



## AGENDA ITEM EXECUTIVE SUMMARY

Title:	Recommendation to Approve an Amendment to Special Use for a Planned Unit Development (First Street Redevelopment – Building 7A 401-409 S. First Street)
Presenter:	Russell Colby

*Please check appropriate box:*

	Government Operations		Government Services
X	Planning & Development – (8/12/13)		City Council
	Public Hearing		

Estimated Cost:	N/A	Budgeted:	YES		NO	
-----------------	-----	-----------	-----	--	----	--

If NO, please explain how item will be funded:

**Executive Summary:**

**Background**

In 2006, the City Council approved the First Street Redevelopment PUD. Part of this redevelopment was building 7A which was constructed in 2008. The PUD permitted a Financial Institution with a Drive-Through Facility and additional commercial tenant spaces on the first floor, with 16 apartment units on the upper levels. The approved PUD also restricts the permitted uses for the remaining first floor tenant spaces to the following categories as defined in the Zoning Ordinance: **Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses.**

**Proposal**

First Street Development, LLC. is proposing to amend the First Street Redevelopment PUD Ordinance to permit additional uses on the first floor of Building 7A. Details of the proposal are as follows:

- Amend **Section Six (A).** of **Ordinance 2006-Z-29** to include Office, Business or Professional and Medical/Dental Clinic uses on the first floor of building 7A.
- That building 7A be excluded from the first floor use restrictions that apply to the entire PUD. Specifically, a restriction that no more than 25% of the gross leasable floor area on the first floor of all buildings located in the PUD be comprised of: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, and Bank and Financial Institutions.
- There are no proposed changes to the exterior of the building or parking/Drive-Through Facility area.

**Plan Commission Review**

The Plan Commission held a public hearing on 8/6/2013. The Plan Commission recommended approval of the petition. The vote was 7-aye to 0-nay. No significant comments regarding this proposal were stated during the public hearing.

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

Application for PUD Preliminary Plan; received 4/4/2013; Excerpt from Ordinance No. 2006-Z-29; Pictures of Existing Building

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

Recommendation to approve an amendment to Special Use for a Planned Unit Development (First Street Redevelopment – Building 7A 401-409 S. First Street).

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

# Community Development

## Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



ST. CHARLES  
SINCE 1834

### Staff Report

**TO:** Chairman Daniel P. Stellato  
And Members of the Planning and Development Committee

**FROM:** Matthew O'Rourke, AICP  
Planner

**RE:** Proposed Amendment to Special Use for Planned Unit Development (First Street Redevelopment - Building 7A 401-409 S. First Street)

**DATE:** July 31, 2013

### I. APPLICATION INFORMATION:

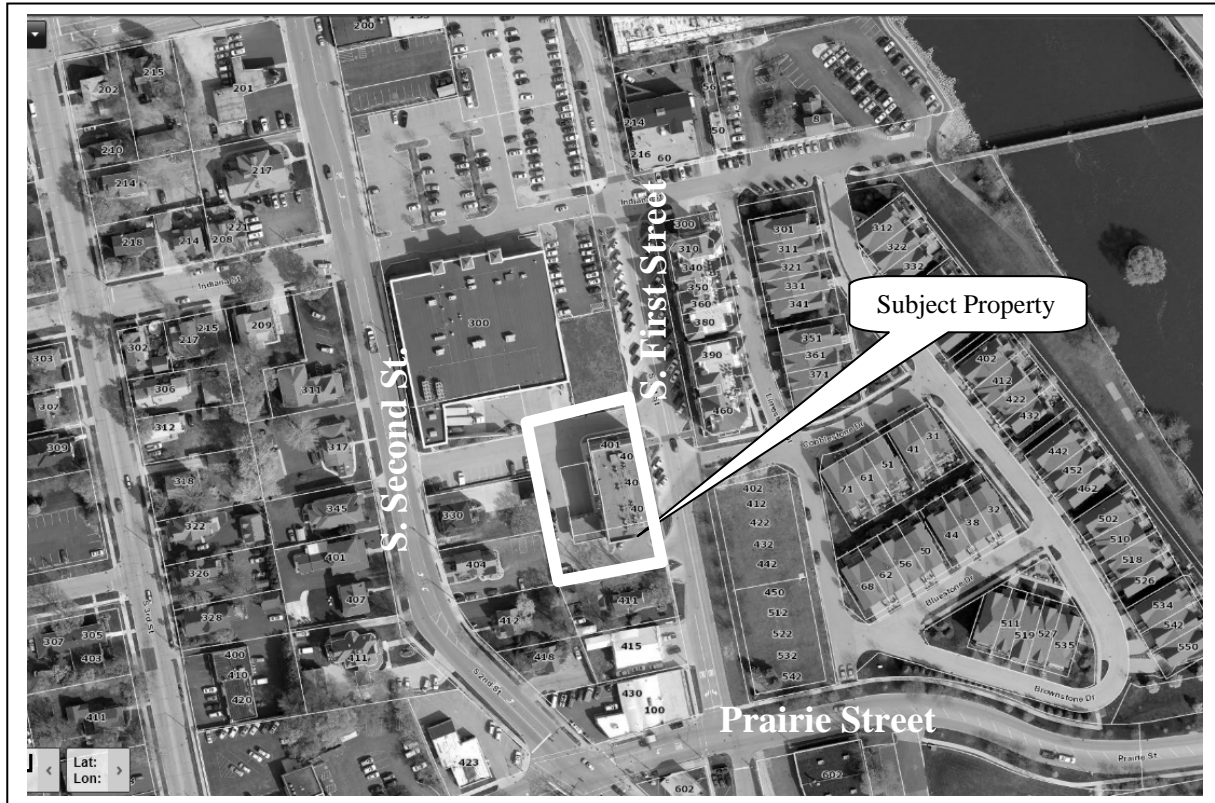
**Project Name:** 401-409 S. First Street (Building 7A)

**Applicant:** First Street Development, LLC.

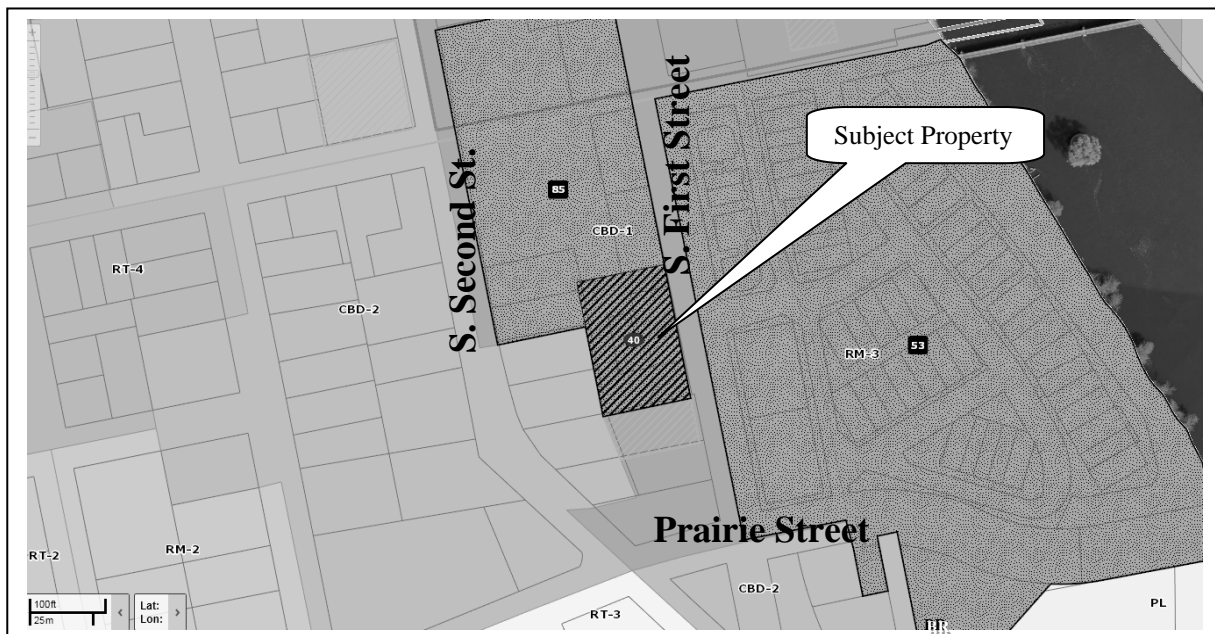
**Purpose:** Amend the First Street PUD to permit additional uses on the first floor of building 7A.

General Information:		
<b>Site Information</b>		
Location	401-409 S. First Street	
Acres	0.57	
Applications	<b>1) Special Use for a Planned Unit Development</b>	
Applicable Ordinances and Zoning Code Sections	17.04 Administration Ordinance No. 2006-Z-29 "An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the 'First Street Redevelopment' "	
<b>Existing Conditions</b>		
Land Use	Building 7A	
Zoning	CBD-1 Central Business District (First Street PUD)	
<b>Zoning Summary</b>		
North	CBD-1 Central Business District (First Street PUD)	Vacant Lot/Blue Goose
East	CBD-1 Central Business District (PUD)	Milestone Row Mixed Use Building
South	CBD-1 Central Business District	Existing Business
West	CBD-1 Central Business District/CBD-2 Mixed-Use Business District	Existing Business
<b>Comprehensive Plan Designation</b>		
Retail and Service		

### Aerial Photograph



### Surrounding Zoning



## II. BACKGROUND

In 2006, the City Council approved the First Street Redevelopment PUD (Ordinance No. 2006-Z-29 “An Ordinance Granting Certain Special Use Permits, Granting Certain Exceptions and Deviations from the Requirements of the Zoning Ordinance and the Subdivision Regulations, Granting Preliminary Planned Unit Development Plan Approval, Granting Conditional Approval of the Final Plat of Subdivision for Phase I and Related Matters for the “First Street Redevelopment”).

Building 7A is located at the southern end of the First Street Redevelopment and was constructed in 2008. The PUD permitted a Financial Institution with a Drive-Through Facility and additional commercial tenant spaces on the first floor with 16 apartment units on the upper levels.

**Section Six** of the First Street Redevelopment PUD included provisions for specific uses that are permitted on the first floor of all buildings located within this PUD. These provisions are as follows:

*“(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses. In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of buildings 7A, 7B and the Blue Goose, as shown on the Preliminary PUD Plan: Bank and Financial Institution.*

*Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas and the Blue Goose: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas and the Blue Goose.*

Since its construction, only the Financial Institution has been located into the building. The remaining tenant spaces on the first floor have remained vacant.

## III. PROPOSAL:

First Street Development, LLC. is proposing to amend Section Six of the First Street Redevelopment PUD Ordinance to permit additional uses on the first floor of Building 7A. Details of the proposal are as follows:

- Amend **Section Six (A).** of **Ordinance 2006-Z-29** to include Office, Business or Professional and Medical/Dental Clinic uses on the first floor of building 7A.
- That building 7A be excluded from the first floor use restrictions that apply to the entire PUD. Specifically, a restriction that no more than 25% of the gross leasable floor area on the first floor of all buildings located in the PUD be comprised of: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, and Bank and Financial Institutions.
- There are no proposed changes to the exterior of the building or parking/Drive-Through Facility area.

#### IV. STAFF ANALYSIS

##### A. PROPOSED USES

The applicant is proposing that following uses, as defined in **Chapter 12.30 Definitions** of the Zoning Ordinance, be permitted on the first floor of building 7A:

**Office, Business or Professional (G).** An office used for business, professional or administrative uses, which may or may not offer services to the public, and is engaged in the processing, manipulation or application of business information or professional expertise. This use may include as accessory uses, facilities not available for use by the general public such as meeting facilities, employee amenities such as exercise rooms, and food service. This use does not involve the fabricating, assembling, warehousing, or repair of physical products, and does not include Medical/Dental Clinics, Financial Institutions or Professional Training Centers.

**Medical/Dental Clinic.** A medical or dental office or clinic offering professional medical or dental services primarily on an out-patient basis. Such services may include examination and consultation, treatment, surgery, radiology, MRI, on-site testing laboratories, physical therapy, diagnostic services, training, administration, and other services to patients provided by licensed medical or dental professionals. This use includes facilities licensed by the State of Illinois as ambulatory surgical treatment centers. This use does not include a Hospital as defined herein or a facility licensed by the State of Illinois as an emergency center under the Emergency Medical Services (EMS) Systems Act.

Both of these categories are permitted uses in the underlying CBD-1 Zoning District.

##### B. DOWNTOWN OVERLAY & SURROUNDING PROPERTIES

The limited use provisions incorporated in the First Street Redevelopment PUD are similar to the standards placed on properties located in the Downtown Overlay District. Per **Section 17.14.010.F Downtown Overlay District**, the purpose of the overlay is stated as:

*“The purpose of the Downtown Overlay District is to preserve the economic vitality and pedestrian character of downtown’s shopping core within the CBD-1 and CBD-2 Districts by encouraging the continuous flow of pedestrian movement. This is accomplished by limiting uses on the first floor that typically generate relatively little pedestrian activity or are otherwise incompatible with a pedestrian oriented shopping area. Only those uses listed in Table 17.14-1 shall be permitted on the street level or first floors of buildings/structures within the Downtown Overlay District.”*

The overlay district does not extend south of Indiana Street and the subject property and properties immediately surrounding building 7A are not located in this overlay. Therefore, any use permitted in the CBD-1 Zoning District is permitted on the first floors of the surrounding properties. In fact, there are multiple office uses located on the first floor of the buildings on First Street directly east of building 7A.

##### C. REVISED PUD PROVISIONS

Below are the proposed revisions to Section Six of the First Street Redevelopment PUD Ordinance (*the changes are highlighted bold italics*):

(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and

Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses. In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of buildings 7B and the Blue Goose, as shown on the Preliminary PUD Plan: Bank and Financial Institution; ***and, the following uses shall be permitted on the first floor of building 7A: Bank and Financial Institution, Office, Business or Professional, and Medical/ Dental Clinic.***

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas, the Blue Goose, ***and building 7A:*** Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas and the Blue Goose.

#### **IV. PLAN COMMISSION RECOMMENDATION**

The Plan Commission held a public hearing on 8/6/2013. The Plan Commission recommended approval of the petition. The vote was 7-aye to 0-nay. No significant comments regarding this proposal were stated during the public hearing.

#### **V. RECOMMENDATION**

Staff recommends approval of the application and has provided draft findings of fact to support that recommendation.

#### **VI. ATTACHMENTS**

- Application for PUD Preliminary Plan; received 4/4/2013
- Excerpt Ordinance No. 2006-Z-29
- Pictures of Existing Building

**AMENDMENT TO SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT AT 401-409 S.  
FIRST STREET  
(FIRST STREET REDEVELOPMENT – BUILDING 7A)**

From the St. Charles Zoning Ordinance, Section 17.04.410.D.3:

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

**i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated Section 17.04.400.A.**

This property is locating in the existing First Street Redevelopment PUD and the building has already been constructed. The proposed amendment does not alter the purpose of the PUD as approved in 2006, but will align the provisions of the PUD with the current standards of the underlying Zoning District.

**ii. The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**

The proposed PUD amendment will permit uses that are currently permitted in the underlying CBD-1 Central Business Zoning District within the vacant tenant spaces in building 7A. Therefore, this PUD amendment is not requesting any relief from the Zoning Ordinance and will conform to the provisions of the underlying Zoning District.

**a) Conforming to the requirements would inhibit creative design that serves community goals, or**

**b) Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

**iii. The proposed PUD conforms with the standards applicable to Special Uses (Section 17.04.330.C.2).**

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

This location is isolated from the planned retail concentration of the First Street Redevelopment PUD and is located outside of the Downtown Overlay District. This amendment does not alter the intent or scope of the approved PUD and there are no proposed changes to the exterior of the building or to the parking/Drive-Through Facility. This amendment will permit a larger variety of uses in the vacant tenant space. This will increase the likelihood of a tenant occupying this space, which has been vacant for 5 years. Eliminating this vacancy will create increased activity within the First Street Redevelopment project.

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

The use is already constructed. The utilities and infrastructure already exist on and around the site and will not be altered by these modifications.

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

The building and Drive-Through Facility are already constructed and have existed on this site since 2008. This proposal will not modify the exterior or site plan, but will permit the applicant to fill a vacant commercial space and finish the first floor interior of building 7A. Completion of this first floor space will enhance the appeal of the building and generate commercial activity in this location.

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

The surrounding properties are already developed or are located within Planned Unit Developments that detail how these properties will be developed in the future. Increasing the number of permitted uses will facilitate the occupancy of these vacant spaces located in Building 7A.

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

This building already exists on this property. Since this building is already established there will not be any new impacts created by this PUD amendment. These spaces were anticipated to be filled by commercial users; therefore, this amendment will only increase the number of commercial businesses that can locate within this space.

- f. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The amendment will conform to all applicable regulations in the underlying CBD-1 Central Business District and the specific provisions of the Ordinance No. 2006-Z-29 (First Street Redevelopment).

- iv. The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

This location is isolated from the planned retail concentration of the First Street Redevelopment PUD and is located outside of the Downtown Overlay District. This amendment will permit the build out of an existing vacant commercial space that is located on the first floor of building 7A. This will increase commercial activity in this area and promote the continued development of the First Street Redevelopment project.

- v. The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

N/A



**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

**SPECIAL USE APPLICATION**

<b>CITYVIEW</b>	
Project Name:	<i>First St. Bldg. 7A-PUD Amend.</i>
Project Number:	<i>2013 -PR- 010</i>
Application Number:	<i>2013 -AP- 019</i>

*Received Date*  
**RECEIVED**  
St. Charles, IL  
  
JUL 10 2013  
  
CDD  
Planning Division

*To request a Special Use for a property, or to request to amend an existing Special Use Ordinance for a property, complete this application and submit it with all required attachments to the Planning Division.*

*City staff will review submittals for completeness and for compliance with applicable requirements prior to establishing a public hearing date for an application.*

*The information you provide must be complete and accurate. If you have a question please call the Planning Division and we will be happy to assist you.*

<b>1. Property Information:</b>	Parcel Number (s): 09-34-132-029 and 09-34-132-030	
	Street Address (or common location if no address is assigned): 405-407 S. First St., St. Charles, IL. 60174	
<b>2. Applicant Information:</b>	Name First Street Development LLC	Phone 630-587-5595
	Address 409 Illinois Avenue Suite 1C St. Charles, IL 60174	Fax 630-587-0700
		Email Dave@pcwinvest.com
<b>3. Record Owner Information:</b>	Name First Street Development LLC	Phone 630-587-5595
	Address 409 Illinois Avenue Suite 1C St. Charles, Illinois 60174	Fax 630-587-0700
		Email Dave@pcwinvest.com
<b>4. Billing:</b> <i>To whom should costs for this application be billed?</i>	Name First Street Development LLC	Phone 630-587-5595
	Address 409 Illinois Avenue Suite 1C St. Charles, Illinois 60174	Fax 630-587-0700
		Email Dave@pcwinvest.com

**Information Regarding Proposed Special Use:**

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

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

What is the property's current zoning? \_\_\_\_\_

What is the property currently used for?     Vacant    

What Special Use(s) are you applying for? Please select from the list of Special Uses in the Zoning Ordinance for the appropriate zoning district.

\_\_\_\_\_

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

    None    

**For Special Use Amendments only:**

What Special Use ordinance do you want to amend? Ordinance No. \_\_\_\_\_

Why is the proposed change necessary?

    Unable to Lease with current zoning.    

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

    Amend First Street PUD Ordinance No. 2006-Z-29 Section 6A.    

**Note for existing buildings:**

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

***Attachment Checklist***

- APPLICATION:** Completed application form signed by the applicant
- 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.
- 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%).

□ **LEGAL DESCRIPTION:** For entire subject property, on 8 1/2 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.

□ **SOIL AND WATER CONSERVATION DISTRICT APPLICATION:**

Copy of completed Land Use Opinion application as required by state law, as submitted to The Kane-Dupage Soil and Water Conservation District. <http://www.kanedupageswcd.org/>

□ **ENDANGERED SPECIES REPORT:**

Copy of Endangered Species Consultation Agency Action to be filed with the Illinois Department of Natural Resources. <http://dnrecofat.state.il.us/ecopublic/>

□ **TRAFFIC STUDY:** If requested by the Director of Community Development.

□ **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.

**Copies of Plans:**

- Initial Submittal - Fifteen (15) full size copies, Three (3) 11" by 17", and a PDF electronic file on a CD-ROM.
- Revision Submittal for Plan Commission - Twenty-Two (22) full size copies, Three (3) 11" by 17" and a PDF electronic file on a CD-ROM.

□ **SITE PLAN (Note: For a Special Use for PUD, submit PUD Preliminary Plan Application in lieu of Site Plan)**

A plan or plans showing the following information:

1. Accurate boundary lines with dimensions
2. Streets on and adjacent to the tract: Name and right-of-way width
3. Location, size, shape, height, and use of existing and proposed structures
4. Location and description of streets, sidewalks, and fences
5. Surrounding land uses
6. Date, north point, and scale
7. Ground elevation contour lines
8. Building/use setback lines
9. Location of any significant natural features
10. Location of any 100-year recurrence interval floodplain and floodway boundaries
11. Location and classification of wetland areas as delineated in the National Wetlands Inventory
12. Existing zoning classification of property
13. Existing and proposed land use
14. Area of property in square feet and acres
15. Proposed off-street parking and loading areas
16. Number of parking spaces provided, and number required by ordinance

17. Angle of parking spaces
18. Parking space dimensions and aisle widths
19. Driveway radii at the street curb line
20. Width of driveways at sidewalk and street curb line
21. Provision of handicapped parking spaces
22. Dimensions of handicapped parking spaces
23. Depressed ramps available to handicapped parking spaces
24. Location, dimensions and elevations of freestanding signs
25. Location and elevations of trash enclosures
26. Provision for required screening, if applicable
27. Exterior lighting plans showing:
  - a. Location, height, intensity and fixture type of all proposed exterior lighting
  - b. Photometric information pertaining to locations of proposed lighting fixtures

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

*First Street Development LLC*

By *[Signature]* 7-9-13  
 Record Owner Date

*[Signature]* 7/8/13  
 Applicant or Authorized Agent Date

**OWNERSHIP DISCLOSURE FORM  
LIMITED LIABILITY COMPANY (L.L.C.)**

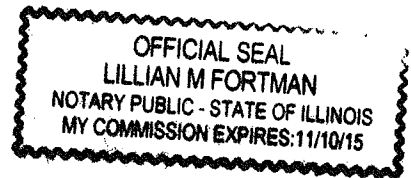
STATE OF ILLINOIS    )  
                                  ) SS.  
KANE COUNTY         )

I, Keith J. Kotche, being first duly sworn on oath depose and say that I am  
Manager of First Street Development LLC, an Illinois Limited Liability  
Company (L.L.C.), and that the following persons are all of the members of the said L.L.C.:

- DRJ INVESTMENTS, LLC
- WOLANDE INVESTMENTS, LLC
- PHILCOR INVESTMENTS, LLC
- AVM INVESTMENTS, LLC
- SEACORD PROPERTIES, LLC
- DEKED, LLC
- WB, LLC

By: [Signature], Manager

Subscribed and Sworn before me this 8th day of  
July, 20 13.



Lillian M Fortman  
Notary Public

# FINDINGS OF FACT SHEET – SPECIAL USE FOR A PLANNED UNIT DEVELOPMENT (PUD)



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

As the applicant, the “burden of proof” is on you to show how your proposed Planned Unit Development meets the applicable standards. Therefore, you need to “make your case” by explaining specifically how the project meets each of the following standards.

First Street Development  
PUD Name

7-8-13  
Date

**From the St. Charles Zoning Ordinance, Section 17.04.410.3:**

The Plan Commission shall not favorably recommend, and the City Council shall not approve, a Special Use for a PUD or an amendment to a Special Use for a PUD unless they each make findings of fact based on the application and the evidence presented at the public hearing that the PUD is in the public interest, based on the following criteria:

**i. The proposed PUD advances one or more of the purposes of the Planned Unit Development procedure stated in Section 17.04.400.A:**

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

The proposed Amendment will promote economic development and efficient use of the property. The building and all utilities, street improvements, drainage facilities and other facilities are in place.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

ii. **The proposed PUD and PUD Preliminary Plans conform to the requirements of the underlying zoning district or districts in which the PUD is located and to the applicable Design Review Standards contained in Chapter 17.06, except where:**

- A. **Conforming to the requirements would inhibit creative design that serves community goals, or**
- B. **Conforming to the requirements would be impractical and the proposed PUD will provide benefits that outweigh those that would have been realized by conforming to the applicable requirements.**

**Factors listed in Section 17.04.400.B shall be used to justify the relief from requirements:**

1. The PUD will provide community amenities beyond those required by ordinance, such as recreational facilities, public plazas, gardens, public art, pedestrian and transit facilities.
2. The PUD will preserve open space, natural beauty and critical environmental areas in excess of what is required by ordinance or other regulation.
3. The PUD will provide superior landscaping, buffering or screening.
4. The buildings within the PUD offer high quality architectural design.
5. The PUD provides for energy efficient building and site design.
6. The PUD provides for the use of innovative stormwater management techniques.
7. The PUD provides accessible dwelling units in numbers or with features beyond what is required by the Americans with Disabilities Act (ADA) or other applicable codes.
8. The PUD provides affordable dwelling units in conformance with, or in excess of, City policies and ordinances.
9. The PUD preserves historic buildings, sites or neighborhoods.

The PUD was constructed pursuant to Ordinance No. 2006-Z-29 and therefore conforms with city requirements.

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

---

iii. **The proposed PUD conforms with the standards applicable to Special Uses (section 17.04.330.C.2).**

*Submit responses on form: "Findings of Fact Sheet – Special Use"*

iv. **The proposed PUD will be beneficial to the physical development, diversity, tax base and economic well-being of the City.**

The proposed Amendment will provide economic well being to the City including increase of the tax base and overall business diversity within the First Street Development. The property has been vacant since its construction and without the Amendment prospects of leasing the property will remain bleak.

---

---

---

---

---

---

---

---

---

---

v. **The proposed PUD conforms to the purposes and intent of the Comprehensive Plan.**

The proposed Amendment conforms to the overall purpose and intent of business diversity within the entire downtown area of St. Charles.

---

---

---

---

---

---

---

---

---

---



# FINDINGS OF FACT SHEET – SPECIAL USE



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

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

First Street Development  
Project Name or Address

7-8-13  
Date

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

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

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

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

The Special Use will enhance the overall business environment of the First Street project and therefore benefit the public.

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

All infrastructure including utilities, access points and drainage are in place.

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

The Special Use will not be injurious to the use and adjoining property but rather increase property values by allowing the property to be occupied.

---

---

---

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

All buildings are in place. The Special Use will allow the property to be occupied and therefore increase the likelihood of orderly development within the First Street project.

---

---

---

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

The Special Use will not endanger the public health, safety, or general welfare but rather benefit the public by allowing the vacant structure to be occupied.

---

---

---

- F. Conformance with Codes: That the proposed Special Use conforms to all existing Federal, State and local legislation and regulation and meets or exceeds all applicable provisions of this Title, except as may be varied pursuant to a Special Use for Planned Unit Development.**

The Special Use if granted will conform to all state and local requirements.

---

---

---

---

---

LEGAL DESCRIPTION

LOT 8 IN FIRST STREET REDEVELOPMENT SUBDIVISION, IN THE CITY OF ST. CHARLES, KANE COUNTY,  
ILLINOIS

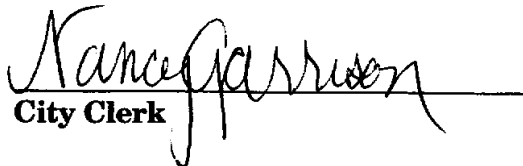
**City of St. Charles, Illinois**

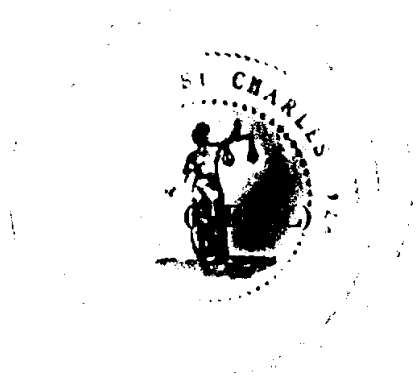
**Ordinance No. 2006-Z-29**

**Ordinance Granting Certain Special Use Permits,  
Granting Certain Exceptions and Deviations from the  
Requirement of the Zoning Ordinance and the  
Subdivisions Regulations Granting Preliminary  
Planned Unit Development Plan Approval, Granting  
Conditional Approval of the Final Plat of Subdivision  
for Phase 1 and Related Matters for the "First Street  
Redevelopment"**

**Adopted by the  
City Council  
of the  
City of St. Charles  
December 4, 2006**

**Published in pamphlet form by  
authority of the City Council  
of the City of St. Charles,  
Kane and Du Page Counties,  
Illinois, December 8, 2006**

  
City Clerk



DATE OF PUBLICATION 12/8/06  
NEWSPAPER Pamphlet

REFER TO:  
MINUTES 12/4/06  
PAGE \_\_\_\_\_

ORDINANCE NO. 2006-Z-29

AN ORDINANCE GRANTING CERTAIN SPECIAL USE PERMITS, GRANTING CERTAIN EXCEPTIONS AND DEVIATIONS FROM THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE SUBDIVISIONS REGULATIONS, GRANTING PRELIMINARY PLANNED UNIT DEVELOPMENT PLAN APPROVAL, GRANTING CONDITIONAL APPROVAL OF THE FINAL PLAT OF SUBDIVISION FOR PHASE 1 AND RELATED MATTERS FOR THE "FIRST STREET REDEVELOPMENT"

WHEREAS, on or about July 13, 2006, various owners of record and First Street Development, LLC (collectively, the "Applicant"), filed a special use application for a Planned Unit Development and a PUD Preliminary Plan application with the City of St. Charles with respect to the property legally described on Exhibit "A-1", attached hereto and incorporated herein by reference ("Subject Realty"); and,

WHEREAS, on or about August 29, 2006, the City of St. Charles filed a special use application for a drive through facility for Harris Bank with respect to the property legally described on Exhibit "A-2", attached hereto and incorporated herein by reference ("Harris Bank Parcel"); and,

WHEREAS, on or about September 16, 2006, First Street Development, LLC, the City of St. Charles and Daniel C. Lasse filed a Phase 1 Final Plat application with respect to the property legally described on Exhibit "A-3", attached hereto and incorporated herein by reference ("Phase 1 Parcels"); and,

WHEREAS, as a portion of the Subject Realty is located within a designated City Historic Preservation District, the Historic Preservation Commission reviewed the application and provided comments to the Plan Commission on or about September 20, 2006; and,

WHEREAS, Notice of Public Hearing on said applications for a special use for a Planned Unit Development and special use for a drive through facility was published on or about September 2, 2006, in a newspaper having general circulation within the City, to-wit, the *Kane County*

*Chronicle* newspaper, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

WHEREAS, pursuant to said Notice, the Plan Commission of the City of St. Charles conducted a Public Hearing on or about September 19, 2006, and continued said hearing to October 3, 2006, all as required by the statutes of the State of Illinois and the ordinances of the City; and,

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

WHEREAS, the Plan Commission made the required Findings of Fact and recommended approval of the application on or about October 17, 2006; and,

WHEREAS, the City Planning and Development Committee recommended approval of the application on or about November 1, 2006; and

WHEREAS, the City Council received the recommendation of the Historic Preservation Commission, the Plan Commission and the Planning and Development Committee, and has considered same; and,

WHEREAS, all other public hearings required by law have been conducted, in all respects conforming to law and pursuant to notice duly given in accordance with law.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, as follows:

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

**SECTION TWO:** That there is hereby granted with respect to the Subject Realty a special use for a Planned Unit Development and the Preliminary PUD Plan, as outlined in Section 6(B) hereof, is hereby approved. In connection with such approval, and based upon the application and

the evidence presented at the public hearing, the City Council hereby finds that the PUD is in the public interest and adopts the Findings of Fact set forth on Exhibit "B" attached hereto and incorporated herein.

**SECTION THREE:** That there are hereby granted certain exceptions and deviations from the provisions of the City's Zoning Ordinance and Subdivision Regulations, as set forth on Exhibit "C" attached hereto and made a part hereof. In connection with such approval, the City Council hereby finds that said exceptions and deviations satisfy the standards of the City's Zoning Ordinance applicable to special uses and planned unit developments.

**SECTION FOUR:** That there is hereby granted to the Harris Bank Parcel a special use for a drive through facility associated with a bank. In connection with such approval, the City Council hereby finds that said special use will conform to each of the standards set forth in the Findings of Fact adopted by the Plan Commission, attached hereto as Exhibit "D".

**SECTION FIVE:** That there is hereby granted a Conditional Approval of the final subdivision plat for the Phase 1 Parcels of the First Street Redevelopment Subdivision, as prepared by Marchese and Sons, Inc., consisting of two (2) sheet(s) and dated October 12, 2006, subject to compliance of the following conditions:

- a) Submittal of a copy of the Illinois Environmental Protection Agency permits for the water main and sanitary sewer installation as required by the provisions of Chapter 16.12 (Section 16.12.190) of the St. Charles Municipal Code.
- b) Approval from Illinois Department of Transportation

**SECTION SIX:** That the relief granted in Sections Two, Three, Four and Five is expressly conditioned upon the Subject Realty at all times being constructed, used, operated and maintained in accordance with the following terms, conditions and provisions:

(A) Only the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of enclosed buildings located on the Subject Realty: Art Gallery/Studio, Coffee or Tea Room, Cultural Facility, Indoor Recreation and Amusement, Live Entertainment, Personal Services, Restaurant, Retail Sales, Tavern/Bar, Theater, Local Utility and Accessory Uses to the preceding uses. In addition, the following uses, as defined in the City's Zoning Ordinance, shall be permitted on the first floor of buildings 7A, 7B and the Blue Goose, as shown on the Preliminary PUD Plan: Bank and Financial Institution.

Notwithstanding the foregoing, the following uses shall occupy no more than 25% of the gross leasable floor area on the first floor of the buildings located on the Subject Realty, exclusive of ground floor parking areas and the Blue Goose: Cultural Facility, Indoor Recreation and Amusement, Personal Services, Theater, Local Utility, Bank, Financial Institution. The 25% limitation shall be calculated on a cumulative basis among all of the buildings located on the Subject Realty, excluding ground floor parking areas and the Blue Goose.

(B) That all construction, use, development and maintenance of the Subject Realty be substantially in accordance with the following documents which are on file with the City, subject to compliance with such conditions, corrections and modifications as may be required by the Director of Community Development and Director of Public Works to comply with the requirements of the St. Charles Municipal Code:

1. Engineering Plans, as prepared by K-Plus Engineering, consisting of twelve (12) pages and dated November 13, 2006.
2. Streetscape Plan, as prepared by DLK Civic Design, consisting of twenty (20) pages, and bearing various dates between September, 2006 and November 14, 2006.
3. Building plans and elevations for Buildings 1, 2 & 3, as prepared by Knauer Incorporated, Job No. 2633, consisting of twenty three (23) pages, and bearing various dates.
4. Building plans and elevations for Building 4, as prepared by Knauer Incorporated, Job No. 2633, consisting of twenty one (21) pages, and bearing various dates.
5. Building plans and elevations for Building 6, as prepared by Knauer Incorporated, Job No. 2633, consisting of fourteen (14) pages, and bearing various dates.
6. Building plans and elevations for Buildings 7a and 7b, as prepared by Knauer Incorporated, Job No. 2633, consisting of fifteen (15) pages, and bearing various dates.
7. Building plans and elevations for Building 8, as prepared by Knauer Incorporated, Job No. 2633, consisting of seven (7) pages, and bearing various dates.



8. Building plans and elevations for Building 9, as prepared by Dan Marshall Architects, consisting of nine (9) pages, and dated on or about August 25, 2006.
9. Building plans and elevations for Building 10, as prepared by Design Services Group, Job No. 02636-0, consisting of four (4) pages, and dated November 10, 2006.
10. The First Street Redevelopment Tenant Design Criteria consisting of twenty (20) pages.
11. The First Street Downtown Redevelopment Development Data, dated November 15, 2006, attached hereto and incorporated herein as Exhibit "E".

(C) The Applicant and its successors and assigns shall be and remain in compliance with the terms and provisions of the Redevelopment Agreement (First Street Project) dated December 4, 2006 (the "Development Agreement"), entered into between the City and the Applicant. To the extent of any conflict between the provisions of this Ordinance and the provisions of the Development Agreement, the provisions of this Ordinance shall prevail.

(D) Prior to the issuance of building permits for any of the buildings located within the Historic Preservation District, a Certificate of Appropriateness by the Historic Preservation Commission be obtained.

(E) The Applicant shall provide necessary building, interior space, elevator capacity, conduit and funding to install and maintain electric transformers and other equipment within and to serve buildings 1, 2, 3 and 9, as shown on the Preliminary PUD Plan. Electric meters shall be located so that 24 hour access is provided for the City, but electric meters shall not be visible from public streets, public plazas, or the Fox River. Determination as to whether the locations and access for electric meters and transformers is acceptable shall be made by the Director of Public Works.

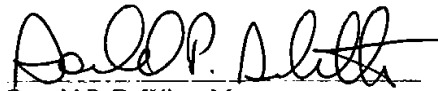
**SECTION SEVEN:** That all ordinances and resolutions, or parts thereof, in conflict with the provisions of this Ordinance are, to the extent of such conflict, expressly repealed.

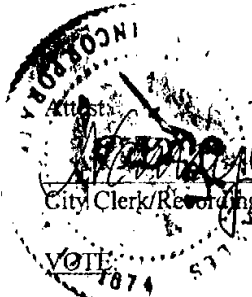
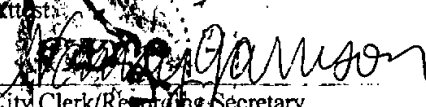
**SECTION EIGHT:** That this Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 4 day of December, 2006.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois  
this 4 day of December , 2006.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois  
this 4 day of December , 2006.

  
Donald P. DeWitte, Mayor

  
City Clerk/Recording Secretary  


AYES: 10  
NAYS: 0  
ABSENT:  
ABSTAIN:

# Pictures of Building 7A



