MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, JULY 14, 2014 7:00 P.M.

Members Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner

Members Absent: Lewis

Others Present: Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Planning Division Manager; Matthew O'Rourke, Economic Development Division Manager; Fire Chief Schelstreet; Bob Vann, Building & Code Enforcement Division Manager; Ellen Johnson, City Planner

1. CALL TO ORDER

The meeting was convened by Chairman Stellato at 7:00 P.M.

2. ROLL CALLED

Roll was called:
Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner
Absent: Lewis

3. COMMUNITY & ECONOMIC DEVELOPMENT

a. Recommendation to approve a Special Use for Two Drive-Through Facilities, Preliminary Subdivision Plat and Final Plat of Subdivision for Buona Beef / Buona St. Charles Subdivision (2425 W. Main St.)

Mr. Colby said the proposal is to redevelop and subdivide the former Deck Yard property on West Main St. into three new lots; lot 1 being a larger lot for the existing Rental Max, lot 2 for the proposed Buona Beef restaurant and lot 3 for a proposed retail and commercial building. He said they are requesting a special use for 2 drive-throughs; 1 for Buona Beef and the other for the retail and commercial building. He said as of now there is no known tenant for the retail/commercial building but the drive through has been designed to accommodate a drive-through restaurant use in terms of the number of stacking spaces. He said Plan Commission unanimously recommended approval of the applications on June 17, 2014 with their primary concern being that cross access be provided through this site and adjoining sites wherever possible; and the applicant has proposed a cross access easement across all 3 lots and they are open to providing additional cross access to the adjacent property should it become available.

He said staff recommends approval subject to resolution of staff comments prior to City Council action.

Aldr. Lemke said there were a number of memorandum items and asked if those were items that could be easily cleaned up. Mr. Colby said yes, the remainder of the engineering review comments are minor and the site plan should not change.

Aldr. Turner made a motion to approve to approve a Special Use for Two Drive-Through Facilities, Preliminary Subdivision Plat and Final Plat of Subdivision for Buona Beef / Buona St. Charles Subdivision (2425 W. Main St). Motion was seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.

b. Recommendation to approve a Special Use for Planned Unit Development and PUD Preliminary Plan for 600-660 S. Randall. Rd. (Randall Shoppes).

Mr. Colby said the Committee reviewed a concept plan back in April for this property which is located at the south east corner of Prairie and Randall Rd. He said the proposal is to establish a PUD for the purpose of renovating the building, reconstructing the parking lot and adding landscaping to the site. He said Plan Commission unanimously recommended approval of the application on July 8, 2014 with the conditions: resolution of staff comments, for the applicant to install a sidewalk along Randall Rd. if it could be designed to meet the County's standards, and for the applicant to increase the landscape area per the revised landscape plan, which has been submitted. He said Plan Commission also discussed the desire for cross access to be provided through adjacent parcels and the applicant presented that they are currently in discussions, but nothing finalized yet, with the Fifth Third Bank parcel regarding the potential for cross access. He said Staff recommends approval subject to resolution of outstanding staff comments prior to City Council action.

Aldr. Turner made a motion to approve to approve a Special Use for Planned Unit Development and PUD Preliminary Plan for 600-660 S. Randall. Rd. (Randall Shoppes). Motion was seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.

c. Update regarding Downtown Overlay District Office Certification for ALE Solutions, 1 Illinois St.

Ms. Tungare said on April 21, 2014 City Council denied a certification for ALE Solutions to occupy the first floor of Fox Island Square and at that time ALE was granted a 90-day period to continue to occupy the unit; the 90-days will expire on July 21, 2014. She said Mr. Zimmers is here with an update on the leasing efforts and to also request an extension of 30-days; and based on the leasing efforts provided, staff recommends that Committee grant the 30-day extension; but if the Committee desires to not grant the extension, staff could then be directed to issue a notice of violation requiring ALE to vacate the space immediately.

Robert Zimmers-1 W. Illinois St.-said late May he identified a property at the Plaza Center above Wok n Fire which was under lease by a tenant who was wishing to sub-lease and that the

space would be perfect for the transition of the business from the 1st floor at Fox Island Square. He said he entered into a verbal agreement with the tenant to take possession of the property on June 15, 2014 but due to things outside of his control that has been pushed back to July 15, 2014 and has since then been delayed again; but he believes he will be able to take possession sometime this week with lease in hand possibly tomorrow. He said the delay has to do with the tenant, the building ownership and First Street Development approval. He said once he gets possession it will take approximately 2-weeks to get the phones, computer systems, and a possibly a line of site point transmitter set-up and he is requesting a 30-day extension to make the transition.

Aldr. Turner made a motion to approve a 30-day extension. Motion was seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

d. Recommendation to approve a Proposed Ordinance to Amend Title 6 "Animals" Chapter 6.12 "Regulations", by adding Section 6.12.095 "Residential Chickens".

Mr. Vann said the current city code permits residential chickens but does not provide specific regulations. He said staff presented this issue at June's Planning & Development meeting where Committee directed staff to continue to permit residential chickens but with some additional regulations. He said Staff has researched other communities and have drafted the following regulation for Committees consideration:

A) Up to six (6) domestic chickens may be kept on properties zoned and occupied for single-family residential use only.
B) Roosters are prohibited within the corporate boundaries of the City of St. Charles.
C) Chickens shall be in an enclosure and/or fenced area at all times.
D) All chickens and enclosures shall be kept in the rear yard.
E) All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste, such as to cause odors that are detectable on adjacent properties.
F) No person and/or property owner shall be allowed to violate Section 6.12.060 "Nuisance" of the St. Charles Municipal Code.
G) The enclosure and adjacent fenced area shall be set back:
    a. No closer than five (5) feet to any property line; and
    b. Screened with year round landscaping, walls and/or fencing so as not to be visible from any public street or adjoining lot when viewed from an observation height of five (5) feet above grade."

Aldr. Bessner asked for clarification on the 5 ft. above grade level. Mr. Vann said we are looking to distinguish where the visible site line is, which is 5 ft. from grade. He said that means that person will have either a 5 or 6 ft. high screening, whether its landscaping, wall or fencing etc., to screen that from adjacent properties and from public streets. He said they need a measurement as to where the sightline is being taken from when the 5 ft. is taken from grade. Aldr. Bessner asked if that is assuming that the chicken enclosure of the coop will be at 5 ft. or below. Mr. Vann said correct; wherever that site line is, the measurement will be taken 5 ft. from that grade; but if it goes higher they would need some type of major landscaping and will

have to conform with the fencing code which typically means fencing can only go 6 ft. high in residential areas.

Aldr. Payleitner asked how this would affect current chicken owners. Mr. Vann said these regulations were geared around the chickens that staff is already aware of, and he has already had positive feedback from property owners that already own these coops, but yes those residents will be obliged to follow the new regulations.

Matthew Hill-1410 Moore Ave.-asked why only 6 chickens. Mr. Vann said in his research he found some recommendations on square footage allowed per chicken. He said typically a coop is 4-5 sq. ft. per chicken and the screened in area is up to 10 ft.; so to use that regulation and the size for the lots we have for single-family residences, it was geared toward the smallest lots or the areas that are exist. Mr. Hill said he has a pie shaped lot and he wanted to put his chickens on one side of the yard which looks like his side yard but is actually his front yard due to the narrowness of it; so he had to move the coop to the other side of his yard. He said he uses his chickens for eggs for their household and chickens only lay eggs every 24-36 hours, so if you have a lot of people eating eggs, having only 6 chickens is not very many eggs.

Tavia Tawney-1242 S. 11th St.-thanked Mr. Vann for all the work done and asked about increasing the size and number for Bantam chickens. She said depending on the breed there is quite a bit of difference in space they take up and there is a difference of about 3 lbs. to 6 lbs. between a full size chicken and a Bantam; so square footage wise a Bantam needs less space and some cities make a provision for bantams; so she wondered if that could be considered. She said in regard to screening and the 5ft. if that meant from the property line or from the street. Mr. Vann said it's really from grade of the neighboring property of the front of the street.

Chairman Stellato asked, of the residents that spoke, did any of them have a problem with any of the regulations beside the number of allowable chickens. Resident said the only worry in regard to the number is for those who currently have more than 6. Ms. Tawney said a lot of people keep them as well as a productive pet; they lay for a certain number of years and then they cease production. She said some people may start with 2 chickens; they will lay for a few years but then most of those people will continue to keep them for the life of the chicken even though they no longer produce. She said she is in full belief that full herds of chickens should not be allowed; but she think Batavia and Naperville allow 8.

Aldr. Krieger asked if those who currently have a certain number of chickens could be grandfathered in since there have not been any complaints. Mr. Vann said there is no permit required and staff is not looking to go out and count chickens and be the chicken police; this would all be on a complaint basis and as of now there have not been any. He said for those residents who currently have chickens they have really gotten into this and understand what they need to do so staff does not feel permits are necessary. Aldr. Krieger agreed that permits should not be needed and that complaints should be the only thing addressed. Mr. Vann said the grandfathering would not be enforceable at the time because staff is not going out to do head counts.

Aldr. Turner said he kind of agrees with Aldr. Krieger but in looking forward, we do live in a city; so anyone thinking about raising chickens in the future he thinks 6 chickens should be the limit.

Aldr. Payleitner asked what happens when a resident who previously had 8 chickens is cited. Mr. Vann said it's not a life safety issue, so staff would work with the resident. He said if there were a complaint it would be with either the noise or the odor, and again staff has not received any of those.

Aldr. Silkaitis suggested having those with more than 6 chickens come forward, keep a record of it and then grandfather them in just to keep them out of trouble so everyone knows they had their chickens before the Ordinance was passed and then no one can tell the city these residents are violating the ordinance and we have to enforce it.

Chairman Stellato asked for clarification on the motion, stating that as of now it we are allowing 6 chickens but are willing to work with those residents who currently have more than 6 and be reasonable. Aldr. Turner said if a resident comes to staff stating they want chickens in their back yard they would be told 6 is the allowable number. Mr. Vann agreed and stated that staff has been getting calls on this, not for complaints, but to find out what they need to do and what the regulations are. He said as of now staff's has response with these numbers letting residents know that there is a proposal to Committee so the numbers may change but that Committee is on board with allowing chickens. Ms. Tungare stated that if there were a complaint made for a neighbor having more than 6 chickens staff could work with the owner of the chickens; but at some point staff would be respectful of the neighbor that is complaining and would ask the chicken owner to come in compliance within a reasonable time frame. Chairman Stellato said that is reasonable because staff would not be there if there was not a noise or odor complaint anyway, whether it's 6, 8 or 1 chicken.

Resident stated that he has people asking questions because they are interested in raising chickens and he sees it growing more in the future.

Aldr. Turner mad a motion to accept the new Ordinance as it is written. Motion was seconded by Aldr. Martin.

Roll was called:
Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner,
Absent: Lewis
Motion Carried: 9-0

4. ADDITIONAL BUSINESS - None.

5. ADJOURNMENT - Aldr. Turner made a motion to adjourn at 7:24 PM. Motion was seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.