

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, SEPTEMBER 2, 2014**

Members Present: Vice Chair Tim Kessler
Sue Amatangelo
Brian Doyle
Steve Gaugel
James Holderfield
Laura Macklin-Purdy
Tom Pretz
Tom Schuetz

Members Absent: Chairman Todd Wallace

Also Present: Russell Colby-Planning Division Manager
Ellen Johnson-Planner

Court Reporter

1. Call to order

The meeting was called to order at 7:08 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 August 5, 2014 meeting.

A motion was made by Ms. Amatangelo, seconded by Mr. Schuetz and unanimously passed by voice vote to accept the 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.

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Doyle, seconded by Mr. Schuetz to close the public hearing.

Roll Call Vote:

Ayes: Kessler, Schuetz, Gaugel, Pretz, Doyle, Amatangelo, Macklin-Purdy,
Holderfield

Nays:

Absent: Wallace

Motion carried: 8-0

MEETING

The Commission decided to move to Item #6 on the agenda.

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

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Doyle to recommend approval subject to resolution of any staff comments. Seconded by Mr. Schuetz.

Roll Call Vote:

Ayes: Kessler, Schuetz, Gaugel, Pretz, Doyle, Amatangelo, Macklin-Purdy, Holderfield

Nays:

Absent: Wallace

Motion carried: 8-0

PUBLIC HEARING

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.”

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Doyle, seconded by Mr. Holderfield to close the public hearing.

Roll Call Vote:

Ayes: Schuetz, Gaugel, Pretz, Doyle, Amatangelo, Macklin-Purdy, Holderfield

Nays: Kessler

Absent: Wallace

Motion carried: 7-1

MEETING

7. General Amendment (City of St. Charles)

Chapter 17.08 “Nonconformities”, Section 17.08.060 “Nonconforming Signs”

Minutes – St. Charles Plan Commission

Tuesday, September 2, 2014

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Chapter 17.28 “Signs”, Section 17.28.070 “Historic Signs”

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Doyle to recommend approval for the application for a General Amendment to Section 17.08.060 Nonconforming Signs, Amortization of Nonconforming Signs, and Section 17.28.070, Historic Signs, subject to resolution of all outstanding comments, with the following two conditions:

- 1. That amendment to Section 17.08.060 include a requirement that property owners submit a written request for extension. Failure to submit said request shall result in the deadline expiring on the October 16th, 2014, date.**
- 2. That the amendment to Section 17.28.070, Historic Signs, replace all references to the date 1976 with relative language indicating no less than 40 years from the date of application.**

Seconded by Mr. Schuetz

Roll Call Vote:

Ayes: Kessler, Schuetz, Gaugel, Pretz, Doyle, Amatangelo, Macklin-Purdy, Holderfield

Nays:

Absent: Wallace

Motion carried: 8-0

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

Mr. Colby announced that both items voted on tonight will be on the Planning & Development Committee agenda on Sept. 8 and that representatives of the Plan Commission should attend to represent the recommendation. Training will be held on Sept. 16.

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

10. Adjournment at 9:24pm

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Foxfield Commons PUD,)
2650-2778 East Main Street -)
Amendment to a special use)
for a Planned Unit)
Development, Ordinance No.)
1991-Z-4 and Ordinance No.)
2001-Z-37 regarding motor)
vehicle rental.)

REPORT OF PROCEEDINGS

Century Station Training Room
112 North Riverside Avenue
St. Charles, Illinois 60174

September 2, 2014
7:08 p.m. to 7:40 p.m.

Reported by: Paula M. Quetsch, CSR, RPR
Notary Public, Kane County, Illinois

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PRESENT:

- MR. TIM KESSLER, Vice Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. JAMES HOLDERFIELD, Member
- MS. LAURA MACKLIN-PURDY, Member;
- MR. TOM PRETZ, Member; and
- MR. TOM SCHUETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager;
- MS. ELLEN JOHNSON, Planner.

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

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1 CHAIRMAN KESSLER: This meeting of the
2 St. Charles Plan Commission is in session at 7:08 p.m.
3 Roll call.
4 Gaugel.

5 MEMBER GAUGEL: Here.

6 CHAIRMAN KESSLER: Macklin-Purdy.

7 MEMBER MACKLIN-PURDY: Here.

8 CHAIRMAN KESSLER: Pretz.

9 MEMBER PRETZ: Here.

10 CHAIRMAN KESSLER: Schuetz.

11 MEMBER SCHUETZ: Here.

12 CHAIRMAN KESSLER: Holderfield.

13 MEMBER HOLDERFIELD: Here.

14 CHAIRMAN KESSLER: Amatangelo.

15 MEMBER AMATANGELO: Here.

16 CHAIRMAN KESSLER: Doyle.

17 MEMBER DOYLE: Here.

18 CHAIRMAN KESSLER: Kessler, here.

19 Do we have a motion for the presentation of
20 the minutes? Item 3 is presentation of the minutes
21 for the August 5th meeting. Is there a motion to
22 approve?

23 MEMBER AMATANGELO: So moved.

24 MEMBER SCHUETZ: Second.

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

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1 CHAIRMAN KESSLER: In all favor.

2 (Ayes heard.)

3 CHAIRMAN KESSLER: Now we have a public
4 hearing. Item No. 4 is a public hearing for Foxfield
5 Commons PUD, 2650-2778 East Main Street - Amendment to a
6 special use for a Planned Unit Development, Ordinance
7 No. 1991-Z-4 and Ordinance No. 2001-Z-37 regarding
8 motor vehicle rental.

9 And we all know the public hearing is to
10 gather information on the application, and if we feel
11 that we have collected enough information to take a
12 vote, we close the public hearing, and Item No. 6 on
13 our agenda is the Foxfield Commons PUD for a vote.

14 And I see we have -- anybody that is going
15 to speak be sworn in. Okay. Would you --

16 MR. KOTCHE: Do you need to speak?

17 CHAIRMAN KESSLER: He'll speak. He's a
18 lawyer.

19 MR. KOTCHE: I know but I'm paying him
20 by the hour.

21 CHAIRMAN KESSLER: Talk fast.

22 (Witness duly sworn.)

23 CHAIRMAN KESSLER: So you're going to do
24 a presentation for us, Mr. Bochte?

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

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1 MR. BOCHTE: I am.

2 For those of you I haven't met, my name is
3 Bill Bochte. I'm a local attorney and I filed this
4 application on behalf of Avis Budget with the consent
5 and approval of the Foxfield II Partnership which owns
6 the Foxfield Commons Shopping Center. And what we're
7 doing is seeking to amend the St. Charles ordinance
8 which amended the special use ordinance which was
9 originally passed back in 1991.

10 So in about 2001 Avis became a tenant in the
11 property and remains there up until today, and in
12 2001 you amended the original ordinance to allow for
13 the rental of cars, minivans, and trucks that were
14 less than 6500 pounds.

15 As a result of a series of mergers and
16 acquisitions which are very, very complicated and I
17 don't know all the details of, Avis and Budget merged.
18 So the Avis tenant is now Avis Budget, and Budget
19 rents u-haul-type trucks.

20 Since the passage of the original ordinance
21 zoning has changed. That property is now a BC business,
22 community business district, and in a BC community
23 business district the rental of motor vehicles, which
24 would include the kind of trucks that we're going to

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

1 request the permission to lease there, are included.
2 That's included in the current zoning for that
3 particular BC community business district.

4 Avis Budget now is seeking an amendment which
5 would allow them to lease or rent u-haul-type trucks,
6 and they will be 10-, 12-, and 20-foot box trucks.

7 They're only seeking to have somewhere between
8 six and eight trucks on-site, some of which would be
9 outside storage, which is an accessory use which we're
10 asking for in outside storage in the existing lot, and
11 the balance of the trucks other than like three would
12 be in back of the easterly building in the shopping
13 center.

14 So we're not seeking any type of structural
15 changes. We're not seeking any type of -- there's no
16 changes to any land. Nothing is changing other than
17 the fact that they will be leasing u-haul-type trucks
18 in addition to the vehicles that they are now leasing,
19 all of which is currently a permitted use and
20 accessory use under the zoning that exists today.

21 That's pretty much it. Three types of trucks,
22 u-haul-type trucks. There's nothing like that really
23 on the east side of town for people who may want to
24 have -- these are moving-type trucks, and I think the

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

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1 use -- or the end users typically want to move
2 furniture or do things of that nature, and there's
3 really nothing over there on the east side of town
4 that allows them to do it. We have Enterprise in the
5 middle of town; we have Penske trucks in the middle of
6 town, and there's a Hertz in the other shopping center,
7 which I believe is on the corner of Dunham and North,
8 but there's no truck rental in that particular
9 facility.

10 There are no residences in the area at all.
11 The closest residence would be in AMLI, I believe,
12 which is on the corner of Kirk and North Avenue and
13 then going the other way, all the way on the other
14 side of Dunham Road. So we're really not affecting
15 any residents. Residents would not be able to see the
16 trucks that are in the lot and with the -- with the
17 trucks that are being parked in back of the easterly
18 building, that adjoins and is adjacent to the parking
19 lot for St. John Neumann's Church.

20 So there's really -- there's really no adverse
21 effects of this that I can possibly tell, and I think
22 it provides a service to the community which may be
23 needed.

24 That's just about it. I can answer any

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

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1 questions, hopefully, that you have, but other than
2 that, it's just what they're asking for. They're asking
3 for the amendment which would allow motor vehicle
4 rentals as currently defined in the BC community
5 district, business district, along with the
6 necessary uses.

7 Those are the two amendments that we're
8 asking for, and we're asking that those be added as
9 additional uses. I believe the number is 73 and 74 to
10 the original ordinance that was passed back in 1991.

11 CHAIRMAN KESSLER: And that original
12 ordinance was for the PUD?

13 MR. BOCHTE: The original ordinance was
14 for the PUD, then an amendment in 2001 to allow Avis
15 to rent cars out of that site.

16 CHAIRMAN KESSLER: Well, I have a number
17 of questions. I'm going to ask one, and then I'm going
18 to let the Plan Commissioners ask.

19 You say the bulk the trucks, five perhaps,
20 will be parked behind the front entrance of the
21 building. What kind of property does that unit have
22 back there to park? I mean, is there something assigned
23 to that unit?

24 MR. BOCHTE: No. But it will be.

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FOXFIELD PUD AMENDMENT**

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1 CHAIRMAN KESSLER: What's behind the
2 building?

3 MR. KOTCHE: Do you want me to give my
4 name and address?

5 CHAIRMAN KESSLER: Yes.

6 MR. KOTCHE: Keith Kotche, 34W793 Army
7 Trail Road, Wayne, Illinois. My last name is spelled
8 K-o-t-c-h-e. I swear to tell the whole truth.

9 CHAIRMAN KESSLER: Okay. You do.

10 MR. KOTCHE: What we're looking at doing
11 is making them park not behind Building B, which is
12 the Ace, Coldwell Banker, and the Avis because that
13 has deliveries for Dollar Tree and everybody else and
14 it's kind of congested. We're going to have them park
15 behind the Butera, that whole building.

16 CHAIRMAN KESSLER: To the south?

17 MR. KOTCHE: To the east. It's to the
18 east of it. That building right -- where we say
19 "subject property" --

20 CHAIRMAN KESSLER: Right.

21 MR. KOTCHE: -- Avis is in the left
22 building, and I'm going to have them park behind
23 subject property.

24 MEMBER AMATANGELO: Between that and

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1 St. John Neumann.

2 MEMBER MACKLIN-PURDY: Where is the bank?

3 MR. KOTCHE: No, no.

4 MEMBER MACKLIN-PURDY: Is it behind
5 the bank?

6 CHAIRMAN KESSLER: One at a time.

7 MR. BOCHTE: The bank --

8 MR. KOTCHE: There's another bank.

9 MEMBER MACKLIN-PURDY: The STC Bank.

10 MR. KOTCHE: This is STC. This is the
11 hotel; that's the other hotel. Avis is approximately
12 here and we have a boat load of additional parking in
13 the back.

14 That is overflow parking. We built this
15 sidewalk a long time ago when we first developed the
16 center so that the church had overflow parking and our
17 center, they could walk to and fro Christmas, Easter,
18 the big times, and we have a number of parking spaces
19 in the back. It's heavily bermed, so you're not going
20 to see it from the parking lot.

21 MEMBER PRETZ: Was that going to be
22 five trucks parked in the back of the building or
23 three trucks?

24 MR. BOCHTE: Avis Budget has requested

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1 permission to have six to eight trucks on-site, two to
2 three trucks in the parking lot, the main parking lot
3 with the balance of the trucks behind the east building.

4 MEMBER PRETZ: Okay.

5 MR. BOCHTE: Subject to the landlord's
6 approval.

7 MEMBER AMATANGELO: When you have the
8 trucks in the parking lot, are we looking at them
9 being parked directly outside of the facility? Closer
10 toward North Avenue? Where exactly would those trucks
11 be parked?

12 MR. KOTCHE: My thoughts are we're going
13 to keep them in front of the Avis location where they
14 have their rental cars parked now, in that area. I'm
15 not going to have them go right up against North Avenue
16 because that parking I'm designating for other tenants.

17 MEMBER DOYLE: There are a number of
18 other stipulations in addition to vehicle size in the
19 2001 amendment. I just want to read a couple of them,
20 not necessarily all of them.

21 They include, "Only one automobile rental
22 facility shall be permitted. The number of rental
23 vehicles located within the subject realty at one time
24 shall not exceed the number of, quote, 'extra spaces

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1 available within the subject realty'; no servicing,
2 cleaning, washing, repairing, or fueling of rental
3 vehicles within the subject realty."

4 If I understand the application correctly,
5 you're looking to amend the amendment for special use
6 to restore -- I'm not going to use the word "restore"
7 because in 1991 I don't think that's what the underlying
8 zoning was but, basically, to make the underlying
9 zoning consistent with the -- to make the current
10 zoning, the overlay consistent with the -- with the
11 current community business district?

12 MR. BOCHTE: Not completely, not in
13 total. All we're asking for is an amendment which would
14 allow motor vehicle rental as defined today, along with
15 the accessory uses which apply to it as additional
16 uses on the special -- on the previous amendment.

17 So we're not saying take away all of the
18 uses that you originally allowed under the PUD and
19 make current zoning applicable to the property. We're
20 not asking for that; we're not requesting that. We're
21 simply requesting motor vehicle use as currently
22 allowed in that district along with its accessory use.

23 MEMBER DOYLE: That would also eliminate
24 these other stipulations.

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1 MR. BOCHTE: In this particular ordinance
2 would be gone.

3 MEMBER DOYLE: So the provision not to
4 exceed certain spaces would not be part of the PUD;
5 the provision about cleaning, washing, repairing,
6 refueling, would not be part of the PUD; the provision
7 that limits the use to one rental facility on the
8 parcel would not be part of the PUD; is that correct?

9 MR. BOCHTE: That's correct.

10 MEMBER DOYLE: Okay.

11 MR. KOTCHE: From our standpoint, we
12 don't have a gas station on the site, so we're not
13 going to refuel. Their space isn't big enough to wash
14 those trucks or anything like that.

15 MR. BOCHTE: But technically a lot of
16 the restrictions that are contained in the current
17 amendment remain because they are separate uses outside
18 of what's permitted under motor vehicle rental. For
19 example, sales of vehicles, that's not part of motor
20 vehicle rental. Servicing, cleaning, washing,
21 repairing, and fueling of rental vehicles is also, I
22 believe, outside of that particular use.

23 So a lot of the restrictions that we have will
24 remain just by the very nature of the PUD amendment,

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1 and this won't particularly change it. Some of them,
2 yes, it will.

3 MEMBER DOYLE: So I guess -- let me just
4 put it out there. Here's the question I'm wondering.
5 The new underlying zoning was put in place in '96;
6 correct?

7 MR. COLBY: 2006.

8 MEMBER DOYLE: 1996?

9 MR. COLBY: 2006 is when the
10 BC district --

11 MEMBER DOYLE: Okay. So at the time of
12 this amendment in 2001, that was prior to global
13 rezoning which now adds that to the -- which changed
14 the underlying zoning for the property?

15 MR. COLBY: Correct.

16 MEMBER DOYLE: Because my question was
17 going to be why did -- why was a special use instituted
18 in 2001 instead of a permitted use?

19 MR. BOCHTE: It wasn't.

20 MEMBER DOYLE: It wasn't a permitted
21 use? Okay.

22 So I can just follow -- conclude this track
23 of thought, then, with staff, Mr. Bochte referenced a
24 number of limiting factors that are in the underlying

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1 zoning for community business. Could you summarize
2 what those are at some point during this public
3 hearing?

4 Like, for instance, is there a limiting
5 provision that looks at extra spaces? Is there a
6 shared parking provision as part of the PUD here, or
7 is there anything that we need to look at in the
8 context of the PUD?

9 MR. COLBY: Sure. To answer that
10 question, historically the City prior to 2006 heavily
11 regulated motor vehicle rental uses. They were more
12 limited in the locations they could go, and so it was
13 common to have a special use required and restrictions
14 put in place with the special use to try to control
15 the use.

16 But the decision made in 2006 was that motor
17 vehicle rental was not a use that the City needed to
18 heavily regulate, so a lot of those restrictions went
19 away, and the use became a permitted-use category in a
20 number of commercial zoning districts primarily
21 because there weren't issues encountered with some of
22 those items that are identified in that amendment,
23 that for the most part the uses regulated themselves,
24 in particular where you have a shopping center where

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1 there's multiple tenants and a single landlord who is
2 managing how individual tenants function and impact
3 other businesses that are located there. So when
4 they're located in shopping centers, they've been able
5 to manage how that business functions in relation to
6 the impact on surrounding businesses.

7 There is that stipulation regarding parking
8 spaces, and how we would apply that in practice -- the
9 ordinance doesn't specifically call for this, but
10 there's a required number of parking spaces that are
11 required to be publicly maintained based on all the
12 businesses that are in that building. So that
13 calculation changes all the time based on what types
14 of businesses those are.

15 And for the most part, just based on those
16 parking numbers, the motor vehicle rental vehicles
17 cannot occupy those required spaces, and from a
18 practical standpoint how that's enforced is really
19 more so on a complaint basis. If there were an issue
20 identified where it seemed like there were not enough
21 spaces available to serve the businesses, that's
22 something we would investigate and determine how many
23 spaces need to be kept open.

24 That's something we can enforce but not

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1 something we monitor on a regular basis because for
2 the most part the situations where you have the motor
3 vehicle rental, this is in the commercial centers with
4 multiple tenants and they've managed it themselves.

5 CHAIRMAN KESSLER: Tom?

6 MEMBER SCHUETZ: Thank you.

7 So two clarifications I guess I need. One
8 of them is pretty simple.

9 The biggest difference I see is you're
10 adding trucks. And they're 10 feet, 12 feet, and
11 20 feet?

12 MR. BOCHTE: 10, 12, and 20 feet,
13 u-haul-type trucks.

14 MEMBER SCHUETZ: So you're going to have
15 two, or three, or whatever in the parking lot, and
16 you're storing some behind Butera?

17 MR. BOCHTE: Correct.

18 MEMBER SCHUETZ: Say, for instance --
19 just hearsay, whatever -- are you anticipating one of
20 each of these or maybe three 20s?

21 My concern is you're going to have this big
22 massive metal in the middle of the parking lot in
23 front of Avis Budget. I'm just throwing it out there.

24 MEMBER MACKLIN-PURDY: That's my

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1 concern, also.

2 MR. BOCHTE: I've not specifically asked
3 that question, so I can't give you a definite answer,
4 but I can tell you that the lease needs to be modified
5 for this to happen, and that could be controlled by
6 the landlord.

7 And I think no. I think, in fact, if I
8 were -- I'm not a car rental guy, but I would certainly
9 have my small one, my medium-size one, and maybe a big
10 one out there. It's more likely that there would be
11 three small ones out there than three big ones.

12 MEMBER SCHUETZ: And a small price
13 because they're smaller. I mean, to get them in
14 there. That's how I see it.

15 So right now it's up this the air as to what
16 might be there, and that's going to be controlled,
17 like Russ had said, by the other tenants?

18 MR. BOCHTE: I assume you're referring
19 to something like Penske has right in the middle of
20 town where they have box, after box, after box, after
21 box right on North Avenue. That's not going to be the
22 case at Foxfield Commons.

23 MEMBER SCHUETZ: I just didn't think we
24 needed another one like that.

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1 MR. BOCHTE: I agree with you
2 wholeheartedly, and that's why we're limiting the
3 out-front, so to speak, storage to only three trucks.

4 MEMBER SCHUETZ: The second question I
5 had or clarification is you had mentioned there's a
6 large berm along St. John Neumann there. How tall --
7 I'm not real familiar with the St. John Neumann area.

8 MR. KOTCHE: 6 feet, 8 feet.

9 MEMBER SCHUETZ: And there are shrubs
10 or trees?

11 CHAIRMAN KESSLER: You can't see
12 behind there.

13 MR. BOCHTE: It's totally screened.

14 MEMBER SCHUETZ: I just wanted
15 clarification. Thank you.

16 MEMBER MACKLIN-PURDY: I mean, coming at
17 this from a business point of view because I talk to
18 businesses every day, I can see the dog grooming place
19 and the Jenny Craig, you can't see their sign if
20 there's big trucks parked. So my thought would be
21 that maybe they shouldn't be parked like right up
22 along that driveway but farther back.

23 MR. KOTCHE: Trucks aren't going to go
24 anywhere near as tall as the building and signs. As a

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1 landlord -- we built this center in 1990, '91. We
2 still own it; we haven't gone away. We control our
3 tenants and I'm going to make sure there's no impact
4 on the surrounding tenants. That's what we do. Our
5 center right now is 100 percent full. If we had that
6 same issue throughout St. Charles, it would be great
7 for everybody. We do what we can.

8 CHAIRMAN KESSLER: Steve?

9 MEMBER GAUGEL: More of another point of
10 clarification for staff.

11 In the definition under "Motor Vehicle
12 Rentals" it references trucks and trailers. Do we
13 define specifically what trucks and trailers are in
14 the ordinance?

15 MR. COLBY: We do not. There's a
16 distinction made about what a commercial vehicle is,
17 and that is something different, but a truck or a
18 trailer, these would be as was described, what you
19 typically see with a U-Haul-type rental truck or
20 trailer.

21 MEMBER GAUGEL: Okay. So if they were
22 to -- if this were to go through and they were to pull
23 in a vehicle that would require a commercial license
24 in order to drive, that would not be a permitted use?

**REPORT OF PROCEEDINGS -- 09/02/2014
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1 MR. COLBY: It would likely fall outside
2 of the --

3 MR. BOCHTE: Can I briefly speak to that?

4 MEMBER GAUGEL: Sure.

5 MR. BOCHTE: The outdoor storage is an
6 accessory use and is for other than parking and storage
7 of commercial and recreational vehicles as required by
8 Section 17.24.120 and 130. So there is a -- there is
9 a safeguard already in the statute as it's written.
10 So commercial vehicles and recreational vehicles
11 cannot be stored outside as an accessory use to the
12 motor vehicle rental.

13 MEMBER GAUGEL: And there's no plans
14 that you have to do that down the road? And everything
15 that you're going to be renting does not require a
16 commercial driver's license?

17 MR. KOTCHE: I'm assuming that. I'm the
18 landlord. Avis is my tenant.

19 CHAIRMAN KESSLER: On a 24-inch truck
20 you don't need a commercial driver's license.

21 MR. KOTCHE: I don't think you need a
22 CDL. That's not what we're doing.

23 MEMBER DOYLE: So the original underlying
24 zoning in 1991 was B1, I believe, and the PUD in 1991

**REPORT OF PROCEEDINGS -- 09/02/2014
FOXFIELD PUD AMENDMENT**

22

1 was to provide flexibility for uses that were beyond
2 neighborhood uses that were not permitted under that
3 old zoning.

4 My question is, under the new -- as of 2006
5 and the land uses that we have on this parcel, would a
6 PUD even be necessary for the site to be developed as
7 it is today?

8 MR. COLBY: No.

9 MR. BOCHTE: No.

10 MEMBER DOYLE: Okay. That's significant,
11 I think. Because I want to evaluate the application in
12 the context of the PUD, which often provides additional
13 amenities in return for certain restrictions. But if
14 everything that's there, plus the requested use is
15 supported by the underlying zoning, then I think
16 you're right, Mr. Bochte, this is --

17 MR. BOCHTE: I probably shouldn't say
18 this, but Russ and I had several conversations about
19 it. There's no apparatus, there's no procedure in the
20 zoning ordinance which allows just an overall
21 application of new zoning in doing away with the PUD.
22 You still have to come in to amend it.

23 MEMBER DOYLE: Got it.

24 CHAIRMAN KESSLER: Sue?

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23

1 MEMBER AMATANGELO: I just have two really
2 quick questions for my own clarification.

3 There is currently a Budget facility on the
4 east side of town next to the cleaners over there by
5 Arby's; is that correct?

6 CHAIRMAN KESSLER: By the 7-Eleven.

7 MEMBER MACKLIN-PURDY: Yes, there is.

8 MEMBER AMATANGELO: Will that go away or
9 is this in addition to, so now we'll have two Budgets?

10 MR. BOCHTE: I have no idea.

11 MR. KOTCHE: Avis is my tenant. They
12 contacted me because their lease is up at the end of
13 the year. They want to renew. They asked if they
14 renew, could they have truck rental. I said, "It's
15 not in our ordinance right now. You would have to
16 hire somebody to go and amend the PUD to allow the
17 truck rental." I didn't think Avis rented trucks.
18 They informed me, "No, we have now merged with Budget.
19 The new entity is Avis Budget, LLC."

20 MEMBER AMATANGELO: So you have nothing
21 to do with that?

22 MR. KOTCHE: Nothing to do with that
23 center or anything like that.

24 MEMBER AMATANGELO: So we could end up

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24

1 with two on the east side of town?

2 MR. KOTCHE: But only one that
3 rents trucks.

4 MEMBER AMATANGELO: So let me just ask
5 one more question for clarification purposes.

6 What is the largest truck that you could
7 rent from Avis or from Budget?

8 MR. KOTCHE: Under the proposed
9 amendment?

10 MEMBER AMATANGELO: No, no, just in
11 general.

12 MR. BOCHTE: I don't know.

13 MEMBER AMATANGELO: Here's why I'm
14 asking. Knowing that quite often you have one-way
15 rentals, if you have a larger truck that comes from
16 another facility and ends up at your location, maybe
17 it's a 24-foot truck -- I don't know if that even
18 exists. So that was my question.

19 MR. BOCHTE: I have no idea.

20 MEMBER AMATANGELO: What will be the
21 process for that? Will that sit on the lot until
22 someone else comes to rent it?

23 MR. KOTCHE: Or I complain and tell them
24 to get it off of there. I don't know.

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1 CHAIRMAN KESSLER: Having been involved
2 in trucking for some years, you're licensed up to a
3 certain size, and they might be licensed up to a 24.
4 Budget rents semis. I mean, they have commercial
5 semis, but that's a whole different class, and not
6 every center can rent them or even accept them. It's
7 highly unlikely that they would even accept them there.

8 MEMBER AMATANGELO: Okay. Great.
9 That's what I was trying to clear up here. Because
10 how many times do you rent something, and it's a
11 one-way rental, you drop it off, and you're done?

12 CHAIRMAN KESSLER: 26-foot is an unusual
13 size truck, but there are some that would be allowed
14 on a standard license. That's the biggest. Anything
15 over 26-foot would be a CDL, and they couldn't take it
16 at that facility.

17 MR. BOCHTE: If I may, that would also
18 in all probability be a violation of their use clause
19 in their new lease, which will be certainly policed by
20 Mr. Kotche because I don't think he's going to allow
21 semis to be in that parking lot.

22 MEMBER AMATANGELO: Very good. That's
23 all I needed to know.

24 CHAIRMAN KESSLER: But, Sue, you do

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1 bring up a good point. Under the ordinance, the
2 existing ordinance, is there a limit on truck size?

3 MR. COLBY: There's not specifically a
4 limit called out in terms of the size. It's more the
5 function and what the purpose is of the vehicle.

6 CHAIRMAN KESSLER: Because we do have
7 rental facilities on the east side that rent commercial
8 vehicles, semis and trucks.

9 Okay. Tom?

10 MEMBER PRETZ: Here was my thinking is
11 when I read through this and listening to everything
12 Brian already brought up is they have a '91 PUD, a
13 2001 amendment, and 2006 the underlying change which
14 allows additional perks. They're asking for the perks
15 with some restrictions, limitations, as well as kind
16 of self-policing, and I frankly don't -- I don't see
17 any problem with an applicant asking for perks that
18 are available.

19 CHAIRMAN KESSLER: Any other comments,
20 questions?

21 (No response.)

22 CHAIRMAN KESSLER: Public?

23 (No response.)

24 CHAIRMAN KESSLER: Nobody there.

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1 Well, do we have enough information to close
2 the public hearing? Is there a motion?

3 MEMBER DOYLE: I move that we close the
4 public hearing.

5 MEMBER AMATANGELO: Second.

6 CHAIRMAN KESSLER: Gaugel.

7 MEMBER GAUGEL: Yes.

8 CHAIRMAN KESSLER: Macklin-Purdy.

9 MEMBER MACKLIN-PURDY: Yes.

10 CHAIRMAN KESSLER: Pretz.

11 MEMBER PRETZ: Yes.

12 CHAIRMAN KESSLER: Schuetz.

13 MEMBER SCHUETZ: Yes.

14 CHAIRMAN KESSLER: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 CHAIRMAN KESSLER: Amatangelo.

17 MEMBER AMATANGELO: Yes.

18 CHAIRMAN KESSLER: Doyle.

19 MEMBER DOYLE: Yes.

20 CHAIRMAN KESSLER: Kessler, yes.

21 Would it be inappropriate if we jumped to
22 the agenda item at this time?

23 Stick around for a couple of agenda items?

24 THE COURT REPORTER: Sure.

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1 CHAIRMAN KESSLER: Let's just jump ahead
2 to Item 6 on our agenda, and that's the Foxfield
3 Commons PUD, 2650-2778 East Main Street - Amendment to a
4 special use for a Planned Unit Development, Ordinance
5 No. 1991-Z-4 and Ordinance No. 2001-Z-37 regarding
6 motor vehicle rental.

7 Is there any discussion? Does the applicant
8 have anything to add?

9 MR. BOCHTE: We do not.

10 CHAIRMAN KESSLER: Are there any
11 comments from staff?

12 (No response.)

13 CHAIRMAN KESSLER: Is there a motion?

14 MEMBER PRETZ: I don't have my glasses.
15 I can't read.

16 CHAIRMAN KESSLER: Do you want to borrow
17 my glasses?

18 MEMBER DOYLE: I move to recommend for
19 amendment to special use for a Planned Unit Development
20 Foxfield Commons PUD, 2650-2778 East Main Street
21 subject to resolution of any outstanding staff comments.

22 CHAIRMAN KESSLER: And you recommend for
23 approval?

24 MEMBER DOYLE: I recommend for approval.

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1 MEMBER SCHUETZ: I will second that.

2 CHAIRMAN KESSLER: Gaugel.

3 MEMBER GAUGEL: Yes.

4 CHAIRMAN KESSLER: Macklin-Purdy.

5 MEMBER MACKLIN-PURDY: Yes.

6 CHAIRMAN KESSLER: Pretz.

7 MEMBER PRETZ: Yes.

8 CHAIRMAN KESSLER: Schuetz.

9 MEMBER SCHUETZ: Yes.

10 CHAIRMAN KESSLER: Holderfield.

11 MEMBER HOLDERFIELD: Yes.

12 CHAIRMAN KESSLER: Amatangelo.

13 MEMBER AMATANGELO: Yes.

14 CHAIRMAN KESSLER: Doyle.

15 MEMBER DOYLE: Yes.

16 CHAIRMAN KESSLER: Kessler, yes.

17 Thank you, gentlemen.

18 MR. BOCHTE: Thank you for your time,
19 appreciate it.

20 PROCEEDINGS CONCLUDED AT 7:40 P.M.

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
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.")

REPORT OF PROCEEDINGS

Century Station Training Room
112 North Riverside Avenue
St. Charles, Illinois 60174

September 2, 2014
7:40 p.m. to 9:23 p.m.

Reported by: Paula M. Quetsch, CSR, RPR
Notary Public, Kane County, Illinois

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PRESENT:

- MR. TIM KESSLER, Vice Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. JAMES HOLDERFIELD, Member
- MS. LAURA MACKLIN-PURDY, Member;
- MR. TOM PRETZ, Member; and
- MR. TOM SCHUETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager;
- MS. ELLEN JOHNSON, Planner.

REPORT OF PROCEEDINGS -- 09/02/2014
GENERAL AMENDMENT - NONCONFORMING SIGNS

3

1 CHAIRMAN KESSLER: Moving to Item No. 5
2 on our agenda, General Amendment (City of St. Charles) -
3 Chapter 17.08, "Nonconformities," Section 17.08.060,
4 "Nonconforming Signs," Chapter 17.28 "Signs," Section
5 17.28.070 "Historic Signs."

6 It sounds like a barn burner. Russ, this
7 is you?

8 MR. COLBY: Yes.

9 CHAIRMAN KESSLER: All right.

10 MR. COLBY: This is a general amendment
11 application to the City's regulations for signs and
12 specifically the amortization of signs.

13 And what that means is there's a time period
14 specified in the ordinance where existing signs need
15 to be brought into conformance with current sign
16 regulations. When the City adopted the current zoning
17 ordinance in 2006, there was a time frame of
18 three years that was specified. So all signs needed
19 to come into compliance by 2009.

20 The City made a decision to extend that time
21 frame three times so far, and the current deadline is
22 now October this year. Counsel has asked staff to look
23 at extending the deadline for a short period for the
24 purpose of working with some applicants who are now in

REPORT OF PROCEEDINGS -- 09/02/2014
GENERAL AMENDMENT - NONCONFORMING SIGNS

4

1 the process of determining what is necessary for them to
2 either modify their sign, replace their sign, or they
3 may need a zoning variance due to setback issues with
4 the sign.

5 So there's a number of these situations that
6 are ongoing, and Council felt it was appropriate to
7 ask staff to consider proposing an extension to the
8 time frame.

9 So the purpose of this extension is solely
10 to provide business owners some additional time to
11 finalize their plans for replacing their signs, and
12 the intent is not to extend it beyond the date that's
13 been proposed, which is June of next year. And the
14 thought is that that time frame will give the
15 businesses enough time to at least be able to initiate
16 the permitting process by that point or else have a
17 zoning variance in place, if necessary, to either keep
18 their existing sign or find the location to place a
19 replacement sign.

20 So maybe I'll stop there and see if there's
21 questions on that.

22 CHAIRMAN KESSLER: Ladies first.

23 MEMBER AMATANGELO: How many are there
24 that are nonconforming?

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5

1 MR. COLBY: There is a list that is in
2 the packet. And the number of applicants has been
3 dropping as some of them have been replaced.

4 CHAIRMAN KESSLER: Oh, wow.

5 MR. COLBY: But there's a whole table in
6 there, and that table includes information on the
7 address of which sign was brought into the conformance,
8 and the ones that are shaded are ones where the City
9 is in ongoing communication with the owner about
10 options on how to either replace, modify, or relocate
11 the signs.

12 MEMBER PRETZ: So there really aren't
13 that many.

14 MS. JOHNSON: There's a total of
15 about 35.

16 MEMBER SCHUETZ: There's not 50.

17 MEMBER PRETZ: Well, if the shaded ones
18 are there's a discussion, does that tell me the white
19 ones with a "yes" are the ones that are the holdouts?

20 MR. COLBY: The ones that are in
21 discussion are the ones we're concerned about and the
22 reason we're requesting an amendment. Because they
23 need to in some situations figure out how best to locate
24 a new sign on their lot, and they run into issues with

REPORT OF PROCEEDINGS -- 09/02/2014
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6

1 where their existing parking is, issues with the
2 building next door, and in some cases replacing a
3 nonconforming sign with a current conforming sign
4 would not work, either, because of the way the property
5 is laid out or because of, you know, how the parking
6 lot is arranged. It's not as easy as simply shortening
7 the sign or making it smaller because if there's a
8 setback issue, then there's an issue with where you
9 put it on the site.

10 CHAIRMAN KESSLER: I just have one
11 question, and I'm going to let it go.

12 You know, if you change the ordinance on
13 requirements for driveways, do you go around town and
14 make people tear out their driveways and replace them,
15 or do you wait until they do something? What if
16 somebody because of zoning changes to building setbacks
17 isn't conforming? Do you make them tear down their
18 building and move it or wait until somebody does
19 something?

20 MR. COLBY: That's typically not done.
21 It is done for signs because the thought is that a sign
22 in terms of its lifespan, there's an investment made
23 in putting a sign up, and there's a certain expected
24 life for that sign in terms of how long it would last.

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GENERAL AMENDMENT - NONCONFORMING SIGNS

7

1 And there's a time frame written in the
2 ordinance that if a sign had recently been put up,
3 you're given so much time. I think it was 15 years
4 after it was installed. We've gone far enough ahead
5 that that doesn't really have any impact anywhere, but
6 there's a consideration for that if it was a recent
7 investment.

8 But the thought with signs was eventually
9 that sign does need to be replaced, and as long as the
10 City continues to allow the signs to be utilized and
11 maintained in some respects, then they're unlikely to
12 ever be replaced or brought into conformance, which is
13 really the goal of having sign restrictions and zoning
14 ordinances.

15 The intent is to have signs that comply with
16 the requirements for -- in terms of having a uniform
17 appearance and not be distracting to traffic and things
18 like that. So it's accomplishing the objective in a
19 slightly different way because it's an investment that
20 after a certain amount of time requires replacement.

21 MEMBER DOYLE: So there's two parts of
22 the general amendment that you're putting forward?

23 MR. COLBY: And I haven't discussed the
24 historic signs yet.

**REPORT OF PROCEEDINGS -- 09/02/2014
GENERAL AMENDMENT - NONCONFORMING SIGNS**

8

1 MEMBER DOYLE: I'll hold off on my
2 question about that, then.

3 For the ones here that -- so there's ones that
4 you say they're remaining nonconforming, and they're
5 in white, which means there's nothing in the notes
6 that indicates that you've talked with the Super 8
7 Motel or the Rookies sign.

8 MR. COLBY: Those are situations where
9 the City has been actively sending notices and trying
10 to contact the property owners. We've not necessarily
11 heard back from them, or they've not communicated to
12 us what they're planning to do.

13 Now, the impact of this change does not
14 really affect them until such time as they are not in
15 compliance. At that point the City will issue a
16 notice to the property owner which will compel them to
17 do something, either replace the sign or they'll be
18 fined and required to come to an adjudication meeting
19 that they don't comply with the requirement.

20 So I think some property owners probably have
21 been sort of sitting and waiting to see what happens
22 because they have not been officially pushed by the
23 City to do anything.

24 MEMBER DOYLE: Okay. And are there any

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GENERAL AMENDMENT - NONCONFORMING SIGNS**

9

1 common -- so we don't have the language of the new
2 sign ordinance in front of us, but could you summarize
3 what -- are there any common patterns about these signs
4 that are highlighted for those that are still not in
5 compliance, or what is it about the signs that is
6 causing them to remain out of compliance?

7 MR. COLBY: Generally, most of the signs
8 are too tall. The current height requirement in the
9 commercial districts is 15 feet. Most of the signs
10 that still remain on here are taller than that.

11 The second major issue is setback requirements
12 because you're required now in most of the commercial
13 districts to have a 10-foot setback from a property
14 line. A lot of these signs are closer to the street
15 than that, and some of them have gotten closer as the
16 roads have widened over time because they've been
17 there for so long.

18 Those are the primary issues. Some of them
19 are too large, but it's more so height and setback.

20 MEMBER DOYLE: And do you -- so on the
21 question of extending this ordinance by eight months,
22 right now let's say we're looking at about two dozen
23 that are not in compliance, maybe 30 -- you said 35?

24 MR. COLBY: Uh-huh.

**REPORT OF PROCEEDINGS -- 09/02/2014
GENERAL AMENDMENT - NONCONFORMING SIGNS**

10

1 MEMBER DOYLE: Based on past experience,
2 what number of signs would you expect would be brought
3 into compliance within that eight-month period?

4 MR. COLBY: You know, I don't think we
5 have a very good idea of that. I think at this point,
6 though, because the Council has not indicated a
7 willingness to extend this further just for the sake
8 of extending it, I think that the property owners are
9 taking it more seriously, and we've seen more interest
10 in trying to resolve the issue from property owners
11 than we did in the past.

12 Because the City had in the past extended it
13 for a couple of years at a time, I think at that point
14 some of the business owners were probably questioning
15 whether the City would actually go through with this
16 and stick to the original plan that the signs be brought
17 into conformance, and now it looks more real like it's
18 going to happen.

19 But I can't guarantee how many will
20 necessarily comply by that point.

21 MEMBER DOYLE: Why eight months? So
22 right now the deadline is October 16th, and you're
23 looking to extend it to next June.

24 MR. COLBY: Basically, that would bring

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11

1 them into the next construction season, gives them
2 time to install it in the spring.

3 MEMBER MACKLIN-PURDY: If they're not on
4 here, are they historical signs?

5 MR. COLBY: These are the only signs
6 that have been identified that are not in compliance
7 with current requirements. So there's a lot of signs
8 that exist in town that comply with current requirements
9 that are not on this list.

10 The historical signs, there are three that
11 have been designated so far, and those are the Arcada,
12 Zimmerman Ford, and St. Charles Bowl.

13 MEMBER MACKLIN-PURDY: I was wondering
14 about Zimmerman Ford.

15 CHAIRMAN KESSLER: Sue?

16 MEMBER AMATANGELO: I see a lot of
17 activity on the comments in the notes over the last
18 three months, June, July, and August, where you've
19 been contacting some of the shop owners and so forth.

20 What you're telling me is they've been
21 receiving regular communication saying, "The time is
22 now; the time is now; the time is now; you need to
23 start doing this"; right? So why would we -- I guess
24 it goes back to the original question. If they

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12

1 haven't done anything up until now, what would another
2 eight months -- would they just wait it out, as well,
3 for the next eight months the same way?

4 MR. COLBY: That is a possibility. I
5 think the thought is we're aware of a number of property
6 owners who are now taking it more seriously than they
7 were previously. So I think the hope is we can find
8 ways to work with them and find solutions to their
9 issues as opposed to simply sending them zoning
10 violation notices, which is not the preferred way to
11 try to resolve some of these situations, if possible.

12 MEMBER AMATANGELO: But in your
13 clarification you had mentioned that most of them are
14 just a little too tall or a little too close to
15 the road.

16 MR. COLBY: I should say some of them
17 are quite a bit too tall, and some of them are right
18 on top of the road. So there are varying degrees, but
19 there are some that are quite far from being in
20 compliance.

21 MEMBER AMATANGELO: So we're not actually
22 talking about the sign replacement itself; it's the
23 pole that's the issue right now or whatever receptacle
24 that the sign sits on.

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13

1 So we're not talking about a potential
2 hardship where a business would have to pay for a
3 brand-new sign? We're talking more or less, okay,
4 "You just need to move it. Take your existing sign
5 and move it," and that may require a new pole but not
6 necessarily a new sign. Am I correct with that?

7 MR. COLBY: Correct. There are a number
8 of signs that property owners are able to simply lower,
9 have the pole cut down and lower it. In some cases
10 they've had the sign taken out of the ground and
11 reattached in a new location.

12 MEMBER AMATANGELO: Okay. All right.

13 MEMBER GAUGEL: I was going to feed back
14 off of what Sue had said. What's different about this
15 extension from the previous two extensions? Why is this
16 now a line in the sand where the previous two months
17 this was there, just not a focus going after these
18 nonconformities, that it was out there but nobody paid
19 attention to it or City and -- that's not a dig. I'm
20 just saying, was it not a priority before, and if we
21 extend it, why is it going to be any different
22 this time?

23 MR. COLBY: I think the reasons for the
24 previous extension were -- there were two reasons.

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GENERAL AMENDMENT - NONCONFORMING SIGNS**

14

1 One was with the economy, the economic downturn. The
2 concern was, you know, imposing this cost on property
3 owners. The thought was maybe if we wait some time,
4 they'll be in a better position to address the issue.

5 And the other concern was the east
6 Main Street/Route 64 construction project. That
7 impacted a lot of the nonconforming signs. Some of
8 them either were removed, or some property owners were
9 compensated by the State for losing their sign or
10 having their sign replaced. So a number of them did
11 get addressed as a result of that project.

12 CHAIRMAN KESSLER: Are there still some
13 from that construction project, though, that are too
14 close to the property line --

15 MR. COLBY: Yes.

16 CHAIRMAN KESSLER: -- because of the
17 construction? And they got no remuneration from
18 the State?

19 MR. COLBY: I don't know that. When we
20 communicated with -- and we did this frequently --
21 communicated with appraisers, we were trying to
22 determine what the value was of the loss of property
23 along the street, we highlighted for them the fact
24 that -- you know, they would look at the conformity of

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15

1 the sign and what would happen to the conformity of
2 the sign after the land was taken, and we informed them
3 that the City has a provision that's going to require
4 the sign to be brought into conformance at some point,
5 and we provided whatever the deadline was at that time.

6 So I assume they accounted for that.

7 CHAIRMAN KESSLER: Tom, did you have a
8 question?

9 MEMBER SCHUETZ: I had just kind of a
10 comment. What Sue brings up is, of course, is
11 something I had thought about, but I know you said
12 like, Russ, staff, the economy was a big issue. So
13 the truth of the matter is there's been one extension
14 because they don't want to even think about -- they
15 aren't going to consider, meaning they don't believe
16 that was even an extension the two years, three years
17 because of the economy and North Avenue.

18 So as far as I believe, the businesses just
19 block it out and say, "No, we've had one extension,
20 and now this might be a second." We see as it a third
21 or fourth or whatever, but the truth of the matter is,
22 they see this as one, maybe two.

23 I don't like the idea of extending it. I
24 totally understand what's being discussed here.

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1 However, what Tim is thinking about and not really
2 saying is there are hardships. I've been on one of
3 the other committees and there are hardships. People
4 have come into one of the other committees I'm on, and
5 there are big hardships for these signs. It's not as
6 easy as just moving a pole and maybe rewiring it.
7 Some of them are monuments.

8 You know, if somebody is behaving by not
9 doing this, not doing this, not doing this, how do we
10 change their behavior? We don't keep doing the same
11 thing, which is what we're kind of doing here. So how
12 can we change the behavior is what we need to think
13 about. If we give an extension, is there something we
14 could put in that extension to change their behavior?

15 CHAIRMAN KESSLER: That's where I was
16 going with this whole thing. And, frankly, you took
17 on a hornets nest by requiring them to change it. I
18 mean staff because the onus is really on staff to get
19 this done. Just because we pass an ordinance doesn't
20 mean people are going to comply, and to require them
21 to spend their own personal money for something that
22 the City had a desire to change, the onus, I believe
23 is on staff.

24 So speaking to what can be done differently,

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1 I think what you guys have done is become more proactive
2 in contacting -- like I said, letters -- you can't
3 send letters. I get a letter like that, and it's like
4 "Oh, I'll deal with that when I need to think about
5 it." You need a phone call.

6 Frankly, the City Council asked you to have
7 us consider an extension, and I sure would like to say
8 to City Council, "Aldermen, start calling the people
9 in your ward." That's what's going to get this done.
10 We need everybody to get involved in helping and in
11 helping these people comply.

12 I see a lot of the descriptions that you
13 have here of the things that you've done, working with
14 them for a grant, finding out -- that's what they need
15 help with. I mean, you're going to have to actually
16 help these people figure out how they can afford to do
17 it either through grants, making it compliant through
18 giving them a variance.

19 But I would say to City Council, "You created
20 this and now you have to help solve it." And they can
21 do it. Pick up the phone, go to their constituents
22 that are on this list in their ward and say something
23 to them. "What can we do to help you?"

24 MEMBER AMATANGELO: But you need a call

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1 to action, to Tom's point, and in that call to action
2 you provide opportunities or ways for them to respond.

3 CHAIRMAN KESSLER: Right.

4 MEMBER AMATANGELO: And if they don't
5 respond, then now you're dealing with something totally
6 different now.

7 CHAIRMAN KESSLER: I think Tom's point
8 is very well taken. I don't think these people are
9 delinquent or purposely trying to skirt the law. They
10 don't want to spend their money. But if somebody came
11 to them and sat with them and talked with them about
12 how they might solve this problem, they might be more
13 inclined to do it. I don't see anybody on here that's
14 actually telling them, "Forget about it. I'm not
15 doing it."

16 MEMBER SCHUETZ: One of the other
17 committees that I sit on that, CIC, Corridor Improvement
18 Commission, it's kind of a landscape thing. However
19 we have had -- recently in the last couple meetings
20 this is all we talked about, and they're coming
21 forward but there's only a handful. We can only do so
22 much. Our budget is super small, super small.

23 So there is that option I know, which is
24 minimal, but are there other options that the City or

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1 other committees, Council can help these guys.

2 MR. COLBY: The only other grant program
3 the City does have is the Downtown Facade Improvement
4 Program, and that basically applies to properties in
5 the downtown that are in the special district area, and
6 that can pay for replacement of a sign or installation
7 of a wall sign in lieu of a freestanding sign, something
8 like that, and it's a 50 percent matching grant. So
9 that's available to some properties.

10 The money that the Corridor Improvement
11 Commission has available, if the City Council chose
12 to, they could budget additional money for the program.

13 CHAIRMAN KESSLER: Right. Those are
14 some of the --

15 MR. COLBY: If that is what you're
16 getting at, it's within their power to do that.

17 CHAIRMAN KESSLER: It is what I'm getting
18 at. We have to assist because it's easy to say, "Oh,
19 they can do that." I'm a business owner; I don't want
20 somebody coming and telling me that, "You're going to
21 have to spend \$4,000 because while you might have been
22 in compliance at one time but you're not now."

23 And I would just say as an aside, I think we
24 should be very careful about passing ordinances that

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1 require us to become policemen in town. To me it's an
2 administrative nightmare to try and solve something like
3 this. We're doing another extension. How long has
4 this been going on?

5 MR. COLBY: 2006.

6 MEMBER AMATANGELO: Remember, there are
7 25 businesses that did come into compliance.

8 MEMBER PRETZ: Here's the way that I take
9 a look at it doing some mathematics is that in 2006 the
10 ordinance took place. The extension right now is
11 going to take it into 2015, so it's 8-plus years.

12 If I use 8 years times 12 months, it's
13 96 months. At \$3 a day you have \$9600 that you could
14 have been budgeting, which is basically 15 cents
15 an hour.

16 Businesses have had plenty of time,
17 especially with these extensions that have come into
18 play, whether the economy was bad or not. They may
19 have a large bill now. However, they budget it or
20 whatever else. It's really a function of the business
21 and how they manage their money for expenses, planned
22 or not.

23 I think from the perspective of worrying
24 about a business being told that they have to make a

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1 change -- which I would understand back in 2006 coming
2 to a business and going, "Oh, by the way, you have a
3 \$5,000 charge that's going to be coming because you have
4 to change your sign." But enough time has gone past
5 that I think it negates that argument as far as the
6 cost because it's really -- with the proper budgeting
7 they could have had a slush fund sitting on the side
8 for a rainy day that can be allocated for this, and
9 the time has come for the action to take place.

10 And I see that the City Council is coming
11 forth and saying, "Hey, let's push it back out," but I
12 think we need to be able to send a message that if we
13 go ahead and say, "Yes, let's go on out to June 2015,"
14 that within our note going up to them saying, "Please
15 don't come back and send it back down for another
16 change."

17 Staff's got to do their job; the Council has
18 to do their job; whoever has to run around and talk to
19 these people and get it done. But the time has come;
20 they have to pay what they need to.

21 CHAIRMAN KESSLER: Why in the first place
22 did they have to do that? I don't care if it's 2006 or
23 not. Why do we come in and say -- we don't do it for
24 any other ordinance. We've got building ordinances,

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1 we've got landscape ordinances that come in and change,
2 and we don't require people to change buildings or
3 redo their landscape, but we picked something -- and I
4 understand the reasoning that you say, but still we
5 don't require people to do this sort of thing, and it
6 creates an us-against-them environment which we
7 definitely need to put an end to. Why do we say, "You
8 have to spend money"?

9 To your point, you say 25 people -- or
10 25 companies. Valvoline, Valley Shopping, Midas,
11 Fifth Third Bank, Best Western, Firestone, they're all
12 national chains. These are big, big -- not all of
13 them -- 90 percent of them are huge companies. You
14 might have -- BP, Tastee Freez. I see four or five on
15 here that are little local companies. Everybody else
16 on here is a national chain.

17 Of course, Tom, they're going to budget like
18 that. But small companies typically are hard to
19 mouth. They don't have capital budgets they put aside
20 because they anticipate 50 or 10 or 20,000. They don't.

21 I just think that the onus of this thing has
22 to be on staff and City Council. If you're going to
23 make a requirement that somebody has to spend money
24 because we decide we want to change the way signs look,

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1 then we need to help them do it. And the onus becomes
2 the City to facilitate that and not the other way
3 around.

4 MEMBER HOLDERFIELD: All that's at issue
5 here tonight is extending the time line. That's all.
6 We're not putting any teeth into it or anything.
7 We're not changing the requirements. What's already
8 in place will go on even if we extend it; right?

9 CHAIRMAN KESSLER: Yes.

10 MEMBER HOLDERFIELD: So what worries me,
11 you know, a little bit about it -- I don't know how
12 this gets back to the City Council or not.

13 CHAIRMAN KESSLER: Hopefully they'll
14 read the transcript.

15 MEMBER HOLDERFIELD: If we drop it right
16 now and they tighten the reins real quickly, will they
17 have time enough to make the changes?

18 MEMBER SCHUETZ: You mean by October?

19 MEMBER HOLDERFIELD: Yes. That's what
20 kind of concerns me. I agree I think it's gone on too
21 long, but I would like to see it extended, but I'd
22 also like to see this tightened up, and now we're at
23 the end of the rope.

24 CHAIRMAN KESSLER: I agree with you.

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1 What I would like to know is, what is the City Council
2 willing to do either to fund the corridor improvement
3 or to become active in facilitating this with their
4 constituents? I would like to know that the City
5 Council would offer to help this. We keep talking
6 about putting teeth into this. We're not cops.

7 MEMBER SCHUETZ: I think if we extend
8 it, we need to give, like everyone is saying and most
9 everybody here knows, okay, "By extending it, these
10 are the two options, three options."

11 Corridor improvement, as you know, our
12 budget is -- what? -- 25,000 this year. It's really
13 low. At one time it was 150. Maybe if they do
14 increase that -- but it's still only 50 percent. We
15 don't give full grants, and some of these signs are
16 way more than 9,000. Because Jay came in from Hines
17 Brothers a year ago, and I think I remember what his
18 was, but it was more than double that.

19 MEMBER AMATANGELO: But he brought one
20 of those electronic signs. That's over the top.

21 MEMBER PRETZ: If you're talking about
22 some subsidy or whatever it is to encourage the final
23 group, I see this in sales all the time. The people
24 that jump out of the box and do everything, they get

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1 penalized at the end. It's the people that haven't
2 done anything that you're encouraging setting up
3 programs in order to get them over the hump. I think
4 you can't exclude the people who have already done and
5 finished the job to reward somebody who is going to
6 wait until the end.

7 CHAIRMAN KESSLER: And I don't think
8 that we should get involved in these things in the
9 first place.

10 MEMBER DOYLE: So I think we're
11 discussing something which is outside of our purview.
12 We have an ordinance here, and it's been legislated by
13 the City Council, and we may not agree with it or we
14 may not think it's appropriate but it's legislation.

15 And I think in terms of the application
16 that's in front of us, the way I understand it is we
17 have one of two choices. We either recommend to
18 approve an extension or we don't recommend to approve
19 an extension.

20 MEMBER AMATANGELO: That's it. Right.

21 MEMBER DOYLE: What I would suggest --
22 it sounds like the sense of this Commission is that
23 we're not comfortable with dropping the hammer right
24 now, but we're not comfortable with sort of perennial

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1 extensions.

2 I think that if there's a condition or a
3 comment that we should send up to the Planning and
4 Development Committee, it should be that we grant an
5 extension contingent upon the property owner submitting
6 a written request for that extension. It's free; it
7 requires them to engage staff --

8 MEMBER PRETZ: That's actually a pretty
9 good idea.

10 MEMBER DOYLE: -- and they get out of
11 getting a sign or getting a citation.

12 But what I don't want to see is in nine months
13 a half a dozen property owners who City staff has been
14 chasing down, and they can't reach them because they're
15 just not being responsive. If someone is not being
16 responsive to phone messages or letters and phone calls,
17 then I say they get a citation on November 1.

18 CHAIRMAN KESSLER: What do you think?

19 MR. COLBY: That's something that could
20 certainly be written into the code. It would need to
21 be presented to the City Council to see if they would
22 support doing that, but that's something that we could
23 administer.

24 CHAIRMAN KESSLER: It would probably be

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1 easier to administer than you being responsible for
2 going after each one of these one by one.

3 MEMBER SCHUETZ: Can I add on? I like
4 the idea but I'm not sure I heard everything.

5 Okay. They submit -- what was the term you
6 used? -- they submit how they're going to address it?

7 MEMBER DOYLE: They submit a request for
8 extension.

9 MEMBER SCHUETZ: But how are they going
10 to address or fulfill their responsibility? What is
11 their timeline? Something just a little bit --

12 CHAIRMAN KESSLER: For the same period
13 of time.

14 MEMBER SCHUETZ: I'm just saying, sure,
15 they could request an extension, and then it comes to
16 the end of the extension and they request another
17 extension.

18 CHAIRMAN KESSLER: They won't just get
19 an extension. They have to say what they're going
20 to do.

21 MEMBER SCHUETZ: That's my point. They
22 have to identify what they're going to do. We didn't
23 say that.

24 MEMBER DOYLE: Maybe that can be an

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1 additional part of it. If this is the final extension
2 and we're trying to turn the ship here and get
3 everyone to understand we're reaching the end of the
4 road here, then rather than just having an extension
5 which is applied proactively to all the property
6 owners, by making them request it and engaging staff,
7 that provides a contact point for staff to say, "Okay.
8 By the way, this has come before the City Council
9 multiple times, this is the background, the context,
10 and here's what we're sensing is that it's not going
11 to go past summer."

12 MEMBER SCHUETZ: So if they don't ask
13 for the extension, then they get hit; is that what
14 you're suggesting?

15 MEMBER DOYLE: Then there's no extension
16 for them.

17 CHAIRMAN KESSLER: Tom Anderson hasn't
18 responded?

19 MEMBER AMATANGELO: You have to have a
20 call to action.

21 MEMBER PRETZ: I have a question. Are
22 you documented? Are you adequately documented on your
23 attempts to get some dialogue going?

24 MR. COLBY: There's record of the letters

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1 that have been sent.

2 MEMBER PRETZ: Okay.

3 MEMBER DOYLE: I think any additional
4 discussion of incentive plans or how we work with
5 individual property owners is beyond the scope of the
6 application in front of us, and if that's an issue,
7 it's an issue for City Council to take up. If we get
8 to next summer and there are still two dozen property
9 owners on here and staff is saying, "This is not going
10 to happen for these people because of setback problems
11 or there's no good way we can resolve it," then that
12 will be a bridge that the City will have to cross at
13 that point.

14 CHAIRMAN KESSLER: There's a variance.

15 MEMBER DOYLE: Who knows. But right now
16 I think we should -- I think it's not the jaws of
17 life -- or the jaws of death, but it's a small effort
18 to put some teeth into our recommendation and say
19 people have to engage.

20 MEMBER AMATANGELO: So can we say, "All
21 right. We're giving you the extension to June, but by
22 you January 1st you have to have this paperwork in
23 saying that this is your plan of action and these are
24 the dates"?

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1 So now all of a sudden --

2 MEMBER SCHUETZ: They have two months
3 right now.

4 CHAIRMAN KESSLER: They have until
5 October 1st to submit an application.

6 MEMBER SCHUETZ: No. I thought it was
7 November.

8 MEMBER DOYLE: October 16th.

9 MEMBER AMATANGELO: Okay. So we're
10 saying by October 16th they have to have their plan of
11 action?

12 MEMBER DOYLE: I don't think it has to
13 be a plan; it just has to be a request for extension.

14 MEMBER AMATANGELO: I'd like to see
15 something with a little more meat in it.

16 CHAIRMAN KESSLER: Then what happens if
17 there's no --

18 MEMBER PRETZ: I do agree with Brian,
19 though; it engages them because they have to ask for
20 the extension. So that means that somebody at the
21 other end is now reading it, understanding it, and
22 knows that they have to do something.

23 The extension is pretty straightforward,
24 "Here's eat time frame," and now, they have to do

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1 whatever they need to do. And they have their
2 building management people. They know what to do.

3 MEMBER DOYLE: The plan is we will be in
4 compliance by June 1.

5 MEMBER SCHUETZ: I understand that. But
6 what if they were to have to -- right away in the next
7 six weeks they need to ask for an extension, but as of
8 maybe -- I don't know -- January 1st they have to
9 provide a plan as to how they're going to move forward.

10 We've got to spoon feed them, meaning these
11 are -- it's not a priority for them.

12 MEMBER DOYLE: I don't think we do. I
13 think that's more administrative work for staff, and
14 at some point if they're aware of the ordinance, they're
15 aware of the deadline, it's their responsibility to
16 supply --

17 MEMBER AMATANGELO: They haven't been
18 for the last couple years.

19 CHAIRMAN KESSLER: You're right. We need
20 to focus on this extension.

21 MEMBER SCHUETZ: That's fine.

22 MEMBER GAUGEL: The extension that you
23 would ask for, are you suggesting it be one specific
24 date, or are you saying put an extension out there for

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1 whatever date they pick?

2 MEMBER DOYLE: No, to this date.

3 Basically, we're just adding that condition to the
4 general amendment in front of us, which is that it's
5 not automatic; it's contingent on the property owner
6 submitting a request for that extension.

7 MEMBER SCHUETZ: And if they don't?

8 MEMBER DOYLE: If they don't, then the
9 deadline remains October 16th, 2014.

10 MEMBER GAUGEL: And if they don't comply
11 with that June date into 2015, then they're in
12 violation and no further extension.

13 I like that. Is that something that we can
14 do? Can the City Council then look at it and just
15 say, "Forget it"?

16 CHAIRMAN KESSLER: Absolutely. We're
17 hoping that they won't.

18 MEMBER GAUGEL: Okay.

19 CHAIRMAN KESSLER: We're still in a
20 public hearing.

21 MR. COLBY: I need to present the other
22 part, which is the historic signs.

23 There is a process identified in the
24 ordinance where certain signs can be designated as an

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1 historic sign if it meets the criteria that are listed
2 in the ordinance, and those criteria relate to primarily
3 how long the sign has been up and, also, if it's been
4 associated with the business, it's been in the
5 community since the sign was put up, it's been under
6 the same ownership. There's a number of criteria, and
7 if those criteria are met, then the sign can be -- based
8 on a recommendation from the Historic Preservation
9 Committee can be designated an historic sign.

10 That means the sign can remain up as long as
11 they can keep it standing, basically. It does not
12 make the sign historically protected. All it does is
13 allow it to remain up past the date identified for the
14 amortization of signs.

15 The question was how did the date that's in
16 the ordinance, January 1st, 1966, how was that date
17 arrived at. There doesn't seem to be any methodology
18 to how that was picked, other than it was approximately
19 40 years prior to the adoption of the ordinance, the
20 new zoning ordinance in 2006.

21 So the question was asked, "Well, there seem
22 to be some signs in the community that meet all of the
23 requirements except for that year cutoff, and given
24 the fact that we've extended the date for when the

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1 signs needs to be brought into compliance, can we
2 consider extending that date for when the sign had to
3 be put up to be considered historic?"

4 And we said, "Well, certainly it was the
5 City Council's decision to choose that date. We could
6 select another date as long as there's a logical
7 reason for why we chose it." And based on the fact
8 that we were extending the time frame out to 2015, we
9 thought it would be appropriate to simply change that
10 to 40 years prior to 2015.

11 So the date of January 1st, 1976, was
12 chosen, and we're aware of at least two signs that
13 this would assist to bring into compliance. There may
14 be others.

15 The question was also asked, "Well, were
16 there some signs that were removed that would have
17 qualified," and from what we can tell there were not.
18 The standards were pretty rigid due to the fact that
19 it has to be a property under the same ownership with
20 the same type of business for that entire time period,
21 and for the most part we don't believe the signs that
22 have been brought into compliance would have complied
23 with that requirement.

24 MEMBER PRETZ: Who had the businesses?

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1 You said there were two more besides --

2 MR. COLBY: The two that were identified
3 were Kevin's Service Station, which is Illinois and
4 Route 31, and Salerno's on Route 31.

5 MEMBER SCHUETZ: MR. COLBY: Plus
6 St. Charles Bowl, Zimmerman, and the Arcada. So
7 there's five total.

8 MR. COLBY: Yes. There could be some
9 that we're not aware of that if one of these other
10 property owners hasn't brought their property into
11 compliance and can demonstrate the criteria, they are
12 free to petition the City for that. That was how the
13 St. Charles Bowl was designated. They read the
14 ordinance and said, "I think we can qualify for this,"
15 and so they submitted the information.

16 CHAIRMAN KESSLER: Why is the City
17 Council picking the date? Why isn't this up to the
18 Historic Preservation Commission to determine if
19 something is historically significant?

20 MR. COLBY: The City Council didn't pick
21 the date. Staff picked the date based on the
22 recommendation they gave and broadening that to see if
23 they could include additional signs.

24 The Historic Commission -- because this is

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1 something that's in the sign chapter of the ordinance,
2 it's under the Plan Commission's authority to hold the
3 public hearing on changes to the sign chapter. So the
4 Plan Commission's required to make the recommendation
5 and conduct the public hearing.

6 So the Council doesn't necessarily have to put
7 it to the Historic Preservation. If that's something
8 that you'd like to recommend, it could be done. I
9 think, though, in general practice Historic Preservation
10 considers buildings to be historic if they're over
11 50 years old, and that relates to buildings.

12 The decision was made when the ordinance was
13 adopted that 40 years was enough. So in some respects
14 it was more of a policy decision on the part of the
15 Council to choose that date versus a cutoff that the
16 signs were necessarily of historic value. Rather, they
17 felt that was the appropriate threshold just based on
18 what they knew about existing signs in the community.

19 MEMBER DOYLE: My sense is that a big
20 boom in construction started in St. Charles around
21 1970, you know, that prior to 1970 there was a
22 particular footprint of the city and certain types of
23 businesses that were here, and then around the
24 beginning of the '70s you started to have this big boom.

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1 CHAIRMAN KESSLER: That's exactly right.
2 We always said '72. But yes, that's exactly right.
3 By the end of the '70s the footprint wasn't the same
4 as it was in the beginning.

5 MEMBER DOYLE: So I guess I have a couple
6 of concerns about this amendment. I think pegging it
7 to the date of the deadline for the -- for coming into
8 compliance, since that has been moving, it sort of
9 also moves. It makes what is historic relative to
10 when we finally decide what we're going to enforce
11 that ordinance. And, who knows, we could have
12 additional extensions past next summer, in which case
13 we've now established a precedent that if it gets
14 extended to 2021, we go back to 1981, and I just feel
15 like we're now -- we're moving --

16 MEMBER SCHUETZ: It's a moving target.

17 MEMBER DOYLE: We're moving into an era
18 when there's this boom in construction, and that in my
19 mind just begs the question of whether that boom and
20 that increase in construction is of a different
21 character historically than what came before that
22 demographic swell.

23 I guess I don't have -- that's one concern.
24 I'm not diametrically opposed to this amendment. I just

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1 feel like when you read the language of it, it talks
2 about "closely identified with the cultural commercial
3 entity that the sign itself has come to be identified
4 with an historic building or landmark."

5 So if you interpret it strictly, I'm not --
6 like I drove by Kevin's Service earlier tonight. I've
7 seen that before and I couldn't remember. I was like,
8 "I don't remember anything particularly distinctive
9 about that sign." It looks a little dated.

10 CHAIRMAN KESSLER: It does to me.

11 MEMBER DOYLE: I mean, I can see that it
12 has a particular character, and so I guess it begs the
13 question of, how would the Historic Preservation
14 Commission determine whether these other criteria
15 are met?

16 MEMBER SCHUETZ: And what's the value?

17 MEMBER PRETZ: Well, the Commission would
18 be taking a look at the sign, not necessarily the
19 building. So there's nothing unique about -- it depends
20 on how you --

21 MEMBER DOYLE: It has to be attached to
22 a significantly --

23 MR. COLBY: No, it does not. It's either
24 A or B there. So it could be on a site that's

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1 continually operated.

2 MEMBER PRETZ: Because see, St. Charles
3 Bowl and Zimmerman are outside the district. Salerno's
4 is outside the district.

5 MEMBER DOYLE: So it's just a business
6 that has operated there for the last 40 years?

7 MEMBER PRETZ: Same owner.

8 MEMBER DOYLE: Whether or not it's of
9 historic character or not?

10 CHAIRMAN KESSLER: Brian, what you're
11 speaking to is exactly what I said before. What's
12 historic to my daughter is not the same thing as
13 what's historic to me.

14 MEMBER MACKLIN-PURDY: It's subjective.

15 CHAIRMAN KESSLER: It's very subjective
16 and that is why I'm loathe to put a date on it, and I
17 think it should come under the review of Historic
18 Preservation because there are some things that --
19 I've been racking my brain to think of something --
20 things that were built in the '80s.

21 MEMBER MACKLIN-PURDY: Tin Cup Pass.

22 CHAIRMAN KESSLER: Tin Cup Pass.

23 MEMBER MACKLIN-PURDY: Some people might
24 say, "Oh, my God, that's an icon in St. Charles," and

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1 I walk by it and think it's an eyesore.

2 CHAIRMAN KESSLER: But it's been there
3 for some people's entire lives, so that becomes somewhat
4 historic.

5 I agree with you, the target keeps moving if
6 we keep giving these extensions. It is up to us to
7 make a recommendation. We could make a recommendation.

8 MR. COLBY: And I should clarify,
9 though, that all we're doing is changing the date.

10 MEMBER DOYLE: It's not truly relative.

11 MR. COLBY: The Historic Preservation
12 Commission still needs to review the sign against the
13 criteria listed here.

14 CHAIRMAN KESSLER: What if they don't
15 meet the date requirement?

16 MR. COLBY: If they don't meet the date
17 requirement, then they can't request the historic sign
18 preservation.

19 CHAIRMAN KESSLER: That's my point. My
20 point is there could be things that were built or
21 installed that have become attached to the business
22 that's been operating there since 1980, and that's a
23 subjective decision and we're making -- we're drawing
24 a line in the sand saying, "Doesn't matter if you think

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1 it's historic. If it was built after that, it's not."

2 MEMBER PRETZ: But Russ did say
3 typically 50 years is kind of a break point, and the
4 Commission takes a look at what historical is, and
5 50 years is --

6 CHAIRMAN KESSLER: Is historical?

7 MEMBER PRETZ: To the Historic Commission.

8 CHAIRMAN KESSLER: That applies to
9 certain things in historical significance but not
10 everything. There are many things that have become
11 cultural icons and historic that are 25 years old. I
12 understand in antiques they say it has to be 50 years
13 old before it becomes an antique, but that doesn't
14 mean things that are less than that are not historic,
15 and I just feel like we shouldn't be drawing that line
16 in the sand.

17 MEMBER AMATANGELO: Is that for us to
18 determine?

19 CHAIRMAN KESSLER: Maybe not with this
20 particular thing.

21 MEMBER AMATANGELO: That's what I mean,
22 what we're focusing on tonight.

23 CHAIRMAN KESSLER: But it is our
24 responsibility. It comes to us to say how that

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1 ordinance -- is that right?

2 MR. COLBY: The Commission -- you can
3 make a recommendation on either not changing the date,
4 picking a different date, or suggesting that we don't
5 have a date.

6 MEMBER AMATANGELO: And that's it.

7 MR. COLBY: That's what's up for
8 consideration. This is staff's proposal.

9 MEMBER DOYLE: So for the purposes of
10 the public hearing I would really like to be able to
11 know definitively how many noncompliant signs would
12 possibly come under this and would be exempt, then,
13 from the sign ordinance.

14 MR. COLBY: That would be difficult for
15 us to do because the business or property owner would
16 need to substantiate that themselves. So the two we
17 have identified are the ones that we're aware of through
18 communication with the business owners that they
19 believe they can comply, and they still need to
20 demonstrate that to us.

21 MEMBER DOYLE: So the case of Kevin's is
22 its height that causes it to not be in compliance?

23 MR. COLBY: Yes. Also, it's a sign that
24 projects up above the roof of the building, which is

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1 not permitted.

2 CHAIRMAN KESSLER: And it was the
3 tallest thing around there 40 years ago.

4 MEMBER DOYLE: Here's the thing. When I
5 look at that sign, I'm like, there's nothing wrong
6 with that sign. It's perfectly functional. It's part
7 of the design that went with that property. It
8 integrates with the canopy, and there's no reason why
9 that business owner should be compelled to change that
10 sign because it's not in disrepair.

11 I do think that it adds something to the
12 character of that area. I don't think it's particularly
13 historic in the sense that the Arcada Theater sign is
14 historic. So in that case, if that's sort of the
15 example, I'd be like, okay, let's change it because
16 I'm okay with the end result. But then it feels like
17 we're sort of shifting the language around to create
18 carve-outs for particular businesses based on some
19 criteria that we're trying to massage along the way.

20 I guess if we can limit the degree to which
21 we're massaging it along the way, then I'm happy with
22 sort of that's good enough. What I don't want to see
23 is to have a whole bunch of signs possibly come in
24 to -- under this new ordinance and then --

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1 MEMBER PRETZ: But you have these three.

2 MEMBER HOLDERFIELD: We're not about
3 that. You set a date and it's going to be the
4 Historic -- they're going to put the hammer down.

5 We're talking about value and design and
6 quality and appearance, and we're trying to mix that
7 with heights and setbacks, and they're two different
8 things.

9 Historic Preservation, they're talking about
10 esthetics for the City and looking at that. All we're
11 doing is setting a time on it. You either meet it --
12 that's what they're going to do. They're going to
13 enforce it one way or the other. We can't do that.

14 CHAIRMAN KESSLER: It's up to us,
15 though -- we can say, leave the date, change date, or
16 have no date. That is up to us.

17 MEMBER HOLDERFIELD: But, Tim, what I'm
18 saying is I think you do have to have a date. You
19 know, I'm for that but it's somebody else's job to put
20 that sign -- whether it's in compliance or not, not us.

21 CHAIRMAN KESSLER: That's not at all
22 what I'm suggesting. I'm suggesting that we leave
23 that entirely up to the Plan Commission -- to the
24 Historic Commission, including the date because there

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1 are things that could be historic --

2 MEMBER HOLDERFIELD: I buy that, too.

3 CHAIRMAN KESSLER: -- that don't fall on
4 a particular date. That's all I'm saying. It's not
5 up to us to make a decision. We have it in place; we
6 have no date. If it meets the requirements that are
7 laid out, even if it doesn't hit 1976 or 1983 or 1950,
8 then it's okay.

9 But I also think that all of these things are
10 going to come under the purview of somebody, and it's
11 not going to be, "Oh, gosh all these signs can be
12 historic." Somebody is going to have to decide whether
13 they meet the criteria or not.

14 MEMBER HOLDERFIELD: I agree.

15 MEMBER DOYLE: So it's not going to come
16 before -- right now as written, whether it's '66 or
17 '76, it's not going to go before the Historic
18 Preservation Commission unless the sign is at least
19 40 years old. The Commission will never have that
20 opportunity to say, "Yes, this sign is of historic
21 character and should be exempt."

22 CHAIRMAN KESSLER: I'm sure -- not
23 unless -- what they're asking us in this question
24 tonight is, do we change the date.

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1 MEMBER DOYLE: Correct. So the question
2 is how much latitude do we give the Historic
3 Preservation Commission to make that determination.
4 You're suggesting that we possibly eliminate the date
5 entirely, which I'm not certain of how we would
6 rewrite this because there's a lot of instances of a
7 date. We would basically have to remove all those
8 instances.

9 MEMBER PRETZ: Well, the date --
10 '66 pegs 3, and '76 pegs five potential, two of which
11 have to still prove that they fall into that 40-year.

12 And from my perspective, I really don't care
13 which date it is, to be honest with you because the
14 only thing that we're going to be taking a look at
15 when I have my preservation hat on would be the Arcada
16 and -- as far as our footprint -- and then any other
17 sign that comes before us based on the ordinances.
18 And then you have Zimmerman and St. Charles Bowl,
19 which then at this point would -- based on the current
20 ordinance would fall into that, so we have some say
21 with that.

22 But beyond that, we really don't have
23 anything else to -- whether it's a fad or something
24 that's only 20 years old and it's a cultural thing

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1 doesn't really come before us unless it's within our
2 footprint.

3 CHAIRMAN KESSLER: In this case it
4 would. It would. If somebody applies for a historic
5 designation, they're going to come to the Historic
6 Preservation Commission.

7 MEMBER PRETZ: But if there is a date
8 that is already in there, then that's a guideline that
9 if they are going for their sign changes and that,
10 there's an ordinance. We kind of rely upon that, but
11 we can also make a recommendation that we strongly
12 feel that maybe something that's 20 years old and a
13 cultural icon maybe should be preserved.

14 MEMBER DOYLE: No, I think you can.

15 MEMBER PRETZ: We can make a
16 recommendation.

17 MEMBER AMATANGELO: Do you know what
18 other towns, what other cities are doing, what they're
19 using as guidelines? I understand what you're saying,
20 it could be 20 years old and really could be -- and
21 would be worthy of this, but if you're going to give a
22 historic date like 1966, why can't that be, all right,
23 it's going to be 50 years?

24 Why can't that be a movable date year after

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1 year, and then you become eligible at this point in
2 time. Say when it's 50 years for you, then you can
3 apply for historic, and then, okay, three years down
4 the road you can apply for historic preservation.

5 MEMBER SCHUETZ: As long as you didn't
6 have to buy a new sign.

7 CHAIRMAN KESSLER: I think that's a
8 great idea. In this particular case, though, I'm
9 having a trouble with it. That's a great idea.

10 MEMBER AMATANGELO: But do we know what
11 other towns -- what qualifies or what they use as a
12 standard or a --

13 CHAIRMAN KESSLER: Russ, is this all
14 packaged together?

15 MEMBER AMATANGELO: Can we separate it?

16 CHAIRMAN KESSLER: Can we separate the
17 first discussion from the second discussion or is this
18 one application?

19 MR. COLBY: It's one application but
20 it's two different sections of the code we're amending,
21 so you can handle it differently.

22 CHAIRMAN KESSLER: Because I'm with Sue.
23 I would actually like to see some more -- Tom, I wanted
24 to talk about one thing that you mentioned, and that

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1 is that there are three signs and possibly more, but
2 Russ said he doesn't know. We don't know how many other
3 people who might be able to --

4 MEMBER PRETZ: But if you start thinking
5 about it, it says in there same ownership and right
6 now 1966.

7 CHAIRMAN KESSLER: Do you know who those
8 other people are?

9 MEMBER PRETZ: No. But how many more do
10 you think, number one, and number two, they have to
11 provide the documentation to support their request.
12 They still have to request. They have to be granted.

13 CHAIRMAN KESSLER: Right. That's one of
14 the items that these people that are applying for signs
15 can do. They can come to the Corridor Commission for
16 a grant, apply for historic preservation. It's just
17 one other avenue we're allowing people to use, and if
18 you don't pass Historic Preservation, then they don't
19 get it if that's not approved.

20 MEMBER DOYLE: Tim, I may have a
21 different question that may help with this.

22 In the sort of opening language here, the
23 intent of this ordinance says, "Such signs may have
24 been erected under a previous code and may not conform

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1 to all the provisions of this chapter."

2 So we know that the current code dates to
3 2006. Prior to 2006 are there any -- is the code the
4 same all the way back to '76 to '66 --

5 MR. COLBY: No, it's not.

6 MEMBER DOYLE: -- or were there any
7 milestone dates?

8 MR. COLBY: And I would need to research
9 this, but from what I recall, the requirements were
10 similar going back to the early 1990s. So the 15-foot
11 height limit goes back to the 1990s. Prior to that
12 taller signs were allowed. That's probably the only
13 major change, but over the years small changes were
14 made. It would be hard to determine when each
15 individual change was made and what the impact was.

16 MEMBER DOYLE: So there are multiple
17 successive changes to signage? It wasn't like it all
18 didn't come to effect in '96, for instance?

19 MR. COLBY: No, there's not a clear
20 point where now all the signs in one zoning district
21 became nonconforming. I mean, the codes were changed
22 periodically through the years. It's difficult to
23 track that way.

24 MEMBER DOYLE: The reason I was asking

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1 is I was just wondering, is there a way -- since we're
2 talking about this, sort of everything out on the
3 table -- if there was a way to peg it to, since it
4 references code changes and references older signs
5 that were built in accordance with the code at that
6 time, if there's a way to peg it to those milestone
7 dates when our ordinance actually changed.

8 Because I think the thing is there needs to
9 be some limiting factor that prevents spurious actions
10 going before the Historic Preservation Commission for
11 a sign that was constructed in 1999.

12 So I guess barring that, unless there's
13 something further to the Commission that is feasible
14 for staff to bring forward, I don't have any objections
15 to the proposed amendment because it is going to then
16 get reviewed by the Historic Preservation Commission,
17 and there are other criteria that have to be met, but
18 it does feel arbitrary.

19 MEMBER PRETZ: Can I just ask, was the
20 sign -- 40 years, which was a nice round number whenever
21 they put this together, would '66 have been a year where
22 there would have been possibly an ordinance change?

23 MR. COLBY: I don't think so because the
24 previous zoning ordinance was adopted in 1960. So if

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1 they were basing it on codes, it would have been
2 logical to say 1960.

3 CHAIRMAN KESSLER: There wasn't much
4 going on in 1960.

5 MEMBER SCHUETZ: I don't know. I was
6 having a pretty good time.

7 I don't know how we would change it, but
8 this arbitrary date actually kind of makes no sense.
9 What Sue says makes perfect sense. It's a moving date.

10 CHAIRMAN KESSLER: And I think if you
11 coupled it with Brian's comment about when the sign
12 was installed based on the ordinance in place, when
13 the sign was installed, coupled with the moving date,
14 somehow putting those two together. Because right now
15 if you make it a moving date based on today and it's
16 40 years ago it's -- what is it, 1973 -- wait, '74.

17 So if one of these signs, I'll tell you
18 what -- you may laugh, but the Colonial Cafe sign over
19 here on the east side could -- in some circles that
20 could be considered historic.

21 MEMBER SCHUETZ: Absolutely.

22 MR. COLBY: We don't believe that it
23 predates 1979.

24 CHAIRMAN KESSLER: I'm certain it doesn't.

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1 I know it doesn't. But it's also a sign that's closely
2 identified with a local business, with that property,
3 with a local family that goes back three generations.
4 That could easily be a historic sign. That logo has
5 been in place for decades, I mean decades. So that's
6 one that could fall under that. I don't think that
7 sign went in until probably 1990, but it's their
8 original Colonial sign that they had on the building
9 down here on the east side.

10 So we don't know what those are, and I'm not
11 sure how to address that, but I think, Sue, that's a
12 really good idea to keep the day --

13 MR. COLBY: I guess the issue, though,
14 will be once this deadline comes and passes, signs
15 like the Colonial sign will have to have been replaced,
16 and then they really don't have the opportunity to
17 take advantage of the -- unless the City changed our
18 code requirements again in the future.

19 CHAIRMAN KESSLER: But they would not
20 have any opportunity -- if the first part of this
21 discussion we had, Brian's idea that we require owners
22 to physically apply -- make the recommendation that
23 they physically apply for the extension rather than
24 just give it blanketly, and secondly, we were to

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1 remove the date from that, then Colonial could make an
2 application, apply for historic preservation -- I'm
3 just using them as an example -- and either be granted
4 or not.

5 MR. COLBY: One thing to consider with
6 removing the date is how that date functions in this
7 section.

8 CHAIRMAN KESSLER: I think Brian was
9 pointing that out.

10 MR. COLBY: It's not just the date of
11 when the sign was put up; it's also the date to which
12 you need to prove it was under single ownership. So
13 taking that date out would more or less remove both
14 those criteria entirely because we'd have no reference
15 as to how long the business --

16 CHAIRMAN KESSLER: I think that's part
17 of the subjective --

18 MR. COLBY: I'm just pointing out that
19 would be the impact of removing that.

20 CHAIRMAN KESSLER: I think that's part
21 of the subjective nature of the Historic Preservation,
22 and that's to say that if it was put it in 1990 and
23 ever since it's been there, it's been the same
24 business and it's been owned by the same people.

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1 MEMBER PRETZ: I think you're shoving
2 downstream some of the management and the governing as
3 it relates to the ordinance. I don't think that the
4 Preservation Commission is the appropriate commission
5 to be taking a look at the various signs and whether
6 they should be designated historical.

7 I think it's more appropriate to have --
8 whether the date stays the same or does get changed,
9 that there are some things that from a -- and I don't
10 want to say staff, but an ordinance department, zoning,
11 whatever code enforcement that they operate day in and
12 day out, which is what I think they get paid for
13 versus bringing it forward to be managed by the
14 Commission.

15 I think that it will become very difficult,
16 and I also think that you won't necessarily have the
17 uniformity that you need, which is I think the purpose
18 of the ordinance to begin with is some of the
19 uniformity. That's just my thought.

20 MEMBER SCHUETZ: Isn't the date just one
21 of many, many criteria? It's just a starting point.

22 MR. COLBY: It's one of a list of
23 five, but it's really the threshold to whether you can
24 even consider the other ones.

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1 MEMBER DOYLE: Do we feel that we have
2 collected enough information via the public hearing to
3 close the public hearing and to have a further
4 discussion on the proposal?

5 CHAIRMAN KESSLER: Laura, do you?

6 MEMBER MACKLIN-PURDY: I feel that we're
7 just allowing more signs to be considered by changing
8 the date. I don't see any problem with changing the
9 date. We're just allowing more people to come forward,
10 and we don't vote on that.

11 CHAIRMAN KESSLER: And that's okay?

12 MEMBER MACKLIN-PURDY: And that's fine.
13 That's absolutely fine in my eyes. I just feel like
14 we're just making a few more options in the city, and
15 the Historical Society will vote on that and figure
16 that out. We're just allowing a larger pool. That's
17 the way I see it.

18 MEMBER DOYLE: So does that mean that
19 you think we have --

20 MEMBER MACKLIN-PURDY: I think we should
21 change the date.

22 CHAIRMAN KESSLER: But you think we have
23 enough information to close the public hearing?

24 MEMBER MACKLIN-PURDY: I do. I do.

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1 CHAIRMAN KESSLER: Is there a motion?

2 MEMBER DOYLE: I move that we close the
3 public hearing.

4 MEMBER HOLDERFIELD: Second.

5 CHAIRMAN KESSLER: Gaugel.

6 MEMBER GAUGEL: Yes.

7 CHAIRMAN KESSLER: Macklin-Purdy.

8 MEMBER MACKLIN-PURDY: Yes.

9 CHAIRMAN KESSLER: Pretz.

10 MEMBER PRETZ: Yes.

11 CHAIRMAN KESSLER: Schuetz.

12 MEMBER SCHUETZ: Yes.

13 CHAIRMAN KESSLER: Holderfield.

14 MEMBER HOLDERFIELD: Yes.

15 CHAIRMAN KESSLER: Amatangelo.

16 MEMBER AMATANGELO: Yes.

17 CHAIRMAN KESSLER: Doyle.

18 MEMBER DOYLE: Yes.

19 CHAIRMAN KESSLER: Kessler, no.

20 So that motion passes and we move on to Item
21 No. 7. This is a new one. General Amendment (City of
22 St. Charles) Chapter 17.08 "Nonconformities."
23 Section 17.08.060 "Nonconforming Signs," Chapter 17.28
24 "Signs," Section 17.28.070 "Historic Signs."

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1 So is there any discussion?

2 MEMBER DOYLE: What information do you
3 think we don't have?

4 CHAIRMAN KESSLER: I think that it would
5 be interesting to know if the -- City Council came to
6 us to make a recommendation, and they didn't send
7 anything our way, and I would like staff to go back and
8 see if we can change the way that ordinance is written
9 to make a recommendation to make a change -- can we
10 make that change? Can we recommend making that change?

11 MR. COLBY: Yes. You can recommend to
12 modify the text in a way that's different from what's
13 being proposed.

14 CHAIRMAN KESSLER: So what I'm -- what I
15 think we need before we make a recommendation on this
16 is to come up with a list of criteria based on those
17 things that we're discussing today and ask staff to
18 come back to us with a rewritten -- recommendation for
19 rewritten text.

20 MEMBER AMATANGELO: But are you asking
21 to separate the two, or are you asking for it all to
22 be together?

23 CHAIRMAN KESSLER: Well, they are
24 two different sections but they are together here. So

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1 we're not asking them to recommend text changes for
2 all of it but specifically for historic.

3 MR. COLBY: If the Commission can
4 identify what provisions you would like in there, just
5 basically summarize what you'd like to accomplish, we
6 can produce the text for that. I don't think that's
7 an issue.

8 MEMBER DOYLE: So are you -- what you
9 want to know is, you want language that eliminates the
10 date? When you say that "change," do you mean
11 elimination of the date criteria altogether?

12 CHAIRMAN KESSLER: Uh-huh.

13 MEMBER DOYLE: So I respect the difficulty
14 of defining historic, but I think if you remove date
15 or age entirely, you change the nature of this
16 provision which is no longer about historicity; it's
17 now about design aesthetics entirely, and it's just
18 now about character as it applies to design.

19 The whole thing then unravels. Because now
20 you've got the Historic Preservation Commission which
21 will have to potentially make a determination on things
22 that are historic without any reference to their age,
23 without any potential reference to whether or not the
24 sign was built under an old code according to some --

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1 I don't know. I just feel like -- I feel like -- it's
2 not historic landmark but I think historic exceptions,
3 that history does need to be sort of assessed somehow
4 down the road looking back. If it's too recent,
5 then --

6 CHAIRMAN KESSLER: What's too recent?

7 MEMBER DOYLE: Well, I think that's
8 where the sort of general practice is 40, 50 years.
9 Russ referenced 50 years as a general benchmark in
10 terms of -- houses, is it?

11 MR. COLBY: Of buildings being
12 considered historic.

13 MEMBER PRETZ: Midmodern starts 50 years.

14 MEMBER DOYLE: At the outset of our
15 previous discussion I mentioned just the general
16 demographic trend of when this boom in construction
17 happened. I'm looking at it kind of as historic
18 phases. So once you're into the 1970s and 1980s, you're
19 now into a different historic phase in St. Charles'
20 development, which really, you know, is sort of
21 punctuated by 1996 when we have our -- what are the
22 milestones in terms of the -- if you look at any sort of
23 history time line, you've got these milestones which
24 define a period, and the growth period of St. Charles

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1 runs from 1970 really pretty much up to the housing
2 bust. So there's no -- there's no easily defined
3 milestone that says this is where you cut it off.

4 So if we bring this forward to -- well, if
5 we get rid of it entirely, it just lacks any definition,
6 I think, in terms of planning purposes that allows us
7 to say why these signs -- why these signs would not be
8 signs that warrant an exception to our general
9 ordinance on signs. We could just say signs shall not
10 be this tall unless they look nice.

11 MEMBER MACKLIN-PURDY: But I think you
12 might be confusing icon versus historic. Even if we
13 all think that Colonial is an icon, but all they have
14 to do is make that sign shorter. I mean, that's how I
15 see it. It's not that we're asking them to change
16 their sign. We're just asking to have a date set
17 because there is an historic aspect. It's not
18 necessarily confusing that with an icon of St. Charles.

19 MEMBER PRETZ: Brian, are you saying
20 stay with the '66, before the '70s rush or boom?

21 MEMBER DOYLE: I'm saying in terms of
22 information we're lacking to discuss this particular
23 limited proposal in front of us. I don't think we
24 should open it up to looking at an alternate version

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1 that eliminates dates entirely. I just think that
2 removes any sort of evaluative framework from the
3 whole ordinance.

4 I won't know how to interpret it, and I don't
5 know that that's a good framework for the Historic
6 Preservation Commission to use to determine whether or
7 not something is of historic character or not if
8 there's no threshold that a property owner has to meet
9 to get it in front of the Commission to begin with.

10 So no, I'm not saying we should necessarily
11 leave it to '66 -- maybe. Maybe is the answer to your
12 question, but I certainly don't think we should remove
13 all date references entirely.

14 MEMBER PRETZ: I support what Brian is
15 saying, don't eliminate. I'd have trouble supporting
16 removal of any dates. I just think it would be too
17 cumbersome and open to too much interpretation and too
18 hodgepodge. I think you need the reliance upon some
19 guidelines, whether it's '66 or '76 or 1970.

20 If '66 works, that's fine with me. Only
21 two additional properties -- and yes, there may be
22 another one, who knows.

23 CHAIRMAN KESSLER: There may be half
24 a dozen.

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1 MEMBER PRETZ: But that's hypothetical.
2 And, plus, they'd have to come forth, and there are
3 certain things that they would have to do to
4 justify that.

5 But from my perspective, I'm uncomfortable
6 with '66 and being 40 years. I'm just uncomfortable
7 with it. 1976 to me does not -- when I think historical
8 does not hit the mark.

9 Now, '66? Yes or no. It looks like a nice
10 number, but to be honest with you, if '66 -- 1966
11 works, then that's the date and then we move forward.

12 MEMBER HOLDERFIELD: Instead of setting
13 a date, why can't we just say the date the sign was
14 erected. Instead of saying '76 or '66, it was built
15 50 years ago. Eventually, it will get to 50 years,
16 just when the sign -- the business started. This sign
17 was put up in 1972. Eventually, it will hit the
18 50-year mark.

19 CHAIRMAN KESSLER: You know, the
20 unfortunate thing with that discussion -- and I agree
21 with you and I think that speaks to Sue's request --
22 it's tied to this deadline date where we're requiring
23 people to make changes.

24 MEMBER AMATANGELO: Let's get back to

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1 what Laura said. We're not asking you to take it down,
2 change the sign; we're telling you to change the pole.

3 CHAIRMAN KESSLER: But what Laura also
4 said -- and I agree with her on this -- by allowing
5 more people if they meet the criteria to come forward
6 and make an application for historic preservation,
7 you're just creating another avenue for more people to
8 work with compliance to comply.

9 I think what you say, Tom, is entirely true.
10 I don't disagree -- on further thought, you do need
11 some sort of framework, but I think saying 1966 is a
12 as subjective as saying 1976 or as saying 1956.
13 That's what I believe. In my belief things later than
14 that are historic, and I'm sure if we ask staff, and I
15 know I could find there are historic -- how do other
16 communities do it? There are things that are 25 years
17 old that have national historic designation just
18 because of their iconic or cultural importance.

19 MEMBER HOLDERFIELD: Look at 9/11.

20 CHAIRMAN KESSLER: Pardon me?

21 MEMBER HOLDERFIELD: I said look at 9/11.

22 CHAIRMAN KESSLER: Right. We have all
23 kinds of things like that. I guess I would suggest to
24 make it easier for people that might meet some criteria

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1 to move the date even further ahead than 1976 and say
2 30 years, it if it's been there for 30 years and you
3 can meet the requirements.

4 Tom, I know what you're saying. I've been
5 around Historic Preservation. I'm a member of the
6 National Historic and Traditional Building Council.
7 I've been around this stuff a long time. We have to
8 be careful about making judgments in our communities
9 about it has to be this old. Because the fabric of
10 our communities is not just you and people our age or
11 people Ellen's age. Because every one of them has
12 something that's historical to them, and we have to
13 embrace all of that.

14 MEMBER PRETZ: We don't necessarily --
15 and yes, no matter who sits in front of you, especially
16 with preservation, it's historic, or it's old, or it's
17 whatever, and we simply just reverse back to what are
18 the Federal standards as to what the Federal government
19 says that pertains to preservation, historical, and
20 that's what we use for our guidelines. And a 50-year
21 right now, a 50-year time frame is a very acceptable
22 practice today, and that's what they --

23 CHAIRMAN KESSLER: But they have things
24 that meet that criteria that are considerably less old

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1 than that.

2 MEMBER PRETZ: I'm sure that there are
3 instances.

4 MEMBER SCHUETZ: There's always
5 exceptions and hopefully that'll be --

6 CHAIRMAN KESSLER: We're looking at these
7 things individually, but it all comes down to this list,
8 and if we can offer more residents the opportunity --
9 another opportunity to comply with something that --
10 well, it doesn't matter. If we can offer them another
11 opportunity to comply, then we should do that because
12 that's why we're here.

13 MEMBER DOYLE: Tim, I think there's
14 another way of looking at it, which is actually we
15 should be able to look at this language completely
16 detached from that list, completely detached from this
17 deadline extension and say, "This ordinance on the
18 historic signs should make sense standing by itself.
19 The language of it and the way that it has been framed
20 should be logical and internally consistent."

21 And I think that speaks to Sue's suggestion
22 for a -- for anyplace where a date currently is
23 referenced that it be modified to, "Therefore, a sign
24 erected within 50 years, no less than 50 years prior

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1 to the application date but does not conform with one
2 or more provisions of this chapter."

3 That sort of language would make sense within
4 the context of the whole intent of this ordinance,
5 which is to provide an exception for historic signage
6 and for us not to look at it as something that is
7 dependent upon or is an adjunct to what is an
8 enforcement question right now with the 35 signs
9 that -- that whole enforcement question is going to be
10 resolved hopefully within the next year and this
11 ordinance will live on, and beyond that point it needs
12 to have continuing relevance in how the language is
13 written.

14 So I'm inclined to say that 50 years -- since
15 it's an exception to what is otherwise regarded as
16 regulations that are in the interest of the City, it's
17 in the interest of the City to say, "You can't have a
18 sign this tall," all these regulations and that that's
19 good practice. I think that if we're going to say
20 there's an exception for things that are historic, we
21 should start conservatively with a more stringent "You
22 have to meet some thresholds to be able to say that
23 this is historic, and you get a pass against the other
24 things that we require all of your surrounding property

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1 owners to meet."

2 Otherwise, we subject property owners and
3 taxpayers to an extremely subjective process that is
4 going to make people feel, "Why do I not qualify but
5 my neighbor down street does? You like the color of
6 his sign, and you don't like the color of my sign."

7 So I'm in favor of recommending for edits to
8 this that change it to language that uses 50 years
9 relative to the date of the application.

10 MEMBER AMATANGELO: If you look at this
11 and say, "Okay. We're going to lower it to 40 years
12 just so that we have the opportunity to allow others
13 to have the ability to say, 'Okay. Now I have an
14 historic sign,'" so what about the guy that's at
15 39 years? And what about 38? Where does it end?

16 MEMBER DOYLE: But you can't wait.
17 Because if we're looking at this in conjunction with
18 the other ordinance --

19 CHAIRMAN KESSLER: So now it's an
20 enforcement issue.

21 MEMBER SCHUETZ: No, you can't wait
22 because that date -- it has to be before that date.
23 So he'll never qualify. But if it's a rolling date,
24 and their sign is in the ordinance now, he will

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1 qualify at some point potentially.

2 MEMBER DOYLE: My point is that we're
3 not trying to play this like, "Okay. We like you so
4 we're" --

5 MEMBER SCHUETZ: No, no.

6 MEMBER DOYLE: The language is the
7 language, and it's just based on in the abstract what
8 we think is good practice for Historic Preservation.

9 MEMBER AMATANGELO: And that's key, it's
10 Historic Preservation. If you want to apply for your
11 sign to be a part of historic -- you believe it's old
12 enough and you apply and you meet all the criteria,
13 that's what it's all about, not that we're trying to
14 bump somebody.

15 MEMBER SCHUETZ: Or accommodate.

16 MEMBER AMATANGELO: Or accommodate on
17 the other hand, right. The whole idea is you've earned
18 this, it's a historical sign.

19 MEMBER SCHUETZ: And if there's a date
20 given, '66, '76, they'll never earn it.

21 MEMBER AMATANGELO: Right.

22 MEMBER SCHUETZ: But if it's 50 years
23 from time of submission or whatever term you use --

24 MEMBER AMATANGELO: If you need to move

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1 a date, make it January 1st of every year. There's
2 your movable date.

3 MEMBER MACKLIN-PURDY: Do you know why
4 they added the 10 years? What was that all about?
5 Why was that even proposed?

6 MR. COLBY: The City Council suggested
7 we look at broadening what could be considered as an
8 historic sign because they were aware of some signs
9 that were close to that threshold, and they recognized
10 that fact when the ordinance was put into place. The
11 40-year time frame at that time was what it was. It
12 seemed to staff the most logical thing to do was to go
13 off of the same time frame when the ordinance was
14 adopted because there's not a clear reference to why
15 that was chosen, other than they felt it was
16 appropriate at that time. We felt we'd do 40 years
17 from the current date. That seemed to be the only
18 logical option.

19 CHAIRMAN KESSLER: And I think that's a
20 very good -- using that language with your idea is a
21 very good way to compromise on that. So you do have --
22 Historic Preservation does have some guideline.

23 MEMBER DOYLE: You're saying 40 years?

24 CHAIRMAN KESSLER: 40 years. Instead of

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1 saying 1976, say 40 years and for the -- well, it's
2 been 40 years. We're not changing that. But for the
3 purposes of application it's 40 years; it's not "this"
4 year. So it does roll every year.

5 MEMBER SCHUETZ: So we're giving a
6 little, basically, is what --

7 CHAIRMAN KESSLER: No, we're not. It's
8 40 years now and they're asking to keep it 40 years.

9 MEMBER DOYLE: I can live with that. I
10 think the subtext here is that the City is having
11 difficulty enforcing an ordinance because there are a
12 lot of signs that are not in compliance, and I think
13 the Council is trying to find a way to sort of have it
14 both ways.

15 If that's the problem, rather than using
16 Historic Preservation as the accommodation, if that
17 really is an ongoing problem, then I think ultimately
18 the City is going to have to take another look at that
19 ordinance and see if the regulations are too
20 restrictive if they can't bring people into compliance.

21 MEMBER PRETZ: You have a list of people
22 that are not compliant. Right?

23 CHAIRMAN KESSLER: Is this list totally
24 complete?

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1 MR. COLBY: This is the full list.

2 MEMBER PRETZ: So you have a small group
3 that's going to be cured. At some point they're going
4 to be cured. Hopefully before June of next year, if
5 that's the route we go, or through some encouragement
6 sometime close to that after that.

7 But from a preservation standpoint, you have
8 to start kind of thinking about the only time that I
9 can visualize the 40 years coming into play would be
10 in scenarios where the ordinance changes one more time
11 and they say, "Okay. Fine. All signs now need to be
12 16 inches from the ground, and no lights," and
13 everything else, and then you have another round of
14 compliance issue of which then you'd step back and
15 start taking a look at that. But for now it's a very
16 small -- it's a small group.

17 MEMBER DOYLE: Russ, did you have
18 property owners who came forward and said, "We think
19 that we have an historic sign that we'd like to
20 explore this exception"? Or did the property owner
21 make the suggestion that they had an historic sign, or
22 was it the City Council that said, "Let's see if we
23 can" -- do you know what I mean?

24 MR. COLBY: It is primarily the property

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1 owners who indicated to us that they felt their sign
2 either could qualify or should qualify.

3 MEMBER DOYLE: As an historic sign?

4 MR. COLBY: Yes.

5 CHAIRMAN KESSLER: So, Tom, you're
6 suggesting that -- they're asking to change date, and
7 you don't want to change it? You want to leave it the
8 way it is?

9 MEMBER DOYLE: No. I'm trying to --

10 CHAIRMAN KESSLER: The City Council
11 asked to change the date to '76 to make it 40 years.

12 MEMBER PRETZ: I'm fine with -- does
13 40 sound good to me? No. However -- I'm more
14 50-years plus, but I'm okay with a rolling 40.

15 If the City Council is asking from a 40-year
16 perspective, then I'm okay with that. It still provides
17 guidelines. I would prefer that on the rolling basis --
18 I like the January 1st, starts that year, whatever it
19 is, follow the criteria, you've got to fall into all
20 these different things.

21 Now, as time goes on there probably will be
22 more people that -- well, I would hope that there's
23 still more people that own -- that are the original
24 owners, and they have their signs out there, and

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1 they've maintained it, and there's really something to
2 take a look at. I'm not sure that that will be the
3 case, but at least it does give enough guidelines for
4 the normal authorities to be able to govern with all
5 the signage that's out there, and then for those
6 exceptions that shove back to, you know, if it's the
7 preservation, then they can take a look at it besides
8 what's in their own footprint which they take a look
9 at anyhow.

10 MEMBER DOYLE: May I offer a motion?

11 MEMBER AMATANGELO: One more question.

12 CHAIRMAN KESSLER: Sure.

13 MEMBER AMATANGELO: How does the
14 Historic Preservation Society, Commission feel about
15 the 40 -- Commission -- versus 50?

16 CHAIRMAN KESSLER: That's not -- we
17 don't know.

18 MEMBER AMATANGELO: We don't know.
19 Okay. Thank you. That's all.

20 CHAIRMAN KESSLER: We know Tom would
21 prefer not to have it, but I don't know that he can
22 speak for the entire commission.

23 MEMBER PRETZ: No, I can't speak for the
24 entire commission.

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1 MEMBER AMATANGELO: Just was curious.

2 CHAIRMAN KESSLER: See what you can do
3 here, Brian.

4 MEMBER DOYLE: I move that we recommend
5 for approval for the application for a general amendment
6 to Section 17.08.060 Nonconforming Signs, amortization
7 of nonconforming signs, and Section 17.28.070, Historic
8 Signs, subject to resolution of all outstanding comments
9 with the following two conditions: That amendment to
10 Section 17.08.060 include a requirement that property
11 owners submit a written request for extension. Failure
12 to submit said request shall result in the deadline
13 expiring on the October 16th, 2014, date. And, second,
14 that the amendment to Section 17.28.070, Historic
15 Signs, replace all references to the date 1976 with
16 relative language indicating 40 years -- no less than
17 40 years from the date of application.

18 CHAIRMAN KESSLER: Now, before we go any
19 further, Russ, I have to ask a question.

20 Is this the proper way to do this, or should
21 we not make a recommendation tonight and have you come
22 back with the language?

23 MR. COLBY: No, this is the proper way
24 to do this. This is clear enough that I don't think

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1 there's going to be any issue putting this language
2 into the text.

3 CHAIRMAN KESSLER: Okay. We have a
4 motion. Is there a second?

5 MEMBER SCHUETZ: Second.

6 CHAIRMAN KESSLER: All right.

7 MEMBER GAUGEL: Can I ask for one point
8 of clarification? If this gets up to City Council
9 and City Council says, "We like the way it originally
10 was, and we don't want the stipulation," they can
11 categorically strike that and extend the date out?

12 CHAIRMAN KESSLER: They can do whatever
13 they want.

14 MEMBER GAUGEL: It sends a message but I
15 think a clearer message would be to just say, "No,
16 don't extend it. You guys made this mess. You guys
17 have to live with it now." If the point is to send a
18 message, then that's the message that should be sent.

19 MEMBER SCHUETZ: That's not the point.

20 CHAIRMAN KESSLER: I think our job --
21 and I don't disagree because I feel pretty strongly
22 about this. But regardless, I think that our role and
23 our job is to look at what's in front of us and give
24 it the consideration that we've given it tonight and

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1 come back with a recommendation that we believe would
2 be better for the City and for those residents who are
3 going to be affected by it. In my personal opinion
4 that's a reasonable way to respond to it.

5 We always are under the City Council --
6 Planning and Development can recommend up to the City
7 Council, and the City Council can recommend -- the
8 Planning and Development committee can recommend up to
9 the City Council, but it can be stopped at any place.
10 And I think a thoughtful recommendation like we're
11 making is something that they would consider.

12 MEMBER DOYLE: Also, Steve, I would say
13 that it's also likely that if we recommended against
14 approval of that proposal, the City Council could still
15 ignore our recommendation, but a strict recommendation
16 against approval without any condition, without any
17 sort of more contextual information as to what we're
18 thinking, I think it would be more likely that the
19 Council would reject it and that they would make the
20 extension without the conditions that we're asking
21 for, which would be the worst possible scenario because
22 then they would be extending it, and there would be no
23 call to action as we were saying earlier for property
24 owners to engage.

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1 CHAIRMAN KESSLER: Amatangelo.

2 MEMBER AMATANGELO: Yes.

3 CHAIRMAN KESSLER: Doyle.

4 MEMBER DOYLE: Yes.

5 CHAIRMAN KESSLER: Kessler, yes.

6 All right. That concludes Item No. 7 on our
7 agenda.

8 Meeting announcements. We have meetings on
9 September 16th, October 7th, October 21st. Does
10 anyone know they're not going to be at any of those?

11 MR. COLBY: September 16th will be the
12 training session.

13 CHAIRMAN KESSLER: Oh, 16th will be?
14 Okay. Great.

15 MEMBER PRETZ: What was that?

16 MR. COLBY: The training session will be
17 on September 16th, the next meeting.

18 CHAIRMAN KESSLER: A continuation of
19 Russ' wonderful training session. I hope everybody
20 can make it. You are doing a great job, Russ. I
21 really do like it.

22 Any additional business from Plan Commission
23 members?

24 (No response.)

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1 CHAIRMAN KESSLER: Staff?

2 MR. COLBY: A couple comments.

3 Planning and Development Committee, on
4 September the 8th these two items will be on that
5 agenda, and given that the Plan Commission had a
6 recommendation that had some substance to it, it would
7 be helpful to have some representation.

8 CHAIRMAN KESSLER: Would anybody like to
9 go to that meeting? I will attend that meeting but --

10 MEMBER MACKLIN-PURDY: What's the date
11 on that?

12 MR. COLBY: Monday, September the 8th.

13 MEMBER AMATANGELO: I'm not here.

14 MEMBER DOYLE: I'm not certain.

15 MEMBER PRETZ: I will try to make it. I
16 will try.

17 CHAIRMAN KESSLER: Because there will
18 likely be an opportunity to speak to this to the
19 Planning and Development Committee. So I believe
20 having somebody there gives our decision a little more
21 weight.

22 So will you plan on doing that? Would you
23 plan on coming?

24 MEMBER PRETZ: Yeah. I'm going to try

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1 to be there.

2 MR. COLBY: We have one other comment.
3 The binders that are out, please leave those here.
4 Those are going to be brought and put on your desks at
5 each meeting for your use during the meeting. If
6 you'd like a copy of what's in there, I can get you
7 a copy.

8 CHAIRMAN KESSLER: Ellen, what do you
9 have to say?

10 MS. JOHNSON: Have a great night.

11 CHAIRMAN KESSLER: Okay. Is there a
12 motion to approve?

13 MEMBER AMATANGELO: So moved.

14 CHAIRMAN KESSLER: Second?

15 MEMBER SCHUETZ: Second.

16 CHAIRMAN KESSLER: All right. This
17 meeting is adjourned at 9:24.

18 PROCEEDINGS CONCLUDED AT 9:24 P.M.

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