



**AGENDA ITEM EXECUTIVE SUMMARY**

**Agenda Item Number: II**

**Title:** Motion to approve An Ordinance Granting Approval of a Special Use for a Drive-Through Facility in the CBD-1 Central Business District (Southeast corner of Riverside Ave. and Illinois Ave.)

**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 requesting Special Use approval to establish a Non-Accessory Drive-Through Facility at the Southeast corner of Riverside Ave. and Illinois Ave. for an Automated Teller Machine (ATM).

As part of the installation of the ATM, the applicant will install a landscape island and landscape along Riverside Ave. Mr. Hurst plans to continue to use the property as a public parking lot.

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 property is zoned CBD-1 Central Business District. The applicant has submitted a General amendment application to add Non-Accessory Drive-Through Facilities as a Special Use in the CBD-1 District. The General Amendment would need to be approved for a Special Use to be granted for the subject property.

**Plan Commission Recommendation**

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

**Attachments** *(please list):*  
 Plan Commission Resolution, Staff Memo, Application, Correspondence from neighboring property owner, Ordinance

**Recommendation/Suggested Action** *(briefly explain):*  
 Motion to approve An Ordinance Granting Approval of a Special Use for a Drive-Through Facility in the CBD-1 Central Business (Southeast corner of Riverside Ave. and Illinois Ave.)

**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 11-2020**

**A Resolution Recommending Approval of an Application for Special Use for a  
Non-Accessory Drive-Through Facility at the Southeast corner of Riverside  
Ave. and Illinois Ave.  
(STC MORSE, LLC)**

**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 Special Use; and,

WHEREAS, the Plan Commission held a public hearing and reviewed the application for Special Use for a non-accessory Drive-Through Facility at the Southeast corner of Riverside and Illinois Ave. (STC Morse, LLC); and,

WHEREAS, the Plan Commission adopts the following Findings of Fact for Special Use provided by the Applicant, in accordance Section 17.04.330.C of the Zoning Ordinance:

**A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

Brick and mortar banking is disappearing and this ATM will be conveniently accessed by the general public. The proposed design provides for no loss in available parking.

**B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

This site is located at an intersection with sufficient visibility and access is readily available. Access in to the parking lot is from a secondary street and will not interfere with traffic. Drainage will be designed per appropriate storm water ordinance during engineering for permitting.

There is ample room for stacking cars in the ATM queue that will not negatively impact parking users to access the parking lot.

**C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

Drive-Through ATMs are currently allowed as a special accessory use in the CBD-1 Zoning District. The site is currently used as a parking lot and constructing the ATM will not change this use nor will there be any loss in available parking spaces. There is adequate access from a secondary street that will not negatively impact traffic flow.

**D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

None- The proposed ATM has minimal physical footprint in both size and height that will be entirely confined to the existing parking lot that will continue to be used as a parking lot with no loss in total available parking count. As a result, any normal development that could be proposed by any surrounding properties will not be impacted.

**E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The ATM will be maintained privately so there will be no burden on public resources. Access to the ATM will be from currently existing drive way from a secondary street and ample stacking is provided.

**F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

Drive-Through ATMs are currently allowed as a special accessory use in the CBD-1 Zoning District.

Concurrent with this request we are also requesting a General Amendment to the Zoning Ordinance to allow for this use.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a Special Use for a Non-Accessory Drive-Through Facility for STC Morse, LLC, Southeast corner of Riverside Ave. and Illinois Ave.

Roll Call Vote:

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

Nays: Absent: Wallace, Becker

Recused: 0

Motion carried: 7-0

PASSED, this 7th day of July 2020.

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Chairman  
St. Charles Plan Commission

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:** Special Use for a standalone Drive-Through Facility at the Southeast corner of Riverside Ave and Illinois Ave.

**DATE:** July 8, 2020

**I. APPLICATION INFORMATION:**

**Project Name:** BMO Atm

**Applicant:** STC Morse, LLC

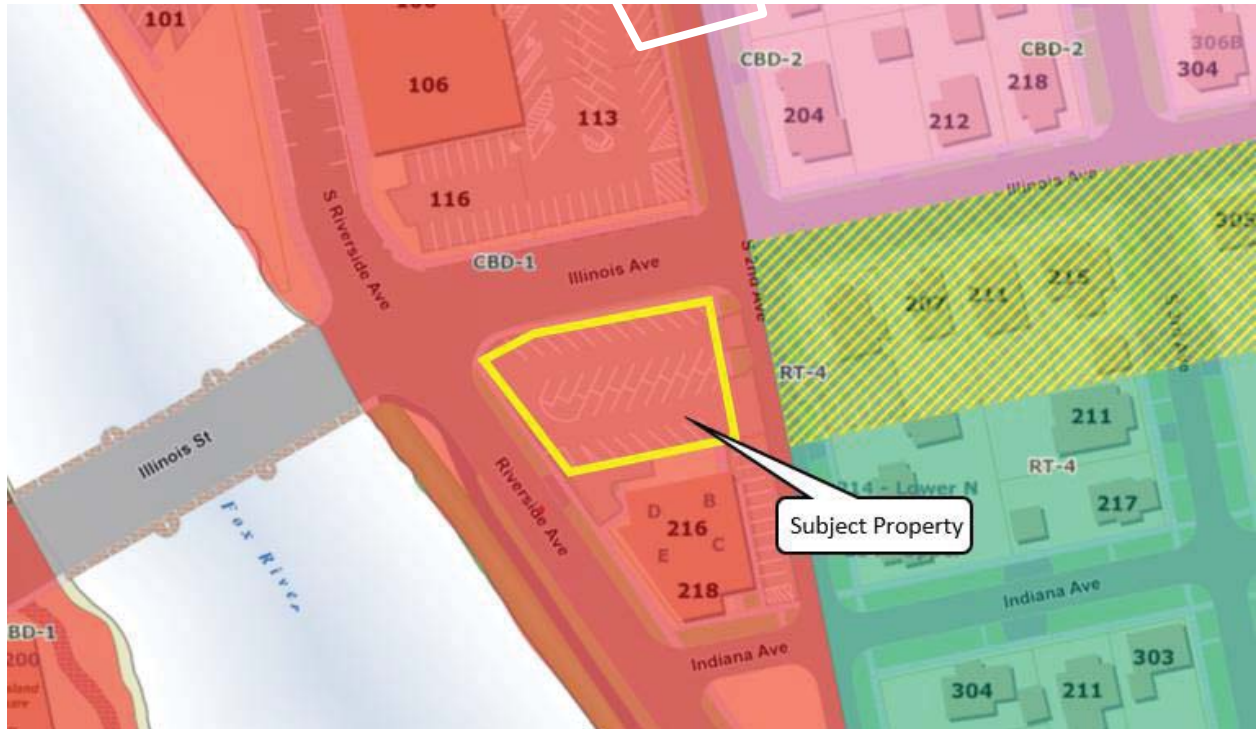
**Purpose:** Permit a Special Use for a standalone Drive-Through Facility for a bank Automated Teller Machine (ATM) at the Southeast corner of Riverside Ave and Illinois Ave. (Conditioned upon approval of a General Amendment to permit non-accessory Drive-Through Facilities as a Special Use in the CBD-1 zoning district)

<b>General Information:</b>		
<b>Site Information</b>		
Location	Southeast corner of Riverside Ave. and Illinois Ave.	
Acres	0.293	
Applications	<b>Special Use for a Standalone Drive-through Facility</b>	
Applicable Code Sections	17.14 "Business and Mixed-Use Districts"	
<b>Existing Conditions</b>		
Land Use	Parking Lot	
Zoning	CBD-1- Central Business District	
<b>Zoning Summary</b>		
North	CBD-1 - Central Business	Flagship/ Pollyanna
East	RT-4- Traditional Residential/ BT- Transitional Business Overlay	Wilson Travel & Cruise
South	CBD-1- Central Business	Chamber of Commerce
West	CBD-1- Central Business	Fox River and Commercial Building
<b>Comprehensive Plan Designation</b>		
Mixed Use		

### Aerial Photograph



### Zoning Map





## II. BACKGROUND

Curt Hurst, as part of STC Morse LLC, has submitted an application for a Special Use for a Drive-Through Facility at the corner of Riverside Ave. and Illinois Ave., pending approval of a General Amendment to permit Drive-Through Facilities as a non-accessory Special Use in the CBD-1 zoning district.

The subject property is currently owned by BMO Harris Bank and is used as a parking lot. The Bank is in the process of selling the property to Mr. Hurst and a condition of the sale is that an Automated Teller Machine (ATM) be installed on the property.

## III. PROPOSAL

The details of the Special Use are as follows:

- Install a drive-through ATM and landscape island on the West side of the parking lot.
- Landscape the frontage along Riverside Ave.
- Install monument sign on the Northeast corner of the lot.
- Relocate one parking stall.
- The applicant will continue to use the property as a parking lot and will not be reducing the number of stalls on the lot.

## IV. STAFF ANALYSIS

### A. ZONING

The site is zoned CBD-1- Central Business District. Based on the propose General Amendment to the Zoning Ordinance, if approved, Drive-Through Facilities will be a non-accessory Special Use in the CBD-1 District.

### B. STANDARDS FOR DRIVE-THROUGH FACILITIES

The applicant has submitted a site plan and landscape plan to demonstrate compliance with the Zoning Ordinance use standards.

#### **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 (17.20.030)**

*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.*

### **Stacking**

The Drive-Through Facility will require five stacking spaces that must be 9x20ft. The current site plan provides those required stacking spaces.

### **Parking**

The current parking lot provides 38 parking stalls. The installation of the Atm will not reduce the number of available stalls in the lot. According to Code, use standard A.3 states that no required parking spaces shall be obstructed by drive-through stacking spaces. The plan shows the atm stacking obstructing access to several parking stalls. However, since this parking lot does not serve a specific use, there are no required parking stalls in this lot. Therefore, the plan does not violate standard A.3.

### **Circulation**

The required stacking spaces have the potential to obstruct ingress/egress and vehicular circulation on the site, depending on the number of vehicles stacking at the ATM. However, as noted above, this parking lot does not serve a specific use, and therefore access to the lot does not need to continually be available.

## **C. LANDSCAPING AND SCREENING**

### **Screening of Parking Lots, Motor Vehicle Displays, and Drive-Throughs (17.26.100)**

Parking lots with more than five spaces, a Motor Vehicle Display, or a Drive-Through facility abutting a public street shall be screened to a minimum height of thirty inches (30”) for no less

than 50% of public street frontage measured horizontally along the lot line abutting the street and adjoining the parking lot, Motor Vehicle Display, or Drive-Through facility, except where driveways and walkways generally perpendicular to the street are located. Screening shall be designed to soften and partially conceal the view of vehicles in parking or stacking spaces from the street.

The current parking lot has no landscape screening. As part of the ATM proposal, the applicant will install landscaping along Riverside Ave. and the corner of Riverside and Illinois Ave. according to the provided landscape plan to screen the parking lot and ATM.

## **V. HISTORIC COMMISSION APPROVAL**

The Historic Preservation Commission reviewed the proposed project on 5/6/2020 and unanimously approved a Certificate of Appropriateness.

## **VI. PLAN COMMISSION RECOMMENDATION**

Plan Commission held a public hearing on 7/7/2020 and unanimously recommended approval of the Special Use.

## **VII. ATTACHMENTS**

- Application for Special Use, received 5/15/2020



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



COMMUNITY DEVELOPMENT DIVISION

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

**SPECIAL USE APPLICATION**

(To request a Special Use or Amendment, or a Special Use for PUD or Amendment)

<b>For City Use</b>	
Project Name:	<u>BMO ATM</u>
Project Number:	<u>2020 -PR- 007</u>
Cityview Project Number:	<u>PLSU 202000027</u>



*To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, 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 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.*

<b>1. Property Information:</b>	Location: SE corner of Illinois Ave and Riverside Ave	
	Parcel Number (s): 09-34-130-005	
	Proposed Name: N/A	
<b>2. Applicant Information:</b>	Name: STC Morse, LLC	Phone: 630-330-7215
	Address: 4N316 Rt 31 St. Charles, IL 60174	Fax:
		Email: curt@frontierdevelopmentgroup.com
<b>3. Record Owner Information:</b>	Name: BMO Harris Bank, N.A.	Phone: 312-907-2310
	Address: 111 W Monroe St CRE - 4 Center Chicago, IL 60603	Fax:
		Email: Hettie.ensign@bmo.com

**Please check the type of application:**

- Special Use for Planned Unit Development - PUD Name:** \_\_\_\_\_
  - New PUD
  - Amendment to existing PUD- Ordinance #: \_\_\_\_\_
  - PUD Preliminary Plan filed concurrently
  
- Other Special Use (from list in the Zoning Ordinance):** Drive- Through Facility \_\_\_\_\_
  - Newly established Special Use
  - Amendment to an existing Special Use Ordinance #: \_\_\_\_\_

**Information Regarding Special Use:**

Comprehensive Plan designation of the property: Mixed Use \_\_\_\_\_

Is the property a designated Landmark or in a Historic District? Yes \_\_\_\_\_

What is the property's current zoning? CBD-1 \_\_\_\_\_

What is the property currently used for? Parking Lot \_\_\_\_\_

If the proposed Special Use is approved, what improvements or construction are planned?

New electric primary from STC transformer run to new meter servicing a new ATM kiosk constructed on a new concrete pad along; directional signage for easy traffic flow; additional lighting for safety; and a new landscaping buffer.

**For Special Use Amendments only:**

Why is the proposed change necessary?

N/A \_\_\_\_\_  
\_\_\_\_\_

What are the proposed amendments? (Attach proposed language if necessary)


N/A \_\_\_\_\_  
\_\_\_\_\_

**Note for existing buildings:**

If your project involves using an existing building, whether you plan to alter it or not, please contact the St. Charles Fire Department (630-377-4458) and the Building and Code Enforcement Division (630-377-4406) for information on building, life safety and other code requirements. Depending on the proposed use, size of structure and type of construction, these requirements can result in substantial costs.

21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

**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.**

Record Owner	Date
	04/23/2020
Applicant or Authorized Agent	Date

April 27, 2020

City Planner  
2 E. Main Street  
St. Charles, IL 60174

Re: Parcel # 09-34-130-005 General Amendment & Special Use

Dear Sir or Madam:

Please accept this letter as authorization for STC Morse, LLC (Petitioner) to act as applicant for BMO Harris Bank, N.A. (record property owner) for the General Use Amendment and Special Use applications submitted herewith.

**Hettie B Ensign** Digitally signed by Hettie B Ensign  
DN: cn=Hettie B Ensign, o=BMO Harris Bank, ou=Corporate  
Real Estate, email=hettie.ensign@bmo.com, c=US  
Date: 2020.04.27 18:51:37 -0500

Signature

4/27/2020

Date

Hettie B. Ensign  
Printed



# FINDINGS OF FACT – SPECIAL USE

*\*Use this form for all Special Uses, except for PUDs or PUD Amendments\**

*The St. Charles Zoning Ordinance requires the Plan Commission to consider the factors listed below in making a recommendation to the City Council.*



*As the applicant, the "burden of proof" is on you to show how your proposed Special Use will comply with each of the applicable standards. Therefore, you need to "make your case" by explaining specifically how your project meets each of the following standards.*

BMO ATM drive Thru at SE corner of Illinois Ave & Riverside Ave  
*Project Name or Address*

03/18/2020  
*Date*

**From the Charles Zoning Ordinance, Section 17.04.430.C.2:**

No Special Use or amendment to Special Use shall be recommended by the Plan Commission unless it finds that the proposed Special Use or amendment to Special Use will conform with each of these standards. The Plan Commission shall submit its written findings together with its recommendations to the City Council after the conclusion of the Public Hearing, and also may recommend such conditions as it may deem necessary to ensure conformance with these standards.

On the basis of the evidence presented at the public hearing, the Plan Commission shall record its reasons for recommending approval or denial of the petition (findings of fact) in accordance with the following standards:

**A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

Brick and mortar banking is disappearing and this ATM will be conveniently accessed by the general public. The proposed design provides for no loss in available parking.

**B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

This site is located at an intersection with sufficient visibility and access is readily available. Access in to the parking lot is from a secondary street and will not interfere with traffic. Drainage will be designed per appropriate storm water ordinance during engineering for permitting.

There is ample room for stacking cars in the ATM que that will not negatively impact parking users to access the parking lot.

**C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**



— Drive through ATMs are currently allowed as a special accessory use in the CBD-1 \_\_\_\_\_  
— Zoning District. The site is currently used as a parking lot and constructing the \_\_\_\_\_  
— ATM will not change this use nor will there be any loss in available parking spaces. \_\_\_\_\_  
— There is adequate access from a secondary street that will not negatively impact \_\_\_\_\_  
— traffic flow. \_\_\_\_\_

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**D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

— None - The proposed ATM has a minimal physical footprint in both size & height that will be-  
— entirely confined to the existing parking lot that will continue to be used as a parking lot -  
— with no loss in total available parking count. As a result, any normal development that -  
— could be proposed by any surrounding properties will not be impacted. \_\_\_\_\_

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**E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

— The ATM will be maintained privately so there will be no burden on public resources.  
— Access to the ATM will be from currently existing drive way from a secondary street and  
— ample stacking is provided.

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**F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

— Drive through ATMs are currently allowed as a special accessory use in the CBD-1 \_\_\_\_\_  
— Zoning District. \_\_\_\_\_  
— Concurrent with this request we are also requesting a General Amendment to the \_\_\_\_\_  
— Zoning Ordinance to allow for this use. \_\_\_\_\_

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## Hitzemann, Rachel

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**From:** Colby, Russell  
**Sent:** Wednesday, June 17, 2020 4:04 PM  
**To:** Hitzemann, Rachel  
**Cc:** Sanchez, Christine  
**Subject:** FW: Proposed BMO Atm

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Russell Colby** | Assistant Director of Community & Economic Development  
2 E. Main Street, St. Charles, IL 60174-1984  
phone: 630.762.6925 | fax: 630.377.4062 | [www.stcharlesil.gov](http://www.stcharlesil.gov)  
[rcolby@stcharlesil.gov](mailto:rcolby@stcharlesil.gov)

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CITY OF ST CHARLES, ILLINOIS

**From:** Michelle Kovac <[mmk@strategicsoftware.com](mailto:mmk@strategicsoftware.com)>  
**Sent:** Wednesday, June 17, 2020 3:48 PM  
**To:** CD <[cd@stcharlesil.gov](mailto:cd@stcharlesil.gov)>  
**Subject:** Proposed BMO Atm

We'd like to comment on the proposed BMO Harris ATM at the southeast corner of Riverside Ave. and Illinois Ave.

We are not in favor of allowing an ATM at this location. Please consider the following:

1. BMO Harris already has a branch and ATM located at 409 S. 1<sup>st</sup> St. Doing a little research on Google Maps shows this is merely two tenths of a mile from the proposed location – a short 5 minute walk or 1 minute drive away. We don't see a need for this proposed, additional location.
2. An ATM, regardless of landscaping around it, would detract from the scenic view that currently exists.

Thank you,  
Paul and Michelle Kovac  
10 Illinois St., Ste. 2C  
St. Charles, IL 60174

**City of St. Charles**  
**Ordinance No. 2020-Z-\_\_\_\_\_**

**An Ordinance Granting Approval of a Special Use for a Drive-Through Facility for a Automated Teller Machine (ATM), Southeast corner of Riverside Ave. and Illinois Ave.**

WHEREAS, on or about May 15, 2020, STC Morse, LLC (“the Applicant”) filed a petition for Special Use for the property located at the corner of Riverside Ave. and Illinois Ave. and legally described in Exhibit “A” attached hereto and incorporated herein (the "Subject Property"), for the purpose of establishing a Drive-Through Facility for an Automated Teller Machine (ATM) on the Subject Property; and,

WHEREAS, Notice of Public Hearing on said petition for Special Use was published on or about June 18, 2020, in a newspaper having general circulation within the City, to-wit, the Daily Herald newspaper, 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 July 7, 2020 on said petition 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 petition and all interested parties were afforded an opportunity to be heard; and,

WHEREAS, the Plan Commission recommended approval of said petition on or about June 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 though fully set out in this Section 1.

2. That passage of this Ordinance shall constitute approval of a Special Use for a Drive-Through Facility with respect to the Subject Property pursuant to the provisions of Title 17 of the St. Charles Municipal Code, as amended, and based upon the Applicant’s petition and the evidence presented at the Public Hearing, the City Council hereby adopts the Findings of Fact for Special Use, set forth in Exhibit “B”, which is attached hereto and incorporated herein.

3. That approval of said Special Use for a Drive-Through Facility is subject to substantial compliance with the plans attached hereto and incorporated herein as Exhibit “C”.

4. The Subject Property shall be developed and used only in accordance with all ordinances of the City as now in effect and as hereafter amended.

5. That after the adoption and approval hereof, the Ordinance shall (i) be 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 20<sup>th</sup> day of July, 2020.

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

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

\_\_\_\_\_  
Raymond P. Rogina, Mayor

Attest:

\_\_\_\_\_  
Charles Amenta, City Clerk

Vote:

Ayes:

Nays:

Absent:

Abstain:

Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

DATE: \_\_\_\_\_

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

THAT PART OF BLOCK 15 OF THE ORIGINAL TOWN OF ST. CHARLES, ON THE EAST SIDE OF FOX RIVER, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK, 103.35 FEET FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG A LINE, IF EXTENDED, WOULD INTERSECT THE EASTERLY LINE OF SAID BLOCK, 94.7 FEET NORTHERLY OF THE SOUTHEAST CORNER THEREOF, TO A POINT ON SAID LINE, 79 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK, 17 FEET TO A LINE DRAWN PARALLEL WITH AND 11.7 FEET NORTHERLY OF, AS MEASURED ALONG THE EAST LINE, THE SOUTHERLY LINE OF SAID BLOCK; THENCE EASTERLY ALONG SAID PARALLEL LINE, 70 FEET TO THE EASTERLY LINE OF SAID BLOCK; THENCE NORTHERLY ALONG SAID EASTERLY LINE 88.3 FEET TO THE NORTHEAST CORNER THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID BLOCK TO THE NORTHWEST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK TO THE POINT OF BEGINNING; EXCEPT THAT PART CONVEYED TO OAK PARK TRUST AND SAVINGS BANK AS TRUSTEE UNDER TRUST NUMBER, 9168 BY DEED RECORDED OCTOBER 9, 1984 AS DOCUMENT 1697993 AND ALSO EXCEPT THAT PART CONVEYED TO THE CITY OF ST. CHARLES, BY WARRANTY DEED RECORDED MAY 23, 1984 AS DOCUMENT 16808421, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

PIN #09-34-130-005



**EXHIBIT “B”**

**FINDINGS OF FACT FOR SPECIAL USE**

- A. Public Convenience: The Special Use will serve the public convenience at the proposed location.**

Brick and mortar banking is disappearing and this ATM will be conveniently accessed by the general public. The proposed design provides for no loss in available parking.

- B. Sufficient Infrastructure: That adequate utilities, access roads, drainage and/or necessary facilities have been, or are being, provided.**

This site is located at an intersection with sufficient visibility and access is readily available. Access in to the parking lot is from a secondary street and will not interfere with traffic. Drainage will be designed per appropriate storm water ordinance during engineering for permitting.

There is ample room for stacking cars in the ATM queue that will not negatively impact parking users to access the parking lot.

- C. Effect on Nearby Property: That the Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

Drive-Through ATMs are currently allowed as a special accessory use in the CBD-1 Zoning District. The site is currently used as a parking lot and constructing the ATM will not change this use nor will there be any loss in available parking spaces. There is adequate access from a secondary street that will not negatively impact traffic flow.

- D. Effect on Development of Surrounding Property: That the establishment of the Special Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.**

None- The proposed ATM has minimal physical footprint in both size and height that will be entirely confined to the existing parking lot that will continue to be used as a parking lot with no loss in total available parking count. As a result, any normal development that could be proposed by any surrounding properties will not be impacted.

- E. Effect on General Welfare: That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The ATM will be maintained privately so there will be no burden on public resources. Access to the ATM will be from currently existing drive way from a secondary street and ample stacking is provided.

- F. Conformance with Codes: That the proposed Special Use conforms to all applicable provisions of the St. Charles Municipal Code and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

Drive-Through ATMs are currently allowed as a special accessory use in the CBD-1 Zoning District.

Concurrent with this request we are also requesting a General Amendment to the Zoning Ordinance to allow for this use.

**EXHIBIT "C"**

**Land Title Survey Dated 4/24/2020**  
**Site Plan**  
**Site Plan with Stacking Spaces**  
**Landscape Plan**  
**Atm Designs Dated 3/26/2020**

# A.L.T.A./A.C.S.M. LAND TITLE SURVEY

SHEET 1 OF 1



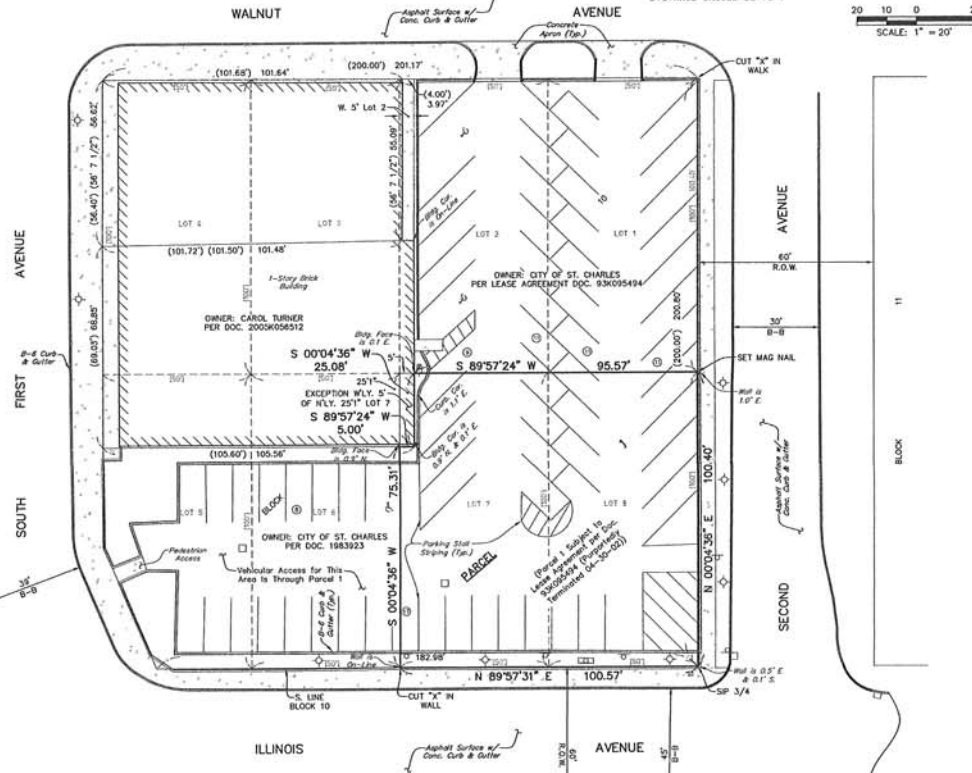
## SITE LOCATION

PARCEL ONE:  
LOT 7 (EXCEPT THE WESTERLY 5 FEET OF THE NORTHERLY 25 FEET AND ONE INCH THEREOF) AND LOT 8 IN BLOCK 10 OF THE ORIGINAL TOWN OF ST. CHARLES, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS

PARCEL TWO:  
THAT PART OF BLOCK 15 OF THE ORIGINAL TOWN OF ST. CHARLES, ON THE EAST SIDE OF FOX RIVER, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF SAID BLOCK; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK, 103.35 FEET FOR THE POINT OF BEGINNING; THENCE EASTERLY ALONG A LINE, IF EXTENDED, WOULD INTERSECT THE EASTERLY LINE OF SAID BLOCK, 84.7 FEET NORTHERLY OF THE SOUTHEAST CORNER THEREOF, TO A POINT ON SAID LINE, 79 FEET WESTERLY OF THE EASTERLY LINE OF SAID BLOCK; THENCE NORTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID BLOCK, 17 FEET TO A LINE DRAWN PARALLEL WITH AND 111.7 FEET NORTHERLY OF, AS MEASURED ALONG THE EAST LINE, THE SOUTHERLY LINE OF SAID BLOCK; THENCE EASTERLY ALONG SAID PARALLEL LINE, TO FEET TO THE EASTERLY LINE OF SAID BLOCK; THENCE NORTHERLY ALONG SAID EASTERLY LINE 89.2 FEET TO THE NORTHEAST CORNER THEREOF; THENCE WESTERLY ALONG THE NORTHERLY LINE OF SAID BLOCK TO THE NORTHEAST CORNER THEREOF; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID BLOCK TO THE POINT OF BEGINNING (EXCEPT THAT PART CONVEYED TO OAK PARK TRUST AND SAVINGS BANK AS TRUSTEE UNDER TRUST NUMBER, 9168 BY DEED RECORDED OCTOBER 9, 1994 AS DOCUMENT 1607993 AND ALSO EXCEPT THAT PART CONVEYED TO THE CITY OF ST. CHARLES, BY WARRANTY DEED RECORDED MAY 23, 1994 AS DOCUMENT 1680842), IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

POSSIBLE SCRIVENER'S ERROR IN DESCRIPTION AS SET FORTH IN DEED RECORDED 12-05-66 AS DOC. 1810210. DISTANCE SHOULD BE 79.

## VICINITY MAP



**PARCEL 2 PARKING COUNT**

# of Existing Stalls	37
# of Proposed Stalls	37

### SURVEYOR'S NOTES

- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES, PARKWAYS, SIDEWALKS, AND CURBS SURROUNDING PARCELS SUBJECT TO HEAVY SNOW COVER AND PILES, PROHIBITING LOCATION OF UTILITIES WHICH ARE NORMALLY VISIBLE ON THE SURFACE.
- COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE, ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAME, AND REPORT ANY DIFFERENCE IMMEDIATELY.
- BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT FOR ADDITIONAL ZONING RESTRICTIONS.
- THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE AND IMPRESSED SEAL.
- EASEMENTS AND SERVITUDES SHOWN HEREON ARE BASED UPON A TITLE COMMITMENT ISSUED BY CHICAGO TITLE INSURANCE CO., IDENTIFIED AS NUMBER 050007239 WITH AN EFFECTIVE DATE OF DECEMBER 23, 2008.
- THE BEARINGS SHOWN HEREON ARE BASED UPON THE SOUTH LINE OF WALNUT AVENUE BEING S 87°57'11" W.
- DIMENSIONS ALONG CURVES ARE ARC DISTANCES.
- MEASUREMENTS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
- DIMENSIONS ENCLOSED IN ( ) INDICATE RECORD OR DEED DATA, ALL OTHER DIMENSIONS ARE MEASURED.
- |         |   |                                       |
|---------|---|---------------------------------------|
| 10. FIP | = | FOUND IRON PIPE (# AS SHOWN)          |
| FR      | = | FOUND IRON ROD                        |
| SIP     | = | SET IRON PIPE (# AS SHOWN)            |
| B-B     | = | DISTANCE BACK OF CURB TO BACK OF CURB |
| R.O.W.  | = | RIGHT OF WAY                          |
| PAR     | = | PARALLEL                              |
- BASED ON REVIEW OF FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP PANEL NO. 17089C0266, BEING A PRELIMINARY PANEL (NOT DATED), IT IS OUR OPINION THAT SOME PART OF THE PROPERTY DESCRIBED HEREON FALLS WITHIN A SPECIAL HAZARD ZONE (NO SHADING) AS DESIGNATED AND DEFINED BY F.E.M.A.
- PARCEL 1 CONTAINS 9,971 S.F., MORE OR LESS. PARCEL 2 CONTAINS 11,942 S.F., MORE OR LESS.

### SURVEYOR'S CERTIFICATE

TO: CHICAGO TITLE INSURANCE CO.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2005. PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ILLINOIS, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREIN.

DATED THIS 29TH DAY OF JANUARY, 2009.

### LINE LEGEND

- PROPERTY LINE (Heavy Solid Line)
- - - ADJACENT PROPERTY LINE OR RIGHT-OF-WAY LINE (Light Solid Line)
- - - UNDERLYING PARCEL LINE (Light Dashed Line)
- - - DIMENSIONAL TIE (Short Dashed Line)

### SYMBOL LEGEND

- — MANHOLE
- — CATCH BASIN
- — INLET
- ◆ — STREET LIGHT
- — UTILITY POLE
- — — STREET SIGNAL
- — — TRAFFIC SIGNAL W/ MAST
- — — OVERHEAD WIRES
- — — UNDERGROUND ELECTRIC CABLE
- — NUMBER OF PARKING STALLS
- — — DEPRESSED CURB
- — — CONCRETE SURFACE
- — — STREET SIGN
- — TELEPHONE CANTISER

ANNOTATED BY  
**WOLFPACK DEVELOPMENT INC.**  
4-24-2020

PREPARED BY:  
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Circle, Suite 100  
Aurora, Illinois 60502-9675  
PH: 630.862.2100  
E-Mail: cemcon@cemcon.com  
FAX: 630.862.2199  
Website: www.cemcon.com

DISC NO: P\686023 FILE NAME: ALTA  
DRAWN BY: RJA FLD BK. / PG. NO: 089/70-72  
COMPLETION DATE: 01-29-09 JOB NO: 686023  
REFERENCE JOB NO: 686022

PETER A. BLAESER  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3072  
MY REGISTRATION EXPIRES ON NOVEMBER 30, 2010  
PROFESSIONAL DESIGN FIRM LICENSE NUMBER 184-002937  
P&P/RFS APR 11 NO 2006

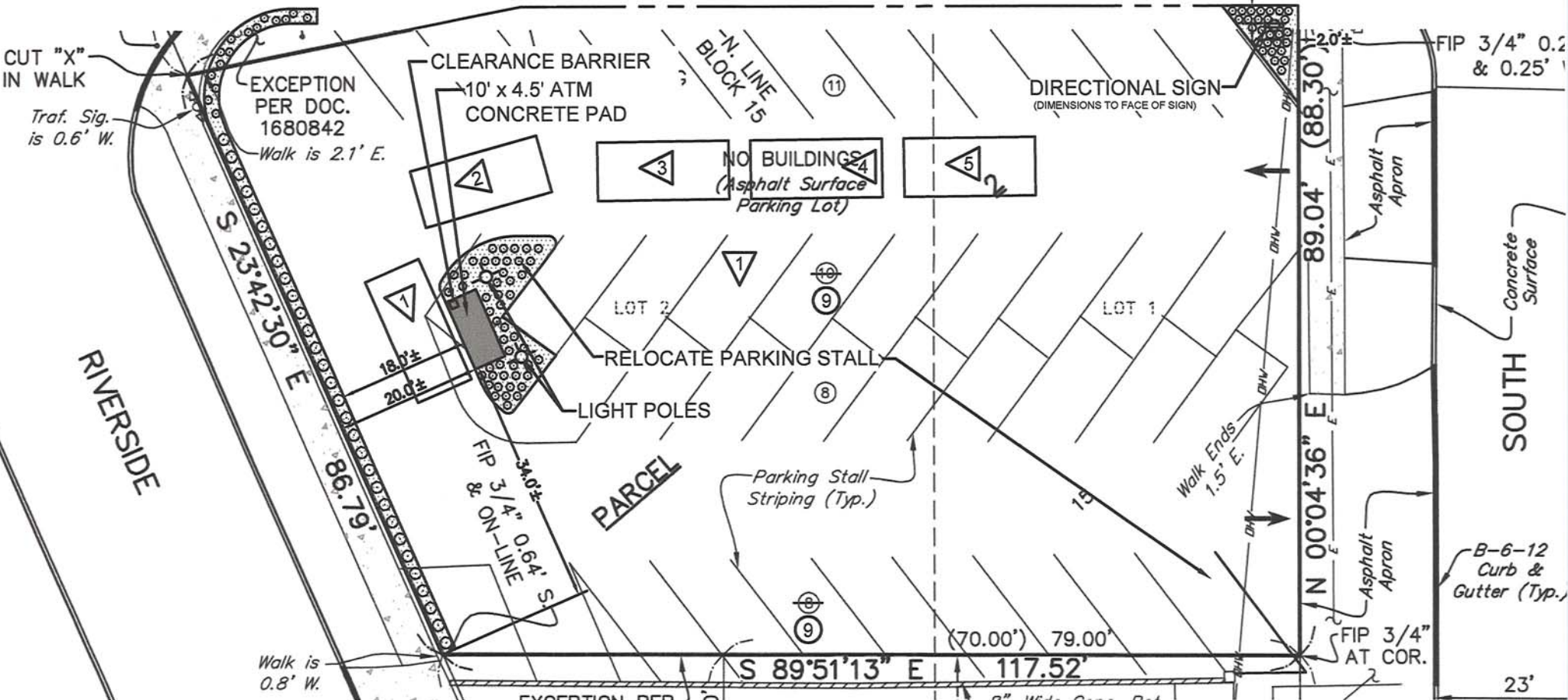
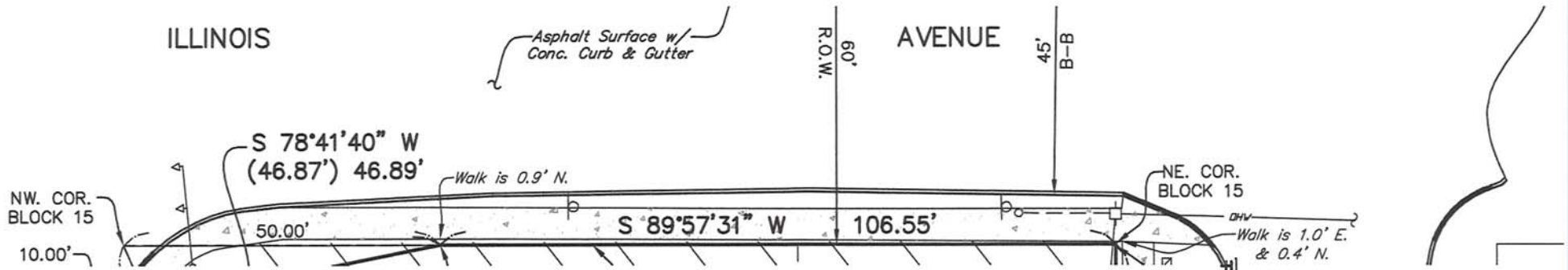






ILLINOIS

AVENUE



CUT "X"  
IN WALK  
*Traf. Sig.*  
is 0.6' W.

EXCEPTION  
PER DOC.  
1680842  
*Walk is 2.1' E.*

CLEARANCE BARRIER  
10' x 4.5' ATM  
CONCRETE PAD

NO BUILDINGS  
(Asphalt Surface  
Parking Lot)

DIRECTIONAL SIGN  
(DIMENSIONS TO FACE OF SIGN)

RIVERSIDE

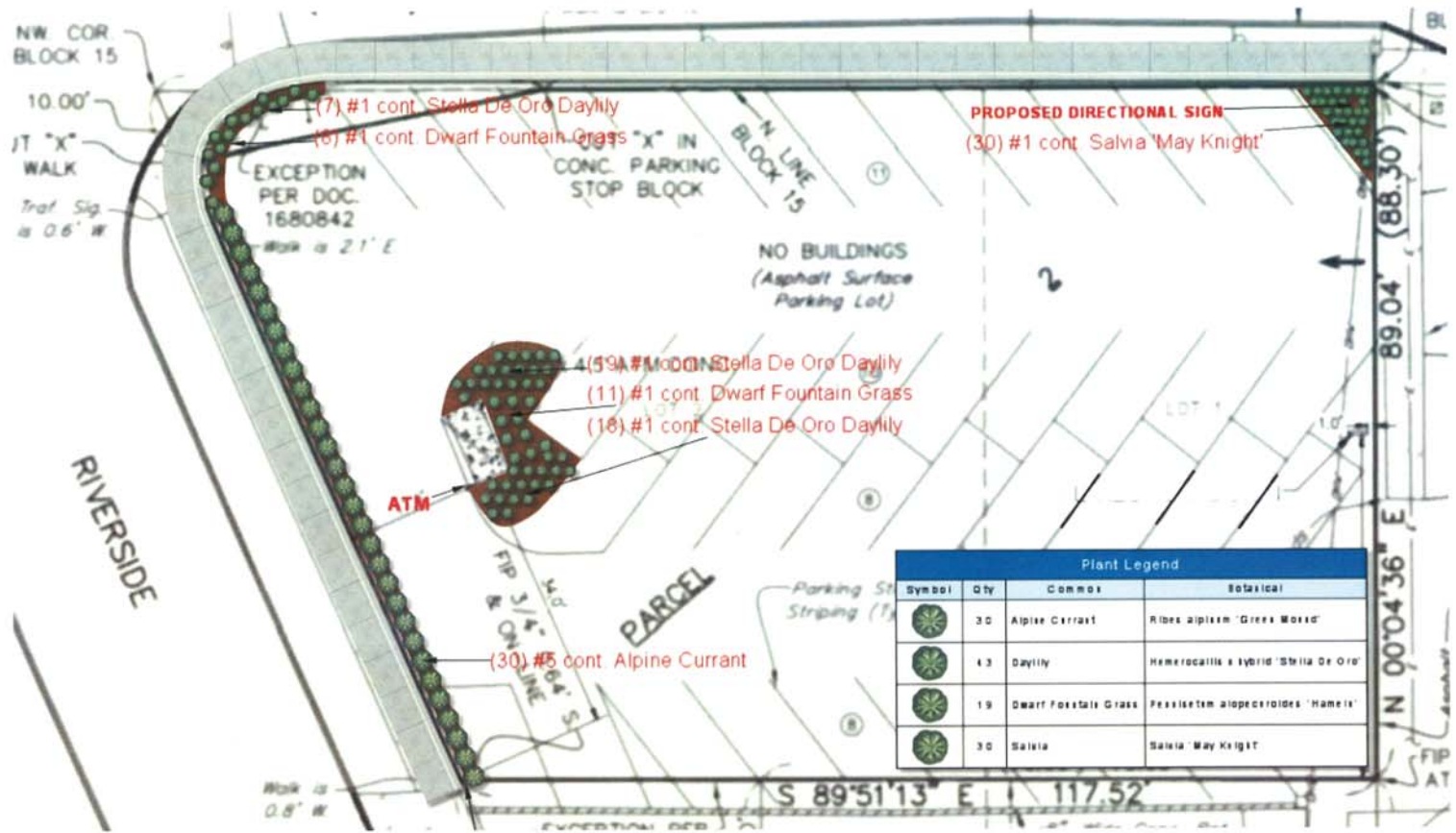
PARCEL

SOUTH

*Walk is  
0.8' W.*

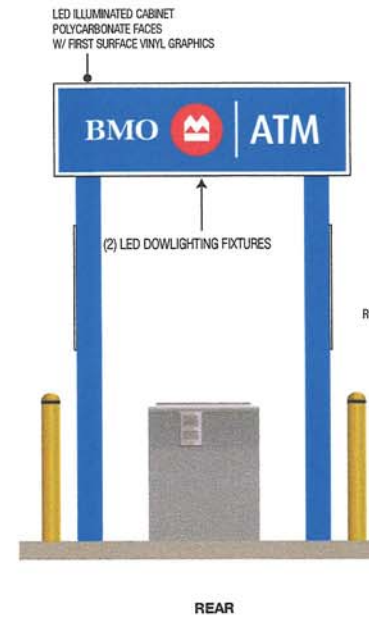
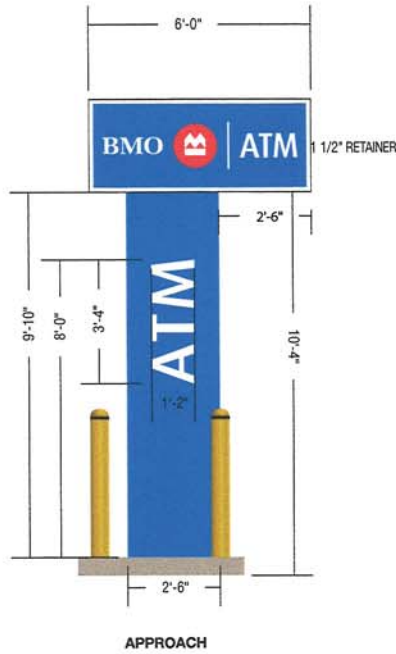
B-6-12  
Curb &  
Gutter (Typ.)

23'



Plant Legend			
Symbol	Qty	Common	Botanical
	30	Alpine Currant	Ribes alpinum "Green Mosaic"
	43	Daylily	Hemerocallis x hybrid "Stella De Oro"
	19	Dwarf Fountain Grass	Festuca alopecuroides "Honeyis"
	30	Salvia	Salvia "May Knight"

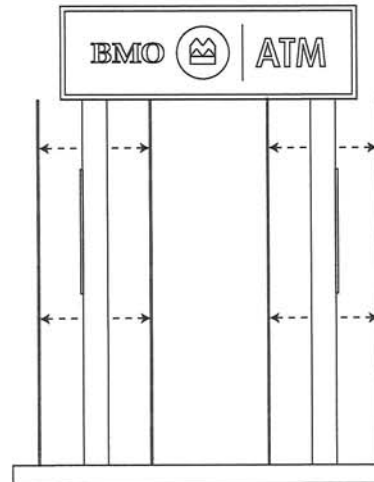
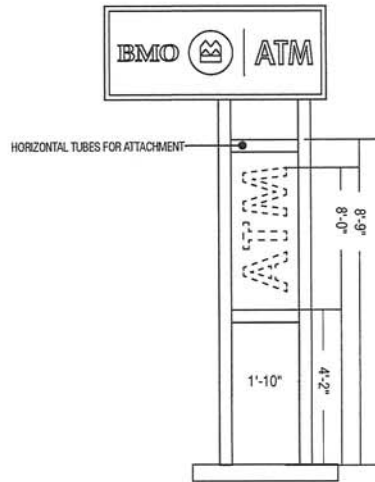
4 POST CANOPY



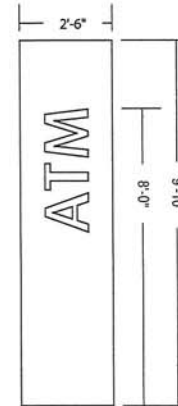
REVISION DATES:	
1. <u>3/13/20</u>	4. _____
2. <u>3/26/20</u>	5. _____
3. _____	6. _____

INTERNAL VIEW

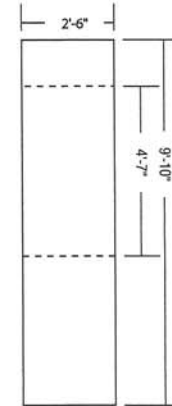
ALUMINUM CLADDING APPLIED TO INTERIOR AND EXTERIOR OF 4" SQUARE TUBES W/ COUNTERSUNK SCREWS



EXTERNAL ROUTED CLADDING



INTERNAL CLADDING W/ ACCESS PANEL FASTENED TO CROSS BEAMS



START DATE: 10/22/19 SCALE: 1/4" = 1'

DESIGNED BY: TW APPROVED BY: ET

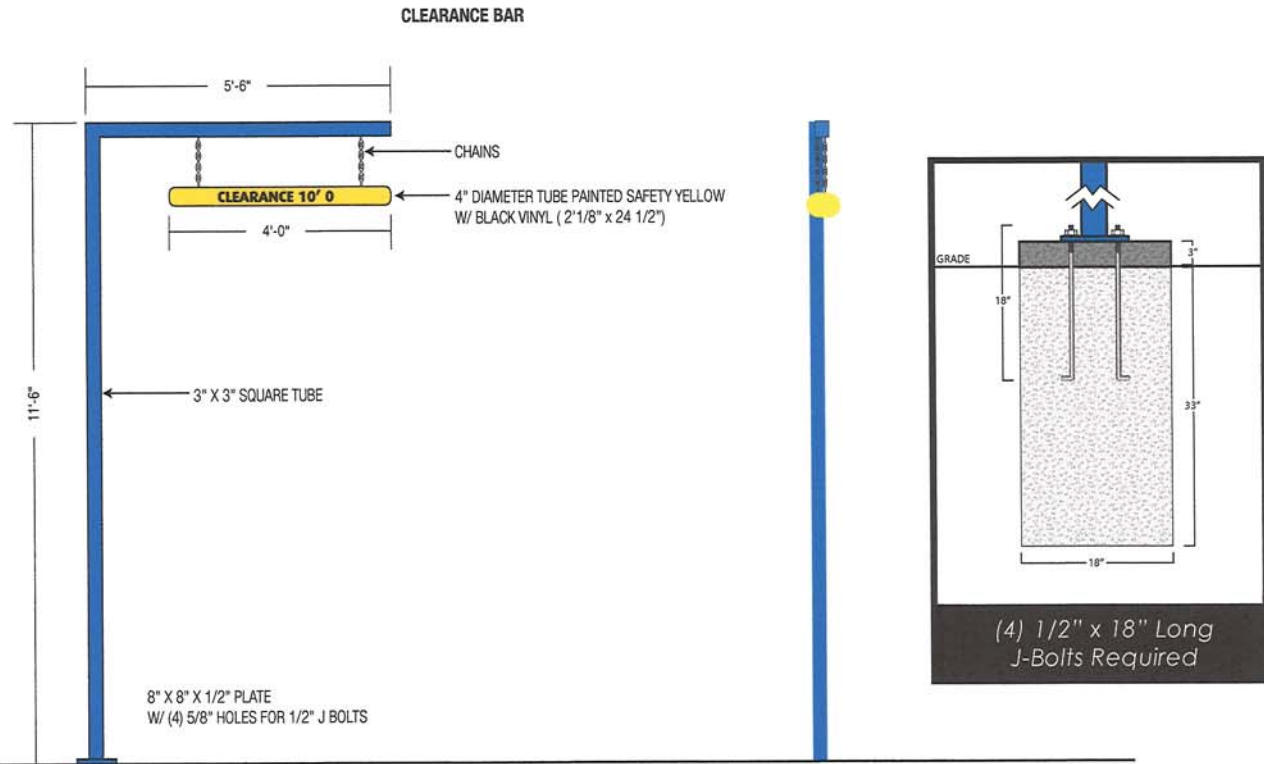
REVISION DATES:	
1 3/13/20	4 _____
2 3/26/20	5 _____
3 _____	6 _____

COMPANY NAME: BMO Harris Bank

ADDRESS: 1 East Main St., St. Charles, IL 60174,

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

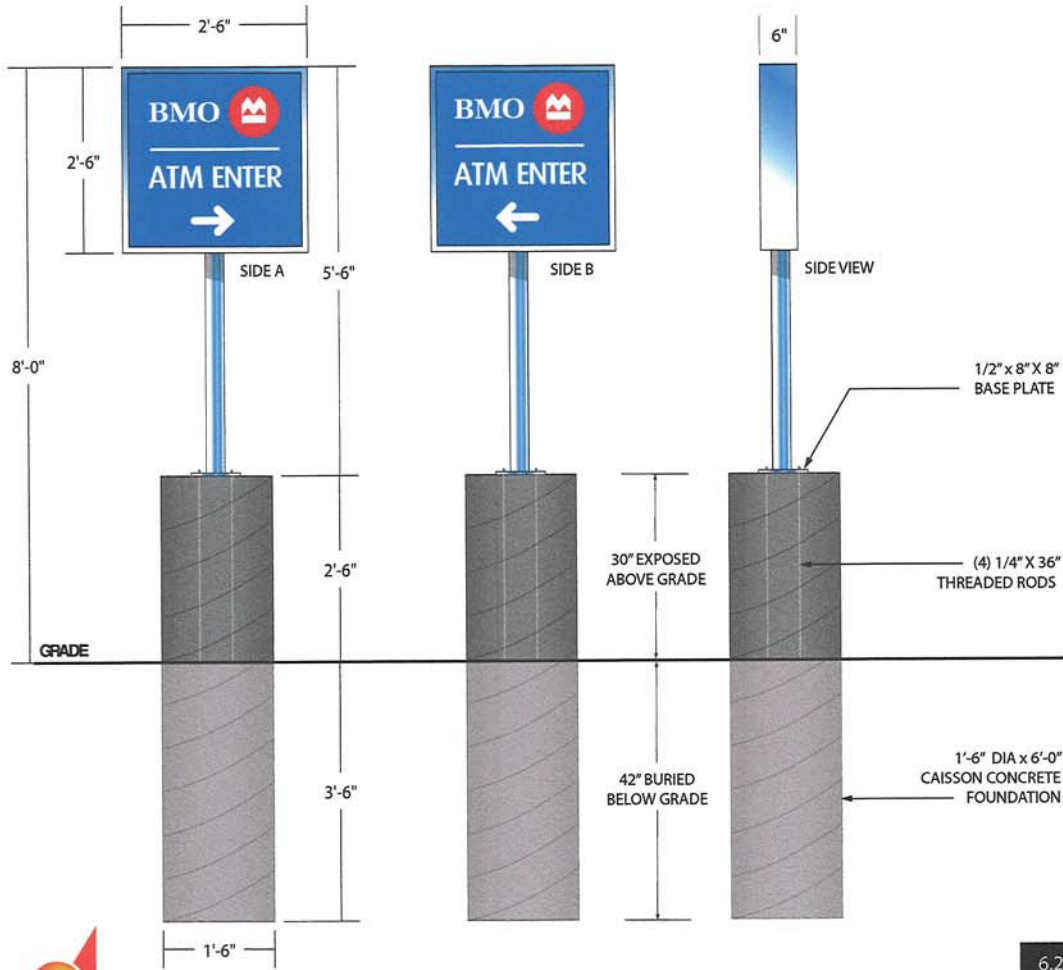




REVISION DATES:	
1 3/13/20	4 _____
2 3/26/20	5 _____
3 _____	6 _____



**BMO HARRIS BANK**



6.25 SQ. FT.

**LED ILLUMINATED ALUMINUM CONSTRUCTED DIRECTIONAL SIGN  
FIRST SURFACE VINYL GRAPHICS**



 **TRIUMPH**  
signs & consulting, inc.  
480 Milford Parkway • Milford, OH 45150  
phone 513-576-8090 • fax 513-576-8095  
visit us at www.triumphsigns.com

START DATE: 10/22/19 SCALE: 1/2"=1'

DESIGNED BY: TW APPROVED BY: ET

REVISION DATES:	
1 <u>3/13/20</u>	4 _____
2 <u>3/26/20</u>	5 _____
3 _____	6 _____

- WHITE
- PMS 300 c
- PMS 485 c

COMPANY NAME: BMO Harris Bank

ADDRESS: 1 East Main St., St. Charles, IL 60174,

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_

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