



ST. CHARLES  
SINCE 1834

### AGENDA ITEM EXECUTIVE SUMMARY

Title:	Motion to approve A Resolution Denying an Office Certification Appeal for ALE Solutions to occupy 1 W. Illinois St., Unit #120 (Fox Island Square)
Presenter:	Rita Tungare

Please check appropriate box:

<input type="checkbox"/>	Government Operations	<input type="checkbox"/>	Government Services
<input type="checkbox"/>	Planning & Development	<input checked="" type="checkbox"/>	City Council – (4/21/14)

Estimated Cost:	N/A	Budgeted:	<input type="checkbox"/> YES	<input type="checkbox"/> NO
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If NO, please explain how item will be funded:

**Executive Summary:**

**Background:**

ALE Solutions is located in the Fox Island Square Building, 1 W. Illinois St., and their offices occupy the entire second and third floors of the building. ALE began occupying Unit #120 on the ground floor of the building earlier this year. Staff became aware of the business occupying the ground floor space in early February and sent a letter to the property owner, Shodeen, and ALE Solutions CEO Robert Zimmers informing them that an Office Certification was required for the business to occupy the ground floor unit. ALE Solutions submitted a request for Office Certification on Feb. 28, 2014. Staff concluded on March 21, 2014 that the information submitted was not sufficient to demonstrate that the business would meet the Office Certification criteria “b”, that the function of the business conducted in Unit #120 is to primarily provide services to customers that are physically present. The Office Certification to occupy Unit #120 was denied by staff. This does not affect ALE’s ability to continue to occupy the upper floors of the building.

**Committee Recommendation on Appeal:**

The Applicant appealed the staff decision before the Planning & Development Committee on April 14, 2014. ALE requested that the Committee approve their business to occupy Unit #120 for one year.

The Committee made a recommendation to uphold the staff decision to deny the Office Certification and additionally recommended providing ALE with a Notice of Zoning Violation that allowed the business 90 days to vacate Unit #120 (instead of the typical 30 days for most zoning violations), subject to conditions that a) ALE actively manage their employee parking and b) ALE work with staff to locate an alternative location for their employees currently working in Unit #120. The Committee asked that representatives of ALE appear at future P&D Committee meetings to assess the progress in meeting these conditions.

A resolutions reflecting the Committee’s recommendation is attached.

**Attachments: (please list)**

Resolution

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

Motion to approve A Resolution Denying an Office Certification Appeal for ALE Solutions to occupy 1 W. Illinois St., Unit #120 (Fox Island Square)

For office use only      Agenda Item Number: IIC7

**City of St. Charles, Illinois**  
**Resolution No. \_\_\_\_\_**

**A Resolution Denying an Office Certification Appeal for ALE Solutions to  
occupy 1 W. Illinois St., Unit #120 (Fox Island Square)**

**Presented & Passed by the  
City Council on \_\_\_\_\_**

WHEREAS, on February 27, 2014, Robert Zimmers, CEO of ALE Solutions (the “Applicant”), applied for an Office Certification in the Downtown Overlay District for ALE Solutions to occupy Unit #120 at Fox Island Square, 1 W. Illinois St., St. Charles, IL 60174; and

WHEREAS, the Director of Community & Economic Development reviewed the request per the procedure and criteria contained in Section 17.14.020.B of Title 17 of the City Code, the Zoning Ordinance; determined that the request did not meet the applicable criteria; and issued a denial of the Office Certification on March 21, 2014 (attached hereto as Exhibit “A”); and

WHEREAS, on March 24, 2014, the Applicant requested to appeal the decision of the Director of Community and Economic Development before the City Council per Section 17.14.020.B.3 of the City Code; and

WHEREAS, on April 14, 2014, the Planning and Development Committee of the City Council reviewed the appeal and made a recommendation to uphold the determination of the Director of Community & Economic Development to deny the Office Certification and issue a Notice of Zoning Violation to the Applicant, subject to certain conditions.

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

1. That the appeal of the Office Certification is hereby denied based upon the determination of the Director of Community and Economic Development.
2. That City Staff shall issue a Notice of Zoning Violation subject to the following terms:
  - a. The Applicant shall vacate Unit #120 at Fox Island Square, 1 W. Illinois St., within 90 days following the approval of this resolution.
  - b. During the 90 day period, the applicant shall demonstrate that a good faith effort is being made to manage the Applicant’s employee parking per the Proposed Parking Policy submitted by the Applicant on April 14, 2014 (attached hereto as “Exhibit B”).
  - c. The Applicant shall appear before the Planning & Development Committee of the City Council on May 12, 2014 and June 9, 2014, to provide the Committee

with an update on enforcement of the Proposed Parking Policy and progress on efforts to find a new location for the employees currently in Unit #120.

3. That should the Applicant or a representative fail to appear before the Planning and Development Committee on the dates specified above, or should the Committee find that the Applicant is not demonstrating a good faith effort to enforce the Proposed Parking Policy, the Committee shall direct City Staff to issue a Notice of Zoning Violation requiring the Applicant to vacate Unit #120 in 30 days.

PRESENTED to the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 21st day of April, 2014.

PASSED by the City Council of the City of St. Charles, Kane and DuPage Counties, Illinois, this 21st day of April, 2014.

APPROVED by the Mayor of the City of St. Charles, Kane and DuPage Counties, Illinois, this 21st day of April, 2014.

\_\_\_\_\_  
Raymond P. Rogina

Attest:

\_\_\_\_\_  
City Clerk/Recording Secretary

Voice Vote:

Ayes:

Nays:

Absent:

Abstain:

# EXHIBIT "A"



ST. CHARLES  
SINCE 1834

**#1** City for Families  
by FamilyCircle® 2011

March 21, 2014

Robert Zimmers  
CEO, ALE Solutions  
1 W. Illinois St.  
St. Charles, IL 60174  
Sent via email to robert.zimmers@alesolutions.com

Re: Request for Office Certification for ALE Solutions, for 1 W. Illinois St., Unit #120

Mr. Zimmers:

City staff has completed a review of your request for Office Certification submitted on Feb. 27, 2014, and with additional information submitted on Mar. 13, 2014. The information provided is not sufficient to demonstrate that the business will meet the criteria for Office Certification listed in Section 17.14.020(B)(2) of the Zoning Ordinance. Therefore, the Office Certification request has been denied.

Specifically, the information submitted to address Criteria "b" does not provide sufficient documentary evidence to demonstrate that the function of the business in Unit #120 is to primarily provide services to customers that are physically present, either as regular walk-ins or by appointment. Additionally, City staff has observed the property at various times during the business day and has not observed customers entering or exiting the north entrance door to Unit #120.

The Zoning Ordinance allows an option to appeal this decision before the City Council. The City Council may only consider the criteria in the ordinance and may uphold or reverse staff's decision. To request an appeal, please submit a written request to the Community & Economic Development Department by April 3, 2014. The request will then be scheduled for review by the Planning & Development Committee of the City Council at their meeting on April 14, 2014 at 7:00pm. At the meeting, you will have an opportunity to directly address the Committee.

If you choose not to file a request for appeal, a Notice of Zoning Violation will be issued on April 4, 2014, requiring the business to vacate the space in 30 days.

The City appreciates your business being located in the community, but must enforce the regulations of the Zoning Ordinance. If you have questions, please contact either Russell Colby or myself at (630) 377-4443.

Sincerely,

Rita Tungare, AICP  
Director of Community & Economic Development

Cc: Bob Vann, Building & Code Enforcement Division Manager  
Russell Colby, Planning Division Manager

RAYMOND P. ROGINA *Mayor*

MARK KOENEN, P.E. *City Administrator*

# ALE Proposed Parking Policy

- Primary employee parking will be upper decks of parking structure
  - Current Status:**
    - Parking structure is used only if closer parking is not available.
    - 4<sup>th</sup> & 5<sup>th</sup> floors are largely unused during business hours.
- ALE employees will not utilize Indiana Street Parking
  - Current Status:**
    - Street Parking is regularly used.
- ALE employees will abide by all time-restricted public parking
  - Current Status:**
    - Compliance is the responsibility of the individual employee.
- ALE employees will not use FIS back lot parking posted for retail patrons
  - Current Status:**
    - Temporarily using these spots only until restaurant reopens.

EXHIBIT "B"