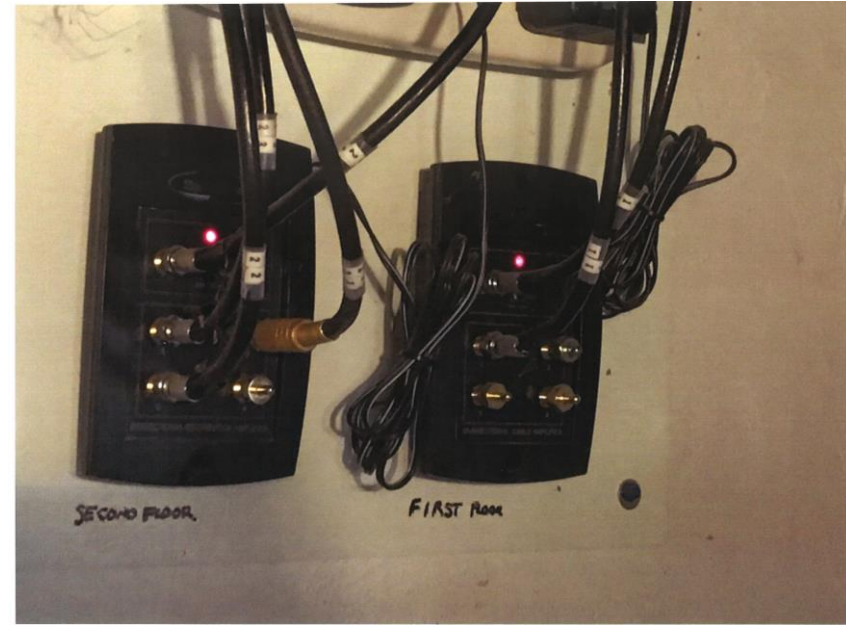
Entrance Door to Basement from
Outside for Upstairs Apartment



Separate Hot Water Heaters
for Each Unit



Separate Water Meters For Each Unit



Separate Cable Outlets for Each Unit



Separate Circuit Breaker Boxes
for Each Unit



Separate Gas Meters for Each Unit



Showing Rear Access Entrance to
Basement



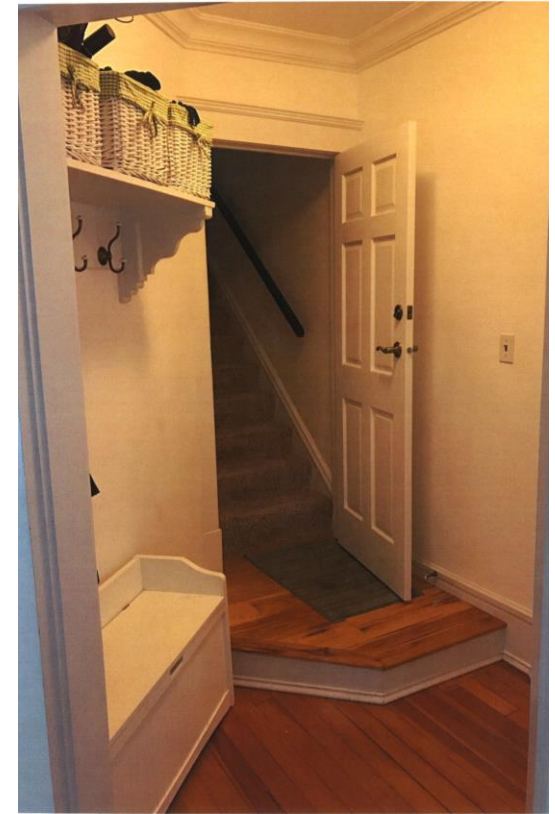
Parking in Rear of Building for
Tenants-Five (5) Spaces



Separate Entrances in Rear of Building for Lower Unit and Upstairs Apartment



Front Entry Ways Leading to Upper and Lower Units



Showing Stairway to Upper Apartment