

**AGENDA
CITY OF ST. CHARLES
PLAN COMMISSION
CHAIRMAN TODD WALLACE**

**TUESDAY, SEPTEMBER 2, 2014 - 7:00 P.M.
CENTURY STATION TRAINING ROOM
112 N. RIVERSIDE AVE., ST. CHARLES, IL 60174**

1. Call to order.

2. Roll Call -

Chairman Todd Wallace	Brian Doyle	Laura Macklin-Purdy
Vice Chairman Tim Kessler	Steve Gaugel	Tom Pretz
Sue Amatangelo	James Holderfield	Tom Schuetz

Auditory Members - Holly Cabel, St. Charles Park District
- Donald Schlomann, School District #303

3. Presentation of minutes of the August 5, 2014 meeting.

PUBLIC HEARING

4. Foxfield Commons PUD, 2650-2778 E. Main St. (Bochte)

Amendment to a Special Use for a Planned Unit Development, Ordinance No. 1991-Z-4 and Ordinance No. 2001-Z-36, regarding Motor Vehicle Rental

5. General Amendment (City of St. Charles)

Chapter 17.08 "Nonconformities", Section 17.08.060 "Nonconforming Signs"
Chapter 17.28 "Signs", Section 17.28.070 "Historic Signs"

MEETING

6. Foxfield Commons PUD, 2650-2778 E. Main St. (Bochte)

Amendment to a Special Use for a Planned Unit Development, Ordinance No. 1991-Z-4 and Ordinance No. 2001-Z-36, regarding Motor Vehicle Rental

7. General Amendment (City of St. Charles)

Chapter 17.08 "Nonconformities", Section 17.08.060 "Nonconforming Signs"
Chapter 17.28 "Signs", Section 17.28.070 "Historic Signs"

8. Meeting Announcements

a. Plan Commission

Tuesday, September 16, 2014 at 7:00pm Council Chambers
Tuesday, October 7, 2014 at 7:00pm Council Chambers
Tuesday, October 21, 2014 at 7:00pm Council Chambers

- b. Planning & Development Committee
 - Monday, September 8, 2014 at 7:00pm Council Chambers
 - Monday, October 13, 2014 at 7:00pm Council Chambers

9. Additional Business from Plan Commission Members, Staff, or Citizens.

10. Adjournment

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, AUGUST 5, 2014**

Members Present: Chairman Todd Wallace (7:12pm)
Vice Chair Tim Kessler
Sue Amatangelo
Brian Doyle
James Holderfield
Laura Macklin-Purdy
Tom Pretz
Tom Schuetz

Members Absent: Steve Gaugel

Also Present: Russell Colby-Planning Division Manager
Rita Tungare-Director of Community & Economic Development
Ellen Johnson-Planner

1. Call to order

The meeting was called to order at 7:04 p.m. by Vice Chair Kessler.

2. Roll Call

Vice Chair Kessler called the roll. A quorum was present.

3. Presentation of minutes of the July 22, 2014 meeting.

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the July 22, 2014 meeting.

4. Plan Commission Training

Mr. Colby began the second session of Plan Commission training. He followed the PowerPoint slides provided to the Commissioners. Commissioners were free to ask questions and discuss items throughout the presentation. [Only questions, answers, and discussion have been described in the minutes.]

Mr. Colby presented a map that shows the City's current corporate boundaries and current boundary line agreements, as a follow-up to the boundary line agreement discussion at the last meeting.

Mr. Schuetz asked if the boundary lines move much. Mr. Colby said that most have been in place for ten years or more and have not moved very much since they were established.

Vice Chair Kessler asked for confirmation that the only boundary lines that could move are those that are not contiguous with the City's boundaries. Mr. Colby confirmed.

Vice Chair Kessler noted there is no boundary line agreement to the west. Mr. Colby said the City does not currently have a boundary line agreement with the Village of Campton Hills. The idea was brought up in response to the concept plan for The Bluffs, but nothing has been formally proposed.

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Mr. Schuetz asked if the lack of formal agreement is because St. Charles hasn't approached Campton Hills, or vice versa. Mr. Colby said for the most part, the City does not see growth occurring to the west. Much of the land to the west has been developed as unincorporated subdivisions, so defining the line has not been a pressing issue.

Mr. Pretz noted that since Campton Hills is a relatively new entity, it will take them some time to push the boundary line as important for their planning.

Mr. Doyle asked about the unincorporated islands on the map, particularly the strip near the western boundary. Mr. Colby explained that is land owned by Nicor gas for their gas line and is not incorporated. Mr. Doyle also asked about the island near the Kane County Fairgrounds. Mr. Colby said the Kane County Farm Bureau property is still unincorporated.

Mr. Schuetz said in the past year the Commission has reviewed many General Amendments. He said he did not understand that all they were considering was text and that the zoning itself did not change. Mr. Colby said that a General Amendment is usually a change to a requirement that applies either across zoning districts or to a certain type of land use.

Mr. Doyle stated the rezoning of Craig Bobowiec's property to CBD-1 is an example of a Map Amendment. He said the Commission needs to have a certain amount of consistency as to how they adjudicates map amendments, since property owners that want to change their zoning are entitled to equal consideration. Mr. Colby noted that findings need to be made for a Map Amendment. While there is some precedent set if adjacent property has been zoned differently, the Commission does not necessarily have to reach the same conclusion, provided it can substantiate that the findings for both situations are different.

Vice Chair Kessler noted that for some applications, all findings must found in the affirmative while that is not required for other applications. For a Map Amendment, all findings do not have to be found in the affirmative and some findings do not apply.

Mr. Pretz asked about the City rezoning many properties at once based on lot size. Mr. Colby said the City generally does not petition to change the zoning of a property without the owner's authorization. One exception was in 2006 when the City adopted the new Zoning Ordinance. At that time, the zoning of all property in town was changed and notice was not required to be sent to individual property owners.

Mr. Pretz asked about the John Collins property and whether a public hearing was held. Mr. Colby said that proposal was primarily a subdivision, but a zoning change was required for a portion of the property. A public hearing was held for the change of zoning.

Mr. Schuetz said it would be helpful to be reminded of the definition of certain terms and other hints. Mr. Colby said the information is typically in the staff report. They have been considering creating a reference handout for each type of application that would specify the type of information that is considered, the findings, and what kind of conclusion the Commission needs to reach with the findings. Mr. Schuetz said that would be helpful.

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Vice Chair Kessler asked if the Zoning Ordinance sets out what can be considered for a variance as well as what cannot be considered. Mr. Colby said only what can be considered is listed and anything not on the list cannot be considered.

Mr. Doyle said that often when an application comes to the Commission, the subtext to the Commission's conversation is the notion that there is some sort of hardship. He asked how these implied hardships differ from the hardship standards for a variance. Mr. Colby explained that although applicants often present that they have a hardship, the criteria the Commission should be considering are the standards that go along with the specific application. For a PUD request, the Commission is to review whether the request meets the purposes of the PUD process as stated in the ordinance, because that is one of the criteria that is to be considered with a PUD. From an applicant's perspective, they may face a hardship for meeting the code requirements, but that is because they want to make an investment in the property, not because they cannot make reasonable use of the property as it exists.

Mr. Doyle stated he interprets that a creative approach is needed in the case of PUDs because there is some practical obstacle preventing a more conventional approach from meeting the City's interests. He said it seems like there is an unstated assumption that the reasons why the Commission looks at providing a creative approach is because we feel that there is some hardship. He stated he would like to have a more rigorous understanding of the PUD criteria for future applications so the Commission does not unwittingly allow the PUD application to be a workaround from the Zoning Board of Appeals restrictions on variances. Mr. Colby said if someone requests a variance and it meets the standards, the variance is granted. With a PUD there is some level negotiation; for whatever the developer is getting, the City is getting some benefit, as well.

Vice Chair Kessler brought up the General Amendment application regarding the definition of ½ story as an example of Mr. Colby's statement that an applicant petitioning for a General Amendment might reference their own situation, but that the implications of the General Amendment would be to all zoning districts. Mr. Colby said that is a good example and the impact of that change would be to all residential zoning districts. Mr. Colby explained when staff is approached by property owners about issues in the zoning ordinance, staff checks to see if the issue exists on other properties. If the issue only applies to a specific property, that is generally not a good reason to amend the code.

Vice Chair Kessler brought up chicken regulations. Mr. Colby said that issue is similar to the video gambling issue. Although agriculture is regulated in the Zoning Ordinance, limitations on raising certain types of birds are stated in a different section of the City Code.

Vice Chair Kessler asked if most General Amendments are proposed by the City and if any recently were not. Mr. Colby said many are proposed by staff. Recently, there was an application to change the sign requirements in the CBD-2 District. In that situation, the change would not impact many properties, but there were also not many properties in the City that were subject to the same conditions as the petitioner's property, which was a commercially zoned lot with no frontage and no ability to have a sign located near passing traffic. The owner filed the application because it was a concern for his property. Mr. Kessler said the Commission could have denied the application because it was specific to one property. Mr. Colby explained the argument was that the amendment was in the public interest, in case there was a property that had the same issue. The conclusion was that the Zoning Ordinance should provide for some type of signage.

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Mr. Kessler asked if the findings for a General Amendment must all be found in the affirmative. Mr. Colby explained that findings for General Amendments are only informational because state statute does not require the Commission make a conclusion on any of the findings. The Zoning Ordinance simply states that this is information the Commission should consider.

Mr. Doyle asked whether the Commission can make a recommendation that does not take the findings into account. Mr. Colby said it could, but it would be advisable to at least consider how the proposal fits within the context of the findings, in case the City is challenged on the decision.

Mr. Doyle asked if the ordinance also requires the Planning & Development Committee and City Council to consider the findings before it legislates. Mr. Colby said for the other applications it does, but for a General Amendment, the findings do not have to be stated as part of the ordinance approving the amendment. Mr. Doyle asked whether the ordinance also implies that the Planning & Development Committee and City Council should consider certain findings when it makes a resolution. Ms. Tungare said the ordinance is not very explicit for General Amendments. Mr. Colby explained that the information the Plan Commission includes in a resolution related to its findings is forwarded to the Planning & Development Committee, but the ordinance does not require the Committee to affirm the findings through legislative action; this is different from the other types of applications.

Mr. Schuetz suggested specifying what zoning districts mean on the reference sheets for Commissioners. Mr. Colby said that information is generally provided in the purpose statements in the Zoning Ordinance and relevant information is included in the staff materials. Ms. Tungare encouraged Commissioners to refer to the applicable purpose statements in the Zoning Ordinance when considering Map Amendments. A cheat sheet of the purpose statements can be provided to the Commission.

Vice Chair Kessler asked where the LaSalle Factors can be found and how they are applied to Map Amendments. Mr. Colby said they are the same type of findings of fact as other applications and the findings are submitted as part of the application.

Vice Chair Kessler stated the Commission should spend more time on findings of fact. The Commission does not consider them verbally. Mr. Colby said the findings of fact are submitted by the applicant and are part of the public hearing record. Much of what the Commission discusses when considering a Map Amendment falls under the findings, although the discussion has not been structured around the findings.

Mr. Schuetz asked if, in layman's terms, the findings address how the proposal is going to affect surrounding parcels. Mr. Colby said the findings consider the impact of surrounding properties as well as comprehensive plan designation and physical conditions of the site.

Mr. Schuetz asked whether it would be appropriate to specify the number of findings of fact that apply to what is being considered. Vice Chair Kessler said there could be more structure to the conversation in that Commissioners have the findings of fact in front of them and know which findings are being referred to during the discussion. He said it is assumed that the Commission is discussing the findings of fact because we have the findings provided by the applicant. The Commission seldom states disagreement with a finding.

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Mr. Pretz said there should be some structure, but if the discussion is too structured, there could be a massive amount of time spent on one item. Vice Chair Kessler suggested specifying when aspects of a discussion fall under a certain finding of fact. He said that this becomes more important when the Commission makes a negative recommendation.

Ms. Tungare said when the Commission makes a recommendation with conditions attached, it is also a good idea to reference the findings of fact on the basis of which conditions are being made.

Mr. Doyle asked whether it is understood that the findings of fact that follow a resolution are the Commission's findings when they make a recommendation to City Council. Mr. Colby confirmed.

Mr. Doyle suggested the Commission be more deliberate in consciously accepting, modifying, or denying certain draft findings of fact from the applicant. Developers will present findings of fact that are in their favor. The Commission should be deliberate in reviewing those findings and addressing whether we agree with them. Any Commissioner should be free to bring up issues with the findings. Mr. Kessler agreed and said that some kind of guideline would be helpful for cohesion and that the Commission should be more deliberate with the findings.

Vice Chair Kessler asked for clarification regarding City Council and the findings of fact for a Special Use. Mr. Colby explained Council is not required under state statute to make findings for a denial; they can simply deny the application by saying it did not meet the findings. In practice, it would be advisable for Council to include the reasons why the Special Use is being denied, but that is not technically required by statute. Ms. Tungare said recent case law has been unclear. For Special Uses, it is better to be safe than sorry. Council is encouraged to be conservative and make findings either way, whether the Special Use is approved or denied.

Ms. Amatangelo said even when the Commission is conservative and denies a Special Use, Council can still approve it. Vice Chair Kessler said Council would have to find all the findings in the affirmative. Mr. Colby said Council would have to adopt its own findings and find each in the affirmative in order to approve the Special Use.

Vice Chair Kessler said the Commission should take more ownership of their findings of fact.

Mr. Doyle suggested the dog kennel application is an example of a Special Use. Vice Chair Kessler asked whether the Commission placed conditions on the approval. Mr. Colby said the Commission reviewed a General Amendment at the same time. The General Amendment set certain use standards that would apply to that type of kennel use. In that case, the condition was part of the amendment to the code.

Mr. Doyle brought up public welfare and whether the LaSalle Factors provide criteria for how the findings should be interpreted. Mr. Colby said the LaSalle Factors only apply to Map Amendments. For Special Uses, the findings are from the state statute. There is no clear explanation as to what information is appropriate to consider under each finding.

Ms. Tungare said findings are subjective. Based on case law, the burden of proof is on the municipality to demonstrate why it would deny a Special Use. The Commission needs to substantiate its recommendations.

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Ms. Tungare suggested thinking of zoning and PUDs in layers. The zoning district is one layer, and the PUD is superimposed over the zoning. The PUD also supersedes the requirements of the underlying zoning district, if there are certain exceptions or variations that have been granted under the PUD.

Mr. Kessler asked if a property owner can use a property in a PUD as permitted in the underlying zoning district. Ms. Tungare said yes, since that is the lesser standard. Mr. Colby added that the PUD ordinance would specify requirements. If it does not make any reference to a requirement, the requirements of the underlying zoning district are followed.

Mr. Doyle asked if there is a PUD that allows for more intensive land uses, combined with a form-based code that specifies architectural details, streetscaping, etc., whether someone can develop according to the underlying zoning without the intensification or the form-based code. Mr. Colby said the PUD ordinance would most likely say that development must conform to the PUD standards.

Mr. Doyle asked that if the PUD ordinance increases the requirements in terms of, for example, external materials, whether someone can develop according to the underlying zoning. Ms. Tungare said they cannot. That is why if the City wants a certain quality of development, requirements need to be clearly specified in the PUD ordinance.

The Commission decided to stop at the training for the evening on the slide entitled, “PUDs from the PC Perspective.”

5. Meeting Announcements

Chairman Wallace noted that upcoming meetings for both the Plan Commission and Planning & Development Committee are included on the agenda. He said a concerted effort is being made to be active as a Plan Commission in the entire process, from pre-application meetings through City Council approval. When the Commission makes a recommendation to Planning & Development Committee, either Chairman Wallace or Vice Chair Kessler will be present at the Committee meeting to answer questions regarding the Plan Commission recommendation, and will then report back to the Commission.

a. Plan Commission

Tuesday, August 19, 2014 at 7:00pm Council Chambers

Tuesday, September 2, 2014 at 7:00pm Century Station

Thursday, September 16, 2014 at 7:00pm Council Chambers

b. Planning & Development Committee


Monday, August 11, 2014 at 7:00pm Council Chambers

Monday, September 8, 2014 at 7:00pm Council Chambers

6. Additional Business from Plan Commission Members, Staff, or Citizens.

- Plan Commission training scheduled for the August 19 meeting.

7. Adjournment at 8:32 p.m.

 ST. CHARLES <small>S I N C E 1 8 3 4</small>	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	Amendment to Special Use for a Planned Unit Development (Foxfield Commons PUD; 2650-2778 E. Main St.)		
	City Staff:	Russell Colby, Planning Division Manager Ellen Johnson, Planner		
Please check appropriate box (x)				
	PUBLIC HEARING (9/2/14)	X	MEETING (9/2/14)	X
APPLICATIONS UNDER CONSIDERATION:				
Special Use (Amendment to PUD)				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report (dated 9/2/14)		Application (received 8/7/14)		
Excerpt from Ordinance No. 1991-Z-4		Ordinance No. 2001-Z-36		
EXECUTIVE SUMMARY:				
<p>Background</p> <p>The subject property, 2650-2778 E. Main St., was developed as part of the Foxfield Commons PUD. Two multi-tenant retail buildings were constructed on the property in 1991. The PUD ordinance from 1991 establishes the uses permitted in the subject portion of the Foxfield Commons PUD; motor vehicle rental was not among the permitted uses.</p> <p>A 2001 ordinance added outdoor sales area for parking, storage and display of rental vehicles as a permitted accessory use to an automobile rental office within the subject property. This ordinance placed several conditions on motor vehicle rentals, including limiting the type of rental vehicles to cars, minivans, and light trucks (under 6,500 lbs.).</p> <p>Proposal</p> <p>William F. Bochte, representing owners Foxfield Partners II, is proposing to amend the 1991 PUD ordinance to permit motor vehicle rental in the subject portion of the PUD. Details of the proposal are as follows:</p> <ul style="list-style-type: none"> • Amend Section 1.01 of Exhibit V of Ordinance No. 1991-Z-4 to add Motor Vehicle Rental as a permitted use on the subject portion of the Foxfield Commons PUD. • The proposed amendment would nullify Ordinance No. 2001-Z-36 and the restrictions that ordinance placed upon motor vehicle rentals. 				
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 vote should the Plan Commission feel that they have enough information to make a recommendation.</p> <p>Staff recommends approval of the application. The applicant has provided draft findings of fact to support that recommendation.</p>				

Community & Economic Development Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Wallace
And Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: Amendment to Special Use for Planned Unit Development – Foxfield Commons PUD
(2650-2778 E. Main Street)

DATE: September 2, 2014

I. APPLICATION INFORMATION

Project Name: Foxfield Commons PUD Amendment- Motor Vehicle Rental

Applicant: William F. Bochte

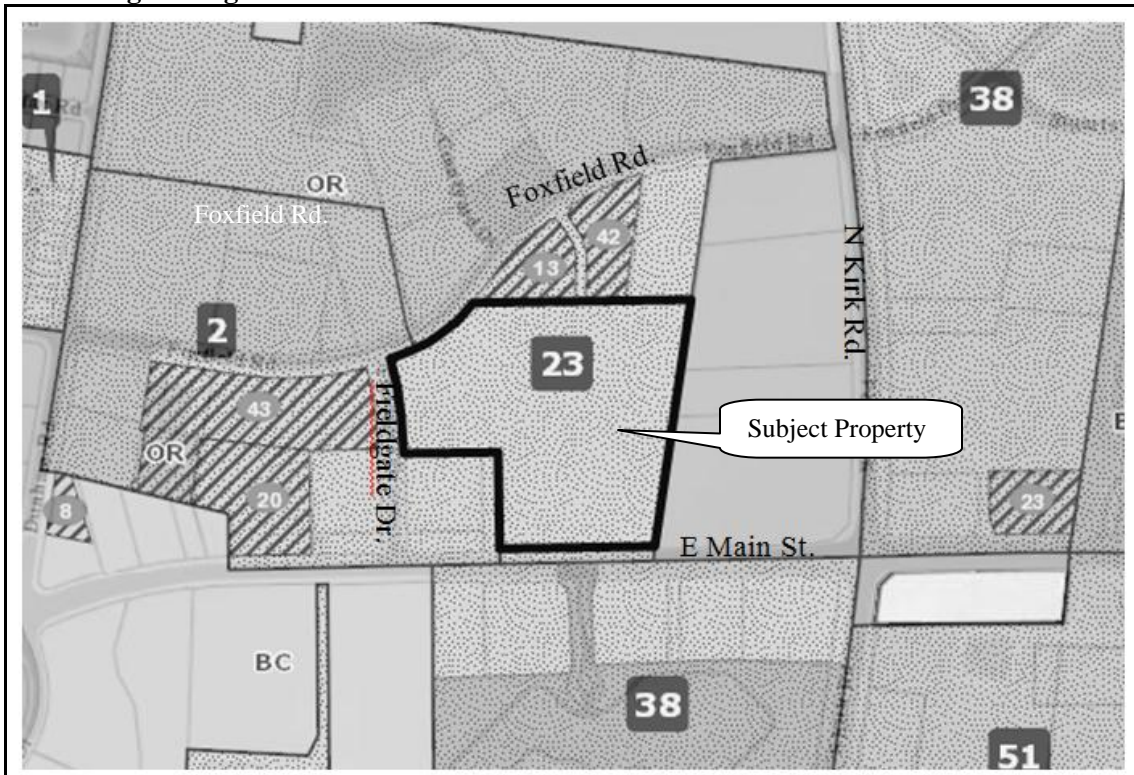
Purpose: Amend the Foxfield Commons PUD to allow motor vehicle rental, replacing the existing PUD ordinance language that limits the scope of vehicle rentals to cars and light trucks.

General Information:		
Site Information		
Location	2650-2778 E. Main St.	
Acres	13.3 acres	
Applications	1) Special Use for a Planned Unit Development	
Applicable Ordinances and Zoning Code Sections	17.04 Administration Ordinance No. 1991-Z-4 “An Ordinance Amending Ordinance No. 1975-Z-16 and Ordinance No. 1990-Z-11 (Foxfield PUD Amendments)” Ordinance No. 1993-Z-21 “An Ordinance Amending Ordinance No. 1991-Z-4 (Foxfield PUD – Automobile Laundries)” Ordinance No. 2001-Z-36 “An Ordinance Amending Special Use Ordinance No. 1991-Z-4 (Foxfield Commons PUD – Outdoor Sales Area for Storage of Rental Vehicles)”	
Existing Conditions		
Land Use	Multi-tenant shopping center	
Zoning	BC- Community Business District (Foxfield Commons PUD)	
Zoning Summary		
North	OR- Office/Research & BC- Community Business Districts (Foxfield Commons PUD)	Existing businesses
East	OR- Office/Research District	St. John Neumann Catholic Church
South	BC- Community Business District (Stuarts Crossing PUD)	Existing businesses
West	BC- Community Business & OR- Office/Research Districts (Foxfield Commerce Center PUD)	Existing businesses
Comprehensive Plan Designation		
Neighborhood Commercial		

Aerial



Surrounding Zoning



II. BACKGROUND

The subject property, 2650-2778 E. Main St., was developed as part of the Foxfield Commons PUD. Two multi-tenant retail buildings were constructed on the property in 1991. Current tenants of the building on the eastern portion of the property include Sears Appliance Showroom, Subway, Butera Market, and Goodwill. DG Ace Hardware, Dollar Tree, and Avis Car Rental are among the businesses located in the building on the western portion of the property.

Ordinance No. 1991-Z-4 “An Ordinance Amending Ordinance No. 1975-Z-16 and Ordinance No. 1990-Z-11 (Foxfield PUD Amendments)” established the permitted uses in the commercial portion of the Foxfield Commons PUD, within which the subject property is located. In addition to the subject property, the commercial portion of the Foxfield Commons PUD includes three additional parcels directly north of the subject property, which front on Foxfield Rd. Motor vehicle rentals were not among the permitted uses listed in the 1991 ordinance.

In 2001, outdoor sales area for parking, storage and display of rental vehicles was added as a permitted accessory use to an automobile rental office within the subject property, under Ordinance No. 2001-Z-36. This ordinance placed several conditions on motor vehicle rentals, including limiting the type of rental vehicles to cars, minivans and light trucks (under 6,500 lbs.).

III. PROPOSAL:

William F. Bochte, representing owners Foxfield Partners II, is proposing to amend the 1991 Foxfield Commons PUD Ordinance to permit motor vehicle rental in the subject portion of the PUD. Details of the proposal are as follows:

- Amend Section 1.01 of Exhibit V of Ordinance No. 1991-Z-4 to add Motor Vehicle Rental as a permitted use on the subject portion of the Foxfield Commons PUD.
- The proposed amendment would nullify Ordinance No. 2001-Z-36 which placed restrictions on motor vehicle rental.

IV. ANALYSIS

A. PROPOSED USE

The applicant is proposing that the following use, as defined in **Chapter 17.30 Definitions** of the Zoning Ordinance, be permitted on the subject property:

Motor Vehicle Rental. *An establishment that offers motor vehicles, trucks, vans, recreational vehicles, trailers, or other similar motorized transportation vehicles for rent to the general public.*

This category is a permitted use in the underlying zoning district: BC- Community Business. The Zoning Ordinance does not specify any use standards applicable to Motor Vehicle Rental.

B. PUD AMENDMENT LANGUAGE

Below is the proposed addition to Section 1.01 “Permitted Uses” of Exhibit V of Ordinance No. 1991-Z-4, which adds Motor Vehicle Rental as a permitted use only within the subject property:

(C). The following use is permitted on that portion of the Subject Realty legally described in Exhibit 1:

1. *Motor Vehicle Rental*

IV. RECOMMENDATION

Staff recommends approval of the application. The findings of fact to support that recommendation were provided by the applicant as part of their Special Use application and are attached.

The Commission must find all findings of fact in the affirmative to recommend approval of the amendment to Special Use.

V. ATTACHMENTS

- Application for Special Use (with findings of fact); received 8/7/14
- Excerpt from Ordinance No. 1991-Z-4
- Ordinance No. 2001-Z-36

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

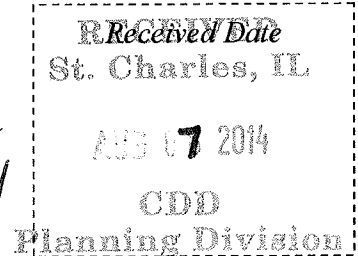


COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

SPECIAL USE APPLICATION

CITYVIEW	
Project Name:	<i>Foxfield Commons PUD-Amend.-Motor Vehicle Rental</i>
Project Number:	<i>2014 -PR- 017</i>
Application Number:	<i>2014 -AP- 030</i>



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.

1. Property Information:	Parcel Number (s): 09-25-152-005	
	Street Address (or common location if no address is assigned): 2650-2778 E. Main Street, St. Charles, IL 60174	
2. Applicant Information:	Name William F. Bochte	Phone 630-377-7770
	Address Bochte, Kuzniar & Navigato, LLP 2580 Foxfield Road, Suite 200 St. Charles, IL 60174	Fax 630-377-3479
		Email wbochte@bknlaw.com
3. Record Owner Information:	Name Chicago Title Land Trust Company as Successor Trustee U/T/N 8467	Phone 312-223-4110
	Address 10 South LaSalle Street, Suite 2750 Chicago, IL 60603-1108	Fax 312-223-4139
		Email ctltc@ctt.com
4. Billing: <i>To whom should costs for this application be billed?</i>	Name William F. Bochte	Phone 630-377-7770
	Address Bochte, Kuzniar & Navigato, LLP 2580 Foxfield Road, Suite 200 St. Charles, IL 60174	Fax 630-377-3479
		Email wbochte@bknlaw.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? _____

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?

For Special Use Amendments only:

What Special Use ordinance do you want to amend? Ordinance No. 2001-Z-36

Why is the proposed change necessary?

To be able to rent vehicles including trucks and accessory uses as provided in BC Community District Zoning in which the subject property is currently located.

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

See attached (Proposed Amendment Language Exhibit)

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://dnrecocat.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.

FOX FIELD PARTNERSHIP II
by  Date *8/7/14*

Record Owner

Date


Applicant or Authorized Agent

8/7/14
Date

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.

Foxfield Commons PUD Amendment
Project Name or Address

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 public will have convenient access to truck rentals and accessory uses without the necessity of traveling outside the immediate area as is somewhat recognized by the fact that this is currently a permitted use in the zoning district within which the property is located.

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

The car/truck rental facility and outdoor accessory use areas will utilize existing utilities, access roads, drainage and other facilities that are already 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.

Similar types of retail and outdoor sales uses exist in the shopping center. The requested amendment will have no effect on property values in the neighborhood. The addition of truck rentals and accessory uses will in no way detract from the enjoyment of the property, but will complement the shopping center, be a convenience for residents. The request is for uses that are provided in the current Zoning ordinance

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 outdoor accessory use areas will utilize existing parking spaces and will have no effect on the surrounding property and therefore will not impede the normal and ordinary development of the surrounding property for uses permitted in the district.

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 proposed addition of truck rentals to the existing vehicle rental facilities will continue to be a low impact, office type use with normal operating hours from approximately 7 AM to 6 PM Monday through Saturday. The requested amendment will in no way endanger the public health, safety, comfort or general welfare.

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 proposed special use amendment conforms to all existing Federal, State and local legislation

And regulation and meets all applicable provisions of this Title. The property is located in a BC Community District in which the rental of vehicles including trucks and accessory uses are currently allowed.

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.

Foxfield Commons PUD Amendment
PUD Name

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 PUD is already established and the proposed amendment does not in any way adversely or negatively impact on the purposes that are advanced by its creation in the first instance.

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.

This section does not appear applicable to the requested Special Use Amendment in that no Plans are being submitted and no changes of any kind are being made to the land or improvements.

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 shopping center located at 2650- 2778 E Main Street, St. Charles Illinois is in a BC Community Business District which allows for Motor Vehicle Rental and Accessory Uses. Avis now Avis/ Budget is and has been a tenant in the Center. Since the merger of Avis and Budget truck rental is a service offered by Avis/ Budget nationwide. The proposed amendment to the Special Use Ordinance 2001-Z-36 will allow for a use that is currently permitted in a BC Community Business District namely the rental and outside storage of u-haul type moving trucks. The requested amendment does not in any way detract from the initial purpose of the PUD but furthers the promotion economic development and efficient use of the land and provides a needed service to residents and businesses on the east side of St. Charles which is currently unavailable.

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

The shopping center located at 2650- 2778 E Main Street, St. Charles Illinois is in a BC Community Business District which allows for Motor Vehicle Rental and Accessory Uses.

The requested amendment will allow a use that is currently provided in a BC Community Business District and therefore conforms to the purposes and intent of the Comprehensive Plan.

OWNERSHIP DISCLOSURE FORM LAND TRUST

STATE OF ILLINOIS)
WILL) SS.
KANE COUNTY)

I, Patricia L. Alvarez, being first duly sworn on oath depose and say that I am

Trust Officer of Chicago Title Land Trust Company, and that the following persons are all of
the beneficiaries of Land Trust No. 8467:

Foxfield Partners II 100%

888 Fox Glenn Drive

St. Charles, IL 60174

By: Phil Womack, Trust Officer

Subscribed and Sworn before me this 5th day of

August, 20 14.

Maureen Paige
Notary Public



**OWNERSHIP DISCLOSURE FORM
PARTNERSHIPS**

STATE OF ILLINOIS)
) SS.
KANE COUNTY)

I, Keith J. Kotche, being first duly sworn on oath depose and say that I am a
General Partner of Foxfield Partners II, an Illinois
(General) (Limited) Partnership and that the following persons are all of the partners thereof:

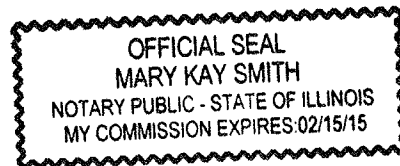
<u>Hudson Harrison</u>	<u>(General)</u> (Limited) Partner
<u>Edward N. Levato</u>	<u>(General)</u> (Limited) Partner
<u>Keith J. Kotche</u>	<u>(General)</u> (Limited) Partner
_____	(General)(Limited) Partner
_____	(General)(Limited) Partner
_____	(General)(Limited) Partner

By:  (General)(Limited) Partner

Subscribed and Sworn before me this 1st day of

August, 20 14.


Notary Public



AUTHORIZATION

KNOWN ALL MEN BY THESE PRESENTS THAT, Foxfield Partners BY THESE PRESENTS does grant authority **William F. Bochte** of the law firm of **Bochte, Kuzniar & Navigato, LLP** for us and in our names place, and stead to present an Application for a Special Use Amendment to amend City of St. Charles Ordinance No. 2001-Z-36 which amended Special Use Ordinance 1991-Z-4 to allow for Motor Vehicle Rental and Accessory Uses as currently permitted in the BC Community Business District as provided in Chapter 17.14 *et. seq.* of the City of St Charles Municipal Ordinance as additional permitted uses to be added as No. 73 and No. 74 respectively to Section 1.01 (B) Exhibit "V" Ordinance 1991-Z-4 and to delete Section 1.01(C) previously added by Ordinance No. 2001-Z-36 in all respects as we could do personally, giving and granting unto him, **WILLIAM F. BOCHTE**, full power and authority to do and perform all and every act and thing whatsoever, requisite and necessary to be done to effectuate the aforesaid amendment, as fully, to all intents and purposes, as we might or could do if personally present at the doing thereof.

Dated this 1st day of August, 2014.

FOXFIELD PARTNERS II

By: _____

A handwritten signature in black ink, appearing to be 'W. F. Bochte', written over a horizontal line.

EXHIBIT A

LEGAL DESCRIPTION

LOT 1 OF UNIT NO. 1, FOXFIELD COMMONS, ST. CHARLES, KANE COUNTY,
ILLINOIS, IN THE CITY OF ST. CHARLES, KANE COUNTY, ILLINOIS.

EXHIBIT "V"

1.00 Property Contained on Exhibit III -- Commercial

This phase of the PUD is designed to accommodate the needs of a much larger consumer population than is served by the Neighborhood Business District; thus a wider range of uses is permitted for both daily and occasional shopping.

1.01 Permitted Uses

A. Uses permitted in this Phase are subject to the following conditions:

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing, processing, except off-street parking and loading, shall be conducted within completely enclosed buildings.
- (3) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are allowed only by special use permit in accordance with the provisions of Chapter 17.42 of the St. Charles Municipal Code.
- (4) The unenclosed parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this section, shall be limited to vehicles of not over 1-1/2 tons of capacity when located within 75 feet of a residential lot in a residential zoning district.

* B. Any use permitted in the present B-1 District of Title 17 of the St. Charles Municipal Code, as amended, shall be permitted herein; and in addition, the following uses shall be permitted:

1. Antique Shops.
2. Apartment hotels.
3. Art shops or galleries, but not including auction rooms.
4. Automobile accessory stores.

5. Banks and financial institutions.
6. Bicycle sales, rental and repair stores.
7. Bowling Alleys
8. Business machine sales and service.
9. Camera and photographic supply stores.
10. Carpet and rug stores.
11. Catering establishments.
12. China and glassware stores.
13. Clothing and costume rental.
14. Clubs and lodges, non-profit and fraternal.
15. Coin and philatelic stores.
16. Custom dressmaking.
17. Department stores.
18. Dry-cleaning establishments, employing not more than four persons.
19. Electrical and household appliance store, including radio and television sales.
20. Employment agencies.
21. Florist shops.
22. Frozen food stores, including locker rental in conjunction therewith.
23. Furniture stores, including upholstering when conducted as part of the retail operations, and accessory to the principal use.
24. Furrier shops, including incidental storage and conditioning of furs.
25. Garden supply, tool and seed stores.
26. Gift shops.
27. Interior decorator shops, including upholstering and making of draperies, slipcovers and other similar articles, when conducted as part of the retail operation and accessory to the principal use.
28. Jewelry stores, including watch repair.
29. Leather goods and luggage stores.
30. Locksmith shops.
31. Medical and dental clinics and offices.
32. Meeting halls.
33. Millinery shops.
34. Musical instrument sales and repair.
35. Office machine sales and servicing.
36. Office supply stores.
37. Optical sales, rental.
38. Orthopedic and medical appliance stores.
39. Paint and wallpaper stores.
40. Phonograph record and sheet music stores.
41. Photography studios, including the developing of film and pictures, when conducted either as part of the retail business on the premises or off-site.
42. Picture framing, when conducted for retail trade on the premises only.

91K28741

0355 0456

43. Radio and television stations and studios.
44. Radio and television sales, service, and repair shops.
45. Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principal activity.
46. Schools - music, dance and business.
47. Sewing machine sales and service - household appliances only.
48. Shoe stores.
49. Sporting goods stores.
50. Tailor shops.
51. Telegraph offices.
52. Theaters, indoor.
53. Ticket agencies, amusement.
54. Toy shops.
55. Travel bureaus and transportation ticket offices.
56. Undertaking establishments and funeral parlors.
57. Wearing apparel shops.
58. Bakeries.
59. Book and stationery stores.
60. Currency exchanges.
61. Haberdasheries.
62. Hardware stores.
63. Hotels - including dining and meeting rooms, provided that business uses, other than those which are commonly incidental to a hotel business, shall not occupy space fronting on a hotel hall or lobby.
64. Laundries - automatic self-service type or by hand, employing not more than two persons in addition to the owner or manager.
65. Loan offices.
66. Locksmith shops.
67. Mail order service stores.
68. Newspaper offices - but not including printing.
69. Offices - business, professional and public.
70. Physical culture and health services, gymnasiums, reducing salons, masseurs, and public baths.
71. Post offices.
72. Restricted production and repair limited to the following: art needlework, clothing, custom manufacturing and alterations for retail only of jewelry from precious metals and watches.

Requirements

0355 0457

91X29741

City of St. Charles, Illinois

Ordinance No. 2001-Z-36

**An Ordinance Amending Special Use Ordinance 1991-Z-4
(Foxfield Commons PUD – Outdoor Sales Area for
Storage of Rental Vehicles)**

**Adopted by the
City Council
of the
City of St. Charles
November 5, 2001**

**Published in pamphlet form by
authority of the City Council
of the City of St. Charles,
Kane and Du Page Counties,
Illinois, November 9, 2001**


City Clerk

(S E A L)

ORDINANCE NO. 2001-Z-36

PRESENTED AND PASSED BY THE
CITY COUNCIL ON November 5, 2001

AN ORDINANCE AMENDING SPECIAL USE ORDINANCE 1991-Z-4
(Foxfield Commons PUD – Outdoor sales area for storage of rental vehicles)

WHEREAS, a petition to amend Ordinance 1991-Z-4 entitled “An Ordinance Amending Ordinance No. 1975-Z-16 and Ordinance No. 1990-Z-11 (Foxfield PUD Amendments)” (hereinafter, the “Ordinance”) has been filed by LaSalle Bank NA Successor Trustee U/T/N 8467, record owner; and

WHEREAS, the Plan Commission has held a public hearing on said petition in accordance with law; and

WHEREAS, the City Council of the City of St. Charles has received the recommendations of the Plan Commission and has considered same;

WHEREAS, the City Council of the City of St. Charles hereby makes the following findings of fact:

FINDINGS OF FACT:

1. **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 proposed car rental facility will be a low impact, office type use with normal operating hours from approximately 7 am to 6 pm Monday thru Saturday. The requested amendment to the special use will in no way endanger the public health, safety, comfort or general welfare of the community.

2. **That the special use will not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminish or impair property values within the neighborhood.**

Similar type of retail and office uses exist in the shopping center.

The special use will not substantially diminish or impair property values within the neighborhood. The amendment to the special use to include the outdoor

sales area for storage of rental vehicles will not be injurious to the use or enjoyment of the property, but will complement the shopping center.

- 3. 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 outdoor sales area will utilize existing parking spaces and will not impede the normal and orderly development and improvement of the surrounding property.

- 4. That adequate utilities, access roads, drainage and/or necessary facilities have been, or being, provided.**

The car rental facility and the outdoor sales area will utilize existing utilities, access roads, drainage and other facilities that are already in place.

- 5. That adequate measures have been, or will be taken to provide ingress and egress so designed as to minimize traffic congestion in public streets.**

Points of ingress and egress that have already been constructed will be used for access to and from the car rental facility.

- 6. That the Special Use shall, in all other respects, conform to the applicable regulations of the district in which it is located except as such regulations may in each instance be modified by the City Council pursuant to recommendations of the Plan Commission.**

The amendment to the special use shall conform to all applicable regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ST. CHARLES, KANE AND DUPAGE COUNTIES, ILLINOIS, as follows:

SECTION 1. That the Ordinance, as amended be and is hereby further amended as follows:

- 1). Add the following paragraph "C" to Section 1.01 "Permitted Uses" of Exhibit "V" to the Ordinance as follows:

"C. The following use is permitted on that portion of the Subject Realty legally described in "Exhibit I-a":

Outdoor sales area for parking, storage and display of rental vehicles (subject to the following conditions):

1. Only one automobile rental facility shall be permitted.
2. Parking, storage and display of rental vehicles shall be located only within the area designated on the site plan attached hereto as Exhibit E-1, and shall be limited to cars, mini-vans and light trucks (under 6,500 lbs).
3. Parking, storage and display of rental vehicles shall be permitted only as an accessory use to an automobile rental office located within a building on the Subject Realty.
4. The number of rental vehicles located within the Subject Realty at one time shall not exceed the number of "extra" parking spaces available within the Subject Realty. "Extra spaces" are defined as the total number of existing parking spaces, minus the number of parking spaces required for all of the uses located within the Subject Realty. In no event, shall there be more than 22 rental vehicles on site at any one time.
5. No signage shall be displayed on or near the rental vehicles except for an identification logo of not more than one square inch on the rental vehicles.
6. There shall be no servicing, cleaning, washing, repairing or fueling of rental vehicles within the Subject Realty.
7. There shall be no sales of vehicles on the Subject Realty."

2). The legal description attached hereto as "Exhibit I-a" is hereby incorporated into said ordinance as Exhibit I-a.

SECTION 2. That Ordinance 1991-Z-4 and its amendments known as Ordinance Nos. 1993-Z-21, 1993-Z-23, 1994-Z-14, 1997-Z-15, 1998-Z-14, 1998-Z-6 and any other subsequent amendments as hereby amended shall remain in full force and effect.

SECTION 3. That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 5 day of November, 2001.

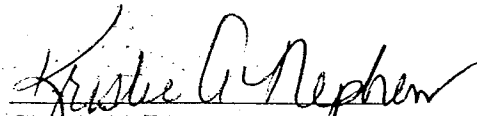
PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois this 5 day of November, 2001.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois this 5 day of November, 2001.



Susan L. Klinkhamer, Mayor

Attest:


City Clerk/Recording Secretary

Voice Vote:
Ayes: 7
Nays: 0
Absent: 1
Abstain: 0

APPROVED AS TO FORM:

City Attorney

Date: Timothy J. O'Neil

EXHIBIT I-a

Legal description of property

Lot 1 of Unit No.1, Foxfield Commons, St. Charles, Kane County, Illinois, in the City of St.
Charles, Kane County, Illinois.

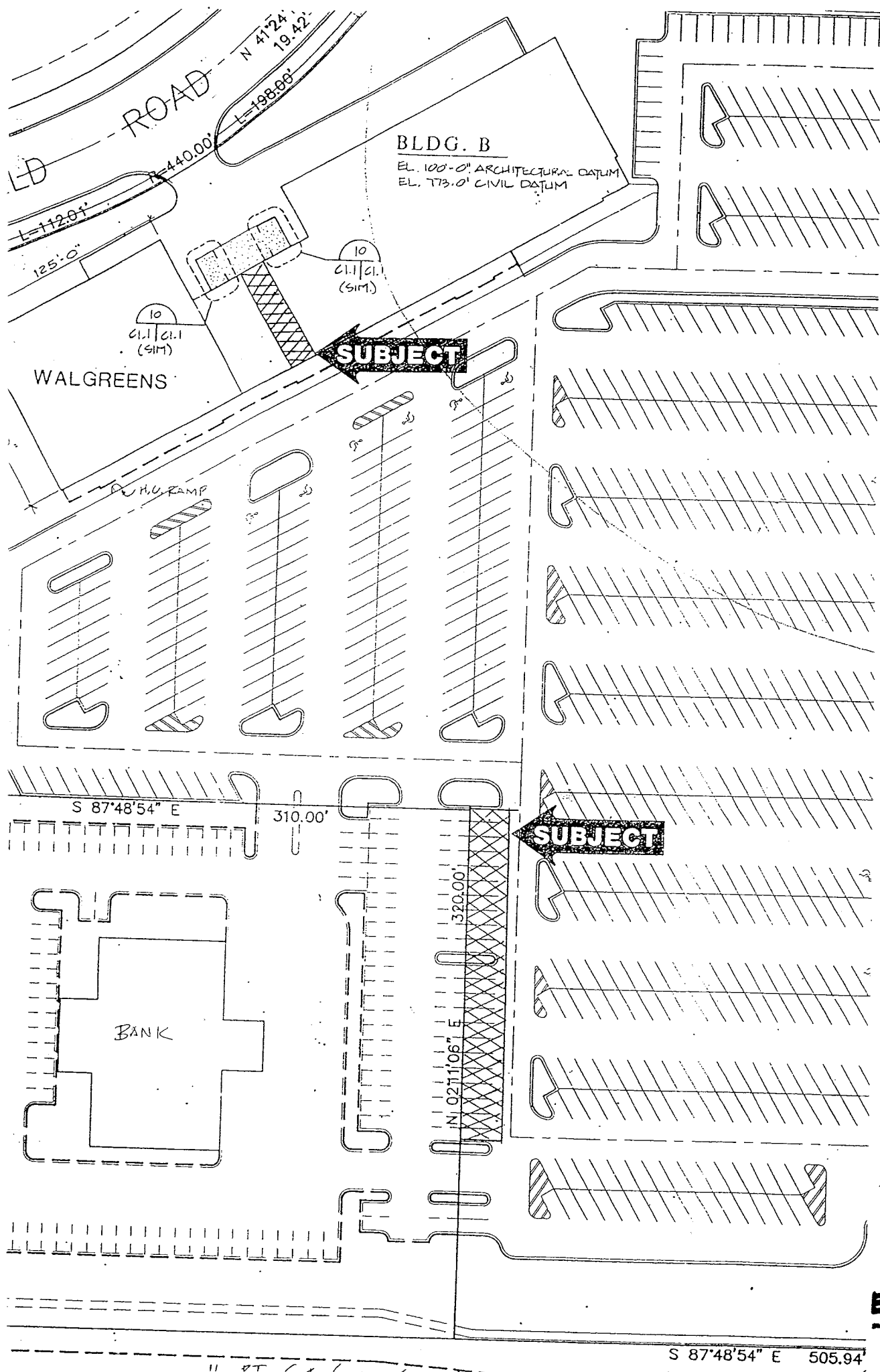


EXHIBIT E-1

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

Certificate

I, KRISTIE A. NEPHEW, certify that I am the duly elected and acting municipal clerk of the City of St. Charles, Kane and DuPage Counties, Illinois.

I further certify that on November 5, 2001, the Corporate Authorities of such municipality passed and approved Ordinance No. 2001-Z-36, entitled

"An Ordinance Amending Special Use Ordinance 1991-Z-4 (Foxfield Commons PUD – Outdoor Sales Area for Storage of Rental Vehicles)
",


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

The pamphlet form of Ordinance No. 2001-Z-36, including the Ordinance and a cover sheet thereof was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on November 9, 2001, 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 7th day of November, 2001.


Municipal Clerk

(SEAL)

 <p>ST. CHARLES S I N C E 1 8 3 4</p>	PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY			
	Project Title/ Address:	General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding a date extension for the amortization of nonconforming signs provision and standards for Historic Sign designation.		
	City Staff:	Russell Colby, Planning Division Manager Ellen Johnson, Planner		
Please check appropriate box (x)				
	PUBLIC HEARING (9/2/14)	X	MEETING (9/2/14)	X
APPLICATIONS UNDER CONSIDERATION:				
General Amendment				
ATTACHMENTS AND SUPPORTING DOCUMENTS				
Staff Report (dated 9/2/14)		General Amendment Application		
Amortization of Nonconforming Signs Status Chart				
EXECUTIVE SUMMARY:				
<p>In October 2006 a complete revision of the Zoning Ordinance was adopted. Included in the revision was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of Title 17 after a 3-year period (October 16, 2009). This provision was modified in 2009, 2011, and 2013 to provide extensions of the amortization period due to economic uncertainty and construction on Rt. 64. The amortization period currently ends on October 16, 2014.</p> <p>Staff has been periodically updating the P&D Committee on progress to meet the amortization deadline. At the August meeting, the Committee recommended staff look at extending the amortization deadline for a short period to assist property owners to come into compliance, and research broadening the Historic Sign provisions.</p> <p>Staff is presenting a General Amendment for an extension of the amortization of nonconforming signs to June 16, 2015 (an eight-month extension), which will require that all signs be brought into compliance by that date. Staff is also presenting a General Amendment for a change to the historic sign designation date requirement to January 1, 1976, which will allow signs that were erected prior to that date and that meet the other applicable standards to be designated as historic signs and therefore be exempt from the amortization requirement.</p>				
RECOMMENDATION / SUGGESTED ACTION <i>(briefly explain):</i>				
<p>Conduct the public hearing and close if all testimony has been taken.</p> <p>Staff has provided Findings of Fact to vote on tonight, if the Commission believes it is appropriate to close the hearing and is satisfied that no additional information is necessary.</p> <p>Should the Planning Commission choose to make a recommendation this evening, Staff recommends approval of the Application for a General Amendment.</p>				

Community & Economic Development
Planning Division

Phone: (630) 377-4443

Fax: (630) 377-4062



Staff Report

TO: Chairman Todd Wallace
and Members of the Plan Commission

FROM: Ellen Johnson, Planner

RE: Application for a General Amendment to Section 17.08.060 Nonconforming Signs
(amortization of nonconforming signs) & Section 17.28.070 Historic Signs (standards for
Historic Sign designation)

DATE: September 2, 2014

I. APPLICATION INFORMATION

Project Name: General Amendments to Title 17 of the City Code (Zoning Ordinance)
regarding a date extension for the amortization of nonconforming signs
provision and standards for Historic Sign designation

Applicant: City of St. Charles

Purpose: To extend the amortization of nonconforming signs requirement by eight
months, to June 16, 2015 and to change the Historic Sign date standard by 10
years, to prior to January 1, 1976.

II. BACKGROUND

AMORTIZATION OF NONCONFORMING SIGNS

A complete revision of the Zoning Ordinance was adopted on October 16, 2006. Included in the revised Ordinance was a provision that all nonconforming freestanding and wall-mounted signs be brought into compliance with the applicable requirements of Title 17 after a 3-year period (October 16, 2009).

In 2009 and 2011, the City Council approved two-year extensions of the amortization period. Both times, the Council stated that in consideration of economic uncertainty and construction of Rt. 64 by IDOT that the sign amortization period would be extended. In 2013, Council approved an additional one-year extension of the amortization period.

The amortization period currently ends on October 16, 2014, meaning that nonconforming signs will have to be brought into compliance with the Zoning Ordinance by that date.

At the August 11, 2014 meeting of the P&D Committee, staff provided an update regarding the sign amortization. Staff explained they have been working with business and property owners to come into compliance with the Zoning Ordinance and have been processing applications for zoning variations through the Zoning Board of Appeals process.

Staff advised the Committee that another eight month extension would allow more time for the

remaining properties to come into compliance. The Committee directed staff to proceed with a General Amendment to extend the sign amortization deadline to June 16, 2015.

HISTORIC SIGNS

The Zoning Ordinance allows signs that meet certain criteria to be designated as “historic signs.” This designation allows nonconforming signs that meet the applicable criteria to remain in place after the amortization deadline. When the Zoning Ordinance was adopted in 2006, existing signs for the Arcada Theatre and Zimmerman Ford were designated as historic signs. In August 2014, City Council approved a historic sign designation for St. Charles Bowl.

One of the standards that must be met for historic sign designation is that the sign was erected prior to January 1, 1966 and has been maintained in the same location since that date. Through discussions with business owners regarding the amortization of nonconforming signs, it has come to staff’s attention that certain signs connected to longtime St. Charles businesses meet all of the standards required of a historic sign designation, other than the date cutoff. P&D Committee expressed an interest in seeing if the historic sign requirements could be expanded to accommodate signs that are close to meeting the standards. Staff is proposing to extend the date by 10 years, to January 1, 1976, to accommodate those signs while still meeting the intent of the Historic Sign provision of the Zoning Ordinance.

When the Zoning Ordinance was adopted in 2006, the historic sign date standard was set at 40 years prior to 2006. With the amortization deadline proposed to be extended to June 2015, staff is recommending the historic sign date standard be amended to 40 years prior to the extended amortization deadline. Staff believes the January 1, 1976 date is appropriate to provide for signs constructed during the 1975 calendar year or earlier.

III. PROPOSAL

AMORTIZATION OF NONCONFORMING SIGNS

Staff has filed an application for a General Amendment for an extension of the amortization provisions of **Section 17.08.060 Nonconforming Signs**, to June 16, 2015 (an eight month extension). Currently the Ordinance requires all nonconforming signs be removed within eight years of the effective date of the Zoning Ordinance (October 16, 2014). The section states:

- A. *Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or otherwise modified to conform to the provisions of this Title within eight (8) years of the effective date of this Title, or within fifteen (15) years after its initial construction, whichever is later.*
- B. *Where a sign other than a freestanding sign is nonconforming, it shall be removed or otherwise modified to conform to the provisions of the Title within eight (8) years of the effective date of this Title, or within eight (8) years after its initial construction, whichever is later.*

The proposed amendment requires that all nonconforming signs be removed by June 16, 2015. The General Amendment is as follows:

- A. *Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or*

otherwise modified to conform to the provisions of this Title by June 16, 2015, or within fifteen (15) years after its initial construction, whichever is later.

- B. *Where a sign other than a freestanding sign is nonconforming, it shall be removed or otherwise modified to conform to the provisions of this Title by June 16, 2015, or within eight (8) years after its initial construction, whichever is later.*

HISTORIC SIGNS

Staff has filed an application for a General Amendment to change the historic sign designation date standard of **Section 17.28.070 Historic Signs** to prior to January 1, 1976. Currently the Ordinance requires that signs be erected prior to January 1, 1966 to be considered for historic sign designation. The section states:

A small number of existing signs in the City may be closely identified with a cultural or commercial entity or building that forms a part of the character or history of the community. Such signs, however, may have been erected under a previous code and may not conform to all of the provisions of this Chapter. The intent of this Section is to permit such signs to be maintained. Therefore, a sign erected prior to January 1, 1966 that does not conform to one or more provisions of this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

- A. *The sign was lawfully erected prior to January 1, 1966, and has been continuously maintained in the same location since that date.*
- B. *The sign:*
- a. *Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or*
 - b. *Is located on a site that has been continuously operated for the same business use since January 1, 1966 or earlier.*
- C. *The sign is a unique shape or type of design representative of its era, and that is not commonly found in contemporary signs.*
- D. *The sign identifies a building or business that is associated with a family, business or organization that was noteworthy in the history of the St. Charles community.*
- E. *The sign does not violate Section 17.28.080 Prohibited Signs.*

The proposed amendment requires that, among the other existing standards, the sign must have been erected prior to January 1, 1976 to be designated a historic sign. The General Amendment is as follows:

...Therefore, a sign erected prior to January 1, 1976 that does not conform to one or more provisions in this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

- A. *The sign was lawfully erected prior to January 1, 1976, and has been continuously maintained in the same location since that date.*
- B. *The sign:*
- a. *Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or*
 - b. *Is located on a site that has been continuously operated for the same business use since January 1, 1976 or earlier.*
- C, D, E. *(Same as above)*

IV. ANALYSIS

AMORTIZATION OF NONCONFORMING SIGNS

Staff has surveyed and compiled a list of nonconforming signs (attached). The majority of these signs exist along Main Street. In total, there are approximately 35 remaining nonconforming signs. One variation has been applied for and issued by the Zoning Board of Appeals, and another variation request will be considered at the Board's September meeting. Additional property/business owners have expressed interest in seeking a variation, although applications have yet to be filed.

HISTORIC SIGNS

Staff has identified a couple nonconforming signs that may meet the historic sign designation standards, if the proposed amendment is adopted. These businesses are Kevin's Service Station (201 S. 2nd St.) and Salerno's (320 N. 2nd St.).

In order for the signs connected to these businesses to be designated historic signs and therefore be permitted to remain, the business owners would need to request the designation from the City. The Historic Preservation Commission would make a recommendation to City Council regarding whether the sign meets the applicable standards. City Council would then either approve or deny the historic sign designation. This designation does not prevent the sign from being removed or changed in the future.

V. RECOMMENDATION

Staff recommends approval of the General Amendments. The findings of fact to support that recommendation have been provided by staff below as part of the General Amendment application.

If the Commission believes it is appropriate to close the hearing and is satisfied with the information provided, it may make a recommendation.

VI. FINDINGS OF FACT

AMORTIZATION OF NONCONFORMING SIGNS

Application for a General Amendment

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

N/A

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

The amendment is simply an extension of the time period for the existing amortization of nonconforming sign requirement to provide additional time for signs to come into compliance and therefore does not alter the original intent of the Zoning Ordinance.

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 amendment is more workable than the existing text. The first three extensions to the amortization period were approved by Council due to uncertainties regarding IDOT construction projects along Rt. 64 and the incompleteness of said projects. This amendment will grant property/business owners who have not yet come into compliance additional time to determine how to bring their sign into compliance, including those seeking a variation from the Zoning Board of Appeals.

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 additional eight month extension granted by the amendment will give the property/business owners currently in the process of coming into compliance time to do so within the allowable timeframe.

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

The amendment requires that nonconforming signs be brought into compliance with **Chapter 17.28 Signs** of the Zoning Ordinance by June 16, 2015. The intent of this amortization, to eliminate existing nonconformities, will not be altered.

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

The amendment will apply to all properties that are affected by the amortization requirement, regardless of zoning district.

HISTORIC SIGNS

Application for a General Amendment

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

N/A

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

The amendment will not change any of the standards for historic sign designation listed in the applicable section of the Zoning Ordinance, other than the date before which the sign must be erected. The extension of the date will permit a select number of existing signs that are important to the community's character and history to remain.

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 amendment is more workable than the existing text, due to the change of date for the amortization of nonconforming signs. The amendment also reflects a change of policy to allow additional historic signs.

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 serve the public interest by allowing additional longtime St. Charles businesses to retain their original, well-recognized signs, which add to the character and history of the community.

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

The amendment will not create additional nonconformities, but rather will continue to permit nonconforming signs that meet specified historic standards to be exempt from the amortization provision for nonconforming signs.

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

The amendment will apply to all properties, regardless of zoning district.

Amortization of Signs					
Address	Business Name	Sign Brought Into Compliance	Sign Permit Submitted/Issued	Non-Conforming Signs Remaining	Notes
1001 E Main Street	Multi Tenant Office Building	Yes			Sign Removed - Permit to be submitted
1302 E Main Street	Valvoline Oil Change	Yes			
1350 E Main Street	Partners in Mortgage	Yes			
1400 W Main Street	Ray's Evergreen	Yes			
1405-1625 W Main Street	Valley Shopping Center	Yes			
1502 W Main Street	Midas	Yes			
1525 W Main Street	Fifth/Third Bank	Yes			
1635 E Main Street	Best Western	Yes			
1645 E Main Street	Firestone	Yes			
1650 W Main Street	Gabby's (Spring View)	Yes			
1711 W Main Street	Dunkin Donuts	Yes			
1825 W Main Street	Kabob's (Old KFC)	Yes			
2010 E Main Street	Heinz Bros Greenhouse	Yes			
2010 W Main Street	Pep Boys	Yes			
3795 E Main Street	Chili's	Yes			
540 S Randall Road	Circuit Clerks Office	Yes			
716 E Main Street	Dance Academy	Yes			
818 E Main Street	Tastee Freeze	Yes			
904 E Main Street	Reber & Foley	Yes			
1660 W Main Street	BP Gas Station	Yes	Yes		
1915 W Main Street	McDonalds	Yes			
116 E Main Street	Life Church			Yes	Working with property owner on new sign.
1023 W Main Street	Mobile Gas Station			Yes	
1121 E Main Street	Office Building			Yes	Future meeting with new owner to be scheduled.
1301 E Main Street	Cyndirella's Academy			Yes	
1303 W Main Street	Fox Valley Travel			Yes	Spoke with owner Dr. Baginski on 06/12/2014 - Working to find scrap contractor to remove sign - building is for sale.
1317 E Main Street	Rex's Cork & Fork	Yes			
1421 E Main Street	GMC Car Dealer			Yes	
1434 E Main Street	Office Building	Yes			
1520 E Main Street	Super 8 Motel			Yes	
1545 W Main Street	Rookie's			Yes	
1546-1590 E Main Street	Tin Cup Pass (6 Signs)			Yes	Six-6 signs Met with property owner on 06/20/2014 on new sign and possible setback variation.
1625 E Main Street	Colonial Café			Yes	Variation is scheduled to be heard on 07/2014. Variation Granted/Approved.
1640 W Main Street	St Charles Memorial			Yes	
2015 E Main Street	McCue Chevrolet			Yes	Conference call with the sign manufacturer held on 06/11/2014. Provided zoning information to sign company on 08/04/2014.
2115 W Main Street	Beef Shack			Yes	Discussion on new sign held on 06/10/2014 - site meeting to be scheduled for setback variation. Second site meeting with sign contractor scheduled for 08/07/2014.
2125 W Main Street	Los Burritos			Yes	

2425 W Main Street	Old Deck Yard	Yes	Sign will be removed with demolition of building in August/September 2014.
2500 E Main Street	Circle K (Shell Gas Station)	Yes	Provided information on sign requirements on 08/04/2014.
2520 E Main Street	Corfu Restaurant	Yes	Met with property owner and discussion took place with business owner on options.
2520 W Main Street	St. Charles Bowl	Yes	Discussion with business manager on sign requirements. Discussion with staff on possible historic sign designation. Future meeting in July with Historic Commission. Proceeding with historic sign designation.
2536 E Main Street	BOSA Donuts	Yes	Met with property owner on sign regulations. Working with sign contractor on possibility of using existing sign.
2701 W Main Street	Cada Pool & Spa	Yes	
300 N Randall Road	Illinois Central Bus	Yes	Discussion with sign contractor held in January of 2014 in regard to using existing sign - just lowering down to be compliant.
521 W Main Street	McDowell	Yes	Met with property/business owner on 06/09/2014 to review new sign drawings. Owner is scheduling to meet with the Corridor Commission for grant funding. Applied for Grant.
605 W Main Street	Amerprise	Yes	Discussions held with property/business owner throughout 2013 and 2014 on sign. Owner planning on requesting grant funding through Corridor Commission.
619 W Main Street	Premier Interiors	Yes	Discussion with property/business owner on 06/13/2014 regarding sign regulations. Sign must come into compliance by 2016.
614 E Main Street	Lundeen Liquors	Yes	Discussion with property owner held on 07/18/2014. Reviewing possibility of using one existing sign for entire property/business.
620 E Main Street	State Bank	Yes	Discussion with property owner held on 07/18/2014. Reviewing possibility of using one existing sign for entire property/business.
713 E Main Street	Sheen & Associates	Yes	Site meeting with property/business owner held on 06/10/2014. New location and size - possible variation.
801 E Main Street	Catella Building	Yes	Meeting at the site held 06/20/2014 with sign contractor and owner. Reviewed new sign and discussed setback variation.
824 W Main Street	Bob Dorr Plumbing	Yes	Owner lowered sign in compliance in 2012. Discussion took place on setback variation. Applying for Variation.
201 S 2nd Street	Kevin's Service Station	Yes	Met with owner in April 2014. Staff can recommend Façade Grant for new building sign. Met with property owner 08/04/2014 - possibility of historic designation on existing sign.
320 N 2nd Street	Salerno's	Yes	Met with owner in April 2014. Staff can recommend Façade Grant for new building sign. Met with property owner 08/04/2014 - possibility of historic designation on existing sign.
305 N 2nd Street	Old Art Studio (Fireplace Store)	Yes	
303 N 2nd Street	Multi-tenant	Yes	Met with property owner. Will schedule for setback variation.
221 S 2nd Street	Mark's 2nd Street Tavern	Yes	Last site meeting with property and business owner was in summer of 2013 on possible location.
420 S 3rd Street	Robbin's Flowers	Yes	

214 S 3rd Street	Law Office				Yes	
200 S 2nd Street	Francesca's				Yes	Discussion with business manager in January 2014 on possible sign locations.
415 S 1st Street	Vacant				Yes	Met with property owners on 06/11/2014. Will be removing sign prior to October 2014.
602 Geneva Road	Jalapeno Grill		Yes		Yes	Sign removed.

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

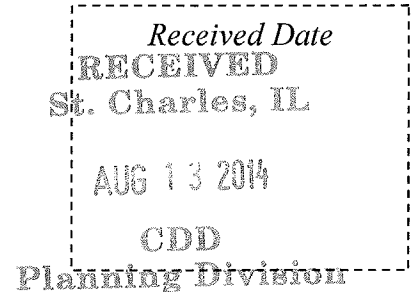


COMMUNITY DEVELOPMENT/PLANNING DIVISION

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

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	<u>G.A. - Non-Conforming Signs</u>
Project Number:	<u>2014</u> -PR- <u>018</u>
Application Number:	<u>2014</u> -AP- <u>031</u>



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	City of St. Charles	Phone	(630)377-4443
	Address	2 E. Main Street St. Charles, IL 61074	Fax	(630)762-6924
			Email	ejohnson@stcharesil.gov
2. Billing: <i>Who is responsible for paying application fees and reimbursements?</i>	Name	City of St. Charles	Phone	(630)377-4443
	Address	2 E. Main Street St. Charles, IL 61074	Fax	(630)762-6924
			Email	ejohnson@stcharesil.gov

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 Section(s) See Attached of the St. Charles Zoning Ordinance. The wording of the proposed amendment is: (attach sheets if necessary)

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 8/13/14
Applicant Date

Chapter 17.08.060 Nonconforming Signs

- A. Where a freestanding sign mounted on a pole, pylon, foundation, or other supporting structure is nonconforming, the sign and its supporting structure shall be removed or otherwise modified to conform to the provisions of this Title by June 16, 2015, or within fifteen (15) years after its initial construction, whichever is later.
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Chapter 17.28.070 Historic Signs

...Therefore, a sign erected prior to January 1, 1976 that does not conform to one or more provisions in this Chapter may continue to be maintained and shall not be subject to the amortization provisions of this Title, if the City Council determines, upon the recommendation of the Historic Preservation Commission, that all of the following standards have been met:

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 - 1. Is attached to a significant historic building or landmark, and has come to be identified with that building or landmark, whether or not it is original to it; or
 - 2. Is located on a site that has been continuously operated for the same business use since January 1, 1976 or earlier.