	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	General Amendment – Personal Services, Limited		
	City Staff:	Matthew O’Rourke, Planner		
	Please check appropriate box (x)			
	PUBLIC HEARING (2/5/13)	X	MEETING (2/5/13)	X
APPLICATIONS UNDER CONSIDERATION:				
General Amendment – Chapter 17.16 “Inclusionary Housing” and Chapter 17.30 “Definitions”				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report (dated 2/1/13)		General Amendment Application		
EXECUTIVE SUMMARY:				
<p>Elgin Banchsares, Inc., represented by Jill Markowski, owns the office buildings located at 551-559 Dunham Road. They would like to sell one of their units to Instyle Salon & Spa Suites. Instyle’s business model is to create small individual office rooms that are rented to individual hair care/spa professionals. The professionals rent the entire individual space/office as opposed to renting one chair at an existing salon. This type of business is classified as Personal Service by Title 17 the City’s Zoning Ordinance.</p> <p>The subject property is currently zoned OR –Office Research and Personal Services are not a permitted use in this Zoning District.</p> <p>Elgin Bancshares, Inc. has applied for a general amendment to the Zoning Ordinance. The details of the proposal are as follows:</p> <ol style="list-style-type: none"> 1. Create a new use category in Chapter 17.30 Definitions titled Personal Services, Limited. 2. Amend Table 17.16-1 Office/Research, Manufacturing, and Public Lands Permitted and Special Uses to permit the new Personal Services, Limited use category in the OR-Office Research Zoning District. 				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
<p>Conduct the public hearing and close if all the testimony has been taken.</p> <p>Staff has placed this item on the meeting portion of the agenda for a recommendation, should the Plan Commission feel they have adequate information to recommend on the item tonight.</p> <p>Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.</p>				

CITY OF ST. CHARLES

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



COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

GENERAL AMENDMENT APPLICATION

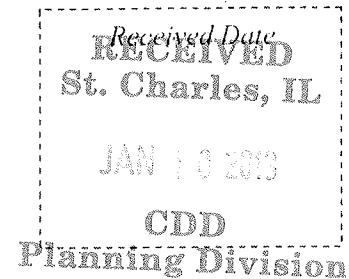
CITYVIEW

Project Name:

Project Number:

Application Number:

Gen. Amend. Personal Serv. in OF
2013 -PR- 001
2013 -AP- 001



Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance, 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.

1. Applicant:

Name

Elgin Bancshares, Inc.

Phone

847-476-2521

Address

P.O. Box 641
Elgin, IL 60123

Fax

847-776-2807

Email

jemarkowski@

2. Billing:

*Who is responsible
for paying
application fees
and
reimbursements?*

Name

Same as Above

Phone

comcast.net

Address

Fax

Email

Attachment Checklist

- ☐ **APPLICATION:** Completed application form
- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance.
- ☐ **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.
- ☐ **WORDING OF THE REQUESTED TEXT AMENDMENT**

One (1) copy of Proposed Amendment (Letter Sized) and one (1) Electronic Microsoft Word version on CD-ROM

Requested Text Amendment

To amend Sections 17.304 [Definitions: Personal Services Limited] and 17.16.020 [Table 17.16.1] of the St. Charles Zoning Ordinance. The wording of the proposed amendment is:

17.304 PERSONAL SERVICES, LIMITED. AN ESTABLISHMENT WHERE THE FOLLOWING PERSONAL SERVICES ARE PROVIDED DIRECTLY TO THE CUSTOMER BY APPOINTMENT ONLY: BEAUTY PARLOR. THIS USE MAY INCLUDE INCIDENTAL RETAIL SALES OF GOODS. TATTOO PARLORS, CURRENCY EXCHANGES, MOTOR VEHICLE RENTAL AND ADULT USES ARE NOT PERMITTED AS LIMITED PERSONAL SERVICES.

17.16.20 [TABLE 17.16.1].

RETAIL, OFFICE AND SERVICES: LIMITED PERSONAL SERVICES – PERMITTED USE.

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.

By: Elgin Bancshares, Inc.

Joe Malone, Secy. 1/4/13
Applicant Date

FINDINGS OF FACT SHEET – 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.

The modification of definition of “Personal Services” and Amendment to or Office/Research District to permit limited personal services

Amendment Description/Ordinance Section Number

Date

From the St. 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.

THERE IS NO INCONSISTENCY BETWEEN THE PROPOSED TEXT AMENDMENT AND THE CITY’S COMPREHENSIVE PLAN.

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

THE “OR DISTRICT” IS DESIGNED TO ALLOW OFFICE AND CERTAIN SERVICE RELATED USES WHICH ARE TYPICAL OF GENERAL OFFICE USE. BEAUTY PARLORS ARE TRADITIONAL, DESTINATION-ORIENTED OPERATIONS WHERE CUSTOMERS MAKE ADVANCE APPOINTMENTS ON REGULAR BASIS. A BEAUTY PARLOR USE IS SIMILAR TO OTHER OFFICE USES WHERE THE OCCURRENCES OF “WALK-IN” CUSTOMERS ARE HIGHLY UNUSUAL.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

THE CURRENT DEFINITION OF “PERSONAL SERVICES” IS SO DIVERSE AND LIMITING IN THE TYPE OF SERVICES ALLOWED. FOR EXAMPLE, THE IMPACT OF A DRY CLEANING ESTABLISHMENT OR A SHOE REPAIR SHOP, WHICH ARE TYPICAL “WALK-IN, NO APPOINTMENT NECESSARY” BUSINESSES, ARE DISSIMILAR TO A BEAUTY PARLORS WHERE ESTABLISHED CUSTOMERS MAKE ADVANCE, DATE SPECIFIC APPOINTMENTS FOR BEAUTY PARLOR SERVICES.

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

PERSONAL SERVICES, SUCH AS BEAUTY PARLORS, ARE WELL-KNOWN TO BE SERVICES WHICH ARE MADE BY ADVANCE APPOINTMENTS, SIMILAR TO OTHER TRADITIONAL OFFICE USES, SUCH MEDICAL APPOINTMENTS. THE INCLUSION OF THIS PERSONAL SERVICE (BEAUTY PARLOR) IN THIS DISTRICT WILL LIKELY

ENCOURAGE SUCH USES IN OFFICE SPACES INSTEAD OF OCCUPYING SPACES WHICH SHOULD BE USED FOR RETAIL OPERATIONS.

1

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

NO KNOWN NON-CONFORMITIES WILL BE CREATED.

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

THE PROPOSED AMENDMENT WILL HAVE NO ADVERSE IMPLICATIONS ON ALL SIMILARLY ZONED PROPERTIES IN THE CITY.

2

Community Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



STAFF REPORT

TO: Chairman Todd Wallace
And Members of the Plan Commission

FROM: Matthew O'Rourke, Planner

RE: General Amendment to Tile 17 (Zoning Ordinance) Personal Service, Limited

DATE: February 1, 2013

I. GENERAL INFORMATION

Project Name: General Amendment – Personal Services, Limited

Applicant: Elgin Bancshares, Inc.

Purpose: Ordinance amendments to permit a limited number of personal service uses in the OR - Office Research District.

II. BACKGROUND

Elgin Bancshares, Inc., represented by Jill Markowski, owns the office buildings located at 551-559 Dunham Road. They would like to sell one of their units to Instyle Salon & Spa Suites. Instyle's business model is to create small individual salon rooms that are rented to individual hair care/spa professionals. The professionals rent the entire individual space/office as opposed to renting one chair at an existing salon.

The subject property is currently zoned OR –Office Research and Personal Services are not a permitted use in this Zoning District.

Elgin Bancshares, Inc. has applied for a general amendment to the Zoning Ordinance. The details of the proposal are as follows:

- Create a new use category in **Chapter 17.30 Definitions** titled **Personal Services, Limited**.
- Amend Table 17.16-1 Office/Research, Manufacturing, and Public Lands Permitted and Special Uses to permit the new **Personal Services, Limited** use category in the OR-Office Research Zoning District.

III. ANALYSIS

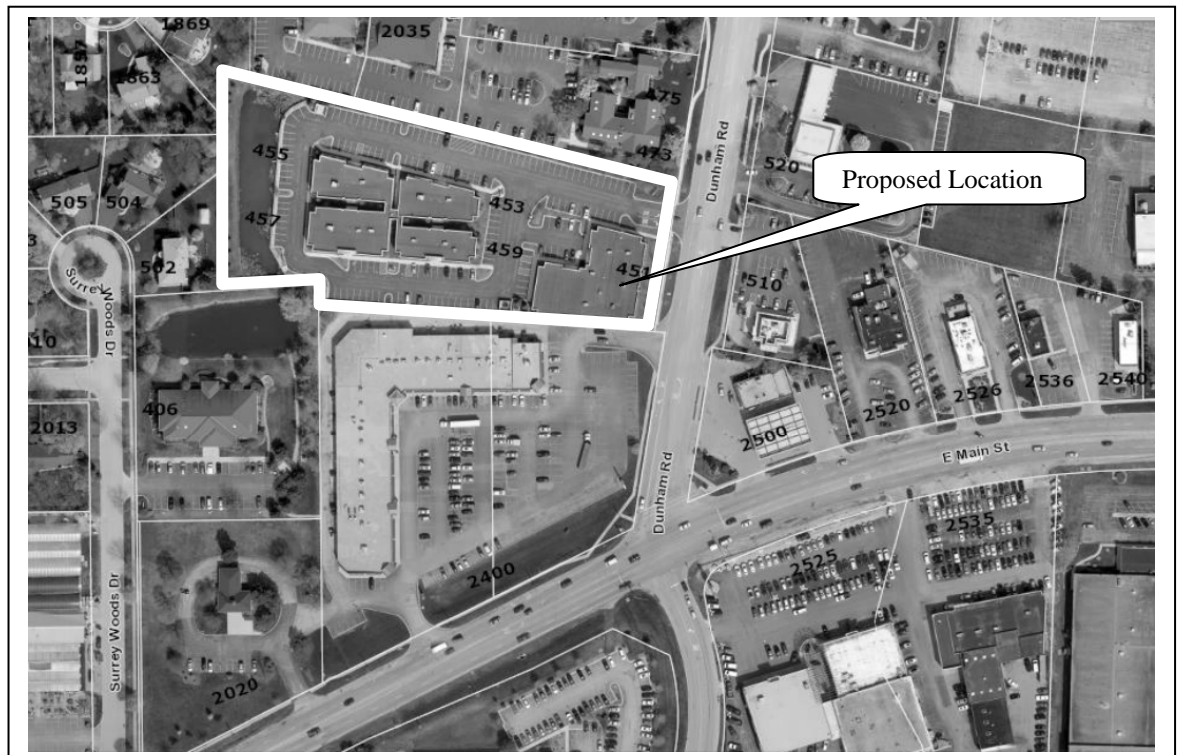
A. SITE LOCATION & AERIAL PHOTO

The applicant's property is located west of Dunham Road and north of E. Main Street. A mixture of zoning districts and land uses surround this property as follows:

Location	Zoning District	Land Use
North	OR – Office Research	Office Complex
East	BC-Community Business PUD	Bank and Fast Food Restaurant
South	BC-Community Business	Multi-Tenant Retail Building
West	RS-2- Suburban Single-Family	Single-Family Residences

This property is similar to other OR zoned properties that abut a variety of uses such as retail/commercial and residential uses.

Aerial Photo



B. OR OFFICE RESEARCH ZONING DISTRICT

Per **Section 17.16.010 Purpose Statements** of the Zoning Ordinance, the following is the purpose of the OR Zoning District:

“The O-R Office/Research District is designed to accommodate office and certain service uses that require a percentage of lower building coverage and larger setbacks than those types of office and service uses found within the commercial

districts. The O-R District is designed to provide an open, landscaped appearance along public streets and to provide a buffer area between residential uses and other commercial or industrial uses.”

The OR district currently permits a variety of uses. Several of these uses are customer oriented services such as indoor amusement (includes health clubs), art galleries, places of worship, and banks. Staff has included a complete table of all uses permitted in the OR district as Attachment A.

C. PERSONAL SERVICES USE CATEGORY

Per **Chapter 17.30 Definitions**, beauty salons and spas are considered part of the Personal Services use category, which is defined as:

“Personal Services (G). An establishment where personal services are provided directly to the customer. This use includes, but is not limited to, barber shops, beauty parlors, laundry and dry cleaning establishments, funeral homes/mortuaries, tanning salons, tailors, domestic pet grooming, shoe repair shops, and the like. This use may include incidental retail sales of goods. Tattoo Parlors, Currency Exchanges, Motor Vehicle Rental and Adult Uses are not permitted as Personal Services establishments.”

Personal Services are permitted in all business and mixed-use Zoning Districts and encompasses a variety of individual uses with similar characteristics such as:

- Businesses deliver direct services and not sell retail goods to patrons.
- Parking requirements – 3 spaces per every 1,000 square feet (same as Office, Professional).

IV. **PROPOSED AMENDMENTS**

Staff and the applicant are proposing a use category titled **Personal Services, Limited**. The new use category will limit the personal service uses permitted in the OR district to those complimentary to office/research businesses, and fit the purpose statement of the OR district. These amendments are as follows:

A. TABLE 17.16-1 OFFICE/RESEARCH, MANUFACTURING, AND PUBLIC LANDS PERMITTED AND SPECIAL USES

The proposed amendment would add Personal Services, Limited as a permitted use in Table 17.16-1 in the OR District.

B. 17.30.030 GENERAL DEFINITIONS

The proposed amendment would define **Personal Services, Limited** as follows:
Personal Services, Limited. A subset of the **Personal Services** use category limited to barber shops and beauty salons (including: hair treatments, facial treatments, pedicures, and finger nail treatments, tanning salons). All limitations on the Personal Services use category shall also apply to Personal Services, Limited.

The proposed **Personal Services, Limited definition could be expanded to addition similar uses such as spas, if the Committee feels this is appropriate.

V. RECOMMENDATION

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

Staff has placed this item on the meeting portion of the agenda for a recommendation, should the Plan Commission feel they have adequate information to recommend on the item tonight.

Staff recommends approval of the General Amendment Application and has provided the attached draft Findings of Fact to support that recommendation.

VI. ATTACHMENTS

- Attachment A – Permitted Uses in the OR Office Research Zoning District

FINDINGS OF FACT
GENERAL AMENDMENT

(Personal Services, Limited)

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

The proposed amendments will permit a limited number of personal service uses in the OR Office Research Zoning District. This amendment will not alter the contents of the Comprehensive Plan or locations designated as Office and Research on the future land use map.

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

This amendment does not alter the uses permitted in the **Personal Services** use category, but creates a new subset of **Personal Service** uses that will be permitted in the OR Office Research District. Per **Section 17.16.010 Purpose Statements** *“The O-R Office/Research District is designed to accommodate office and certain service uses that require a percentage of lower building coverage and larger setbacks than those types of office and service uses found within the commercial districts. The O-R District is designed to provide an open, landscaped appearance along public streets and to provide a buffer area between residential uses and other commercial or industrial uses.”* This amendment will increase the number of compatible service uses permitted in the OR district, but will not alter the physical layout of these business parks as described in the OR District purpose statement, due to the similar parking demands of office users and Personal Service uses. All existing regulations pertaining to Personal Services will still apply to this new category such as parking standards and use restrictions.

3. Whether the proposed amendment corrects an error or omission, adds clarification to existing requirements, is more workable than the existing text, or reflects a change in policy.

The proposed amendment represents a change in policy. This amendment permits a limited number of personal service uses in the OR Office Research Zoning District that are not currently permitted. The uses that are proposed to be permitted are limited in scope to those personal services that are similar in character to the uses currently permitted in the OR district.

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

The amendment will apply to all properties within the OR Office Research Zoning District. This amendment will only permit uses that are complementary in scope to office and research uses.

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

This amendment will not create any new nonconformities. This amendment will permit a limited number of uses in the OR Office Research Zoning District that are not currently permitted.

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

This amendment will permit the same limited number of personal service uses for all property zoned OR Office Research.

Attachment A – Permitted Uses in the OR Office Research Zoning District

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	O-R
RESIDENTIAL USES	
Artists Live/Work Space	
Assisted Living Facility	P
CULTURAL, RELIGIOUS, RECREATIONAL & ENTERTAINMENT USES	
Art Gallery/Studio	P
Carnival (as temporary use)	
Cultural Facility	P
Golf Course	
Indoor Recreation& Amusement	P
Model Airplane Facility	
Outdoor Amusement	
Outdoor Entertainment, Temporary	
Outdoor Recreation	
Park, Neighborhood	
Place of Worship	
Theater	
RETAIL, OFFICE AND SERVICE USES	
Adult Use	
Bank	P
Car Wash	
Day Care Center	P
Drive-In Facility	SA
Emergency Medical Center	P
Financial Institution	P
Heavy Retail and Service	
Heliport	
Hotel/Motel	P
Kennel	
Medical/Dental Clinic	P
Motor Vehicle Service and Repair, Major	
Motor Vehicle Service and Repair, Minor	
Motor Vehicle Rental	P
Office, Business or Professional	P
Outdoor Sales, Permanent	
Outdoor Sales, Temporary	
Professional Training Center	P
Veterinary Office/Animal Hospital	P
GOVERNMENTAL AND INSTITUTIONAL USES	
Cemetery	
College/University	P
Correctional Facility	
Fairground	
Hospice	P
Hospital	P
Nursing Home	P
Office, Government	P
Police Firearms Training Range	
Public Service Facility	
School, Primary or Secondary	
School, Private Boarding	
School, Specialized Instruction	P
INDUSTRIAL/STORAGE USES	
Junkyard	

P=Permitted Use S=Special Use A=Permitted Accessory Use SA=Special Use, Accessory Only	O-R
Manufacturing, Heavy	
Manufacturing, Light	
Mini-Warehouse	
Outdoor Storage	
Permanent Motor Vehicle Storage	
Recycling Facility	
Research and Development Use	P
Warehouse/Distribution	
OTHER	
Accessory Uses	A
Agriculture	
Communication Antenna	P
Communication Tower	S
Parking Garage/Structure	A
Parking Lot, Private	A
Planned Unit Development	S
Transportation Operations Facility	
Utility, Local	P
Utility, Community/Regional	S