

**AGENDA**  
**CITY OF ST. CHARLES**  
**PLANNING & DEVELOPMENT COMMITTEE**  
**ALD. TODD BANCROFT – CHAIRMAN**  
**MONDAY, APRIL 11, 2016 - 7:00 PM**  
**CITY COUNCIL CHAMBERS**  
**2 E. MAIN STREET**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. COMMUNITY & ECONOMIC DEVELOPMENT**
  - a. Presentation of a Concept Plan for 1224 E. Main St.
  - b. Presentation of a Concept Plan for Cityview, 895 Geneva Rd.
  - c. Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to establishing an Alcohol or Tobacco Sales Establishment use category.
  - d. Discussion regarding Downtown Incentive Program.
- 4. ADDITIONAL BUSINESS**
- 5. EXECUTIVE SESSION**
  - Personnel – 5 ILCS 120/2(c)(1)
  - Pending Litigation – 5 ILCS 120/2(c)(11)
  - Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
  - Property Acquisition – 5 ILCS 120/2(c)(5)
  - Collective Bargaining – 5 ILCS 120/2(c)(2)
  - Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)
- 6. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS.**
- 7. ADJOURNMENT**



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Presentation of a Concept Plan for 1224 E. Main St.
Presenter:	Ellen Johnson

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (4/11/16)		City Council

Estimated Cost:		Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

The subject property, 1224 E. Main St., is a half-acre parcel that contains a two-family house.

Zoning of the property is currently split; the south half containing the house is zoned BL Local Business and the vacant northern half is zoned RT-1 Traditional Single-Family Residential. The existing two-family house is a non-conforming use; the BL district permits single-family and upper-level dwelling units, but not two-family dwellings.

Eric Larson, property owner, is seeking feedback regarding rezoning of the property and potential for constructing additional residential units. Two Concept Plan options are proposed:

Option 1 (applicant's preferred option):

- Rezone the property to RT-4 Traditional Single and Two-Family Residential.
- Subdivide the property into three lots.
- Construct two, two-unit buildings on the north end of the property and keep the two-unit house.

Option 2:

- Rezone the property to RM-2 Medium Density Multi-Family Residential.
- Subdivide the property into two lots.
- Construct one, three-unit townhome on the north end of the property and keep the two-unit house.

The Land Use Plan designation for the property is Neighborhood Commercial.

**Plan Commission Review:**

The Plan Commission reviewed the Concept Plan on 3/22/16. Commissioners' comments were as follows:

- Keep the southern portion of the site (which contains the non-conforming two-family house) zoned BL Local Business to allow for future commercial uses along E. Main St.
- Support for rezoning the north end of the site to allow for the proposed residential uses.
- Some Commissioners preferred Option 1 (two, two-unit buildings), while others preferred Option 2 (one, three-unit building).
- If Option 2 is pursued, consider flipping the building so the fronts of the units face west.

**Attachments:** *(please list)*

Staff Report, Application for Concept Plan, Site Photos

**Recommendation / Suggested Action** *(briefly explain):*

Provide feedback on the Concept Plan. The staff memo lists a number of questions the Committee may consider when providing feedback.

*For office use only:*

*Agenda Item Number: 3a*

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Todd Bancroft  
 And Members of the Planning and Development Committee

**FROM:** Ellen Johnson, Planner

**CC:** Russell Colby, Planning Division Manager

**RE:** 1224 E. Main St. Concept Plan

**DATE:** April 5, 2016

**I. APPLICATION INFORMATION:**

**Project Name:** 1224 E. Main St. – Concept Plan

**Applicant:** Eric Larson

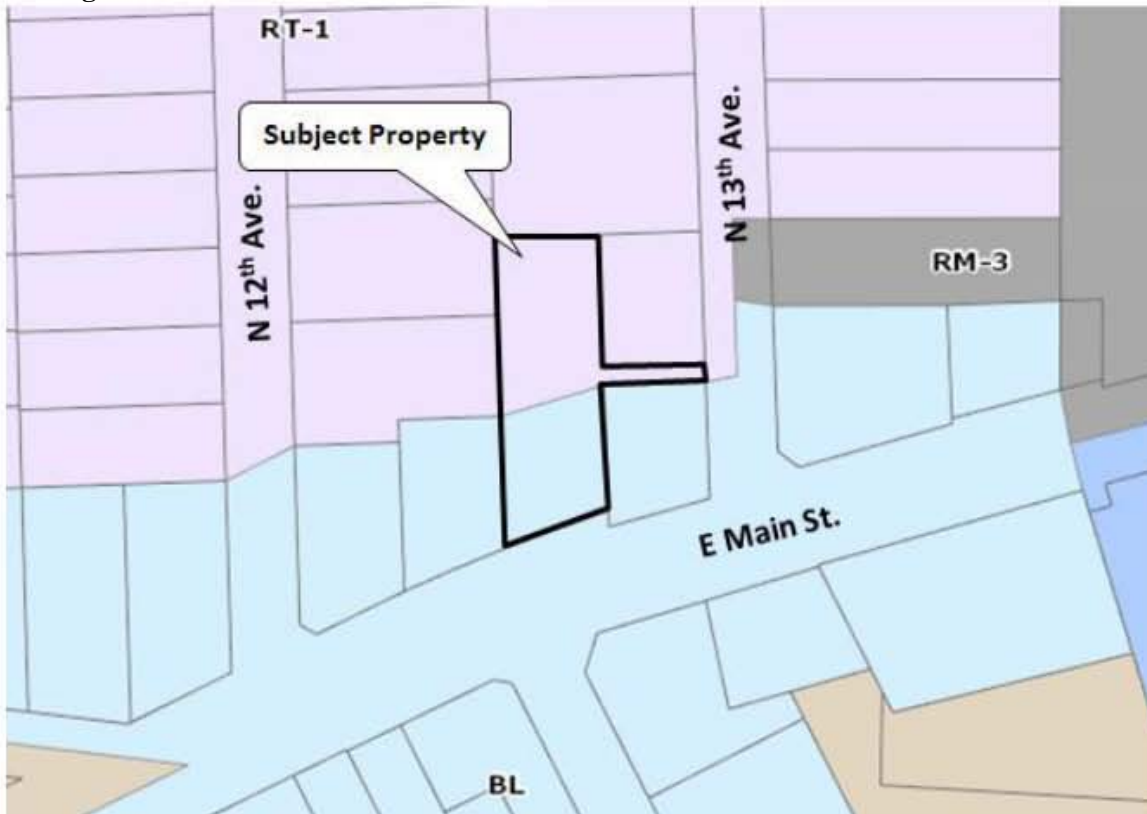
**Purpose:** Obtain feedback regarding zoning changes and potential residential development options

General Information:		
<b>Site Information</b>		
Location	1224 E. Main St.	
Acres	0.54 acre (23,522 sf)	
Applications:	Concept Plan	
Applicable City Code Sections	Title 17, Chapter 17.12 - Residential Districts	
<b>Existing Conditions</b>		
Land Use	Two-family residential	
Zoning	BL Local Business (south half) RT-1 Traditional Single-Family Residential (north half)	
<b>Zoning Summary</b>		
North	RT-1 Traditional Single-Family Residential	Single-family homes
East	RT-1 Traditional Single-Family Residential; BL Local Business	Three-unit residential (nonconforming); commercial properties fronting E. Main St.
South	BL Local Business	Commercial properties fronting E. Main St.
West	BL Local Business	Commercial properties fronting E. Main St.
<b>Comprehensive Plan Designation</b>		
Neighborhood Commercial		

**Aerial Photo**



**Zoning**





## II. OVERVIEW

### A. PROPERTY HISTORY

The subject property is a half-acre parcel that contains a two-family house. The house was constructed as a single-family unit in 1930. The site has two access points; a driveway off E. Main St. and an access drive off N. 13<sup>th</sup> Ave.

Zoning of the property is currently split; the southern half containing the house is zoned BL Local Business and the vacant northern half is zoned RT-1 Traditional Single-Family Residential. The two-family house is non-conforming, since the BL district does not permit two-family dwellings.

The property was first zoned in 1960. At that time, the zoning designation was B2 Community Business for the southern half and R2 Single-Family Residence for the northern half, which are similar to the current zoning districts.

### B. PROPOSAL

Eric Larson, property owner, is interested in rezoning the property to a zoning district that would allow the existing two-family structure to be a permitted use. He is also interested in constructing additional residential units on the property, north of the existing house. The applicant is seeking feedback on two Concept Plans for development of the property:

#### **Option 1 (applicant's preferred option):**

- Rezone the property to RT-4 Traditional Single and Two-Family Residential.
- Subdivide the property into three lots.
- Keep the existing two-unit house.
- Construct two, two-unit buildings north of the existing house.
- Each new unit has a one-stall, front loaded garage.
- Access to the new buildings is from the existing private drive off N. 13<sup>th</sup> Ave.
- PUD approval would be required to accommodate this development.

#### **Option 2:**

- Rezone the property to RM-2 Medium Density Multi-Family Residential.
- Subdivide the property into two lots.
- Keep the existing two-unit house.
- Construct one, three-unit townhome north of the existing house.
- Each new unit has a one-stall, front loaded garage
- Access to the new building is from the existing private drive off N. 13<sup>th</sup> Ave.
- This development would not require PUD approval.

### C. REVIEW PROCESS

The purpose of the Concept Plan review is to enable the applicant to obtain informal input on a concept prior to spending considerable time and expense in the preparation of detailed plans and architectural drawings. The Concept Plan process also serves as a forum for citizens and owners of neighboring property to ask questions and express their concerns and views regarding the potential development. Following the conclusion of the Concept Plan review, the developer can decide whether to formally pursue the project.

### III. **PLAN COMMISSION REVIEW**

The Plan Commission reviewed the Concept Plan on 3/22/16. Commissioners' comments are summarized as follows:

- Keep the southern portion of the site (which contains the non-conforming two-family house) zoned BL Local Business to allow for future commercial uses along E. Main St.
- Support for rezoning the north end of the site to allow for the proposed higher-density residential uses.
- Some Commissioners preferred Option 1, while others preferred Option 2.
- If Option 2 is pursued, consider flipping the building so the fronts of the units face west.
- The new building(s) will have a positive impact on the surrounding neighborhood.

### IV. **ANALYSIS**

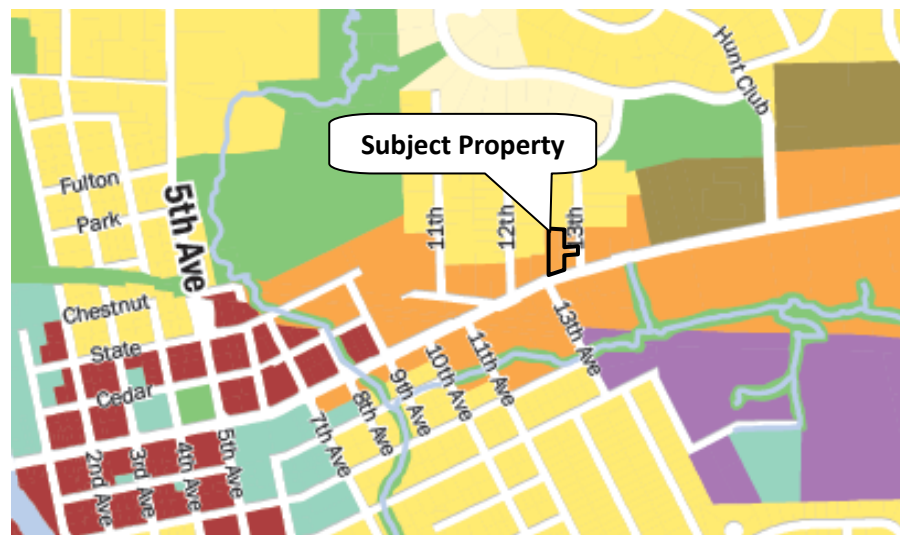
#### A. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as "Neighborhoods Commercial". The Plan states:

*"Areas designated as neighborhood commercial are intended for smaller-scale retail and service commercial areas geared toward providing for the daily shopping, service, and convenience needs of surrounding neighborhoods. Uses in the neighborhoods commercial areas should be of a scale and intensity to be considered generally compatible with adjacent and nearby residential uses (p. 46)*

The Land Use Plan does not provide specific policies or recommendations regarding non-conforming residential uses in commercial areas. The residential area north of the subject property is identified as Single Family Detached Residential.

#### **Land Use Plan**



**B. ZONING REVIEW**

The zoning of the property is currently split, and does not match its existing use. The southern half containing the two-family house is zoned BL Local Business. The vacant northern half is zoned RT-1 Traditional Single-Family Residential.

Due to the zoning, the existing two-family house is a non-conforming use; the BL district permits single-family and upper-level dwelling units, but not two-family dwellings. The existing structure would be considered conforming if it were occupied by a first-floor commercial use with a dwelling unit on the upper level.

The existing zoning would permit subdivision to create a single-family lot in the RT-1 portion of the site.

The purpose of the BL District, as stated in the Zoning Ordinance, is as follows:

*“To provide locations for small-scale service and retail uses that primarily serve the convenience needs of St. Charles neighborhoods. The BL District permits a mix of uses, but care must be taken to ensure that adequate access, parking and screening is provided so as not to negatively impact adjoining residential neighborhoods.”*

The purpose of the RT-1 District is as follows:

*“To preserve moderate density single-family residential development in older neighborhoods of the City, and to accommodate new neighborhoods with a similar character. The minimum lot size is 8,400 sf.”*

Rezoning is proposed for both Option 1 and Option 2.

**Option 1 (applicant’s preferred option):**

Rezoning the entire property to the RT-4 Traditional Single and Two-Family Residential district is proposed. This would permit the proposed two, two-family buildings, and would bring the existing two-family building into compliance. The purpose of the RT-4 District is 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 is 5,000 sf. This district is primarily located in older residential neighborhoods near the downtown area.”*

The table below compares the RT-4 District requirements with **Option 1**. Deviations from the RT-4 District that would be required to accommodate the development as proposed are denoted in ***bold italics***.

	<b>RT-4 (proposed zoning)</b>	<b>Concept Plan Option 1</b>
<b>Min. Lot Area</b>	3,750 sf per unit (for two-family)	Lot 1: 4,146 sf per unit Lot 2: <b><i>3,093 sf per unit*</i></b> Lot 3: 3,773 sf per unit
<b>Min. Lot Width</b>	50 ft.	Lot 1: 92.43 ft. Lot 2: 70.5 ft.

		Lot 3: 87.74 ft.**
<b>Max. Building Coverage</b>	25% for structures over 1½ stories	Lot 1: 14.3% Lot 2: <b>31%</b> Lot 3: <b>25.4%</b>
<b>Max. Building Height</b>	32 ft. or 2 stories, whichever is less	Lot 1: Appears to comply Lot 2: TBD Lot 3: TBD
<b>Min. Front Yard</b>	20 ft.	Lot 1: 31.5 ft. Lot 2: 26 ft. Lot 3: 24 ft.
<b>Min. Side Yard</b>	For structures over 1½ stories, 6 ft. or 10% of lot width, whichever is greater	Lot 1: 22.3 ft. Lot 2: <b>5 ft.</b> Lot 3: 13.9 ft.
<b>Min. Rear Yard</b>	30 ft.	Lot 1: <b>11 ft.</b> Lot 2: 30 ft. Lot 3: 30 ft.
<b>Off-Street Parking</b>	2 per unit	Lot 1: appears to be room for 2 per unit Lot 2: <b>1 per unit</b> Lot 3: <b>1 per unit</b> <i>There may be room for additional on-site parking for Lots 2 and 3</i>

\*Lot 2 is considered a “Flag Lot”. Per Section 17.22.010.G, only the buildable portion of the lot may be used in calculating lot area; the access drive “flag” may not be used. Lot area indicated on the plans for Lot 2 is 7,500 sf, which includes the access drive. Lot area without the access drive is 6,186 sf.

\*\* Lot 3 does not have street frontage. This type of lot is not permitted under the Zoning Ordinance. A PUD deviation would be necessary to allow a lot with no street frontage.

PUD approval would be required to permit the development as proposed, in order to grant deviations from lot area, building coverage, side yard setback, rear yard setback, and off-street parking for certain lots, as well as to permit a lot with no street frontage.

**Option 2:**

Rezoning the entire property to the RM-2 Medium Density Multi-Family Residential district is proposed. Two-family, townhomes, and multi-family uses are permitted in the RM-2 District, so the proposed three-unit townhouse and the existing two-family structure would be permitted uses. The purpose of the RM-2 District is as follows:

*“To accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately ten units per acre.”*

The table below compares the RM-2 District requirements with **Option 2**. Deviations from the RM-2 District that would be required to accommodate the development as proposed are denoted in ***bold italics***.

	<b>RM-2 (proposed zoning)</b>	<b>Concept Plan Option 2</b>
<b>Min. Lot Area</b>	4,300 sf per unit (for two-family and townhouse)	Lot 1: 4,760 sf per unit Lot 2: <b>4,182 sf per unit*</b> <i>(deviation could be eliminated)</i>
<b>Min. Lot Width</b>	24 ft. per unit	Lot 1: 46 ft. per unit Lot 2: 48 ft. per unit
<b>Max. Building Coverage</b>	35%	Lot 1: 12.4% Lot 2: 22.9%
<b>Max. Building Height</b>	35 ft. or 3 stories, whichever is less	Lot 1: Appears to comply Lot 2: TBD
<b>Min. Front Yard</b>	30 ft.; 20 ft. when adjoining a local street	Lot 1: 31.5 ft. (30 ft. required) Lot 2: 26 ft. (20 ft. required)
<b>Min. Side Yard</b>	10 ft.	Lot 1: 22.3 ft. Lot 2: 10 ft.
<b>Min. Rear Yard</b>	25 ft.	Lot 1: 30 ft. Lot 2: 30 ft.
<b>Off-Street Parking</b>	2 per unit	Lot 1: appears to be room for 2 per unit Lot 2: 1 garage space per unit; appears to be room for additional on-site parking

\*Lot 2 is considered a “Flag Lot”. Per Section 17.22.010.G, only the buildable portion of the lot may be used in calculating lot area; the access drive “flag” may not be used. Lot area indicated on the plans for Lot 2 is 13,860 sf, which includes the access drive. Lot area without the access drive is 12,547 sf.

The only deviation that would be required to accommodate Option 2 as proposed would be the minimum per unit lot area for Lot 2. Lot 2 could be made larger to comply with this requirement by reducing the rear yard of Lot 1 to 25 ft. That would allow for 4,328 sf per unit for Lot 2, which would meet the lot area requirement.

**C. BUILDING DESIGN**

Architectural elevations were not submitted as part of the Concept Plan. If Option 1 moves forward (RT-4 zoning), the new buildings would be subject to the Design Review requirements of Section 17.06.060 Standards and Guidelines – RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts. If Option 2 moves forward (RM-2 zoning), the new building would be subject to Section 17.060.050 Standards and Guidelines- RM-1, RM-2, and RM-3 Districts.

**D. ENGINEERING REVIEW**

Development review staff provided the following conceptual-level engineering comments:

- An additional electric transformer may be required.
- If Option 1 is constructed, sanitary sewer will need to be extended to the west end of the private drive, with services extended from there. If Option 2 is constructed, services can be provided from N. 13<sup>th</sup> Ave.

- Public water main may need to be extended down the private drive.
- Utility easements may be required from the neighboring property owners on one or both sides of the access drive, depending on what utilities are placed in the drive.
- A stormwater application will need to be filed, however no stormwater report will be required due to the size of the site. Stormwater best management practices are encouraged.
- The Fire Code allows the single drive off N. 13<sup>th</sup> Ave. to provide access to the two, two-unit buildings (Option 1), however the existing driveway off E. Main St. will need to remain for the existing structure. If Option 2 is constructed, the private access drive could be used for the new building and the existing building, and the driveway off E. Main St. could be eliminated.

#### E. INCLUSIONARY HOUSING

City Council reinstated the Inclusionary Housing Ordinance in an amended form earlier this month. The Inclusionary Housing worksheet has been submitted, indicating the applicant's intent to pay the fee in-lieu of providing affordable units.

#### F. SCHOOL AND PARK FEE-IN-LIEU CONTRIBUTIONS

School and Park Land-Cash worksheets have been submitted. A copy of the Concept Plan has been forwarded to the school and park districts for any comments.

### IV. **APPROVAL PROCESS**

The applicant would need to gain approval of the following in order to permit the two proposed development options:

#### **Option 1:**

1. Map Amendment: To rezone the property from BL and RT-1 to RT-4.
2. Special Use for PUD: To establish a PUD ordinance with unique zoning standards to accommodate the proposal.
3. PUD Preliminary Plan: To approve the physical development of the property, including site plan, elevations, and engineering plans.
4. Preliminary & Final Plat of Subdivision: To approve division of the property and the plat that will be recorded with the County.

#### **Option 2:**

1. Map Amendment: To rezone the property from BL and RT-1 to RM-2.
2. Preliminary & Final Plat of Subdivision: To approve division of the property and the plat that will be recorded with the County.

### V. **RECOMMENDATION**

Review the Concept Plan and provide comments to the applicant. Staff recommends the Committee provide feedback on the following:

- ✓ The change in zoning from BL Local Business and RT-1 Traditional Single-Family Residential to RT-4 Traditional Single and Two-Family Residential or RM-2 Medium Density Multi-Family Residential.



- ✓ If rezoning of the entire site is not supported, would rezoning only the northern portion be supported?
- ✓ Adding residential units to this area and the number of units proposed for each option.
- ✓ The two site layouts.
- ✓ Whether deviation from the Land Use Plan designation for this property (from Neighborhood Commercial to single-family attached or multi-family) necessitates an amendment to the Land Use Plan.
- ✓ If Option #1 is chosen a PUD would be required. Would the proposal meet the purposes of the PUD process?
  1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
  2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
  3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
  4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
  5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
  6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
  7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

## VI. ATTACHMENTS

- Concept Plan Application; received 2/24/16
- Photos

**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

**CONCEPT PLAN APPLICATION**

<b>CITYVIEW</b>	
Project Name:	<u>1224 E. Main St.</u>
Project Number:	<u>2016 -PR- 002</u>
Application Number:	<u>2016 -AP- 005</u>



*To request review of a Concept Plan for a property, complete this application and submit it with all required attachments to the Planning Division.*

*When the application is complete and has been reviewed by City staff, we will schedule a Plan Commission review, as well as a review by the Planning and Development Committee of the City Council. While these are not formal public hearings, property owners within 250 ft. of the property are invited to attend and offer comments.*

*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:	<u>1224 E. Main St.</u>	
	Parcel Number (s):	<u>09-27-430-024</u>	
	Proposed Project Name:		
<b>2. Applicant Information:</b>	Name	<u>ERIC M. LARSON</u>	Phone <u>630-669-5101</u>
	Address	<u>605 W. Main St. Charles, IL 60174</u>	Fax <u>630-587-2811</u>
			Email <u>plan4u2retire@gmail.com</u>
<b>3. Record Owner Information:</b>	Name	<u>Eric &amp; Joyce Larson</u>	Phone <u>-</u>
	Address	<u>same</u>	Fax <u>-</u>
			Email <u>-</u>

**Please check the type of application:**

- PUD Concept Plan:** Proposed Name: \_\_\_\_\_
- Subdivision Concept Plan** Proposed Name: \_\_\_\_\_
- Other Concept Plan** \_\_\_\_\_ re-zone

**Zoning and Use Information:**

Current zoning of the property: BL & RT1

Is the property a designated Landmark or in a Historic District? no

Current use of the property: 2-family conversion

Proposed zoning of the property: RT-4 PUD? yes

Proposed use of the property: 2 x 2-unit TH plus existing 2-family conversion

Comprehensive Plan Designation: commercial?

**Attachment Checklist**

**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. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) a current title policy report; or
- b) a deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that*

*you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

- ❑ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper
- ❑ **PLAT OF SURVEY:**  
A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.
- ❑ **AERIAL PHOTOGRAPH:**  
Aerial photograph of the site and surrounding property at a scale of not less than 1"=400', preferably at the same scale as the concept plan.
- ❑ **PLANS:**  
All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies for non-residential projects OR Twelve (12) full size copies for residential projects; Three (3) 11" by 17"; and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

**Concept Plans shall show:**

1. Existing Features:
  - Name of project, north arrow, scale, date
  - Boundaries of property with approximate dimensions and acreage
  - Existing streets on and adjacent to the tract
  - Natural features including topography, high and low points, wooded areas, wetlands, other vegetative cover, streams, and drainage ways.
  - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development.
2. Proposed Features:
  - Name of project, north arrow, scale, date
  - Boundaries of property with approximate dimensions and acreage
  - Site plan showing proposed buildings, pedestrian and vehicular circulation, proposed overall land use pattern, open space, parking, and other major features.
  - Architectural elevations showing building design, color and materials (if available)
  - General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development

**□ SUMMARY OF DEVELOPMENT:**

Written information including:

- List of the proposed types and quantities of land use, number and types of residential units, building coverage, floor area for nonresidential uses and height of proposed buildings, in feet and number of stories.
- Statement of the planning objectives to be achieved and public purposes to be served by the development, including the rationale behind the assumptions and choices of the applicant
- List of anticipated exceptions or departures from zoning and subdivision requirements, if any

**□ PARK AND SCHOOL LAND/CASH WORKSHEETS**


For residential developments, Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.

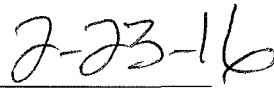
- INCLUSIONARY HOUSING SUMMARY:** For residential developments, submit information describing how the development will comply with the requirements of Chapter 17.18, Inclusionary Housing.

**□ LIST OF PROPERTY OWNERS WITHIN 250 FT.**

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

**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

\_\_\_\_\_  
Applicant or Authorized Agent

\_\_\_\_\_  
Date

**To:** City of St. Charles

**From:** Eric M. Larson

**Subject:** 1224 E. Main St.

**Date:** 3 March 2016

I am requesting feedback from the city on the possible development of land located in the rear of 1224 E. Main St. My wife and I acquired the property in Jan 2013. The existing home has been cleaned up and returned to service as a 2-unit conversion. The zoning of the property is BL in the front and residential in the rear. We are unaware of when or why the property gained a split zoning including current commercial zoning.

Our first desire is to rezone the property to enable traditional financing and reasonable redevelopment of this uniquely zoned property.

Our second desire is to obtain feedback on possible concept plans.

Our preference would be a rezone to RT-4 with a possible PUD to adjust rear and front setbacks to allow for the comfortable placement of 2 additional (2-unit) townhomes.

We look forward to the feedback from both the Plan Commission and Planning and Development Committee.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric M. Larson". The signature is fluid and cursive, with the first name "Eric" being particularly prominent.

Eric M. Larson



# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development  
Date Submitted:  
Prepared by:

1224 E. Main  
3-3-16  
E. LARSON



ST. CHARLES  
SINCE 1834

## Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)	Middle (Grades 6 to 8)	High (Grades 9 to 12)
<b>Detached Single Family</b>				
➤ 3 Bedroom		DU x .369 =	DU x .173 =	DU x .184 =
➤ 4 Bedroom		DU x .530 =	DU x .298 =	DU x .360 =
➤ 5 Bedroom		DU x .345 =	DU x .248 =	DU x .300 =
<b>Attached Single Family</b>				
➤ 1 Bedroom		DU x .000 =	DU x .000 =	DU x .000 =
➤ 2 Bedroom	4	DU x .088 = .352	DU x .048 = .192	DU x .038 = .152
➤ 3 Bedroom		DU x .234 =	DU x .058 =	DU x .059 =
➤ 4 Bedroom		DU x .322 =	DU x .154 =	DU x .173 =
<b>Apartments</b>				
➤ Efficiency		DU x .000 =	DU x .000 =	DU x .000 =
➤ 1 Bedroom		DU x .002 =	DU x .001 =	DU x .001 =
➤ 2 Bedroom		DU x .086 =	DU x .042 =	DU x .046 =
➤ 3 Bedroom		DU x .234 =	DU x .123 =	DU x .118 =
<b>Totals</b>	<u>4</u> TDU	<u>.352</u> TE	<u>.192</u> TM	<u>.152</u> TH

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	.352	x .025	= .0088
Middle (TM)	.192	x .0389	= .0074688
High (TH)	.152	x .072	= .010944
<b>Total Site Acres</b>			<u>.0272128</u>

## Cash in lieu of requirements -

.0272128 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ 6544.68

# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development	<u>1224 E. Main</u>
Date Submitted:	<u>3-3-16</u>
Prepared by:	<u>E. Larson</u>



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom		DU x 2.899	=
➤ 4 Bedroom		DU x 3.764	=
➤ 5 Bedroom		DU x 3.770	=
<b>Attached Single Family</b>			
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom	4	DU x 1.990	= 7.96
➤ 3 Bedroom		DU x 2.392	=
➤ 4 Bedroom		DU x 3.145	=
<b>Apartments</b>			
➤ Efficiency		DU x 1.294	=
➤ 1 Bedroom		DU x 1.758	=
➤ 2 Bedroom		DU x 1.914	=
➤ 3 Bedroom		DU x 3.053	=

Totals 4 Total Dwelling Units      7.96 Estimated Total Population

**Park Site Requirements**

Estimated Total Population 7.96 x .010 Acres per capita = .0796 Acres

**Cash in lieu of requirements -**

Total Site Acres .0796 x \$240,500 (Fair Market Value per Improved Land) = \$ 19,143.80

# INCLUSIONARY HOUSING ORDINANCE WORKSHEET

Name of Development 1224 E. Main  
 Date Submitted: 3-3-16  
 Prepared by: E. LARSON



St. Charles Municipal Code Title 19 "Inclusionary Housing" requires developers of new residential developments to provide a proportionate share of affordable housing units within the residential development, or pay a fee in-lieu of providing affordable housing units. Developers may also provide a mix of affordable housing units and fee in-lieu.

Use this worksheet to calculate the number of required affordable housing units to be incorporated within the residential development, or the required fee in-lieu payment. Payment is due upon issuance of building permit.

## Affordable Unit Requirement Calculation

Unit Count Range	# of Units Proposed in Development		% of Affordable Units Required		# of Affordable Units Required
1 to 15 Units	4	X	5%	=	.2
More than 15 Units		X	10%	=	

## Fee In-Lieu Payment Calculation

# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit		Total Fee-In-Lieu Amount
.2	.2	X	\$72,819.50	=	14,563.90

# PLAT OF SURVEY

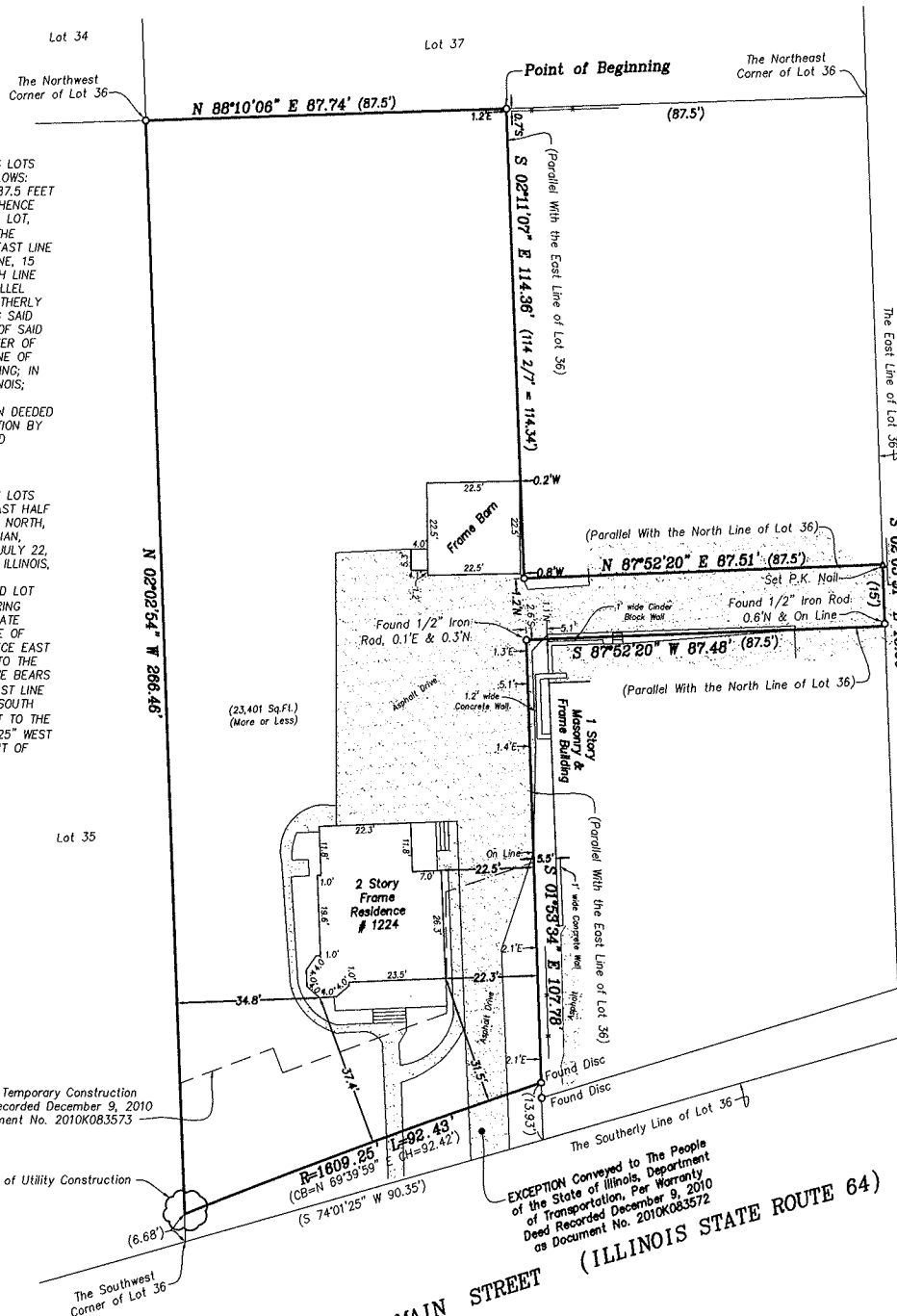
**LEGAL DESCRIPTION:**

THAT PART OF LOT 36 OF WING'S VILLA ACRES LOTS ADDITION TO ST. CHARLES, DESCRIBED AS FOLLOWS: BEGINNING ON THE NORTH LINE OF SAID LOT, 87.5 FEET WEST OF THE NORTHEAST CORNER THEREOF; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT, 114 2/7 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF SAID LOT, 87.5 FEET TO THE EAST LINE THEREOF; THENCE SOUTH ALONG SAID EAST LINE, 15 FEET; THENCE WEST PARALLEL WITH THE NORTH LINE OF SAID LOT, 87.5 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID LOT TO THE SOUTHERLY LINE THEREOF; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE TO THE SOUTHWEST CORNER OF SAID LOT; THENCE NORTH TO THE NORTHWEST CORNER OF SAID LOT; THENCE EAST ALONG THE NORTH LINE OF SAID LOT, 87.5 FEET TO THE POINT OF BEGINNING; IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS;

EXCEPTING THEREFROM THE FOLLOWING PORTION DEEDED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION BY WARRANTY DEED DATED OCTOBER 14, 2010 AND RECORDED WITH KANE COUNTY RECORDER AS DOCUMENT 2010K083572;

THAT PART OF LOT 36 OF WING'S VILLA ACRES LOTS ADDITION TO ST. CHARLES, LOCATED IN THE EAST HALF OF THE SOUTHEAST QUARTER OF TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 22, 1897 IN BOOK 14, PAGE 23, IN KANE COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 36; THENCE NORTH 01°31'26" WEST ON A BEARING BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM EAST ZONE NAD 83 ON THE WEST LINE OF SAID LOT 36, A DISTANCE OF 6.68 FEET; THENCE EAST ON A 1609.25 FOOT RADIUS CURVE CONCAVE TO THE SOUTH, 92.44 FEET, THE CHORD OF SAID CURVE BEARS NORTH 69°39'59" EAST, 92.42 FEET TO THE EAST LINE OF THE WEST HALF OF SAID LOT 36; THENCE SOUTH 01°31'33" EAST ON SAID EAST LINE, 13.93 FEET TO THE SOUTH LINE OF LOT 36; THENCE SOUTH 74°01'25" WEST ON SAID SOUTH LINE, 90.35 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS 1224 E. MAIN STREET, ST. CHARLES, ILLINOIS



STATE OF ILLINOIS )  
COUNTY OF KENDALL ) SS

I, ERIC C. POKORNY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3818, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON JANUARY 9, 2013.

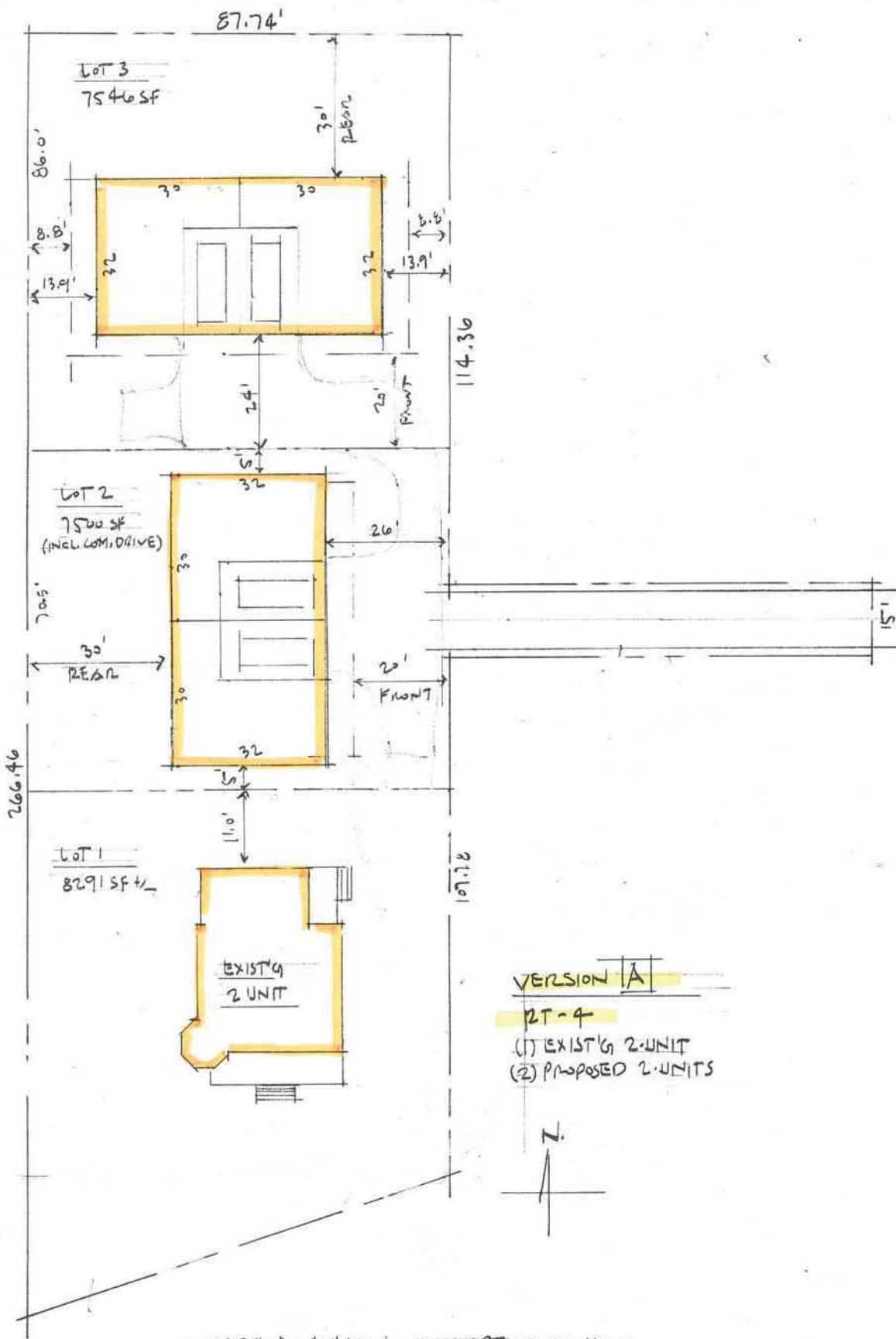
EXCEPTION Conveyed to The People of the State of Illinois, Department of Transportation, Per Warranty Deed Recorded December 9, 2010 as Document No. 2010K083572

SCALE 1" = 20'  
○ FOUND 3/4" DIA. IRON PIPE UNLESS OTHERWISE NOTED  
N = NORTH E = EAST  
S = SOUTH W = WEST  
(XX.XX) = RECORD DISTANCE  
XX.XX = MEASURED DISTANCE  
[Symbol] = CONCRETE/ASPHALT  
FENCE = [Symbol]

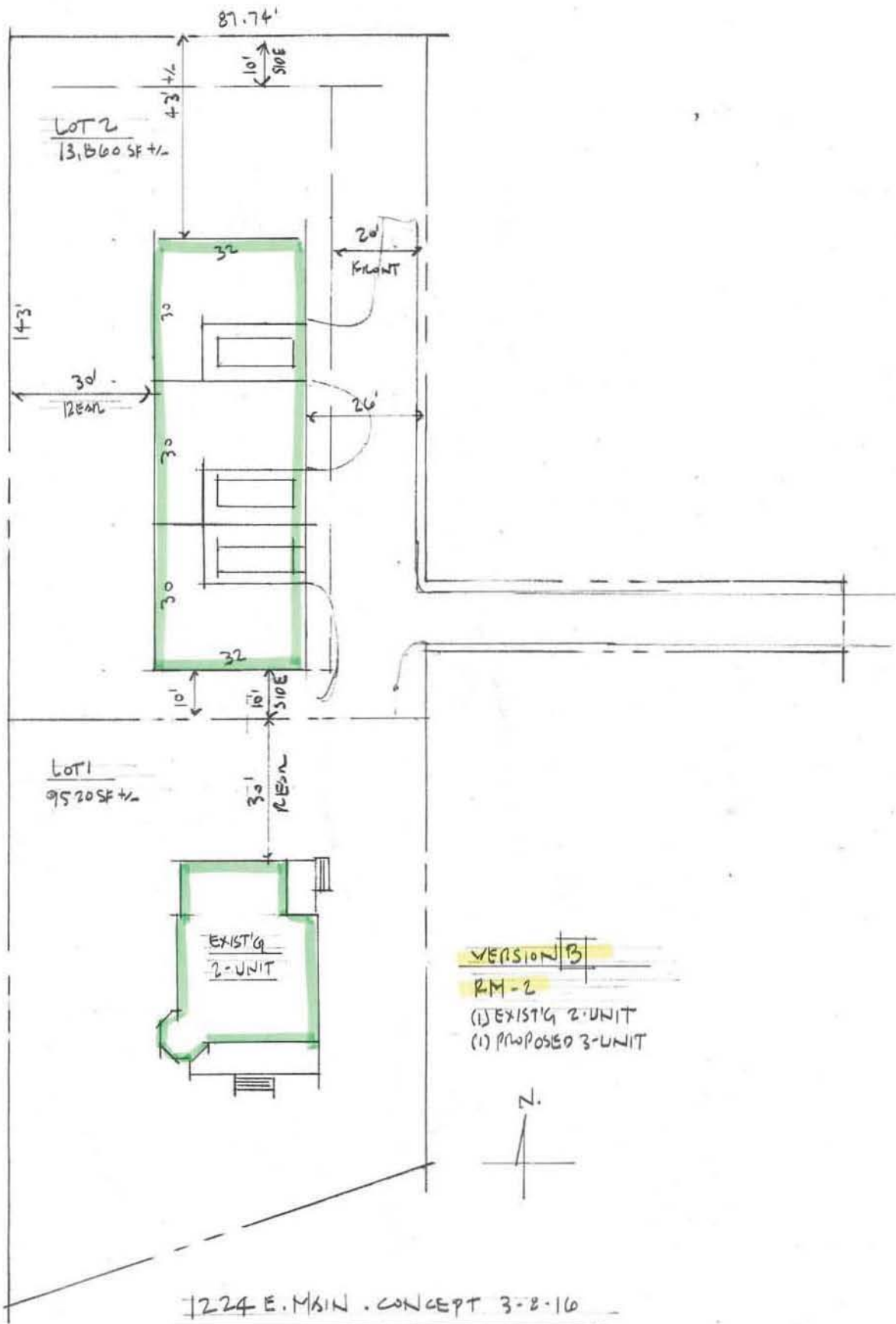
MICHEL D. ENSALADO P.L.S. 2768 EXP. 11/30/2014  
ERIC C. POKORNY P.L.S. 3818 EXP. 11/30/2014  
**TODD SURVEYING**  
PROFESSIONAL LAND SURVEYING SERVICES  
CORNERSTONE SURVEYING, PC  
1304 BURNET AVENUE, SUITE E  
YORKVILLE, ILLINOIS 62586  
PHONE 630-881-3300 FAX 630-892-8844

Client	Footo, Meyers, Meko & Flowers, LLC	
Book #	Sheet #	2192
Drawn By	PMFS	Checked By
Revisions	2011-05-83	
Field Work Completed	01/04/2013	
Map Scale	Map Description	
03/12/16	updated street names	
Project Number	2012-0993	

Survey is valid only if copied seal is shown in red.



224 E. MAIN . CONCEPT 3-8-16



1224 E. MAIN . CONCEPT 3-8-16



Photos – 1224 E. main St.





## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Presentation of a Concept Plan for Cityview – 895 Geneva Rd.
Presenter:	Ellen Johnson

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (4/11/16)		City Council

Estimated Cost:		Budgeted:	YES		NO	
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If NO, please explain how item will be funded:

**Executive Summary:**

The subject property is a vacant, one-acre parcel located at the northwest corner of Geneva Rd. and Mosedale St., south of Keller Place.

David Weekley Homes, developer, is seeking feedback on a Concept Plan to develop the property with single-family homes. Details of the proposal include:

- Rezone the property from RT-1 to RT-2.
- Establish a PUD to allow certain zoning deviations.
- Subdivide the property and construct seven (7) single-family homes.
- Extend Keller Place through the site to connect to Mosedale St.
- The homes will have front-loaded garages. Two homes will front on Mosedale St., and five homes will front on Keller Place, with the rear facing Geneva Rd.
- Stormwater detention will run along the east property line, between the building lots and Geneva Rd.

The Land Use Plan designation for the property is Detached Single Family Residential.

**Plan Commission Review:**

The Plan Commission reviewed the Concept Plan on 4/5/16. The following is a summary of comments offered by a majority of Commissioners:

- Rezoning to RT-2 is appropriate. A PUD is also appropriate given the challenging topography and site configuration.
- Concern about the appearance of the rear of the buildings from Route 31 (height, massing, architecture) and the potential for the buildings to appear as one long “wall”
- The narrow building footprints could exaggerate the building height- More variation in massing could be provided with fewer units, duplex or townhome units, or use of non-traditional or modern architectural style.
- Retaining walls need to be of an attractive design and material.
- Concern regarding the transition to the house to the west on Mosedale St. - the developer was encouraged to work with the neighbor, who was in attendance at the meeting.
- With limited usable on-street parking nearby, additional parking needs to be accommodated on site.

**Attachments:** *(please list)*

Staff Report, Application for Concept Plan

**Recommendation / Suggested Action** *(briefly explain):*

Provide feedback on the Concept Plan. The staff memo lists a number of questions the Committee may consider when providing feedback.

*For office use only:*

*Agenda Item Number: 3b*

Community & Economic Development  
 Planning Division

Phone: (630) 377-4443  
 Fax: (630) 377-4062



**Staff Report**

**TO:** Chairman Todd Bancroft  
 And Members of the Planning and Development Committee

**FROM:** Ellen Johnson, Planner

**CC:** Russell Colby, Planning Division Manager

**RE:** Cityview – 895 Geneva Rd. Concept Plan

**DATE:** April 5, 2016

**I. APPLICATION INFORMATION:**

**Project Name:** Cityview – 895 Geneva Rd.

**Applicant:** David Weekley Homes

**Purpose:** Obtain feedback regarding a proposed single-family residential subdivision

<b>General Information:</b>		
<b>Site Information</b>		
Location	895 Geneva Rd. (northwest corner of Geneva Rd. and Mosedale St.)	
Acres	1.036 acres (45,167 sf)	
Applications:	Concept Plan	
Applicable City Code Sections	Title 17, Chapter 17.12 - Residential Districts	
<b>Existing Conditions</b>		
Land Use	Vacant	
Zoning	RT-1 Traditional Single-Family Residential	
<b>Zoning Summary</b>		
North	RT-1 Traditional Single-Family Residential	Single-family home
East	RM-3 General Residential District	Park Shore Apartments
South	RT-1 Traditional Single-Family Residential	Single-family homes
West	RT-2 Traditional Single-Family Residential	Single-family homes
<b>Comprehensive Plan Designation</b>		
Single Family Detached Residential		



**Aerial Photo**



**Zoning**



## II. OVERVIEW

### A. PROPERTY HISTORY

The subject property is a vacant, one-acre parcel located at the northwest corner of Geneva Rd. and Mosedale St., south of Keller Place. A doctor's office was constructed on the property in the late 1950s; the building was demolished in 2005.

In 2006, petitions for rezoning and PUD were submitted to allow a six-unit townhome development. The applications were withdrawn before Plan Commission voted on them.

### B. PROPOSAL

David Weekley Homes, developer, is seeking feedback on a Concept Plan to develop the property with single-family homes. Details of the proposal are as follows:

- Rezone the property from RT-1 to RT-2.
- Establish a PUD to allow certain zoning deviations.
- Subdivide the property and construct seven (7) single-family homes.
- Extend Keller Place through the site to connect to Mosedale St.
- The homes will have front-loaded garages. Two homes will front on Mosedale St., and five homes will front on Keller Place, with the rear facing Geneva Rd.
- Stormwater detention will run along the east property line, between the building lots and Geneva Rd.

### C. REVIEW PROCESS

The purpose of the Concept Plan review is to enable the applicant to obtain informal input on a concept prior to spending considerable time and expense in the preparation of detailed plans and architectural drawings. The Concept Plan process also serves as a forum for citizens and owners of neighboring property to ask questions and express their concerns and views regarding the potential development. Following the conclusion of the Concept Plan review, the developer can decide whether to formally pursue the project.

## III. ANALYSIS

### A. COMPREHENSIVE PLAN

The Land Use Plan adopted as part of the 2013 Comprehensive Plan identifies the subject property as "Single Family Detached Residential". The Plan states:

*"An important objective of the Plan is to continue to protect and enhance the City's single-family residential neighborhoods. Future development should be respectful and sensitive to the existing homes while allowing reinvestment in the form of rehabilitation, additions, and new construction in existing neighborhoods...Single-family residential areas should consist primarily of detached homes on lots subdivided and platted in an organized and planned manner" (p.42)*

The following Residential Areas Framework Plan policy is particularly applicable to this project (p. 43):

- **Preserve the character of the City’s existing single family residential neighborhoods:** *The City’s residential areas are composed of a number of unique and distinct neighborhoods. While they may differ in configuration, unit type, and lot size, these neighborhoods are well established and have their own character. Development and reinvestment within these neighborhoods should be context sensitive, and compatible with the established neighborhood character and fabric. Regardless of the location or housing type, residential development or redevelopment should be carefully regulated to ensure compatibility with the scale and character of surrounding and adjacent residential neighborhoods. New infill development, teardown redevelopment, and alterations to existing development should maintain a setback, height, bulk, and orientation similar to its surroundings.*

The following Culture and Identity recommendation regarding Development Character and Urban Design also applies (p. 122):

- *New neighborhood development or local infill should respect the surrounding context in the design of street networks, infrastructure, housing stock, and other built elements. Infill development should strive to reflect the context in terms of site design, massing and scale, and architectural design. New neighborhoods should be designed to integrate local site characteristics, such as existing trees, unique topography, local building materials, etc.*

**B. ZONING REVIEW**

The property is currently zoned RT-1 Traditional Single-Family Residential, which requires a minimum lot size of 8,400 sf.

The applicant is proposing to rezone the property to RT-2 Traditional Single-Family Residential, which requires a 6,600 sf minimum lot size. RT-2 zoned property is adjacent to the subject property to the west.

The table below compares the RT-2 District requirements with the Concept Plan. Deviations from the RT-2 District that would be required to accommodate the development as proposed are denoted in ***bold italics***. PUD approval would be necessary to accommodate this development, since deviations from all of the RT-2 bulk requirements would be required.

	<b>RT-2 (proposed zoning)</b>	<b>Concept Plan</b>
<b>Min. Lot Area</b>	6,600 sf	<b><i>3,534 sf</i></b> <i>(based on lots as drawn; Total site area per unit = 6,452 sf)</i>
<b>Min. Lot Width</b>	50 ft.	<b><i>38 ft.</i></b>
<b>Max. Building Coverage</b>	25%	<b><i>46%</i></b> <i>(based on lots as drawn; Building coverage of entire site area = 23%)</i>



<b>Max. Building Height</b>	34 ft. or 2 stories, whichever is less	TBD <i>Deviation likely due to topography</i>
<b>Min. Front Yard</b>	25 ft.	<b>20 ft.</b>
<b>Min. Side Yard</b>	8 ft. or 10% of lot width, whichever is greater	<b>6 ft.</b>
<b>Min. Exterior Side Yard</b>	20 ft.	<b>10 ft.</b>
<b>Min. Rear Yard</b>	30 ft.	<b>15 ft.</b> (with common area/detention behind the rear property lines)

**C. BUILDING DESIGN**

Example building elevations and floor plans from developments elsewhere have been submitted, which are similar to the building design intended for the proposed development. Although not reflected on the building elevations and floor plans, the homes will have walk-out basements due to the site’s topography.

New homes in the RT zoning districts are subject to the Design Review requirements of Section 17.06.060 Standards and Guidelines – RT-1, RT-2, RT-3, RT-4, and CBD-2 Districts. Based on the characteristics of the building elevations submitted, it appears that deviations from the following Design Review Standards would be required to allow the proposed buildings:

- Width of an attached garage with an overhead door facing a street shall not exceed 50% of the width of the dwelling including the garage.
- Attached garages with an overhead door facing a street must be set back at least 5 ft. from the rest of the house.

**D. ENGINEERING REVIEW**

The applicant will be provided with review comments from Development Engineering, Public Works, and the Fire Dept. after the Plan Commission’s review.

The following preliminary comments are related to the extension of Keller Place:

- It will need to be determined whether Keller Place is a public or a private street.
- If Keller Place is a public street, a width of 26 ft. is required.
- For Fire Dept. access, a width of 26 ft. allows parking on one side of the street. A width of 33 ft. is required to allow parking on two sides of the street.
- There is potential for off-street guest parking on common areas.

**E. INCLUSIONARY HOUSING**

City Council reinstated the Inclusionary Housing Ordinance in an amended form in March. The Inclusionary Housing worksheet has been submitted, indicating the applicant’s intent to pay the fee in-lieu of providing affordable units.

#### F. SCHOOL AND PARK FEE-IN-LIEU CONTRIBUTIONS

School and Park Land-Cash worksheets have been submitted. A copy of the Concept Plan has been forwarded to the school and park districts for any comments.

#### IV. APPROVAL PROCESS

The applicant would need to gain approval of the following in order to permit the proposed development:

1. Map Amendment: To rezone the property from RT-1 to RT-2.
2. Special Use for PUD: To establish a PUD ordinance with unique zoning standards to accommodate the proposal.
3. PUD Preliminary Plan: To approve the physical development of the property, including site plan, elevations, engineering plans, and tree preservation plan.
4. Preliminary & Final Plat of Subdivision: To approve division of the property and the plat that will be recorded with the County.

#### V. RECOMMENDATION

Review the Concept Plan and provide comments to the applicant. Staff recommends the Committee provide feedback on the following:

- ✓ Change in zoning from RT-1 Traditional Single-Family Residential to RT-2 Traditional Single-Family Residential.
- ✓ Site layout.
- ✓ Building architecture.
- ✓ Would the proposal meet the purposes of the PUD process?
  1. To promote a creative approach to site improvements and building design that results in a distinctive, attractive development that has a strong sense of place, yet becomes an integral part of the community.
  2. To create places oriented to the pedestrian that promote physical activity and social interaction, including but not limited to walkable neighborhoods, usable open space and recreational facilities for the enjoyment of all.
  3. To encourage a harmonious mix of land uses and a variety of housing types and prices.
  4. To preserve native vegetation, topographic and geological features, and environmentally sensitive areas.
  5. To promote the economical development and efficient use of land, utilities, street improvements, drainage facilities, structures and other facilities.
  6. To encourage redevelopment of sites containing obsolete or inappropriate buildings or uses.
  7. To encourage a collaborative process among developers, neighboring property owners and residents, governmental bodies and the community

#### VI. ATTACHMENTS

- Concept Plan Application; received 3/21/16

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

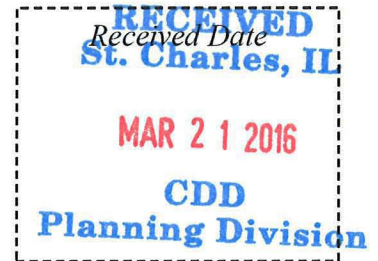


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

**CONCEPT PLAN APPLICATION**

<b>CITYVIEW</b>	
Project Name:	<u>Cityview - 895 Geneva Rd.</u>
Project Number:	<u>2016 -PR- 003</u>
Application Number:	<u>2016 -AP- 006</u>



To request review of a Concept Plan for a property, complete this application and submit it with all required attachments to the Planning Division.

When the application is complete and has been reviewed by City staff, we will schedule a Plan Commission review, as well as a review by the Planning and Development Committee of the City Council. While these are not formal public hearings, property owners within 250 ft. of the property are invited to attend and offer comments.

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: 24 Mosedale Street	
	Parcel Number (s): 09-34-401-015	
	Proposed Project Name: Cityview	
<b>2. Applicant Information:</b>	Name David Weekley Homes	Phone 847-241-4379
	Address 1930 Thoreau Drive North, #160 Schaumburg, IL 60173	Fax
		Email dvenard@dwhomes.com
<b>3. Record Owner Information:</b>	Name Bel-Air Development Corp.	Phone 847-367-2750 x103
	Address 180 Maymound Way Spring, TX 77382	Fax 847-367-2758
		Email wjbella@me.com

**Please check the type of application:**

- PUD Concept Plan:** Proposed Name: Cityview
- Subdivision Concept Plan** Proposed Name: \_\_\_\_\_
- Other Concept Plan** \_\_\_\_\_

**Zoning and Use Information:**

Current zoning of the property: RT-1

Is the property a designated Landmark or in a Historic District? No

Current use of the property: Vacant

Proposed zoning of the property: RT-2 PUD? Yes

Proposed use of the property: Detached Single Family Development

Comprehensive Plan Designation: Single Family-Detached Residential

**Attachment Checklist**

**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. Required deposit is based on review items (number of applications filed) and the size of the site:

Number of Review Items	Under 5 Acres	5-15 Acres	16-75 Acres	Over 75 Acres
1	\$1,000	\$2,000	\$3,000	\$4,000
2 or 3	\$2,000	\$4,000	\$5,000	\$7,000
4 or more	\$3,000	\$5,000	\$7,000	\$10,000

**PROOF OF OWNERSHIP and DISCLOSURE:**

- a) a current title policy report; or
- b) a deed and a current title search.

If the owner is not the applicant, an original letter of authorization from the owner permitting the applicant to act on his/her behalf is required. If the owner or applicant is a Trust, a disclosure of all beneficiaries; if the owner or applicant is a Partnership, a disclosure of all partners; if the owner or applicant is a Corporation, a disclosure of all owners with an interest of at least ten percent (10%).

*NOTE: Private covenants and deed restrictions can limit private property rights with respect to the use of land even though the City's Zoning Ordinance may authorize the use or a less restrictive use. We strongly advise that*

*you perform a title search on the property to determine if there any private covenants containing use restrictions or other deed restrictions. As those private covenants and deed restrictions may conflict with the City's Zoning Ordinance, it is further recommended that you consult with an attorney to obtain an opinion with respect to whether your intended use is compatible with those restrictions.*

~~XX~~ **LEGAL DESCRIPTION:** For entire subject property, on 8 ½ x 11 inch paper

~~XX~~ **PLAT OF SURVEY:**

A current plat of survey for the Subject Realty showing all existing improvements on the property, prepared by a registered Illinois Professional Land Surveyor.

~~XX~~ **AERIAL PHOTOGRAPH:**

Aerial photograph of the site and surrounding property at a scale of not less than 1"=400', preferably at the same scale as the concept plan.

~~XX~~ **PLANS:**

All required plans shall be drawn on sheets no larger than 24" x 36", unless the Director of Community Development permits a larger size when necessary to show a more comprehensive view of the project. All required plans shall show north arrow and scale, and shall be drawn at the same scale (except that a different scale may be used to show details or specific features). All plans shall include the name of the project, developer or owner of site, person or firm preparing the plan, and the date of plan preparation and all revisions. A pdf document file or files of all plans shall be required with each submittal. The number of paper plans required shall be as determined by the Director of Community Development, based upon the number of copies needed for review.

**Copies of Plans:**

Initial Submittal - Ten (10) full size copies for non-residential projects OR Twelve (12) full size copies for residential projects; Three (3) 11" by 17"; and a PDF electronic file (On a CD-ROM or may be emailed to the Project Manager). For subsequent submittals, please contact the Project Manager to determine how many copies are required.

**Concept Plans shall show:**

1. Existing Features:

- Name of project, north arrow, scale, date
- Boundaries of property with approximate dimensions and acreage
- Existing streets on and adjacent to the tract
- Natural features including topography, high and low points, wooded areas, wetlands, other vegetative cover, streams, and drainage ways.
- General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development.

2. Proposed Features:

- Name of project, north arrow, scale, date
- Boundaries of property with approximate dimensions and acreage
- Site plan showing proposed buildings, pedestrian and vehicular circulation, proposed overall land use pattern, open space, parking, and other major features.
- Architectural elevations showing building design, color and materials (if available)
- General utility locations or brief explanation providing information on existing sanitary sewer, storm sewer, water, and other utilities necessary to service the development

**✘ SUMMARY OF DEVELOPMENT:**

Written information including:

- List of the proposed types and quantities of land use, number and types of residential units, building coverage, floor area for nonresidential uses and height of proposed buildings, in feet and number of stories.
- Statement of the planning objectives to be achieved and public purposes to be served by the development, including the rationale behind the assumptions and choices of the applicant
- List of anticipated exceptions or departures from zoning and subdivision requirements, if any

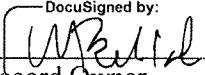
**✘ PARK AND SCHOOL LAND/CASH WORKSHEETS**

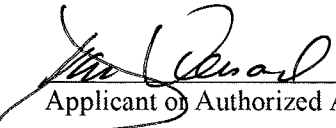
For residential developments, Park and School land/cash worksheets in accordance with Title 16 of the St. Charles Municipal Code with population projections establishing anticipated population and student yields.

- INCLUSIONARY HOUSING SUMMARY:** For residential developments, submit information describing how the development will comply with the requirements of Title 19, "Inclusionary Housing" of the St. Charles Municipal Code.
- LIST OF PROPERTY OWNERS WITHIN 250 FT.**

Fill out the attached form or submit on a separate sheet. The form or the list must be signed and notarized.

**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.**

DocuSigned by:  
  
 Record Owner \_\_\_\_\_ 3/21/2016  
 Date

  
 Applicant or Authorized Agent \_\_\_\_\_ 3.21.16  
 Date

Cityview Development Summary  
David Weekley Homes  
3/21/2016

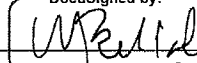
David Weekley Homes(DWH) is looking to redevelop the vacant 1.05 acre site into a detached single family development. DWH is proposing seven creatively designed homes that range from 1700 to 2500 square feet, not including the walkout basements that all the homes will have. The homes will have quality materials throughout with various styles Hardie siding, with brick and stone features on the exterior. We designed our land plan to not impact Rt. 31 with any curbcuts and utilize Kellar Place and Mosedale for the safest ingress/egress through the site. With the 30 foot of topography fall from west to east on the site we designed the site with walkouts to take advantage of the views to the east while also minimizing the retaining wall needed on site. The site is currently zoned RT-1 and we are proposing to rezone the site to a RT-2 PUD as the physical constraints on the site required the creative flexibility a PUD application provides.



LETTER OF AUTHORIZATION BY OWNER

Bel-Air Development Corporation, an Illinois corporation, the owner (“Owner”), of the real estate legally described as Block 2 of Riverview Additional to St. Charles in the City of St. Charles, Kane County, Illinois (“Property”) hereby authorizes Weekly Homes LLC as applicant to file with the City of St. Charles the Concept Plan Application attached hereto as Exhibit A provided Owner shall incur no expense related thereto.

Bel-Air Development Corporation,  
an Illinois corporation

By:  \_\_\_\_\_  
Its: DocuSigned by:  
B15B05FDD4F945 President

Dated: 3/24/2016, 2016



## RESIDENTIAL ZONING COMPLIANCE TABLE

Name of Development: Cityview

	Zoning District Requirement	Existing PUD Requirement (if applicable)	Proposed
	District:	Ordinance #:	
	RT-1	RT-2	
Minimum Lot Area	8400	6600	3534
Minimum Lot Width	60	50	38
Maximum Building Coverage	25	25	46%
Maximum Building Height	34	34	TBD
Minimum Front Yard	30	25	20
Interior Side Yard	8	8	6
Exterior Side Yard	25	20	10
Minimum Rear Yard	40	30	15
% Overall Landscape Area			
Building Foundation Landscaping			
% Interior Parking Lot Landscape			
Landscape Buffer Yards <sup>1</sup>			
# of Parking spaces			

<sup>1</sup> Within the zoning districts specified, a Landscape Buffer Yard shall be provided along any lot line that abuts or is across a street from property in any RE, RS, or RT District. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. See Chapter 17.26 for planting and screening requirements for Landscape Buffers. Landscape Buffer Yards may include or overlap with other required yards.

# PARK LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development  
Date Submitted:  
Prepared by:

Cityview  
3-15-16  
Dan Venard



Type of Dwelling	# Dwelling Units (DU)	Population Generation per Unit	Estimated Population
<b>Detached Single Family</b>			
➤ 3 Bedroom	5	DU x 2.899	= 14.495
➤ 4 Bedroom	2	DU x 3.764	= 7.528
➤ 5 Bedroom		DU x 3.770	=
<b>Attached Single Family</b>			
➤ 1 Bedroom		DU x 1.193	=
➤ 2 Bedroom		DU x 1.990	=
➤ 3 Bedroom		DU x 2.392	=
➤ 4 Bedroom		DU x 3.145	=
<b>Apartments</b>			
➤ Efficiency		DU x 1.294	=
➤ 1 Bedroom		DU x 1.758	=
➤ 2 Bedroom		DU x 1.914	=
➤ 3 Bedroom		DU x 3.053	=
<b>Totals</b>	<u>7</u>		<u>22.023</u>
	Total Dwelling Units		Estimated Total Population

## Park Site Requirements

Estimated Total Population 22 x .010 Acres per capita = .22 Acres

## Cash in lieu of requirements -

Total Site Acres .22 x \$240,500 (Fair Market Value per Improved Land) = \$ \$52,965.31

# SCHOOL LAND/CASH WORKSHEET

City of St. Charles, Illinois

Name of Development  
Date Submitted:  
Prepared by:

Cityview  
3-15-16  
Dan Venard



## Estimated Student Yield by Grades

Type of Dwelling	# of dwelling Units (DU)	Elementary (Grades K to 5)	Middle (Grades 6 to 8)	High (Grades 9 to 12)
<b>Detached Single Family</b>				
> 3 Bedroom	5	DU x .369 = 1.845	DU x .173 = .865	DU x .184 = .92
> 4 Bedroom	2	DU x .530 = 1.06	DU x .298 = .596	DU x .360 = .72
> 5 Bedroom		DU x .345 =	DU x .248 =	DU x .300 =
<b>Attached Single Family</b>				
> 1 Bedroom		DU x .000 =	DU x .000 =	DU x .000 =
> 2 Bedroom		DU x .088 =	DU x .048 =	DU x .038 =
> 3 Bedroom		DU x .234 =	DU x .058 =	DU x .059 =
> 4 Bedroom		DU x .322 =	DU x .154 =	DU x .173 =
<b>Apartments</b>				
> Efficiency		DU x .000 =	DU x .000 =	DU x .000 =
> 1 Bedroom		DU x .002 =	DU x .001 =	DU x .001 =
> 2 Bedroom		DU x .086 =	DU x .042 =	DU x .046 =
> 3 Bedroom		DU x .234 =	DU x .123 =	DU x .118 =
<b>Totals</b>	7 TDU	<del>1.90</del> 2.9 TE	1.46 TM	1.64 TH

## School Site Requirements

Type	# of students	Acres per student	Site Acres
Elementary (TE)	2.90	x .025	= .072
Middle (TM)	1.46	x .0389	= .056
High (TH)	1.64	x .072	= .118
<b>Total Site Acres</b>			<u>.246</u>

## Cash in lieu of requirements -

.246 (Total Site Acres) x \$240,500 (Fair Market Value per Improved Land) = \$ \$59,163

# INCLUSIONARY HOUSING SUMMARY



Name of Development	Cityview
Date Submitted:	3-15-16
Prepared by:	Dan Venard

## Background:

St. Charles Municipal Code Title 19 “Inclusionary Housing”, requires developers of new residential developments to provide a proportionate share of affordable housing units within the development, or to pay a fee in-lieu of providing affordable housing units. Developers may also provide a mix of affordable housing units and fee in-lieu.

Affordable housing is defined as housing that has a sales price or rental amount that is within the means of a household with income at or below 80% Area Median Income (AMI) for for-sale units and at or below 60% AMI for rental units, adjusted for household size. See Title 19 for complete definitions.

The maximum price of affordable for-sale units and affordable rental units required by Title 19 shall be no greater than the affordable purchase price and affordable rent established annually by the Illinois Housing Development Authority (IHDA). Contact the Planning Division for the most recent affordable prices from IHDA.

## Submission Requirements:

Submit information describing how the residential development will comply with the requirements of Title 19, “Inclusionary Housing”. **Use this worksheet** to calculate the number of required affordable units to be incorporated within the residential development, or the required fee in-lieu payment.

If the development will include affordable units, submit the following additional information:

- The number of market-rate and affordable for-sale and rental units to be constructed, including type of dwelling, number of bedrooms per unit, proposed pricing, and construction schedule, including anticipated timing of issuance of building permits and occupancy certificates.
- Documentation and plans regarding locations of affordable units and market-rate units, and their exterior appearance, materials, and finishes.

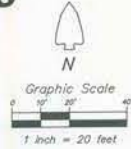
## Affordable Unit Requirement Calculation

Unit Count Range	# of Units Proposed in Development		% of Affordable Units Required		# of Affordable Units Required
1 to 15 Units	7	X	5%	=	.35
More than 15 Units		X	10%	=	

## Fee In-Lieu Payment Calculation

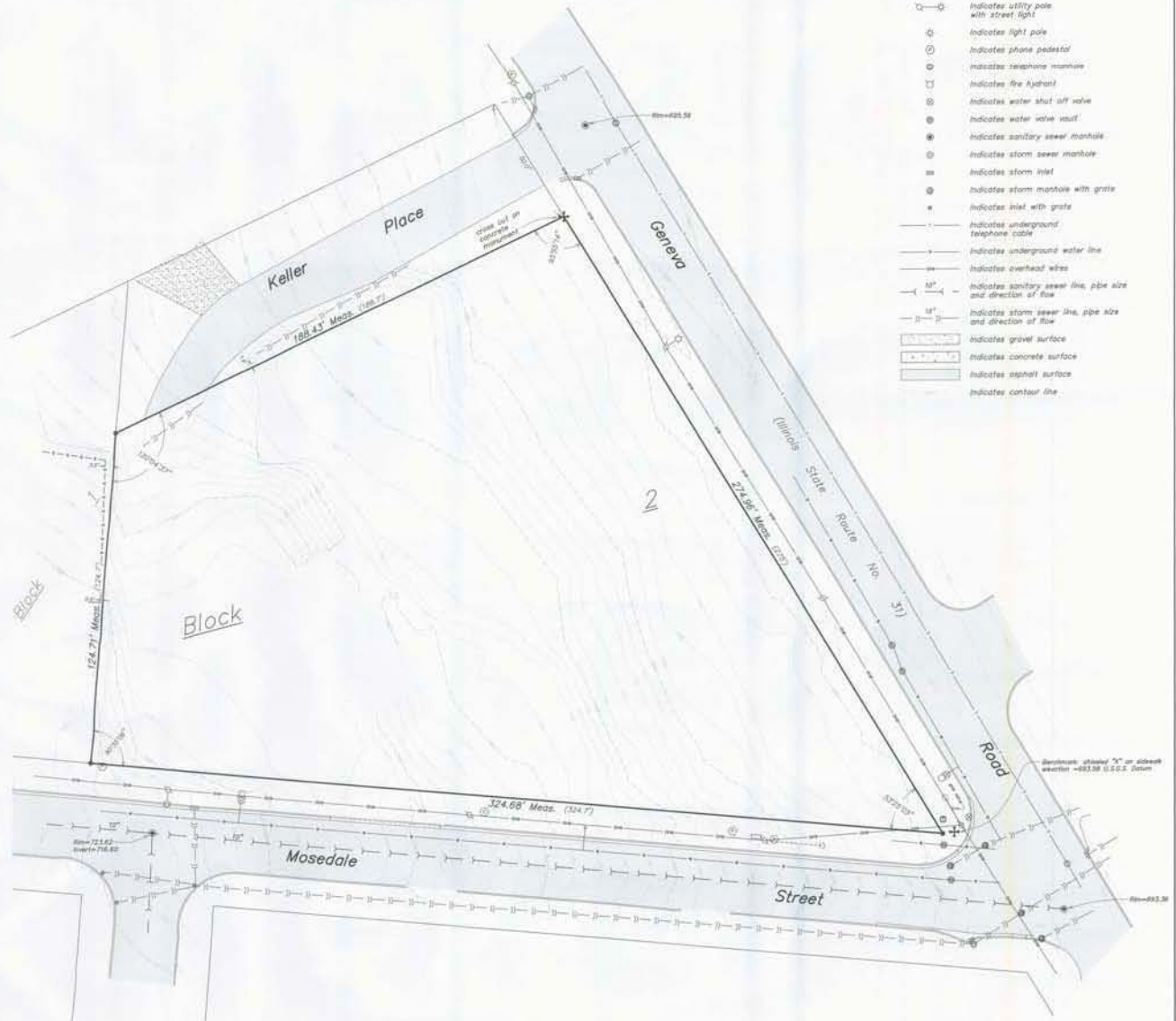
# of Affordable Units Required	# of Affordable Units Proposed to Pay the Fee-In-Lieu		Fee-In-Lieu Amount Per Unit		Total Fee-In-Lieu Amount
.35	<del>7</del> .35	X	\$72,819.50	=	25,486.83

# Plat of Survey and Topography of Block 2 Riverview Addition to St. Charles St. Charles Kane County Illinois



Boundary reconstructed from six 1 1/4" diameter gas pipe (believed to be original monumentation) set of street corners by G. N. Lamb, surveyor in February 1910.  
Underground utility routings protracted herein are based upon field investigation and are believed to be correct, but not warranted.

- Indicates iron stake
- Meas. Indicates measured data
- (Rec.) Indicates record data
- Indicates utility pole
- Indicates utility pole with anchor
- Indicates utility pole with street light
- Indicates light pole
- Indicates phone pedestal
- Indicates telephone manhole
- Indicates fire hydrant
- Indicates water shut off valve
- Indicates water valve vault
- Indicates sanitary sewer manhole
- Indicates storm sewer manhole
- Indicates storm inlet
- Indicates storm manhole with grate
- Indicates inlet with grate
- Indicates underground telephone cable
- Indicates underground water line
- Indicates overhead wires
- 18" Indicates sanitary sewer line, pipe size and direction of flow
- 18" Indicates storm sewer line, pipe size and direction of flow
- ▨ Indicates gravel surface
- ▨ Indicates concrete surface
- ▨ Indicates asphalt surface
- Indicates contour line



State of Illinois) This is to certify that I, Russell P. Ory, an Illinois Professional Land Surveyor of Western  
County of Kane) Engineering, P.C. (Illinois Professional Design Firm No. 04-002967), have surveyed and  
located the topographical features on Block 2, Riverview Addition to St. Charles, City of  
St. Charles, Kane County, Illinois as shown by the plat hereon drawn which is a correct representation of said  
survey and topography. All distances are given in feet and decimal parts thereof.

Dated at St. Charles, Illinois, February 25, 2005.

Illinois Professional Land Surveyor No. 2753

Prepared by  
**Western Engineering, P.C.**  
One West Rhoads Street, Suite 230  
St. Charles, Illinois 60114  
(630) 443-8161 (630) 443-6854 Fax  
Copyright © 2005, Western Engineering, P.C.

Ordered by & Prepared for  
Hunters Gate, L.L.C.

File Name: Topo	Drawn by: MTD/KJC
Directory: C:\04\18\2005	Job No.: 04A005

# PRELIMINARY ENGINEERING PLAN FOR 895 GENEVA ROAD ST. CHARLES, ILLINOIS

LEGAL DESCRIPTION

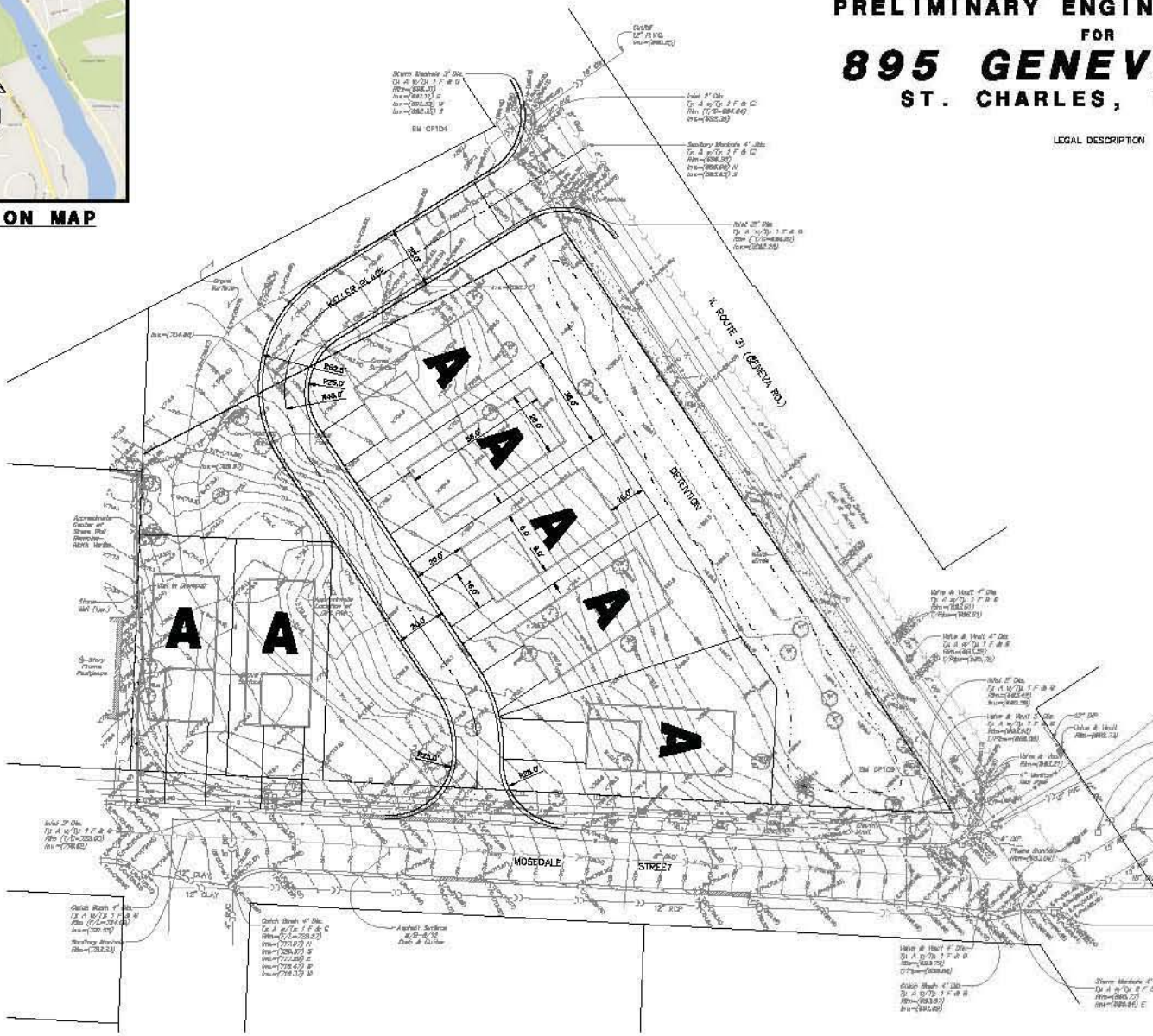


SCALE: 1" = 30' FEET



LOCATION MAP

EXISTING	PROPOSED	DESCRIPTION
		MANHOLE
		CATCH BASIN INLET
		CLEANOUT
		SLOPE INLET BOX
		HEADWALL
		END SECTION
		STORM SEWER
		SANITARY SEWER
		WATERMAIN
		VALVE & BOX
		WATER VALVE IN VAULT
		FIRE HYDRANT
		CONTOURS
		ELEVATIONS
		STREET LIGHT
		WATERMAIN PROTECTION
		SILT FENCE INLET PROTECTOR
		TEMPORARY STRAW BALE DITCH CHECK
		SILT FENCE DITCH CHECK
		RIP-RAP
		OVERFLOW ROUTE



PREPARED FOR:  
**DAVID WEEKLEY HOMES**  
 1930 THOREAU DRIVE, SUITE 160  
 SCHAMBURG, IL 60173  
 (847) 241-4379

PREPARED BY:  
**CEMCON, Ltd.**  
 Consulting Engineers, Land Surveyors & Planners  
 2280 White Oak Grove, Suite 100  
 Aurora, Illinois 60502-9875  
 PH: 630.882.2100 FAX: 630.882.2188  
 E-MAIL: info@cemcon.com Website: www.cemcon.com

DISC NO.:  
 DRAWN BY: JJC FILE NAME: PRECOVER  
 FLD. BC. / PG. NO.:  
 COMPLETION DATE: 03-15-16 JOB NO.: BSE005  
 IREF: TCFD PROJECT MANAGER: MJK

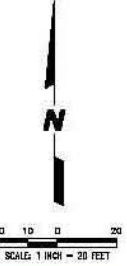




LOCATION MAP

VICINITY EXHIBIT  
FOR  
**895 GENEVA ROAD**  
ST. CHARLES, ILLINOIS

SHEET 1 OF 1



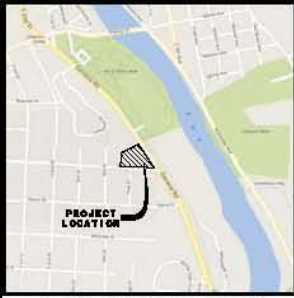
PREPARED FOR:  
DAVID WEEKLEY HOMES  
1930 THOREAU DRIVE, SUITE 160  
SCHAUMBURG, IL 60173  
(847) 241-4379

PREPARED BY:  
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Circle, Suite 100  
Aurora, Illinois 60502-9875  
PH: 630.882.2100 FAX: 630.882.2188  
E-MAIL: info@cemcon.com Website: www.cemcon.com

DISC NO.: B28005 FILE NAME: AERIAL EXH 2D  
DRAWN BY: JJC PLO. BC / PG. NO.: ---  
COMPLETION DATE: 03-16-16 JOB NO.: B28005  
REF: TOPD PROJECT MANAGER: MJK



# VICINITY EXHIBIT FOR **895 GENEVA ROAD** ST. CHARLES, ILLINOIS



**LOCATION MAP**



PREPARED FOR:  
**DAVID WEEKLEY HOMES**  
1930 THOREAU DRIVE, SUITE 160  
SCHAUMBURG, IL 60173  
(847) 241-4379

PREPARED BY:  
**CEMCON, Ltd.**  
Consulting Engineers, Land Surveyors & Planners  
2280 White Oak Grove, Suite 100  
Aurora, Illinois 60502-9875  
PH: 630.882.2100 FAX: 630.882.2108  
E-MAIL: info@cemcon.com Website: www.cemcon.com

DISC NO.: FILE NAME: AERIAL EXH  
DRAWN BY: JJC FLD, BC / PG. NO.: ---  
COMPLETION DATE: 03-15-16 JOB NO.: 88E005  
REF: T0P0 PROJECT MANAGER: MJK

DATE PLOTTED: 03/15/2016 10:47 AM









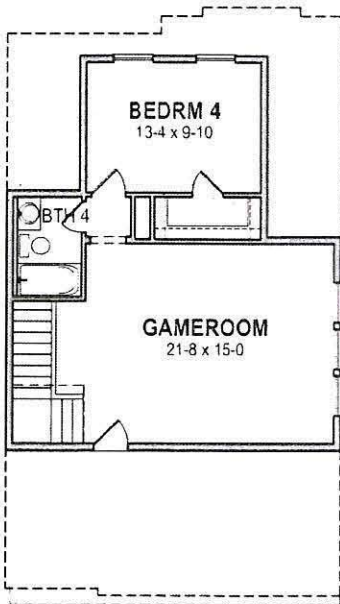
FRONT ELEVATION 'A'



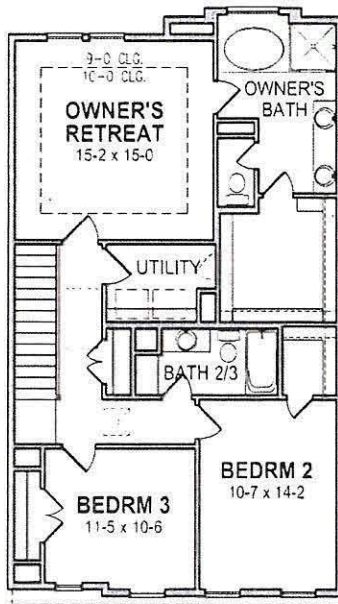
FRONT ELEVATION 'B'



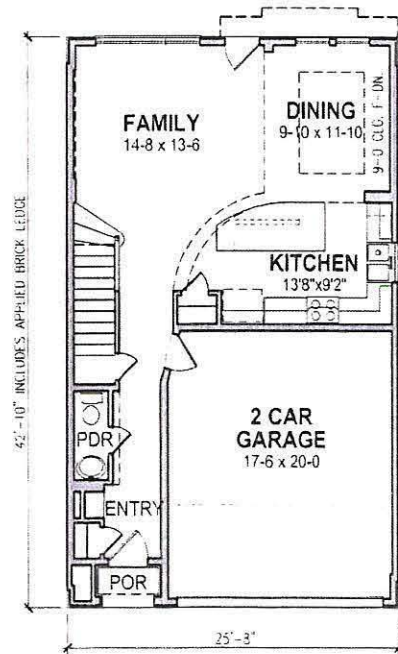
BACK ELEVATION 'A'



574 SQ. FT. 9'-0" CLG.  
OPTIONAL THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

Atlanta, GA

# BELMONT COMMONS

David Weekley Homes

**The Conroy**  
8571

LEVEL ONE	714	10'-0" CLG.	TOTAL LIVING	1763
LEVEL TWO	1039	9'-0" CLG.	TOTAL SLAB	1090
			OVERALL WIDTH	25'-8"
			OVERALL DEPTH	42'-10"

Square footages and room sizes shown are approximate. Range

W<20 W=25 W=30 W=35 W=40 W=45 D<40 D=45 D=50 D=55 D=60 D=65



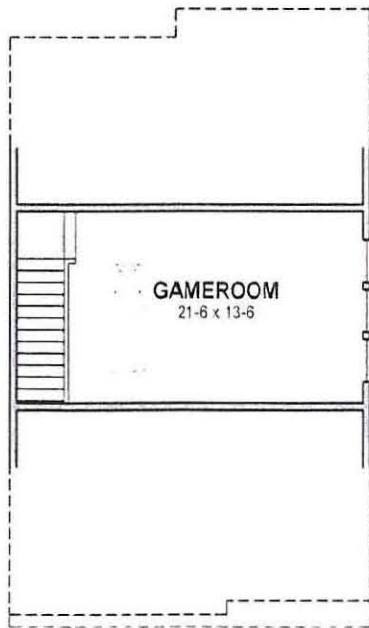
FRONT ELEVATION 'A'



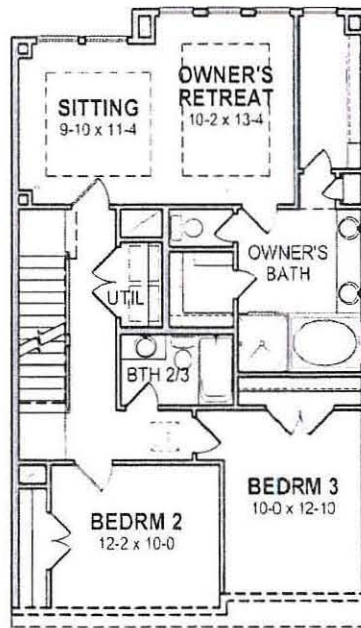
FRONT ELEVATION 'B'



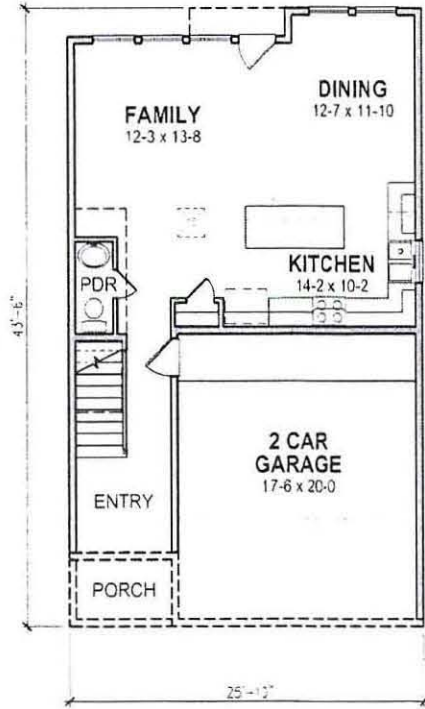
FRONT ELEVATION 'C'



OPTIONAL THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

Austin, TX

# PRESIDIO

David Weekley Homes

## The Hatti 8641

LEVEL ONE	687	10'-0" CLG	TOTAL LIVING	1694
LEVEL TWO	1007	9'-0" CLG	TOTAL SLAB	1093
			OVERALL WIDTH	25-10
			OVERALL DEPTH	43-6

Minor changes and room sizes shown are subject to change.

W<20 W 25 W 30 W 35 W 40 W 45 D<40 D 45 D 50 D 55 D 60 D 65 D 70 D 75 D 80 D 85 D 90 D 95





FRONT ELEVATION 'A'

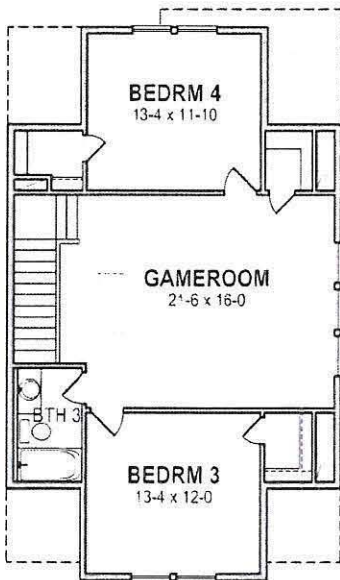


FRONT ELEVATION 'B'

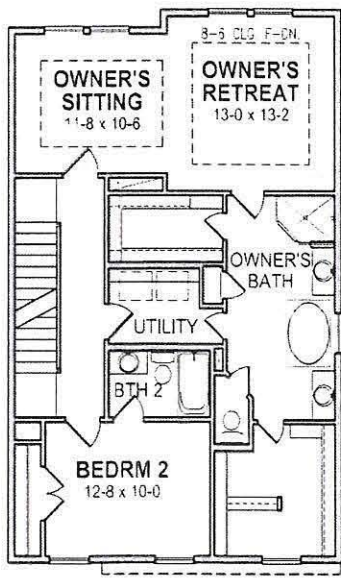


FRONT ELEVATION 'C'

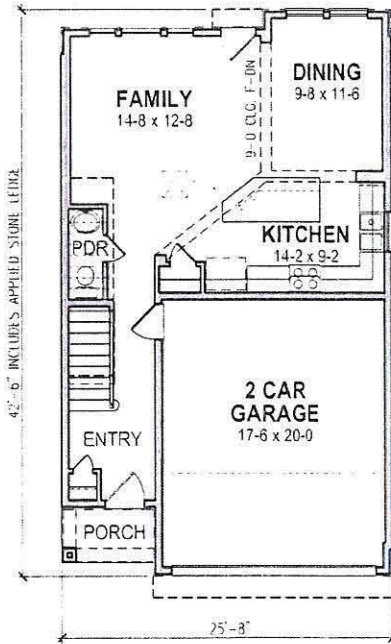
41'-4 1/2"



BEDRM 3 & EXTENDED GAMEROOM AVAILABLE  
THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

42'-6" INCLUDES APPLIED STORE LEADER

25'-8"

Atlanta, GA

# BELMONT COMMONS

David Weekley Homes

The Aveda  
8572

LEVEL ONE	653	10'-0" CLG	TOTAL FINISH	2457
LEVEL TWO	974	9'-0" CLG	TOTAL SLAB	1055
LEVEL THREE	830	9'-0" CLG	OVERALL FINISH	25-8
			OVERALL DEPTH	42-6

square footages and Room Sizes shown are subject to change

W<20 W=25 W=30 W=35 W=40 W=45 D<40 D=45 D=50 D=55 D>55



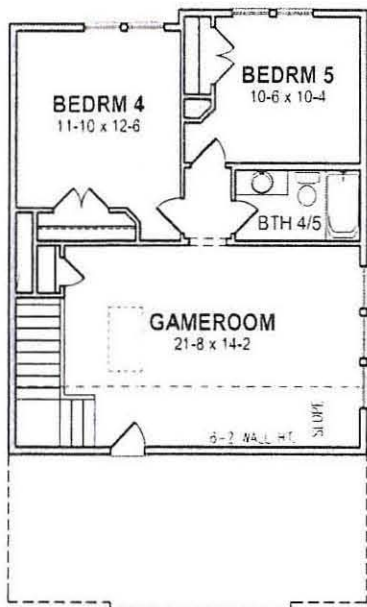
FRONT ELEVATION 'A'



FRONT ELEVATION 'B'

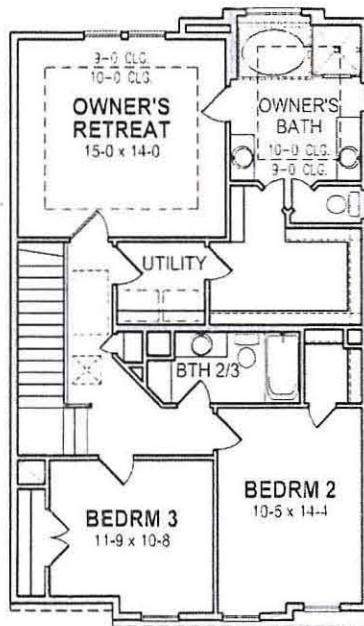


FRONT ELEVATION 'C'

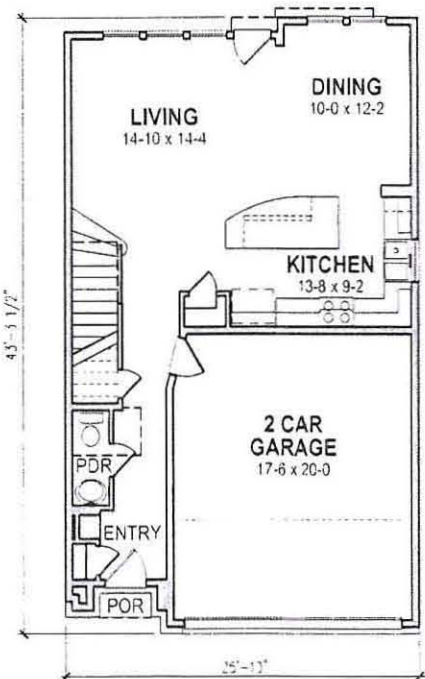


GAMEROOM ONLY / GAMEROOM & BEDRM 4 AVAILABLE  
734 SQ. FT. 9-0 CLG.

OPTIONAL THIRD FLOOR



SECOND FLOOR



FIRST FLOOR

Houston, TX

**VILLAGE AT SPRING**

David Weekley Homes

**The Brisson**  
8535

LEVEL ONE:	705	10-0 CLG.	TOTAL FINISH:	1709
LEVEL TWO:	1004	9-0 CLG.	TOTAL SLAB:	1095
			OVERALL WIDTH:	25-10
			OVERALL DEPTH:	43-4

Standard Footings and Room Sizes shown (be subject to change)

W-20 W-25 W-30 W-35 W-40 D-40 D-45 D-50 D-55 D-60





## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to Alcohol or Tobacco Sales Establishments
Presenter:	Russell Colby

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – (3/14/16)		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
If NO, please explain how item will be funded:						

**Executive Summary:**

City Council has expressed an interest in limiting the locations where liquor stores and tobacco stores can locate. Currently, the Zoning Ordinance does not differentiate between general Retail Sales and alcohol/tobacco sales, meaning that liquor stores and tobacco stores can locate in any commercial zoning district. Some commercially-zoned property is adjacent to or surrounded by residential uses.

Staff is proposing a General Amendment to create an “Alcohol or Tobacco Sales Establishment” category for businesses that devote more than 50% of their retail floor area to the sale of alcohol or the sale or consumption of tobacco products.

At the November City Council retreat, staff presented a concept for zoning changes to create the use category and establish locations in which the use is permitted:

- Permit Alcohol or Tobacco Sales Establishments in major commercial district (BC Community Business, BR Regional Business, and CBD-1 Central Business Districts)
- Permit Alcohol or Tobacco Sales Establishments in the BL Local Business and CBD-2 Mixed Use Business Districts along major arterial roads only (Main St., Randall Rd., Kirk Rd.).

The staff report provides information on how this new use category would relate to the City’s liquor license categories. In short, Class A-1 licenses (Liquor Stores) would be affected, but other packaged liquor license categories would continue to be classified as Retail Sales under the Zoning Ordinance.

**Plan Commission Review**

The Plan Commission held a public hearing on 3/22/16 and 4/6/16 and recommended approval of the General Amendment with a vote of 6-0 (with two abstaining). Although the two members who abstained did not offer a specific reason, discussion during the public hearing centered on whether there was sufficient basis to call out this specific business type and regulate it in a different manner than other types of retail sales businesses. (It was also noted that there appears to be an inconsistency in the zoning regulation due to the BL district permitting Restaurants or Taverns as a Special Use in any location, while the new Alcohol/Tobacco Establishment use category will be restricted to only certain portions of the BL district.)

**Attachments:** *(please list)*

Plan Commission Resolution, Staff Report, General Amendment Application

**Recommendation / Suggested Action** *(briefly explain):*

Plan Commission Recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to Alcohol or Tobacco Sales Establishments

<i>For office use only:</i>	<i>Agenda Item Number:</i> 3C
-----------------------------	-------------------------------



**City of St. Charles, Illinois**  
**Plan Commission Resolution No. 1-2016**

**A Resolution Recommending Approval of a General Amendment to Ch. 17.12 “Residential Districts”, Section 17.12.020 “Permitted and Special Uses”; Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”; and Chapter 17.30 “Definitions”, Section 17.30.020 “Use Definitions” (Alcohol/Tobacco Sales Establishment Use Category)**

**Passed by Plan Commission on April 5, 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 17.12.020 “Permitted and Special Uses”; Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”; and Chapter 17.30 “Definitions”, Section 17.30.020 “Use Definitions” (Alcohol/Tobacco Sales Establishment Use Category); 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**

On page 43, a Residential Land Use policy states, “Preserve the character of the City’s existing single-family residential neighborhoods”. The proposed amendment will prevent a land use that is incompatible with the character of the City’s residential neighborhoods from locating on isolated commercial parcels that are surrounded by residential neighborhoods.

On page 46, the Commercial Areas Framework Plan calls for Neighborhood Commercial areas (such as the properties located within the BL Local Business District) to be, “geared toward providing for the daily shopping, service and convenience needs of surrounding neighborhoods” and, “should be located along major corridors and at key intersections, along the edges of residential neighborhoods”. The proposed amendment will allow alcohol/tobacco sales establishments in the BL District, but along major arterial streets only, and not within pockets of BL zoned property surrounded by residential neighborhoods.

On page 49, a Commercial Area policy states, “Appropriately transition from more intensive uses within Downtown to the residential uses that surround it”. The CBD-2 district is the transitional zoning district between the downtown core and adjacent residential neighborhoods. The proposed amendment will promote this transition by limiting alcohol/tobacco sales establishments in the CBD-2 district to properties along Main Street/Rt. 64 only.

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

The proposed amendment is consistent with the following purposes of Title 17: promoting the public health, safety, comfort, convenience and general welfare; preserving and enhancing the quality of life for residents and visitors; and protecting the character of established residential neighborhoods. In addition, the classification of uses as proposed is consistent with the purpose statement of each impacted zoning district.

**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 of policy.**

The proposed amendment adds clarification to existing text by differentiating alcohol/tobacco sales establishments from the general retail sales use category. The amendment also reflects a change in policy to limit alcohol/tobacco sales establishments to locations along Strategic Regional Arterial (SRA) routes or within the downtown core.

**4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.**

Establishments that sell alcohol and/or tobacco are licensed by approval of the City Council under the authority of the State of Illinois. As a part of the liquor or tobacco license review, the location of the business is considered.

It is in the public interest to better align the City’s zoning use restrictions with the community’s expectations regarding the appropriate location for Alcohol/Tobacco Sales Establishments.

The resulting change to the code will continue to provide for a sufficient area within the community in which an Alcohol/Tobacco Sales Establishment can locate.

**5. The extent to which the proposed amendment creates non-conformities.**

The proposed amendment will create one nonconformity; One-Stop Liquors at 14<sup>th</sup> and Prairie streets will become a legal, nonconforming use. The business can remain in operation, but will not be able to be expanded.

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

Currently, liquor/tobacco sales establishments are considered part of the general retail sales use category. Retail Sales are permitted in all of the business and mixed use zoning districts, as well as in the Transitional Business overlay district. The proposed amendment will continue to allow liquor/tobacco sales establishments within all of the business and mixed use zoning districts, however such establishments will only be permitted along SRA routes in the BL and CBD-2 district, and not within the BT overlay district.

NOW, THEREFORE, be it resolved by the St. Charles Plan Commission to recommend to City Council approval of a General Amendment to Ch. 17.12 “Residential Districts”, Section 17.12.020 “Permitted and Special Uses”; Ch. 17.14 “Business and Mixed Use Districts”, Section 17.14.020 “Permitted and Special Uses”; Ch. 17.20 “Use Standards”, Section 17.20.030 “Standards for Specific Uses”; and Chapter 17.30 “Definitions”, Section 17.30.020 “Use Definitions” (Alcohol/Tobacco Sales Establishment Use Category).

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Pretz, Spruth, Schuetz

Nays:

Abstain: Doyle, Macklin-Purdy

Absent: Frio

Motion Carried: 6-0

PASSED, this 5th day of April 2016.

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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 Members of the Planning and Development Committee

**FROM:** Russell Colby, Planning Division Manager  
Ellen Johnson, Planner

**RE:** Application for a General Amendment to Title 17 of the City Code (Zoning Ordinance)  
regarding an Alcohol/Tobacco Sales Establishment use category

**DATE:** April 6, 2016

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**I. GENERAL INFORMATION**

Project Name: General Amendment – Alcohol/Tobacco Sales

Applicant: City of St. Charles

Purpose: Create an Alcohol/Tobacco Sales Establishment use category and establish locations in which the use is permitted.

**II. BACKGROUND**

In the summer of 2015, City Council considered a liquor license application that would allow a liquor store at 710 S. 3<sup>rd</sup> St., which is the current location of the St. Charles Mini-Mart.

The property is zoned BL Local Business District. Retail Sales are permitted in the BL District. Under the Zoning Ordinance, the sale of alcohol is considered a retail use and therefore falls into the Retail Sales use category.

Neighbors voiced opposition to allowing a liquor store at 710 S 3<sup>rd</sup> St. due to the property's location within a residential neighborhood. City Council voted to deny the application.

In response to this issue, Aldermen expressed concern for the possibility of liquor stores and related uses such as tobacco stores locating in pockets of commercially zoned property within, or adjacent to, predominately residential areas. Aldermen expressed an interest in addressing this issue through zoning; in particular, to differentiate between alcohol/tobacco sales and the general Retail Sales use category and to identify locations where alcohol/tobacco sales should be allowed.

Zoning for liquor stores and tobacco stores was a topic of discussion at the 2015 mid-year City Council Retreat. At the Retreat, Staff presented a concept for zoning changes to address this issue. Aldermen expressed support for the conceptual proposal. Staff is now bringing the proposal forward as a General Amendment.

### III. PROPOSAL

1. Add “Alcohol or Tobacco Sales Establishment” as a new zoning use category, separate from the general Retail Sales use category.
  - a. **Ch. 17.30 Definitions, Section 17.30.020 Use Definitions**- Definition of “Alcohol or Tobacco Sales Establishment”:

“An establishment where the primary purpose, based on floor area, is the sale of a) packaged alcoholic liquor directly to the consumer for consumption off the premises, or b) tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, “Tobacco”, directly to the consumer for consumption either on or off the premises. An establishment that has over 50% of the total retail floor area dedicated to the sale or consumption of these items shall be considered an Alcohol or Tobacco Sales Establishment. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G), Tavern/Bar, or Restaurant (G), as defined herein.”
  - b. **Ch. 17.30 Definitions, Section 17.30.020 Use Definitions**- Amend the “Retail Sales” definition to state that Retail Sales does not include Alcohol or Tobacco Sales Establishments.
2. Permit Alcohol or Tobacco Sales Establishments in all commercial zoning districts. However, in the BL Local Business and CBD-2 Mixed Use Business districts, limit the locations where the use is permitted to properties with frontage along Main St./Route 64, Randall Rd., and Kirk Rd. (SRA- Strategic Regional Arterial routes). The use will not be allowed in the BT Transitional Business Overlay.
  - a. **Ch. 17.12 Residential Districts, Table 17.12-1 Permitted & Special Uses**- Alcohol or Tobacco Sales Establishment is not a permitted use in the BT Overlay.
  - b. **Ch. 17.14 Business & Mixed Use Districts, Table 17.14-2 Permitted & Special Uses**- Alcohol or Tobacco Sales Establishment is a permitted use in the following zoning districts:
    - BL Local Business (in limited locations)
    - BC Community Business
    - BR Regional Business
    - CBD-1 Central Business
    - CBD-2 Mixed Use Business (in limited locations)
  - c. **Ch. 17.20 Use Standards, Section 17.20.030 Standards for Specific Uses**- Alcohol or Tobacco Sales Establishment:
    1. In the BL Local Business District, this use is permitted only on properties with frontage on Main Street/Route 64, Randall Road, or Kirk Road.
    2. In the CBD-2 Mixed Use Business District, this use is permitted only on properties with frontage on Main Street/Route 64.

#### **IV. ANALYSIS**

The proposal limits the locations where Alcohol or Tobacco Sales Establishments are permitted to properties in major retail/commercial shopping areas, the downtown core, and along Strategic Regional Arterial streets (SRA Routes), which are Main St., Randall Rd., and Kirk Rd.<sup>1</sup>

Specifically, the proposal limits Alcohol or Tobacco Sales Establishments to only certain locations within the BL and CBD-2 zoning districts.

##### **1. Impacted Zoning Districts:**

As provided in the Zoning Ordinance, the purpose of the BL Local Business District is as follows:

*“To provide locations for small-scale service and retail uses that primarily serve the convenience needs of St. Charles neighborhoods. The BL District permits a mix of uses, but care must be taken to ensure that adequate access, parking and screening is provide so as not to negatively impact adjoining residential neighborhoods.”*

Most properties in the BL District are located along Main Street, on both sides of downtown, and back up to residential neighborhoods. BL District parcels are smaller in size than parcels zoned BC or BR, and contain smaller scale commercial and office uses. A limited number of properties in the BL District do not front on Main Street, and some of these properties are surrounded by residential development. The proposed amendment will restrict Alcohol/Tobacco Sales Establishments from locating in these locations.

The purpose of the CBD-2 Mixed Use Business District is as follows:

*“To provide for a properly scaled mixed-use transition between single-family residential neighborhoods and the retail core of the CBD-1 Central Business District. The CBD-2 District permits a mix of retail, service, office, and medium-density residential uses within buildings that are of a reduced height and scale than that permitted in the CBD-1 District. However, development in this district is also intended to retain a pedestrian-oriented character, similar to hat of the CBD-1 District.”*

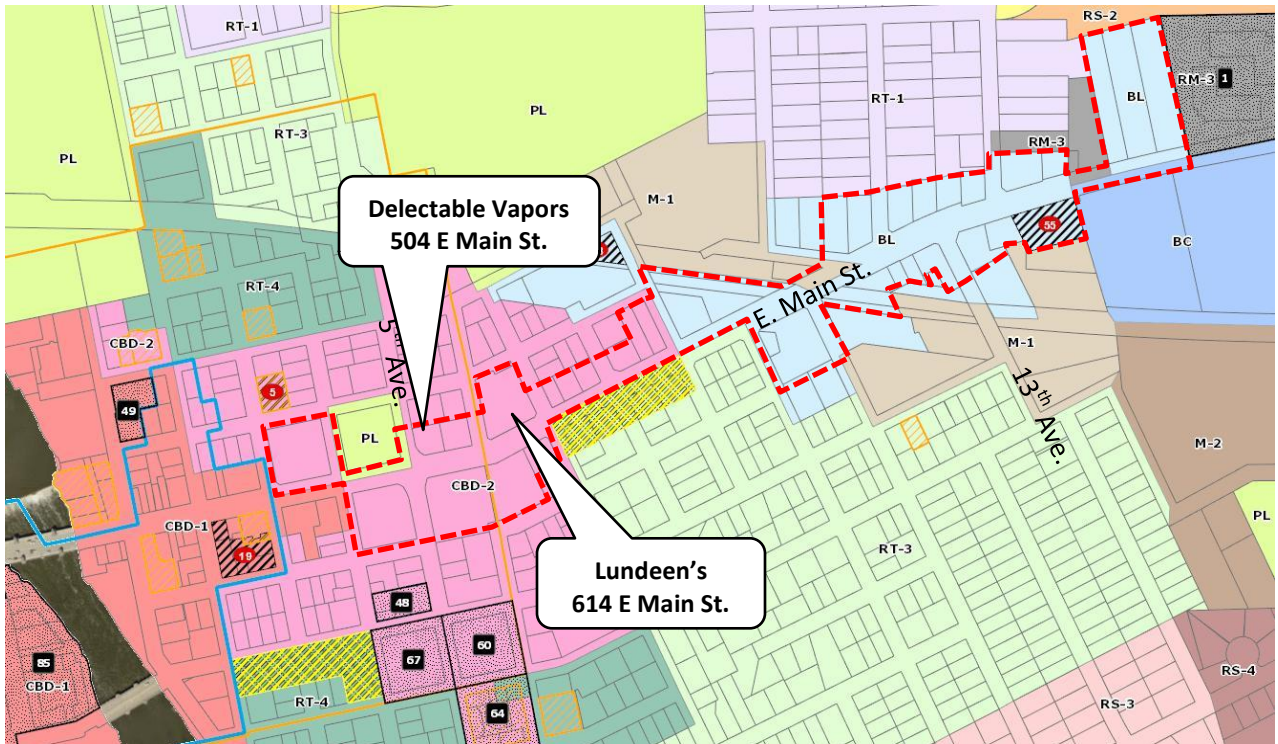
The CBD-1 District forms the core of downtown St. Charles, while the CBD-2 District is meant to be a mixed-use transitional area between the higher intensity uses downtown and the residential neighborhoods surrounding downtown. Alcohol/Tobacco Sales Establishments will only be permitted in the CBD-2 District along Main Street, consistent with the purpose of the CBD-2 District to provide a transition between more the more intensive uses downtown and the surrounding residential neighborhoods.

The dashed red lines shown on Figures 1-3 indicate the BL and CBD-2 zoned parcels where Alcohol/Tobacco Sales Establishments will be permitted:

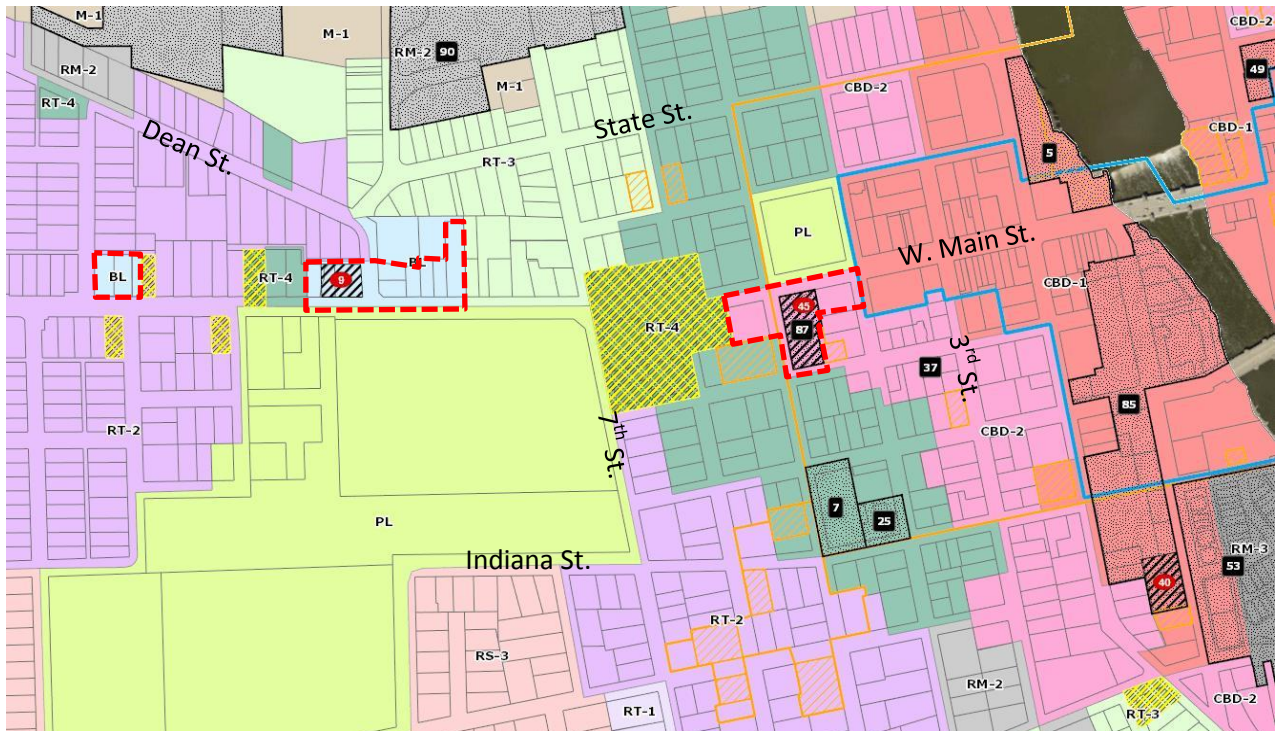
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<sup>1</sup> Strategic Regional Arterial (SRA) routes are identified by the Illinois Department of Transportation and are intended to carry larger volumes of traffic at higher speeds, as a complement to the region’s expressway system. Main St./Route 64, Randall Rd., and Kirk Rd. are the only three SRA routes designated in St. Charles.

**Figure 1: CBD-2 and BL parcels where Alcohol or Tobacco Sales Establishments will be permitted- east side of downtown.**

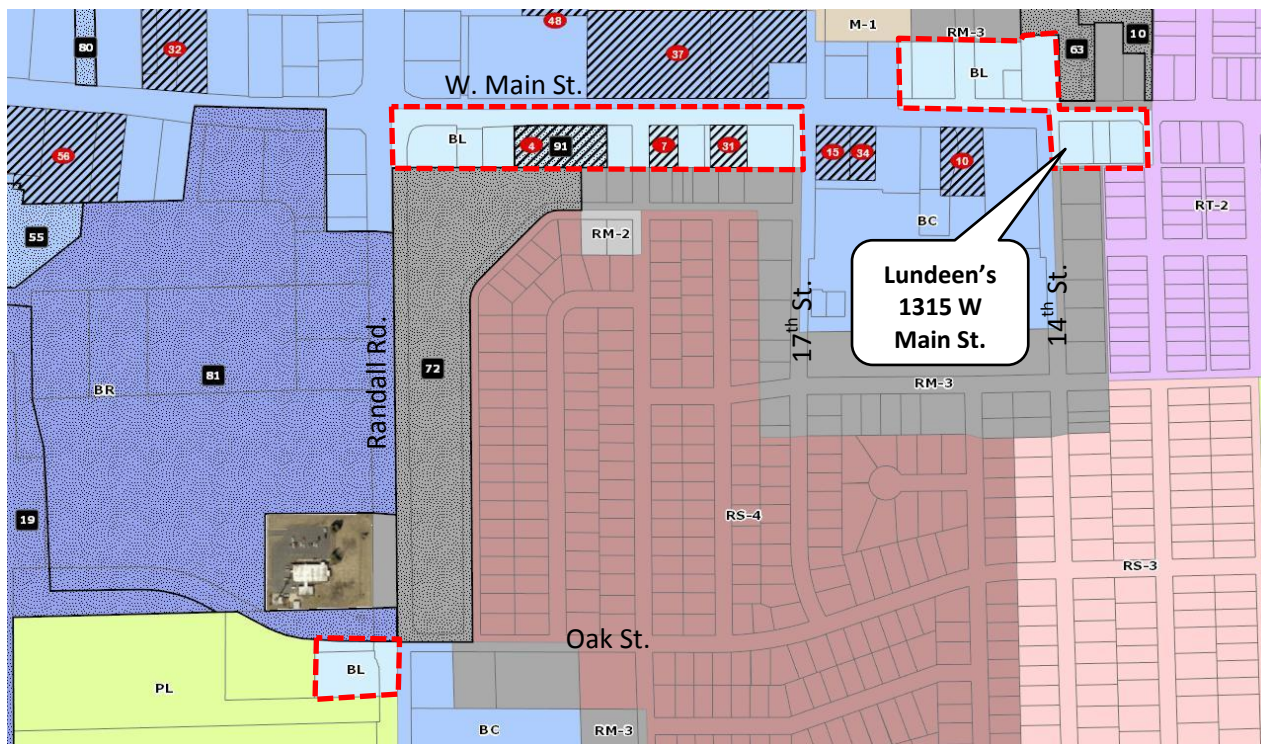


**Figure 2: CBD-2 and BL parcels where Alcohol or Tobacco Sales Establishments will be permitted- west side of downtown.**





**Figure 3: BL parcels where Alcohol or Tobacco Sales Establishments will be permitted - W. Main St. and Randall Rd. area.**



The attached map shows BL and CBD-2 zoned parcels where Alcohol/Tobacco Sales Establishments will not be permitted.

## 2. Impact on Existing Businesses

Most existing businesses will comply with the proposed restrictions. The following liquor/tobacco stores currently exist in the BL and CBD-2 Districts but will continue to be permitted under the proposal because they are located along Main Street:

- Lundeen's, 614 E Main St (CBD-2)
- Lundeen's, 1315 W Main St. (BL)
- Delectable Vapors, 504 E Main St. (CBD-2)

However, One-Stop Liquors at 1401 Prairie St., which is zoned BL but is not located along an SRA route, will become a legal, nonconforming use. The business can continue to operate, but cannot be expanded. If One-Stop Liquors closes and the property is vacant for more than 180 days (6 months), the use will be considered abandoned and an Alcohol or Tobacco Sales Establishment will not be able to locate there again.

## 3. Liquor Licenses & Alcohol Sales Establishments:

City Code Title 5 “Business Licenses and Regulations”, Ch. 5.08 “Alcoholic Beverages” regulates liquor licensing. Class A Packaged Alcoholic Liquor Licenses, “authorize the retail sale of alcoholic liquor in original packages only and not for consumption on the premises”. Class A licenses are divided into five sub-classes:

- A-1. Class A-1 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. Such licenses shall not be authorized for gasoline filling stations. The primary purpose of the premises shall be the retail sale of alcoholic liquor. The premises shall have a minimum gross area of two thousand square feet (2,000’).
- A-2. Class A-2 licenses shall authorize the retail sale of alcoholic liquors in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of alcoholic liquor, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000’), and provided the square footage devoted to the retail sale of alcoholic liquor is ten percent (10%) or less, of the gross square footage.
- A-2B. Class A-2B licenses shall authorize the retail sale of beer and wine only in original packages only and not for consumption on the premises. The primary purpose of the premises shall be for retail sales other than the retail sales of beer and wine, such as food store, drug store or mass merchandiser. The premises shall have a minimum gross area of ten thousand square feet (10,000’), and provided the square footage devoted to the retail sale of beer and wine is ten percent (10%) or less, of the gross square footage.
- A-4. Class A-4 licenses shall authorize the retail sale of beer for consumption on or off the premises, where brewed on the premises, provided the retail sale of beer for consumption off the premises shall be in original packages only. Class A-4 licenses shall also authorize the retail sale of wine in original packages only and not for consumption on the premises where fermented on the premises.
- A-5. Class A-5 licenses shall authorize the retail sale of domestic and imported wines, champagne, imported alcoholic liquor and gourmet beer in original packages only and not for consumption on the premises. The retail sale of alcoholic liquor shall be incidental to non-alcoholic liquor retail sales and shall not exceed twenty-five percent (25%) of the annual gross sales of said licensee. Class A-5 licenses shall also authorize the retail sale of wine, by the glass only, for consumption on the premises.

***Implications:***

- For a standard liquor store, the store must be at least 2,000 sf and the primary purpose must be the sale of alcohol. Gas stations are not eligible for this type of license (Class A-1).
  - This type of business would be classified as an Alcohol/Tobacco Sales Establishment.
- For stores that sell liquor or beer/wine but the primary purpose of the store is to sell other products, like a grocery store or drug store, the store must be at least 10,000 sf, and the area devoted to alcohol sales must be 10% or less of the gross square footage (Class A-2 and A-2B licenses).
  - Stores like convenience stores that are under 10,000 sf are not eligible to obtain a liquor license. For example, the mini mart on S. 3<sup>rd</sup> St. is 2,400 sf. It would not be able to get a liquor license to sell alcohol in a portion of the store, because the store is not 10,000 sf. The only way that location would be able to obtain a liquor license would be to become a liquor store.
  - These types of business would *not* be classified as an Alcohol/Tobacco Sales Establishment. It would be considered Retail Sales and would therefore be permitted in all commercial zoning districts.

- The Class A-4 license would be required for micro-breweries with tasting/tap rooms. This type of use would be considered a Tavern/Bar or Restaurant under the zoning ordinance. Tavern/Bar and Restaurant are not permitted in the CBD-2 zoning district, and are permitted only as a Special Use in the BL district. Tavern /Bar and Restaurant would continue to be permitted as a Special Use in the BL district, because they are different use categories than an Alcohol/Tobacco Sales Establishment.
- For stores that sell wine and more specialty liquor and beer (Class A-5 license), the area devoted to the sale of these products cannot exceed 25% of the annual gross sales of the business.
  - o This type of business would be classified as an Alcohol/Tobacco Sales Establishment if the primary purpose, in terms of floor area of the retail area, is for the sale of alcohol products. If the primary purpose is not sale of alcohol, it would be considered Retail Sales and would therefore be permitted in all zoning districts.

<b>Class A Packaged Alcoholic Liquor Licenses</b>	<b>Business requiring license would be classified as an Alcohol/Tobacco Sales Establishment</b>
Class A-1	Yes
Class A-2	No
Class A-2B	No
Class A-4	No
Class A-5	Yes (if floor area used for alcohol sales is over 50% of total retail floor area)

**4. Tobacco Licenses & Tobacco Sales Establishments:**

Per City Code Title 5 “Business Licenses and Regulations”, Ch. 5.16 “Tobacco”, there are three types of tobacco licenses:

- Retail Tobacco Dealer – over the counter  
It shall be unlawful to sell or offer for sale at retail, to give away, deliver or to keep with intention of selling at retail, giving away or delivering tobacco, alternative tobacco devices or tobacco products within the City without first obtaining a retail tobacco license. No smoking, sampling or testing is permitted on the premises.
- Retail Tobacco Dealer – product sampler (Specialty Store)  
It shall be unlawful to permit smoking on the premises at an establishment that also sells tobacco, alternative tobacco devices or tobacco related devices without first obtaining a retail tobacco dealer – product sampler license. The sale, sampling or testing of alternative tobacco products or smoking tobacco shall be permitted on the premises.
- Wholesale Tobacco Dealer  
It shall be unlawful to offer for sale at wholesale, give away, deliver, or keep with the intent of selling at wholesale, giving away or delivering tobacco, alternative tobacco devices or tobacco products within the City without first obtaining a wholesale tobacco dealer license. A wholesale tobacco dealer who also conducts retail sales shall be required to obtain

a retail tobacco dealer license in addition to the wholesale tobacco dealer license. No smoking, sampling or testing is permitted on the premises.

***Implications:***

- A Retail Tobacco Dealer (over the counter) license is required for any establishment selling tobacco or alternative tobacco products, regardless of the amount of space dedicated to sale of such products.
- A Retail Tobacco Dealer (product sampler) license is required for an establishment that permits on-site product sampling, such as a hookah lounge.
- The type of business that would require a Wholesale Tobacco Dealer license would be permitted only in the City’s manufacturing zoning districts.

**V. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing for the General Amendment on 3/22/16 and 4/6/16 and recommended approval with a vote of 6-0 (with two abstaining). Although the two members who abstained did not offer a specific reason, discussion during the public hearing centered on whether there was adequate basis to call out this specific business type and regulate it in a different manner than other types of retail sales businesses. (It was also noted that there is an inconsistency in the zoning regulation due to the BL district permitting Restaurants or Taverns as a Special Use.)

**VI. ATTACHMENTS**

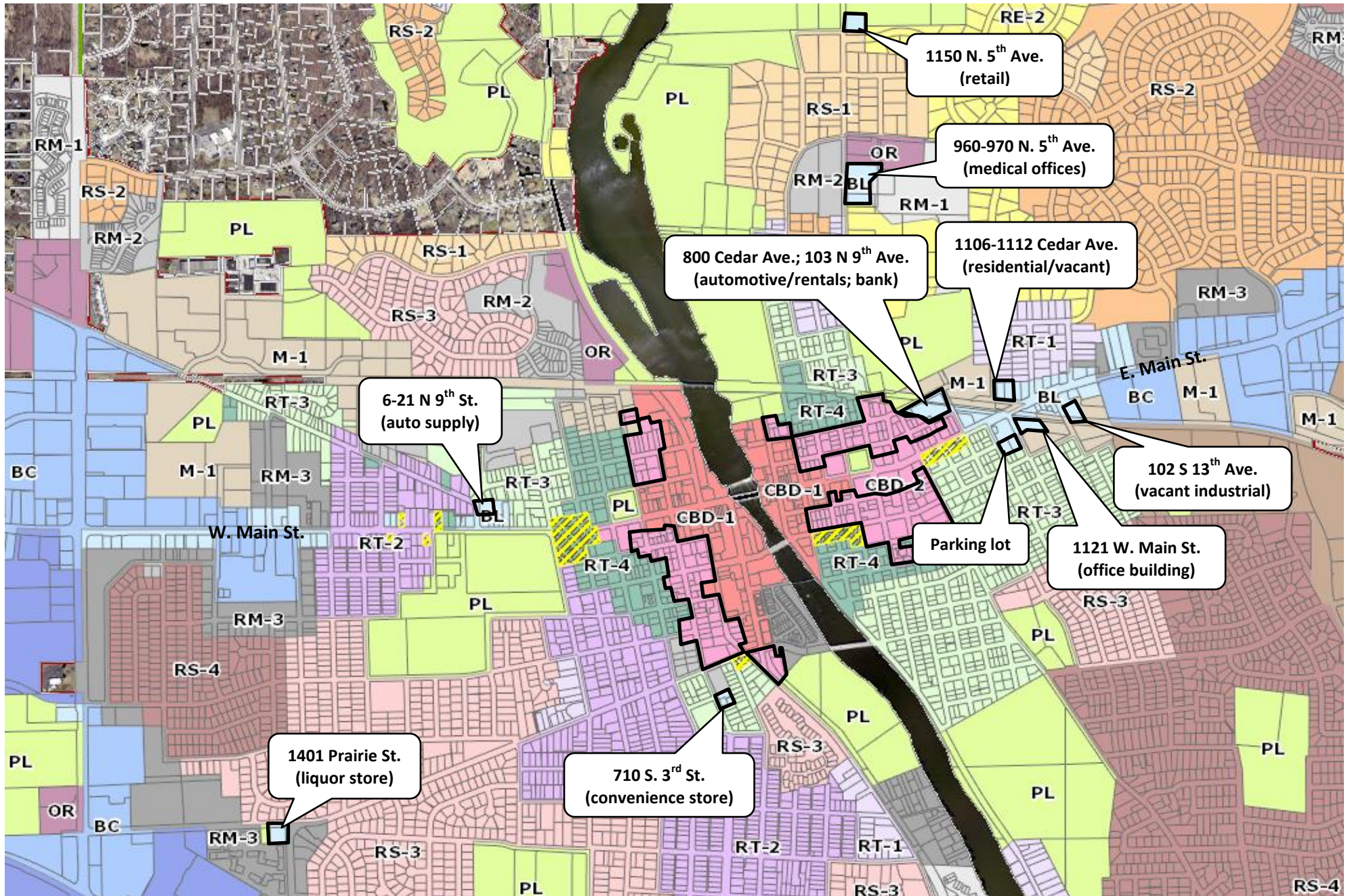
- Selected definitions from Ch. 5.16
- Map of BL and CBD-2 properties where Alcohol/Tobacco Sales Establishments will not be permitted
- Application for General Amendment, filed by staff on 2/17/16

**Ch. 5.16 definitions of tobacco products, alternative nicotine products, and Hookah Lounge:**

1. “Alternative nicotine products” means a product of device not consisting of or containing tobacco that provides for the ingestion into the body of nicotine, whether by chewing, smoking, absorbing, dissolving, inhaling, snorting, sniffing, or by any other means (commonly known as e-cigarettes). Alternative tobacco or nicotine products includes synthetic tobacco products which are intended to replicate tobacco and tobacco products. Alternative nicotine products excludes “tobacco products” as defined in this section and any product approved by the United States food and drug administration as a nontobacco product for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for that approved purpose.
2. “Hookah Lounge” means an establishment where patrons share shisha (flavored tobacco) from a communal hookah or nargile which is placed at each table. Typically a disposable mouthpiece is provided for each user for hygiene reasons. Some Hookah Bars offer traditional shisha or herbal shisha (contains no tobacco/nicotine) but herbs produce tar when they burn and for the purposes of this ordinance, will be treated the same as tobacco/alternative nicotine products in reference to their use and/or sale.
3. “Tobacco and tobacco products” means cigarettes cigars or tobacco intended for human use, including loose tobacco, pipe tobacco, chewing tobacco and snuff.



**BL and CBD-2 Parcels where Alcohol/Tobacco Sales Establishments will not be permitted**





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

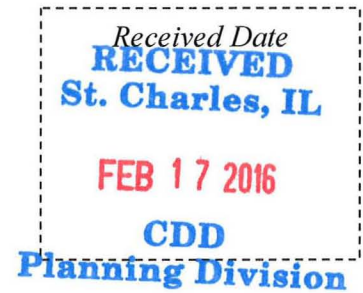


COMMUNITY & ECONOMIC DEV./PLANNING DIVISION

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

**GENERAL AMENDMENT APPLICATION**

<b>CITYVIEW</b>	
Project Name:	<u>GA - Alcohol + Tobacco Sales</u>
Project Number:	<u>2016 -PR- 001</u>
Application Number:	<u>2016 -AP- 004</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.*

<b>Applicant:</b>	Name	City of St. Charles	Phone	630-377-4443
	Address	2 E. Main St. St. Charles, IL 60174	Fax	630-377-4062
			Email	ejohnson@stcharlesil.gov

**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?**

Add "Alcohol or Tobacco Sales Establishment" as a new zoning use category.  
\_\_\_\_\_

**What sections are proposed for amendment?**

Chapters(s): 17.12; 17.14; 17.20; 17.30

Section(s): Table 17.12-1; Table 17.14-1; Section 17.20.030; Section 17.30.020

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

See attached.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.**

Ellen Johnson 2/17/10  
Applicant Date

**Ch. 17.12 Residential Districts, Table 17.12-1 Permitted & Special Uses**

BT

Alcohol or Tobacco Sales Establishment *not permitted*

**Ch. 17.14 Business & Mixed Use Districts, Table 17.14-1 Permitted & Special Uses**

	BL	BC	BR	CBD-1	CBD-2	Specific Use Standards
Alcohol or Tobacco Sales Establishment	P	P	P	P	P	Section 17.20.030

**Ch. 17.20 Use Standards, Section 17.20.030 Standards for Specific Uses**

Alcohol or Tobacco Sales Establishment:

1. In the BL Local Business District, this use is permitted only on properties with frontage on Main Street/Route 64, Randall Road, or Kirk Road.
2. In the CBD-2 Mixed Use Business District, this use is permitted only on properties with frontage on Main Street/Route 64.

**Ch. 17.30 Definitions, Section 17.30.020 Use Definitions**

New Use Category:

**Alcohol or Tobacco Sales Establishment:** An establishment where the primary purpose, based on floor area, is the sale of a) packaged alcoholic liquor directly to the consumer for consumption off the premises, or b) tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, "Tobacco", directly to the consumer for consumption either on or off the premises. An establishment that has over 50% of the total retail floor area dedicated to the sale or consumption of these items shall be considered an Alcohol or Tobacco Sales Establishment. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G), Tavern/Bar, or Restaurant (B), as defined herein.

Amended Use Category (underlined):

Retail sales: An establishment where the primary purpose is the sale of physical goods, products or merchandise directly to the consumer. This use includes, but is not limited to, stores that sell groceries, hardware, clothing, auto parts, electronics, appliances, jewelry, antiques and shoes. This use also includes carpet stores, electronics superstores, and furniture stores. This use does not include Heavy Retail and Service, Home Improvement Center, Pawn Shops, Adult Uses, or Alcohol or Tobacco Sales Establishments, as defined herein.

# 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.

See attached.

\_\_\_\_\_  
*Amendment Description/Ordinance Section Number*

\_\_\_\_\_  
*Date*

## From the Charles Zoning Ordinance, Section 17.04.320.C:

In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. The extent to which the proposed amendment would be in the public interest and would not serve solely the interest of the applicant.

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

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

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## Findings of Fact

### **1. The Consistency of the proposed amendment with the City's Comprehensive Plan.**

On page 43, a Residential Land Use policy states, "Preserve the character of the City's existing single-family residential neighborhoods". The proposed amendment will prevent a land use that is incompatible with the character of the City's residential neighborhoods from locating on isolated commercial parcels that are surrounded by residential neighborhoods.

On page 46, the Commercial Areas Framework Plan calls for Neighborhood Commercial areas (such as the properties located within the BL Local Business District) to be, "geared toward providing for the daily shopping, service and convenience needs of surrounding neighborhoods" and, "should be located along major corridors and at key intersections, along the edges of residential neighborhoods". The proposed amendment will allow alcohol/tobacco sales establishments in the BL District, but along major arterial streets only, and not within pockets of BL zoned property surrounded by residential neighborhoods.

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Establishments that sell alcohol and/or tobacco are licensed by approval of the City Council under the authority of the State of Illinois. As a part of the liquor or tobacco license review, the location of the business is considered.

It is in the public interest to better align the City's zoning use restrictions with the community's expectations regarding the appropriate location for Alcohol/Tobacco Sales Establishments.

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The proposed amendment will create one nonconformity; One-Stop Liquors at 14<sup>th</sup> and Prairie streets will become a legal, nonconforming use. The business can remain in operation, but will not be able to be expanded.

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

Currently, liquor/tobacco sales establishments are considered part of the general retail sales use category. Retail Sales are permitted in all of the business and mixed use zoning districts, as well as in the Transitional Business overlay district. The proposed amendment will continue to allow liquor/tobacco sales establishments within all of the business and mixed use zoning districts, however such establishments will only be permitted along SRA routes in the BL and CBD-2 district, and not within the BT overlay district.





**AGENDA ITEM EXECUTIVE SUMMARY**

<b>Title:</b>	Presentation of a First Year Summary Regarding the Downtown Business Economic Incentive Program
<b>Presenter:</b>	Matthew O'Rourke, Economic Development Division Manager Rita Tungare, Community & Economic Development Director

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development (4/11/16)		City Council
	Public Hearing		

<b>Estimated Cost:</b>	\$75,000 for FY 15/16	<b>Budgeted:</b>	YES	X	NO
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If NO, please explain how item will be funded:

**Executive Summary:**

In January of 2015, the City Council approved the Downtown Business Economic Incentive Program to provide build-out assistance for new or existing/expanding businesses that are renovating the inside of retail spaces located on the first floor of downtown properties. The program received its first funding allocation on May 1, 2015 for FY 2015-2016. The program's funding will remain at the same level in FY16/17. Since we are at the conclusion of the program's first fiscal year, staff is presenting an update regarding the performance of this program.

The main purposes for creating this program were:

- Create a business attraction "tool" to incentivize businesses to choose downtown St. Charles.
- Assistance with the financial cost of permanent building improvements that the private market is not addressing.
- Create a program that was "on par" with those being offered by contemporary communities to ensure St. Charles is competitive.

The full program description is attached to this summary for your reference.

In the first year, four grants at or under \$10,000 have been approved administratively for Isacco, Bombshell 56, The Finery & Blacksmith Bar, and Magnolia Bridal. One grant over \$10,000 has been approved by City Council for Two Wild Seeds Bakery.

**Attachments:** *(please list)*

Ordinance Approving Downtown Business Economic Incentive Program & Program Description

**Recommendation / Suggested Action** *(briefly explain):*

Staff is presenting a summary of the Downtown Business Economic Incentive Program's first year activity to update the Committee on the program's performance and to solicit feedback.

<i>For office use only:</i>	<i>Agenda Item Number: 3d</i>
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**City of St. Charles, Illinois**

Refer to:	
Minutes	
Page	1-20-15

**Ordinance No. 2015-M-2**

**An Ordinance Establishing a "Downtown Business  
Economic Incentive Program"**

**Adopted by the  
City Council  
of the  
City of St. Charles  
January 20, 2015**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, January 26, 2015**

*Nancy Garrison*  
\_\_\_\_\_  
City Clerk



**(SEAL)**

**City of St. Charles, IL**  
**Ordinance No. 2015-M- 2**

2

**An Ordinance Establishing a "Downtown Business Economic Incentive Program"**

WHEREAS, the City of St. Charles is a home rule unit as provided in the 1970 Illinois Constitution (Article VII, Section Sec 6(a)) and this ordinance is an exercise of its powers and performance of its functions pertaining to its government and affairs; and

WHEREAS, Section 48.2-1 of the Illinois Municipal Code (65 ILCS 5/11-48.2-1 et seq.) authorizes municipalities to exercise certain powers relative to preservation and enhancement of areas, places, buildings, structures, works of art and other objects having special historical, community or aesthetic interest or value; and

WHEREAS, the City of St. Charles has determined that the general welfare of the residents of the City of St. Charles will be promoted by the enhancement and continued vitality of downtown St. Charles; and,

WHEREAS, the City, pursuant to Section 5 of the Illinois Municipal Code (65 ILCS 8-1-2.5) is authorized to appropriate and expend funds for economic development purposes including, without limitation, the making of grants to any other governmental entity or commercial enterprise that are deemed necessary or desirable for the promotion of economic development within the municipality; and,

WHEREAS, the Planning and Development Committee of the City Council recommended approval of the proposed economic award program on or about January 12, 2015; and,

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Planning and Development Committee 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 1.

2. That the City of St. Charles has established a Downtown Business Economic Incentive Program that shall be as follows:

See Exhibit A

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

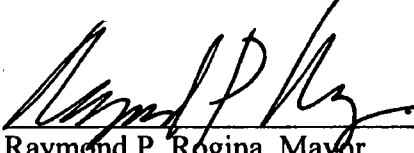
(30) days after the adoption and approval hereof, be published in a newspaper published in and with a general circulation within the City of St. Charles.

4. This Ordinance shall be in full force and effect ten (10) days from and after its passage by a vote of the majority of the corporate authorities now holding office, approval and publication in the manner provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of January 2015.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of January 2015.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 20th day of January 2015.

  
Raymond P. Rogina, Mayor

Attest:

  
Nancy Garrison  
City Clerk/Recording Secretary

COUNCIL VOTE:

Ayes: 10

Nays: 0

Absent:

Abstain:

APPROVED AS TO FORM:

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

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



**Exhibit A**  
**City of St. Charles Downtown Business Economic Incentive Program Description**



**City of St. Charles**  
**Downtown Business Economic Incentive Program**

**1. Program Purpose**

The purpose of the St. Charles Downtown Business Economic Incentive Program is to encourage the rehabilitation and investment of properties located in downtown St. Charles. This program will meet this purpose by providing the following benefits:

1. The enhancement of the overall economic vitality and character of downtown St. Charles by attracting tenants to fill vacant commercial spaces.
2. Assist the expansion and/or relocation of existing businesses within downtown St. Charles.
3. Promoting the continued success of downtown St. Charles through the improvement and repair of historic and older buildings that require maintenance and building/fire code updates.
4. The protection of the general welfare by enhancing property and vitality of downtown St. Charles.

**2. Program Guidelines:**

All Downtown Business Economic Incentive Program awards will match applicant expenditures on a 50/50 basis for eligible improvements. There shall be a funding amount of \$10,000 available for individual businesses. Multiple businesses located in multi-tenant buildings shall all be eligible for individual awards. All businesses must meet the following criteria:

- The property must be located in the Downtown Area (See Attached Map for program limits).
- The business must be considered one of the following uses as defined in Section 17.030.020 of Title 17 the Zoning Ordinance:
  - Art Studio
  - Cultural Facility
  - Indoor Recreation & Amusement
  - Live entertainment
  - Hotel/Motel
  - Outdoor Sales, Permanent
  - Personal Services
  - Coffee Shop or Tea Room
  - Restaurant
  - Retail Sales
  - Tavern/Bar
  - Theater
- The leasable space must be located on the first floor/street level of the eligible building.
- Primary point of sale for merchandise/services in the store must be the location of the physical business.
- Businesses are eligible for an additional \$15,000 provided the property/business meets one of the following criteria: (Total grant amount for any business shall not exceed \$25,000)
  - The additional awards are used to update building code or fire code deficiencies required by change of use such as but not limited to: ADA accessibility improvements, fire sprinkler installation, fire alarms installation, repair, or updates, accessibility ramps/elevators.

- The building or leasable space has been vacant for more than 6 months.
- The proposed business is located in the Downtown Retail Overlay District.
- Large retail spaces that need to be demised to make leasing the space more feasible.
- Extraordinary costs based on a unique physical condition or alterations of the building can be considered on a case by case basis.

**4. Approval of a Downtown Business Economic Incentive Program Award Procedure:**

The Community & Economic Development Department shall accept and process all applications for Downtown Business Economic Incentive Program awards.

- All applicants must request a “Chapter 34” review by the Building & Code Enforcement Division and Fire Department to determine any necessary code upgrades required due to change in use or life safety issues.
- Awards of **\$10,000** or less are approved administratively by Director of Community & Economic Development Department or designee.
- Awards in **excess of \$10,000 up to \$25,000** are required to receive City Council approval.

**5. Eligible Improvements**

The following improvements shall be considered eligible to receive the Downtown Business Economic Incentive Award:

- Accessibility improvements for handicapped persons.
- Creation of new exterior doors for access into new leasable commercial spaces.
- Demising walls for the purposes of creating individual leasable commercial spaces.
- Energy conservation improvements.
- Electrical work, including service upgrades.
- Fire alarm systems.
- Fire sprinkler system installation or upgrade, including any needed water service improvements.
- Heating, ventilation and air conditioning.
- Lighting.
- Plumbing.
- Restoration of historic interior architectural features, including ceilings, light fixtures, floors and architectural detailing.
- Utility service upgrades, including water and sewer.
- Improvements not specifically listed as eligible or ineligible are subject to review on a case by case basis.
- Façade improvements (*only if the Façade Improvement Program has committed all budgeted funding for the current fiscal year.*)

**6. Ineligible Improvements**

The following items are **NOT** eligible for awards under the Downtown Business Economic Incentive Award Program:

- Acquisition of land or buildings.
- Product inventory.

- Interior signage.
- Lighting fixtures.
- Hard surface materials for non-retail exterior space (parking lots, sidewalks, etc.).
- Display window enhancements (hanging grid system, lighting, display shelf, etc.).
- Media marketing and advertising.
- Ongoing business expenses such as rent, payroll, consulting work, moving expenses, etc.
- Day-to-day operational costs (e.g. utilities, taxes, maintenance, refuse).
- Exterminator services.
- Landscaping (see the City of St. Charles' Corridor Improvement Grant Program).
- Paint, tile, or other design elements.
- Furniture, cabinetry, carpets, office equipment, or similar interior finishes.
- Building permit fees and related costs.
- Sweat equity.
- Signs.

**7. Commencement of Work:**

Only after the Downtown Business Economic Incentive Program Agreement is approved by the City, can work commence. **DO NOT START BEFORE -- YOU WILL NOT BE REIMBURSED FOR WORK DONE PRIOR TO CITY APPROVAL OF THE DOWNTOWN ECONOMIC INCENTIVE PROGRAM AGREEMENT.**

**8. Completion of Work:**

All improvements must be completed within 270 calendar days of Downtown Business Economic Incentive Program Agreement approval, unless otherwise authorized by City staff for a maximum of a one (270) day extension. If the work is not complete by the end of the extension the City's remaining obligation to reimburse the owner or tenant for the project terminates.

**9. Reimbursement Payments:**

Upon completion of the work, the owner or tenant must submit copies of all design invoices, contractor's statements, other invoices, proof of payment and notarized final lien waivers to the Director of Community & Economic Development, as evidence that the owner or tenant has paid the architect and contractor(s). You should use the attached forms for the contractor's statement and final lien waivers. Payment will be authorized upon completion of all work items as originally approved and receipt of all of the required documents.

The Applicant will only be reimbursed for the amount of the award once all approved work has been completed and a Certificate of Occupancy is issued by the Building & Code Enforcement Division.

The Director of Community & Economic Development may authorize reimbursement to be made in two payments, if all of the following conditions are present: 1) The first partial payment may be made upon completion of work representing at least forty percent (40%) of the amount specified in the Downtown Business Economic Incentive Program Agreement; 2) The architect's invoices, contractor's statements, invoices, notarized final lien waivers and proof of payment for the completed work have been submitted; 3) The remaining work is expected to be delayed for thirty

days or more following completion of the initial work due to weather, availability of materials, or other circumstances beyond the control of the owner or tenant.

In the case that the award covers multiple leasable spaces in one building, partial award funding can be disbursed as each individual leasable space is issued a Certificate of Occupancy. The amount of the partial disbursement shall be based on the proportion of square footage.

All Improvements shall be installed in accordance with the approved plan. Minor revisions as may be approved by a representative of the City Staff due to field conditions not known at the time of design, and similar circumstances beyond the Applicant's control. **THIS IS A REIMBURSEMENT PROGRAM -- YOU MUST PAY YOUR ARCHITECT, CONTRACTORS AND SUPPLIERS BEFORE YOU RECEIVE PAYMENT FROM THE CITY.**

Reimbursement awards are subject to Federal and State taxes, and are reported to the Internal Revenue Service on Form 1099. You are required to provide your taxpayer ID number or social security number as part of the Downtown Business Economic Incentive Program Agreement. Property owners and tenants should consult their tax advisor for tax liability information.

**10. Maintenance Period:**

The property owner and tenant shall be responsible for maintaining the improvements without alteration for five (5) years. A restrictive covenant limiting alterations may be required by the City Council at the time of approval of the Downtown Business Economic Incentive Program Agreement. A waiver from this requirement may be awarded by the City Council following a recommendation by the Director of Community & Economic Development, upon submittal of evidence of hardship or unusual circumstances.







State of Illinois )  
 )  
 ) ss.  
Counties of Kane and DuPage )

## Certificate

I, NANCY GARRISON, certify that I am the duly elected and acting Municipal City Clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

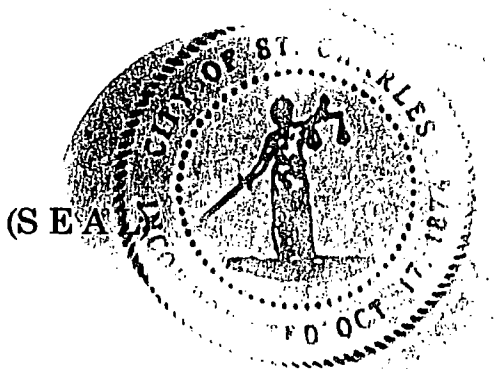
I further certify that on January 20, 2015, the Corporate Authorities of such municipality passed and approved Ordinance No. 2015-M-2, entitled

"An Ordinance Establishing a "Downtown Business  
Economic Incentive Program","

which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2015-M-2, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on January 26, 2015, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

DATED at St. Charles, Illinois, this 20<sup>th</sup> day of January, 2015.



*Nancy Garrison*  
Municipal Clerk