



PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY

| | | | |
|-----------------------------------|---|----------------------------|---|
| Project Title/Address: | General Amendment: RT-4 District/BT Overlay Two-Family Lot Size | | |
| City Staff: | Ellen Johnson, Planner | | |
| PUBLIC HEARING 11/1/16 | X | MEETING 11/1/16 | X |

APPLICATION: General Amendment

ATTACHMENTS AND SUPPORTING DOCUMENTS:

| | |
|--------------|-----------------------------------|
| Staff Report | Application for General Amendment |
|--------------|-----------------------------------|

SUMMARY:

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 used as a first-floor office with an upper level dwelling.

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.

SUGGESTED ACTION:

Conduct the public hearing and close if all testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation. The applicant has provided findings of fact as part of the General Amendment application.

INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:

- See **Sec. 17.04.320** regarding General (Text) Amendments. A General Amendment (or Text Amendment) is an application requesting a change to the Zoning Ordinance, Title 17 of the City Code. A change may be requested to a numerical standard (such as a setback requirement) or to any other text of the Zoning Ordinance. Often, a General Amendment is proposed to change the standards that apply to a specific zoning district or a specific land use or business category. Changes to the text apply to all properties in the City that are located in the same zoning district or fall within the same category of land use or business. A General Amendment application may also involve changes to procedures or application requirements that are listed in the Zoning Ordinance.
- Public hearing is required. No mailed notice to surrounding property owners.
- Findings: 6 items of information for Plan Commission to consider in making a recommendation; all items need not be in the affirmative to recommend approval.

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Wallace
And Members of the Plan Commission

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: October 28, 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 Traditional 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

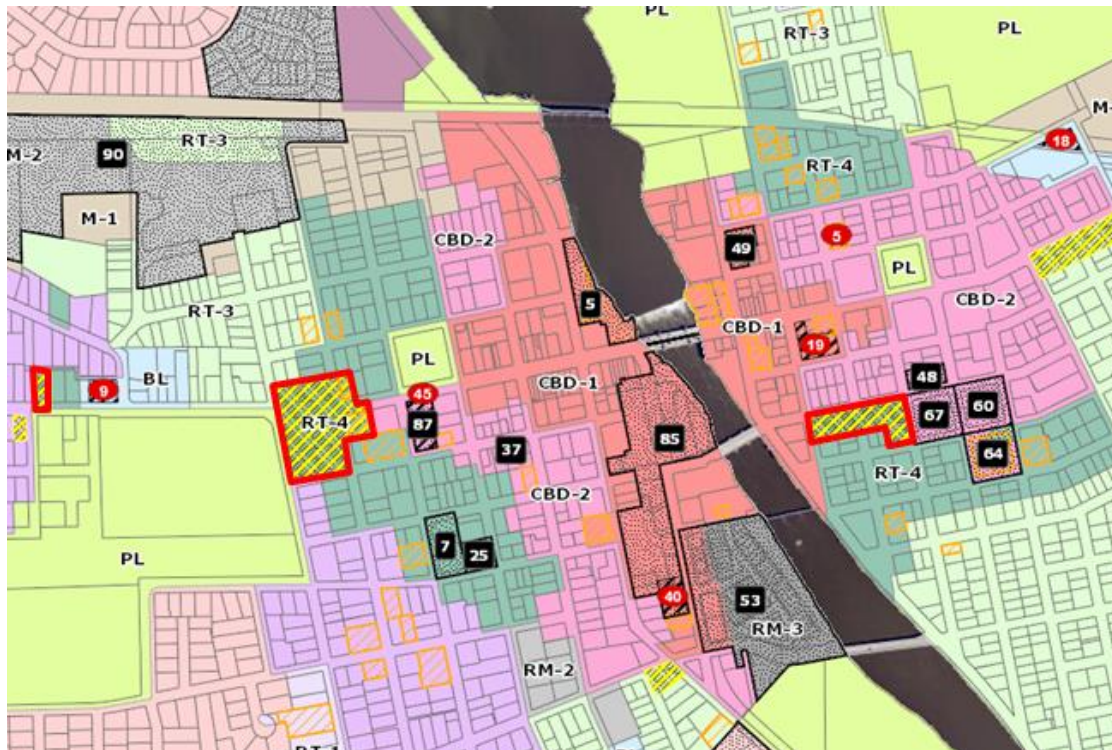
on a 5,000 sf lot. This change would apply to all properties that are zoned RT-4 and are within the BT overlay.

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. 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. SUGGESTED ACTION

Conduct the public hearing on the General Amendment and close if all testimony has been taken.

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission determine that they have enough information to make a recommendation. The applicant has provided findings of fact in support of their proposal as part of the General Amendment application.

VI. ATTACHMENTS

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

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

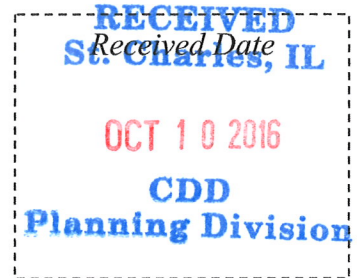


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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"

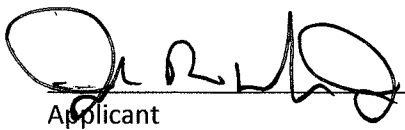
Section 17.12.030 "Bulk Regulation"

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