ST. CHARLES SINCE 1834	**PLAN COMMISSION AGENDA ITEM EXECUTIVE SUMMARY**			
	Project Title/Address:	General Amendment: Alcohol or Tobacco Sales Establishment		
	City Staff:	Ellen Johnson, Planner		
	PUBLIC HEARING 3/8/16	X	**MEETING 3/8/16**	X
APPLICATION:		General Amendment		
ATTACHMENTS AND SUPPORTING DOCUMENTS:				
Staff Report		Application for General Amendment		

SUMMARY:

City Council has expressed an interest in limiting the locations where liquor stores and tobacco stores can locate by amending the Zoning Ordinance to separate alcohol/tobacco sales from the general Retail Sales use category.

Currently, the Zoning Ordinance does not differentiate between general Retail Sales and alcohol/tobacco sales, meaning that liquor stores and tobacco stores can locate in any commercial zoning district. Some commercially zoned property is adjacent to or surrounded by residential development.

Staff is proposing a General Amendment to create an "Alcohol or Tobacco Sales Establishment" use category and establish locations in which the use is permitted. The following is proposed:

- Add a new use category called "Alcohol or Tobacco Sales Establishment".
- Permit Alcohol or Tobacco Sales Establishments in the BC Community Business, BR Regional Business, and CBD-1 Central Business Districts.
- Permit Alcohol or Tobacco Sales Establishments in the BL Local Business and CBD-2 Mixed Use Business Districts along major arterial roads only (Main St., Randall Rd., Kirk Rd.)

SUGGESTED ACTION:

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

Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission feel that they have enough information to make a recommendation.

INFO / PROCEDURE – GENERAL AMENDMENT APPLICATIONS:

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

Community & Economic Development
Planning Division
Phone: (630) 377-4443
Fax: (630) 377-4062

ST. CHARLES
SINCE 1834

Staff Report

TO: Chairman Todd Wallace
And the Members of the Plan Commission

FROM: Ellen Johnson, Planner

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

DATE: March 4, 2016

I. GENERAL INFORMATION

Project Name:	General Amendment – Alcohol/Tobacco Sales
Applicant:	City of St. Charles
Purpose:	Create an Alcohol/Tobacco Sales Establishment use category and establish locations in which the use is permitted.

II. BACKGROUND

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

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

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

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

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

III. PROPOSAL

1. Add "Alcohol or Tobacco Sales Establishment" as a new zoning use category, separate from the general Retail Sales use category.

   a. ***Ch. 17.30 Definitions, Section 17.30.020 Use Definitions***- Definition of "Alcohol or Tobacco Sales Establishment":

      "An establishment where the primary purpose is the sale of packaged alcoholic liquor directly to the consumer for consumption off the premises, or where the primary purpose is the sale of tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, "Tobacco", directly to the consumer for consumption either on or off the premises. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G) or Tavern/Bar, as defined herein."

   b. ***Ch. 17.30 Definitions, Section 17.30.020 Use Definitions***- Amend the "Retail Sales" definition to state that Retail Sales does not include Alcohol or Tobacco Sales Establishments.

2. Permit Alcohol or Tobacco Sales Establishments in all commercial zoning districts. However, in the BL Local Business and CBD-2 Mixed Use Business districts, limit the locations where the use is permitted to properties with frontage along Main St./Route 64, Randall Rd., and Kirk Rd. (SRA- Strategic Regional Arterial routes). The use will not be allowed in the BT Transitional Business Overlay.

   a. ***Ch. 17.12 Residential Districts, Table 17.12-1 Permitted & Special Uses***- Alcohol or Tobacco Sales Establishment is not a permitted use in the BT Overlay.

   b. ***Ch. 17.14 Business & Mixed Use Districts, Table 17.14-2 Permitted & Special Uses***- Alcohol or Tobacco Sales Establishment is a permitted use in the following zoning districts:
      - BL Local Business (in limited locations)
      - BC Community Business
      - BR Regional Business
      - CBD-1 Central Business
      - CBD-2 Mixed Use Business (in limited locations)

   c. ***Ch. 17.20 Use Standards, Section 17.20.030 Standards for Specific Uses***- Alcohol or Tobacco Sales Establishment:

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

      2. In the CBD-2 Mixed Use Business District, this use is permitted only on properties with frontage on Main Street/Route 64.

IV. ANALYSIS

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

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

Impacted Zoning Districts:

As provided in the Zoning Ordinance, the purpose of the BL Local Business District is as follows:
"To provide locations for small-scale service and retail uses that primarily serve the convenience needs of St. Charles neighborhoods. The BL District permits a mix of uses, but care must be taken to ensure that adequate access, parking and screening is provide so as not to negatively impact adjoining residential neighborhoods."

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

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

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

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

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

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

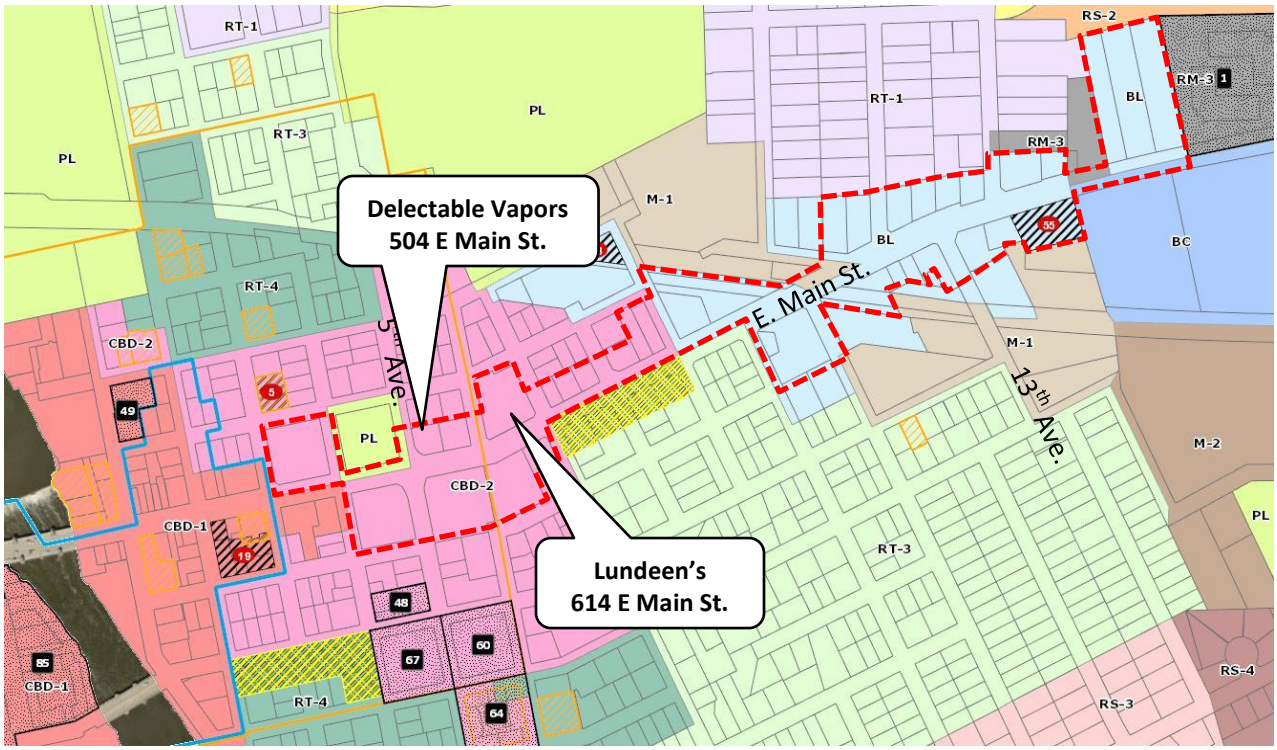


Figure 2: CBD-2 and BL parcels where Alcohol or Tobacco Sales Establishments will be permitted- west side of downtown.

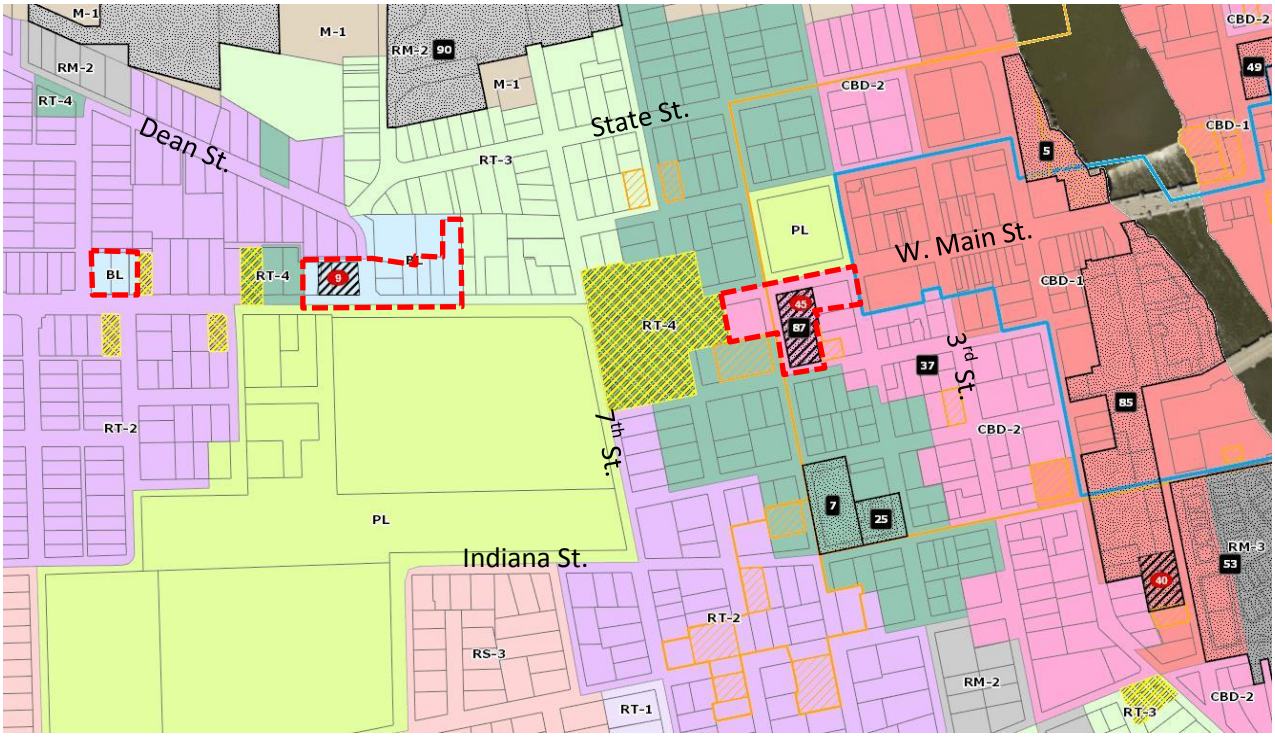
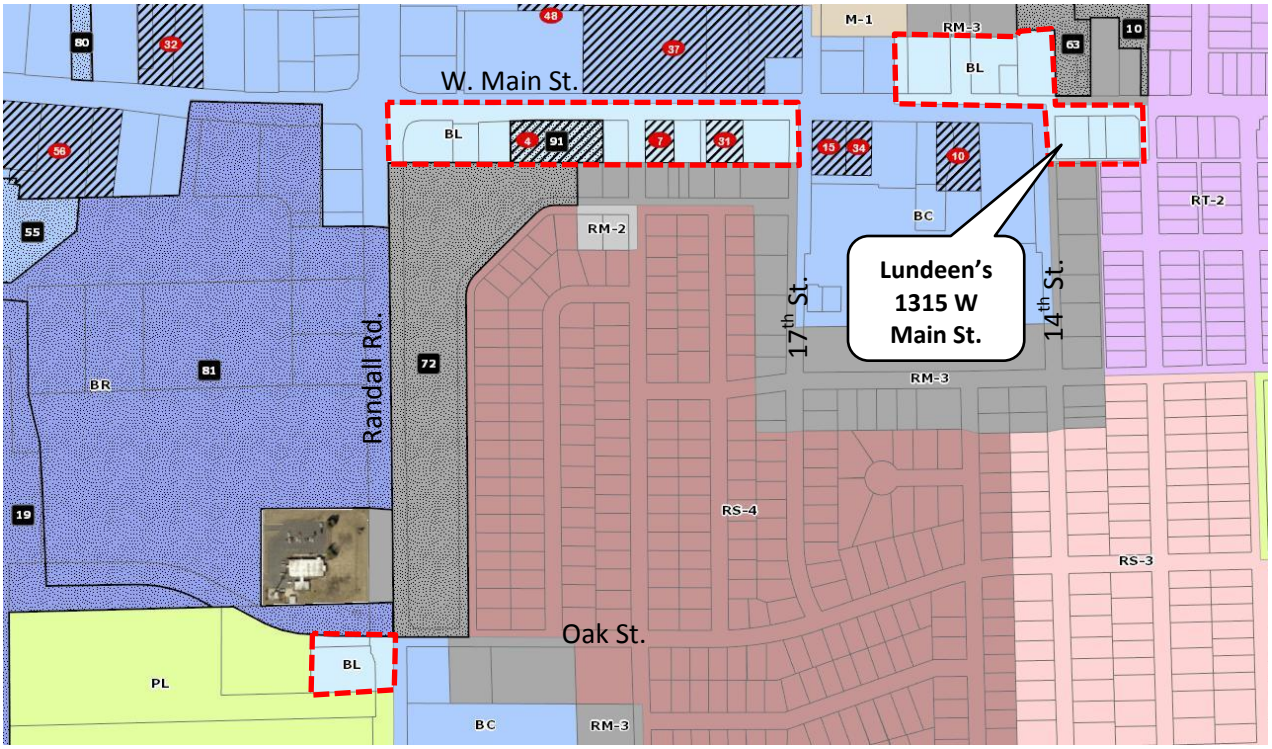


Figure 3: BL parcels where Alcohol or Tobacco Sales Establishments will be permitted - W. Main St. and Randall Rd. area.



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

Impact on Existing Businesses

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

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

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

V. SUGGESTED ACTION

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

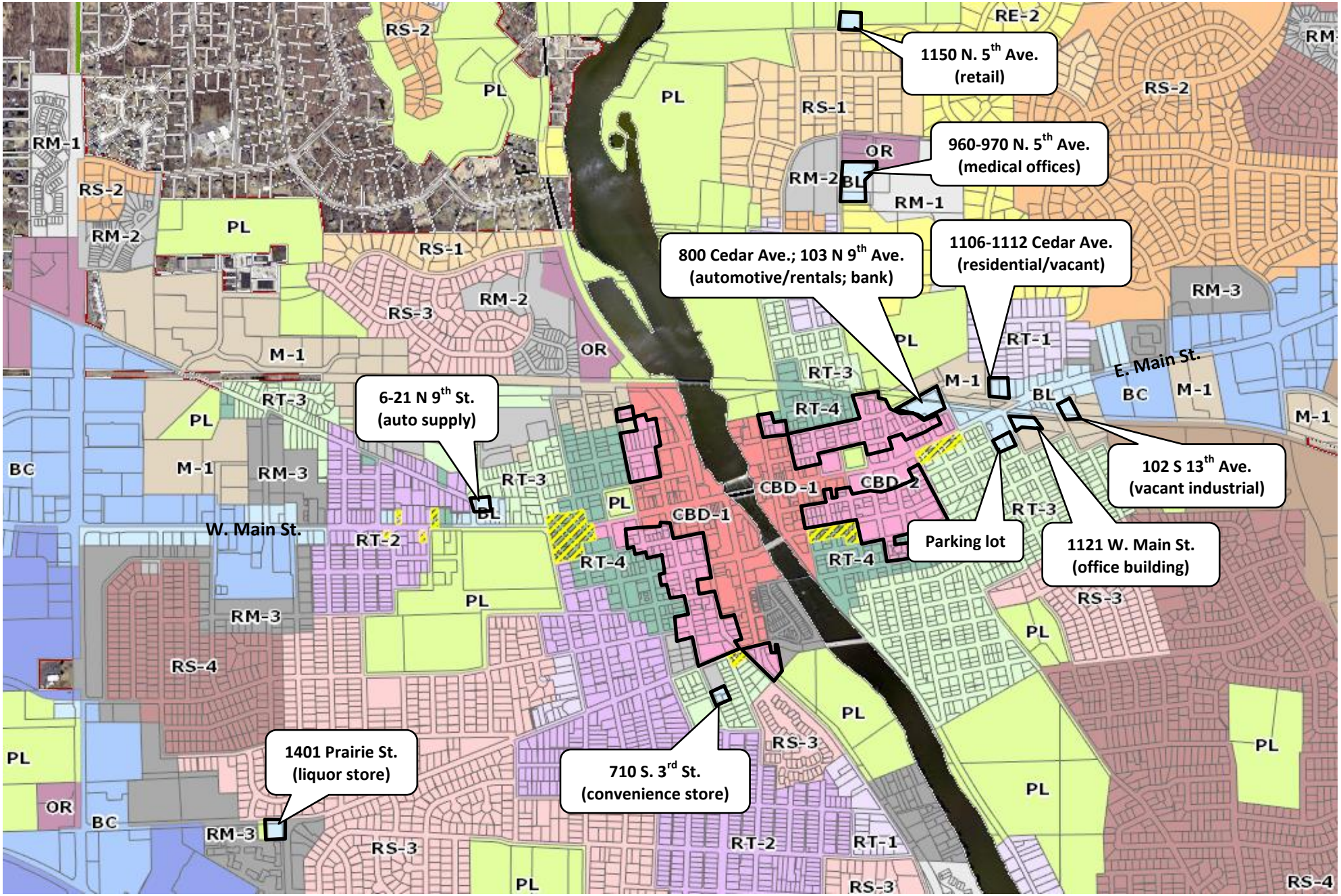
Staff has placed this item on the meeting portion of the agenda for a vote should the Plan Commission determine that they have enough information to make a recommendation.

Staff has provided responses to the findings of fact for General Amendment for the Plan Commission's consideration.

VI. ATTACHMENTS

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

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



CITY OF ST. CHARLES

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

ST. CHARLES
SINCE 1834

COMMUNITY & ECONOMIC DEV./PLANNING DIVISION PHONE: (630) 377-4443 FAX: (630) 377-4062

GENERAL AMENDMENT APPLICATION

CITYVIEW	
Project Name:	GA - Alcohol + Tobacco Sales
Project Number:	2016 -PR- 001
Application Number:	2016 -AP- 004

Received Date
RECEIVED
St. Charles, IL
FEB 17 2016
CDD
Planning Division

Instructions:

To request an amendment to the text of the St. Charles Zoning Ordinance (City Code Title 17), complete this application and submit it with all required attachments to the Planning Division.

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

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

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

Attachment Checklist

If multiple zoning or subdivision applications are being submitted concurrently, do not submit duplicate checklist items or plans. Fee must be paid for each application.

- ☐ **APPLICATION FEE:** Application fee in accordance with Appendix B of the Zoning Ordinance ($500)
- ☐ **REIMBURSEMENT OF FEES AGREEMENT:**

  An original, executed Reimbursement of Fees Agreement and deposit of funds in escrow with the City, as provided by Appendix B of the Zoning Ordinance.
- ☐ **REIMBURSEMENT OF FEES INITIAL DEPOSIT:**

  Deposit of funds in escrow with the City. (For a General Amendment application only: $1,000 deposit.)
- ☐ **FINDINGS:** Fill out the attached form or submit responses on a separate sheet.

❑ WORDING OF THE REQUESTED TEXT AMENDMENT

What is the amendment regarding?

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

What sections are proposed for amendment?

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

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

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

See attached.

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

Ellen Johnson — 2/17/16

Applicant — Date

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

	BT
Alcohol or Tobacco Sales Establishment	*not permitted*

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

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

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

Alcohol or Tobacco Sales Establishment:

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

Ch. 17.30 Definitions, Section 17.30.020 Use Definitions

New Use Category:

Alcohol or Tobacco Sales Establishment: An establishment where the primary purpose is the sale of packaged alcoholic liquor directly to the consumer for consumption off the premises, or where the primary purpose is the sale of tobacco or tobacco products, alternative nicotine products, and/or shisha (flavored tobacco for hookah), as defined in Chapter 5.16 of the St. Charles Municipal Code, "Tobacco", directly to the consumer for consumption either on or off the premises. This use includes a Hookah Lounge as defined in said Chapter 5.16. This use does not include Retail Sales (G) or Tavern/Bar, as defined herein.

Amended Use Category (underlined):

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

FINDINGS OF FACT – GENERAL AMENDMENT

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

As an applicant, the "burden of proof" is on you to show why the proposed amendment is appropriate. Therefore, you need to "make your case" by explaining how the following factors support your proposal. If a factor does not apply to the amendment in question, indicate "not applicable" and explain why it does not apply.

See attached.

_____ _____

Amendment Description/Ordinance Section Number *Date*

From the Charles Zoning Ordinance, Section 17.04.320.C:
In making its recommendation to grant or deny an application for a Zoning Text Amendment, the Plan Commission shall consider:

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

_____
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_____

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

_____
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_____

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

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

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

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

_____
_____
_____
_____
_____

Findings of Fact

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

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

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

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

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

   The proposed amendment is consistent with the following purposes of Title 17: promoting the public health, safety, comfort, convenience and general welfare; preserving and enhancing the quality of life for residents and visitors; and protecting the character of established residential neighborhoods.

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

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

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

The proposed amendment will prevent liquor/tobacco sales establishments from locating within predominately residential areas in order to prevent potential negative impacts on neighborhood character and the general welfare of residents.

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

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

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

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