



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item Number: IG

Title:	Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses” to add Drive-Through Facility as a Special Use in the CBD-1 Central Business District
Presenter:	Russell Colby

Meeting: City Council- New Business **Date:** July 20, 2020

Proposed Cost: N/A	Budgeted Amount: N/A	Not Budgeted: <input type="checkbox"/>
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Executive Summary *(if not budgeted please explain):*

Curt Hurst, on behalf of STC Morse LLC, has submitted an application for a General Amendment requesting to add Non-Accessory Drive-Through Facilities as a Special Use in the CBD-1 Central Business District.

Currently, Drive-Through Facilities are permitted as a special accessory use in the CBD-1, but are not permitted as standalone structures. However, standalone Drive-Through Facilities are permitted as a Special Use in other Business Districts, such as the BL, BC, and BR.

STC Morse LLC is in the process of purchasing property from BMO Harris Bank. The parcels in the purchase include the old bank building on Main St., a portion of the parking lot behind Flagship and Pollyanna and the parking lot on Riverside Ave. and Illinois Ave., where the ATM is being proposed. As part of the purchase agreement, BMO has asked Mr. Hurst to install the ATM, so the Bank can maintain a presence in the area.

The applicant has also filed an application for Special Use to establish a Non-Accessory Drive-Through Facility for an Automated Teller Machine (ATM) at the Southeast corner of Riverside Ave. and Illinois Ave. The General Amendment would need to be approved in order for the City to grant the Special Use.

Plan Commission Recommendation

Plan Commission held a public hearing on 7/7/2020. The Commission unanimously voted to recommend approval of the General Amendment. There were no significant items of discussion and no public comment offered during the hearing.

Attachments *(please list):*

Plan Commission Resolution, Staff Memo, Application, Ordinance

Recommendation/Suggested Action *(briefly explain):*

Motion to approve An Ordinance Amending Title 17 of the St. Charles Municipal Code Entitled “Zoning”, Ch. 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses” to add Drive-Through Facility as a Special Use in the CBD-1 Central Business District

City of St. Charles, Illinois
Plan Commission Resolution No. 10-2020

**A Resolution Recommending Approval of a General Amendment to
Ch. 17.14 “Business and Mixed-Use Districts” to add Non-Accessory Drive-
Through Facilities as a Special Use in the CBD-1 District.**

Passed by Plan Commission on July 7, 2020

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 17.14 “Business and Mixed-Use Districts” to add Non-Accessory Drive-Through Facilities as a Special Use in the CBD-1 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.

As demonstrated in the attached site plans, the proposed amendment supports the Downtown Sub Area Comprehensive Plan by enhancing the streetscaping and southern gateway with landscaping improvements consistent with the ordinances.

It also preserves the parking capacity and side street access in the downtown area.

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

The proposed amendment supports Section 17.02.020 of the Zoning Ordinance by providing convenient private access which reduces traffic congestion and promotes public safety. It also enhances the quality of life for residents and visitors by providing convenient and safe access to banking services.

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 would be a change in policy to allow ATMs to be standalone use in addition to the current policy of allowing ATMs as special accessory 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.

Brick and mortar bank buildings are slowly disappearing and this location will be more easily accessed by the general public. Smart(er), standalone ATMs are becoming a more integral part

of banking services allowing customers to more fully utilize them for most of their banking needs.

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

None- A Drive-Through Facility is currently allowed as a Special Accessory use in the CBD-1 Zoning District.

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

The proposed amendment will apply to all properties in the CBD-1 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” to add Non-Accessory Drive-Through Facilities as a Special Use in the CBD-1 District.

Roll call vote:

Ayes: Holderfield, Vargulich, Melton, Kessler, Purdy, Pretz, Funke

Nays:

Absent: Wallace, Becker

Motion carried 7-0

PASSED, this 7th day of July 2020.

Chairman

Community & Economic Development
Planning Division
Phone: (630) 377-4443



STAFF REPORT

TO: Mayor Raymond Rogina
And Members of the City Council

FROM: Rachel Hitzemann, Planner

RE: General Amendment to Title 17 (Zoning Ordinance): Standalone Drive-Through Facility as a non-accessory Special Use in CBD-1

DATE: July 8, 2020

I. GENERAL INFORMATION

Project Name: General Amendment – BMO Atm

Applicant: STC Morse, LLC

Purpose: Add “Drive-Through Facility” as a non-accessory Special Use in the CBD-1 district

II. BACKGROUND

The parking lot on the Southeast corner of Riverside Ave. and Illinois Ave. is currently owned by the BMO Harris Bank. Curt Hurst, as part of STC Morse, LLC, is looking to acquire the parking lot from the bank. BMO Harris has asked Mr. Hurst to install a standalone Automated Teller Machine (ATM) as a condition of the sale.

Curt Hurst is proposing to locate the standalone ATM on the West side of the parking lot, and has submitted the following General Amendment request in connection with the proposed ATM installation:

- Add “Drive-Through Facility” as a non-accessory Special Use in the CBD-1 Central Business District.

Mr. Hurst has separately submitted a Special Use application to permit the Standalone Drive-Through Facility for an ATM at this location on the Southeast corner of Riverside Ave and Illinois Ave. That application, which is being considered under a separate agenda item, is contingent on approval of the General Amendment regarding Standalone Drive-Through Facilities as a non-accessory Special Use.

III. DRIVE- THROUGH FACILITIES GENERAL AMENDMENT

Drive-Through Facility Use

A “Drive- Through Facility” is currently a special use in the BL, BC and BR zoning districts. It is also an accessory special use in the CBD-1 and CBD-2 zoning districts, meaning a drive-through can only be established as accessory to an otherwise permitted principal use, such as a bank. All of the city’s current drive-through facilities are accessory uses to restaurants, banks, or coffee rooms.

Definition of a Drive-Through Facility (17.30.020)

A facility or part thereof that provides goods or services to patrons while they remain in a motor vehicle. Also commonly referred to as a drive-in or drive-up facility.

Use Standards for Drive- Through Facilities (17.24.100)

Drive-Through Facilities shall comply with the following standards:

A. Design

Drive-Through Facilities and Car Wash establishments shall be designed so that:

- 1. The minimum dimension of stacking spaces shall be nine (9) feet in width and twenty (20) feet in length.*
- 2. Stacking spaces shall be placed in a single line up to the point of service.*
- 3. Stacking spaces shall be located so that, when in use, they do not obstruct ingress/egress to the site, they do not obstruct access to required parking or loading spaces, and do not otherwise interfere with vehicle circulation on the site.*
- 4. Vehicle stacking and equipment associated with the Drive-Through or Car Wash shall be concealed from view from public streets and surrounding property to the greatest extent possible by their orientation, design or by screening. This will often involve orienting the Drive-Through or Car Wash to the side or rear of the building, away from the public street.*
- 5. On a lot in the CBD-1 District, if a Drive-Through Facility adjoins a public street, the building shall be designed to extend over the Drive-Through lanes with windows located on this building extension facing the street, in order to maintain the street wall. In the CBD-1 District, establishments shall be limited to two (2) Drive-Through lanes.*

B. Number of Required Spaces

- 1. The number of required stacking spaces shall be in accordance with Table 17.24-3 (Required Off-Street Parking).*
- 2. For a Car Wash, stacking spaces shall begin behind the last vehicle being washed. For all other drive-through uses, stacking spaces shall include the vehicle stopped at a last point of service, such as a window.*

C. Reduction of Required Spaces

The number of required stacking spaces may be reduced by the City Council, after receiving a recommendation from the Plan Commission, if the petitioner presents a study with quantifiable evidence based on comparable facilities that demonstrates that the number of stacking spaces may be reduced without affecting the ability of the proposed

facility to meet the applicable requirements. The approval of a reduced number of stacking spaces shall apply only to the specific business for which the study was conducted.

D. Maintenance

The operator of the drive-through facility shall provide adequate on-site outdoor waste receptacles and shall provide daily litter clean-up along the rights-of-way abutting the property.

Proposal to add Standalone Drive-Through Facility as a non-accessory Special Use in CBD-1

The applicant is proposing that Drive-Through Facilities be added as a non-accessory Special Use in the CBD-1-Central Business District.

CBD-1 District Purpose Statement (17.14.010)

The purpose of the CBD-1 Central Business District is to provide for the maintenance and orderly growth of a mixed use, pedestrian friendly, compact district of retail, service, office, and higher density residential uses in the central area of the City. Development within the CBD-1 District is intended to promote the upgrade and full utilization of existing older structures as well as appropriate redevelopment.

The CBD-1 district covers the commercial core of downtown St. Charles, including Main St. frontage from 4th St. to 4th Ave. and 2nd St. (Rt. 31) frontage from Prairie St. to the railroad bridge. Permitted uses in the CBD-1 district include multi-family dwellings, entertainment uses, offices, banks, retail, personal services, restaurants, and taverns, among others.

If this General Amendment is approved, a Special Use application would need to be filed prior to the establishment of a Standalone Drive-Through Facility in the CBD-1 zoning district. Special Use applications require a public hearing before the Plan Commission and approval by City Council. Classifying the use as a Special Use provides the City the opportunity to review the plans for the establishment of a business in order to make a determination whether the business will meet the applicable ordinance standards (i.e. the finding of fact for Special Use).

Definition of a Special Use (17.04.330.A)

Special Uses listed within the various zoning districts include those uses that may be acceptable if established in an appropriate manner and location within a zoning district, but may not be acceptable if established in a different manner or location. Special Uses may include, but are not limited to, public and quasi-public uses affected with the public interest, and uses that may have a unique, special or unusual impact upon the use or enjoyment of neighboring property.

Comprehensive Plan

The Comprehensive Plan designates the downtown area as Mixed Use. It describes the intention for Mixed Use areas as follows (p. 47):

Mixed Use areas should have strong pedestrian orientation and seek to create a more interesting and engaging pedestrian experience, accommodating pedestrian generating uses on the ground floor, and other uses above. Retail, entertainment and dining uses are ideally suited for the ground floor with residential and/or office uses located on the upper floors. The primary objective is to provide an appropriate and compact mix of uses to foster an active and interesting district.

IV. PLAN COMMISSION RECOMMENDATION

Plan Commission held a public hearing on the General Amendment application on 7/7/2020 and unanimously voted to recommend approval of the General Amendment.

V. ATTACHMENTS

- Application for Zoning Text Amendment; received 5/15/2020
- Table 17.14-1 Business & Mixed-Use Districts- Permitted and Special Use list

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



COMMUNITY DEVELOPMENT DIVISION

PHONE: (630) 377-4443 EMAIL: cd@stcharlesil.gov

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	<u>BMO ATM</u>
Project Number:	<u>2020 -PR- 007</u>
Cityview Project Number:	<u>PLGA 202000026</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	STC Morse, LLC	Phone	630-330-7215
	Address	4N316 Route 31 St. Charles, IL 60174	Fax	
			Email	curt@frontierdevelopmentgroup.com

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?

Identifying Drive-Through Facility as a Special Use in the CBD-1 Zoning District.

What sections are proposed for amendment?

Chapters(s): Ch. 17.14 "Business and Mixed Use Districts"

Section(s): Table 17.14-1

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

Identify in Table 17.14-1 that "Drive -Trough Facility" is a permitted use in the CBD-1 District.

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.



04/23/2020

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.

Identify in Table 7-14.1 that “Drive Thru Facility” is a permitted use in CBD-1 Zoning District	04/23/2020
<i>Amendment Description/Ordinance Section Number</i>	<i>Date</i>

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.

As demonstrated in the attached site plans, the proposed amendment supports the Downtown Sub Area Comprehensive Plan by enhancing the streetscaping and southern gateway with landscaping improvements consistent with the ordinances. _____
 It also preserves the parking capacity and side street access in the downtown area. _____

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

The proposed amendment supports Section 17.02.020 by providing convenient private access which reduces traffic congestion and promotes public safety. It also enhances the quality of life for residents and visitors by providing convenient and safe access to banking services. _____

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 would be a change in policy to allow ATMs to be stand alone use in addition to the current policy of allowing ATMs as a special accessory 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.

Brick and mortar bank buildings are slowly disappearing and this location will be more easily accessed by the general public. Smart(er), stand alone ATMs are becoming a more integral part of banking services allowing customers to more fully utilize them for most of their banking needs. _____

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

None - a drive thru is currently allowed as a special accessory use in the CBD-1 Zoning District

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

The proposed amendment will apply to all properties in the CBD-1 district.

BUSINESS AND MIXED USE DISTRICTS

TABLE 17.14-1
PERMITTED AND SPECIAL USES

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT							SPECIFIC USE STANDARDS
	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD1	CBD2		
Drive-Through Facility	S	S	S	SA			SA	Section 17.24.100
Financial Institution	P	P	P	P	P*	P*	P	*Section 17.14.020
Gas Station		P	P					Section 17.20.030
Heavy Retail and Service		P	S					
Home Improvement Center		P	P					
Hotel/Motel		P	P	P	P			
Medical/Dental Clinic	P	P	P	P	P*	P*	P	*Section 17.14.020
Motor Vehicle Rental	P	P	P				P	
Motor Vehicle Service and Repair, Minor	P	P	P					Section 17.20.030
Motor Vehicle Sales and Leasing		P	P					Section 17.20.030
Office, Business and Professional	P	P	P	P	P*	P*	P	*Section 17.14.020
Outdoor Sales, Permanent	SA	SA	SA	S	S			Section 17.20.030
Outdoor Sales, Temporary	A	A	A	A	A		A	Section 17.20.040, 050
Pawn Shop			S					
Personal Services	P	P	P	P	P	P	P	
Pet Care Facility	S	S	S					
Coffee or Tea Room	A	P	P	P	P	A	A	
Recreational Cannabis Dispensing Organization		S	S					Section 17.20.030
Restaurant	S	P	P	P	P			
Retail Sales	P	P	P	P	P	P	P	
Tattoo Parlor			S					
Tavern/Bar	S	P	P	P	P			
Theater		P	P	P	P			
Veterinary Office/Animal Hospital		P	P					
INDUSTRIAL/STORAGE USES								
Mini-Warehouse		P	P					
Temporary Motor Vehicle Storage		P	P					Section 17.20.030
OTHER USES								
Accessory Uses	A	A	A	A	A	A	A	Chapter 17.20, 17.22
Parking Garage/Structure			A	S	S	S	SA	Chapter 17.24
Parking Lot, Private	A	A	A	A	A	A	A	Chapter 17.24
Parking Lot, Public				P	P	P	P	Chapter 17.24
Planned Unit Development	S	S	S	S	S	S	S	Chapter 17.04
Transportation Operations Facility		S	P	S				
Communication Tower*		S	S					Section 17.22.020
Communication Antenna	P	P	P	P			P	Section 17.22.020
Utility, Community/Regional		S	S				S	
Utility, Local	P	P	P	P	P	P	P	
Wind Turbine, Structure Mounted	A	A	A					Section 17.22.020.G
Wind Turbine, Tower Mounted		S	S					Section 17.22.020.H

* Communication Towers that are Wireless Support Structures supporting Small Wireless Facilities, as defined in Chapter 13. 24 " Small Cell Wireless Facilities", are permitted uses in any Right- of-Way within the City, and, in conformance with State law, are permitted uses in the BL, BC and BR Zoning Districts when all other applicable zoning requirements and the requirements of Chapter 13. 24 are met.

(Ord. 2019-Z-19 § 2; Ord. 2018-Z-22 § 2; Ord. 2018-Z-20 § 2; Ord. 2016-Z-5 § 2; Ord. 2014-Z-5 § 2; Ord. 2013-Z-20 § 3; Ord. 2011-Z-11 § 2; Ord. 2008-Z-24 § 4, 5; Ord. 2008-Z-3 § 2; Ord. 2003-Z-13 § 4, 6, 7; Ord. 2001-Z-42 § 1; Ord. 2001-Z-40 § 1; Ord. 2001-Z-11 § 2, 3; Ord. 1999-Z-20 § 1; Ord. 1998-Z-19 § 1; Ord. 1996-Z-12 § 11-13; Ord. 1995-Z-5 § 1; Ord. 1993-Z-19 § 4; Ord. 1993-Z-4 § 1 (B, D); Ord. 1990-Z-7 § 1; Ord. 1989-Z-6 § 1; Ord. 1986-Z-11 § XI; Ord. 1986-Z-4; Ord. 1985-Z-2 § 1; Ord. 1984-Z-6 § 2; Ord. 1984-Z-4 § 1; Ord. 1984-Z-3 § 1; Ord. 1983-Z-9 § 1; Ord. 1982-Z-3 § 1; Ord. 1982-M-16 § 1; Ord. 1981-Z-7 § 2; Ord. 1981-Z-3 § 1; Ord. 1980-Z-13 § 1; Ord. 1980-Z-3 § 1; Ord. 1978-Z-3; Ord. 1976-Z-15 § 2; Ord. 1975-Z-8 § 1; Ord. 1973-Z-1 § 1; Ord. 1972-Z-56 § 1, 2; Ord. 1972-Z-46 (A, B, C (part)); Ord. 1968-31 (part); Ord. 1967-14 (part); Ord. 1966-33 § 1, 2; Ord. 1961-

City of St. Charles, IL
Ordinance No. 2020-Z-_____

**An Ordinance Amending Title 17 of the St. Charles Municipal Code
Entitled “Zoning”, Ch. 17.14 “Business and Mixed-Use Districts”.**

WHEREAS, on or about May 15, 2020, STC Morse, LLC (“the Applicant”) filed an Application to amend Title 17 of the St. Charles Municipal Code, the Zoning Ordinance of the City of St. Charles regarding the regulation of Drive-Through Facilities; and,

WHEREAS, Notice of Public Hearing on said Application was published on or about June 18, 2020, in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said notice, the Plan Commission conducted a public hearing on or about July 7, 2020 on said Application in accordance with the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, at said Public Hearing, the Applicant presented testimony in support of said Application and all interested parties had an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of the Application on or about July 7, 2020; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and has considered the same:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

1. The preambles set forth hereinabove are incorporated herein as substantive provisions of this Ordinance as if fully set out in this Section One.

2. That Title 17, “Zoning”, Chapter 17.14 “Business and Mixed-Use Districts”, Table 17.14-1 “Permitted and Special Uses” of the St. Charles Municipal Code is hereby amended by adding Drive-Through Facilities as a Special Use in the CBD-1, as shown below:

TABLE 17.14-1 BUSINESS AND MIXED USE DISTRICTS PERMITTED AND SPECIAL USES		
P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	ZONING DISTRICT	SPECIFIC USE STANDARDS

	BL	BC	BR	CBD-1	DOWNTOWN OVERLAY FIRST FLOOR		CBD-2	
					CBD-1	CBD-2		
RETAIL AND SERVICE USES								
Drive-Through Facilities	S	S	S	S			SA	Section 17.24.100

3. That after the adoption and approval hereof this Ordinance shall be (i) printed or published in book or pamphlet form, published by the authority of the Council, or (ii) within thirty (30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of July, 2020.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of July, 2020.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of July, 2020.

Raymond P. Rogina, Mayor

Attest:

Charles Amenta, City Clerk

COUNCIL VOTE:

Ayes:

Nays:

Absent:

Abstain:

APPROVED AS TO FORM:

City Attorney

DATE: _____