

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, OCTOBER 10, 2016 7:00 P.M.**

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

Members Absent: None

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

1. CALL TO ORDER

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

2. ROLL CALLED

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Krieger, Bessner, Lewis

Absent:

3. ADMINISTRATIVE

- a. Update on Beekeeping - Information only.

Chairman Bancroft explained that this was just an update from staff regarding the process; therefore he would entertain public comments related to the process only.

Ms. Tungare said that at the September meeting an ordinance was presented to regulate beekeeping within the city and at that time Committee made a motion to postpone consideration of the ordinance and staff was directed to research further and to engage stakeholders in developing a presentation that would relate to some education as to what constitutes beekeeping. Mr. Vann is coordinating this effort with Pam Otto from the Park Dist. to get together an ad hoc task force of stakeholders who can contribute to the educational component to offer balanced and valuable information. Amongst the group there would be people on both sides of the equation, someone with knowledge of professional beekeeping, someone with health concerns related to beekeeping and someone familiar with insurance risks as well. After communicating with the Park Dist. staff, this process will not be initiated until November and given he holidays will not conclude until January or February 2017 at which time Staff will present to Committee.

Aldr. Stellato said in talking with neighbors in the area where this issue originated the topic of the School Dist. came up and he'd like to be sure they are included in these discussions because most of the schools in the community back right up to residential areas with no barriers or fences. The comments heard were in regard to people being nervous if those who live right along the schools had beehives there when the kids are playing in the playground all the time, and right now there is nothing stopping anybody from putting hives right at the edge of their property, 10 ft. away from

the playground equipment. He would like the School Dist. to be involved to weigh in on this because in his opinion he cannot see this being a practice they would like to support; he couldn't support it. If our Ordinances needs to be changed to reflect that, we need to make sure it's the same as if it were not against the schools, in other words everybody should share in the same protection and security on this issue, and if the School Dist. is not comfortable with it than he is not comfortable with it being behind his house either.

Aldr. Lewis said after coming off of "America in Bloom" weekend she feels a Master Gardener would be helpful to have on the task force.

Aldr. Krieger noted that the state of Hawaii has made bees an endangered species due to their need to pollenate their fruit and vegetables on the island.

Gary LaGessee- 1618 South Tyler Rd.-Resident for 29 years and loves the town-said he complained to the city in July, city staff came out to see the bees swarming in July and the city did nothing; so in August letters were written to the alderman and Mayor to apply the animal nuisance ordinance to the bees, and still nothing has been done. He said last he was in front of Committee it was decided to create an ordinance to protect the people against the bees, then last month the Committee decided to table this and since then 3 people have been stung (his wife and his wife's grandmother) and he has killed 7 bees in his home. Last meeting it was stated that bees attract wasps and he has since killed 7 wasps nest at his house and now keeps a can of wasp/bee spray in his cars and on his patio and he kills the bees with it. This is not acceptable, and if the nuisance ordinance will not be enforced and it will wait till whenever to be addressed, that is wrong. He then showed some pictures. Chairman Bancroft said there is a process that's in place. Mr. LaGessee said the Committee needs to understand this and it needs to be fixed now, people are getting stung and if it's not addressed the city will end up spending a lot of money on lawsuits, and we don't need that. He said his dog is also in his backyard and is inquisitive and he will end up getting stung. He said he's Italian and likes to cook and it's a problem to have lunch on his patio; you cannot finish lunch because the bees will be swarming and you'd have to run and he asked who's coming to his house for lunch. He said the Committee hasn't been there to see it; you can have all the bee lovers you want, the Committee got hoodwinked by the bee lovers who had others send a ton of emails to support the bees. He said they could have done the same thing but he thought common sense would prevail but obviously it has not.

Carol Schreiber-1614 South Tyler Rd.-said she understand the due diligence and process has to be gone through, but in the process her 90 year old mother, who is on a blood thinner, was stung by a bee sitting on her patio, and due to the swelling and the itching she is bleeding all over her house. She herself has also been stung by "Burt the bee" and she hasn't been stung since she was 10 years old, and now she's been stung 3 times in one day while working in her yard. She said there are now circumstances coming to be and we need to figure this out in a quick manner; she advocates for a bee community somewhere away from residential. She lives in the town of St. Charles because she wants city services, she doesn't want to live next to Green Acres, and this is what this is becoming. If her mother cannot sit on her patio to enjoy the backyard and she cannot even work in her yard because she is afraid to get stung or caught in her hair; this is silly. She said she had photos of the swelling on her arms and the bees, noting it took an hour for the bee to die.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Recommendation to approve a Commercial Corridor and Downtown Buildout Incentive Award for 104 E. Main Street (Crazy Fox).

Mr. O'Rourke said Peter Zilkowski recently purchased the building and is in the process of fixing it up for a new restaurant and since they are over the \$10,000 tier 1 limit, this is a tier 2 grant, which is why it's before Committee for recommendation. Most of the improvement will be for necessary upgrades and changes needed to the extent and age of the plumbing, ventilation for water heater, the hood system, electric upgrades and some others required by the Fire Dept. for the sprinkler and alarm system. The city's share based on estimates is \$20,250.44.

Aldr. Krieger made a motion to approve a Commercial Corridor and Downtown Buildout Incentive Award for 104 E. Main Street (Crazy Fox). Seconded by Aldr. Stellato. Approved unanimously by voice vote. Motion carried. 9-0

- b. Corridor Improvement Commission recommendation to approve a Corridor Improvement Grant for 1315 W. Main Street (Lundeen's).

Mr. O'Rourke said they would be removing a significant amount of pavement that surrounds the periphery of the site starting at the intersection of 14th St. and Rt. 64. They will be adding a lot of landscaping materials, some of them are in accordance with the Zoning Ordinance based on the development plan they are anticipating when they put in new parking. In order to meet the requirements of the program they have submitted a plan that shows a significant more amount of landscaping than the base code requires, and based on the comparison between the 2 plans submitted, the Corridor Commission recommends approval with the total cost being \$14,693 of which the city's share will \$7,346.50.

Aldr. Turner made a motion to approve a Corridor Improvement Grant for 1315 W. Main Street (Lundeen's). Seconded by Aldr. Stellato. Approved unanimously by voice vote. Motion carried. 9-0

- c. Corridor Improvement Commission recommendation to approve a Corridor Improvement Grant for 1625 E. Main Street (Colonial Cafe).

Mr. O'Rourke said the property owner-Tom Anderson-submitted the application to plant some new foundation landscaping along the new entry way; he has spent a lot of money over the last year upgrading the property and these will go in conjunction with that. Corridor Commission reviewed the design and recommended approval with the total cost being \$7,722.41 with the city's share being \$3,861.21.

Aldr. Stellato made a motion to approve a Corridor Improvement Grant for 1625 E. Main Street (Colonial Cafe). Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 9-0

- d. Plan Commission recommendation to approve a Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O.

Ms. Johnson said church services will be held on Tuesday evenings at 7PM and Sunday mornings at 9AM; no changes are proposed to the exterior of the site. The Plan Commission held a public hearing on the Special Use on Sept. 20 and recommended approval by a vote of 8-0. They

recommended 2 conditions: 1) The maximum number of people at any given service shall not exceed 45, which is the maximum occupancy load determined by the Fire Prevention Bureau; and 2) Church services shall not be held before 7PM on weekdays or before noon on Saturdays to not impact the parking available to the other businesses in the park during normal business hours.

Aldr. Gaugel said the Comprehensive Plan talks about Places of Worship encroaching and restricting the use of the intended purpose (industrial areas) and although he thinks the restricted hours answers his question, he asked if staff felt this was consistent with the Comprehensive Plan. Ms. Johnson said in this case it's an existing business park with mostly office uses and it's a small congregation (about 30 members) so they will be using the office space as it exists today, and based on the limited hours, she doesn't think it will have a negative impact on the surrounding properties and business park.

Aldr. Lemke asked if there any other houses of worship in similar areas. Ms. Johnson said yes, Foundry Business Park on the west side of town, which was approved a few years ago. Aldr. Silkaitis said he thinks there's one on Kirk Rd. also, so we have approved this before.

Aldr. Krieger made a motion to approve a Special Use for a Place of Worship for Maranatha House of Prayer, 525 S. Tyler Rd. Units N-2 & O. Seconded by Aldr. Stellato. Approved unanimously by voice vote. Motion carried. 9-0

e. Presentation of a Concept Plan for The Petkus Property.

Chairman Bancroft said a Concept Plan is an opportunity for the applicant to receive feedback first from Plan Commission and now the P&D Committee. Nothing will be decided on this evening; it's just a way for the applicant/property owner to receive feedback and thoughts for potential uses for a property. He said there will first be a presentation by the applicant, then questions from Committee, then comments/questions from the audience and then back to Committee members for final feedback.

Kevin Carrara-Attorney-Rathje and Woodward-Wheaton-representing Al Petkus-said this process began with a pre-application meeting before putting any pen to paper. We did receive some positive feedback from staff so their next step was to hold a neighborhood meeting which took place at Pheasant Run and included residents that live within 300 ft. of the property to hear the plan prior to going before the Plan Commission. Unfortunately there were some misunderstandings in the way the application was submitted because residents were concerned that we were seeking approval for apartments for Section 8 housing, but we believe that misunderstanding is no longer prevalent and are looking forward to moving on with the process. He said he felt the presentation made at Plan Commission was constructive in receiving their input and Committee will see some of those tweaks in tonight's presentation to help better understand where we are heading. He said the question that has been asked is, "Why are we here, when the property is not even for sale?" In today's market, it's weird for the property owner to be the one approaching the city; usually it's the developer who has the property under contract or has some type of zoning or entitlement contingency within the contract who are seeking to get approval from the municipality before purchasing the property. He said that's not the case here; Al Petkus is just the property owner and the property is not for sale, but his family has owned property in the area since the 1950's with a dairy farm that was made up of most of the area around the 27 acre parcel. Mr. Petkus purchased the site in two 12 acre parcels, roughly dividing the 27 acre in half, from his family in the 1990's to the early 2000's and now he would like to plan for the future, and not being a developer he decided

to try to figure out what his property had. During that process he came across the 2014 Boundary Line Agreement between St. Charles and West Chicago which put some engineering restrictions and density and zoning restrictions in place, and Mr. Petkus didn't know what those meant, so he spoke to some individuals who understand what those meant. Those individuals, which are present tonight include: Rich Olsen and Joe Abel-land and landscape planners-who will help us understand the how and why of the agreement, the potential PUD designation and the potential RM-3 zoning and why those make sense on this parcel. Chuck Hanlon and Chris Lindley-Civil Engineers from WBK-will help to understand the how and why of the engineering and the limitations and impacts this site has also make sense in the annexation and PUD context.

Mr. Carrara said there were a few points of misconcern/misconception heard at Plan Commission that he would like to clear up; one of those was, "Why the rush to judgement, why is the city being forced to annex this parcel?" If they annex this parcel right now without any kind of end user or developer in site, the city will lose all control over the development of this property and what will happen to it in the future. He said that is not the case; the annexation agreement and the PUD designation will have the input and the standards in place to give the city that control throughout the process no matter what happens in the future. He thinks this is a great opportunity to put the annexation agreement with the PUD in place, which will allow the city to get creative, whoever the end developer may be, to find a good use that will be driven by the market place at that time period.

Mr. Carrara said another issue prematurely heard is, "Our property will be a horrible impact on District 303 and the schools." Generally enrollment has been down and during discussions since the Plan Commission meeting, Dist. 303 stated they have no concerns about the capacity of the school district to handle whatever development may come in the future for the Petkus property.

Mr. Carrara said traffic was also a concern, which is premature because we don't even know what the end use on the site will be, therefore it's impossible to view a full traffic analysis. But it is important to know that when Smith Rd. was designed, it was designed to handle the Petkus property. Smith Rd. is currently a 3 lane cross section highway with 2 dedicated lanes with a dedicated center turn lane and is designed to handle up to 15,000 trips a day. Current trips on Smith Rd. are at 7,500 which is half capacity; therefore they do not anticipate any impact. But it is important to note that with the PUD designation as part of the annexation, the city will have all the protections and standards, and any future developer will have to come before the city for support for the use via traffic study, school land cash, etc.

Charles Hanlon-WBK Engineering-116 W. Main St.-said Mr. Petkus's desire to learn more about his property quickly led him to the drainage concerns on the property. There is a lot of offsite drainage; there's 234 acres of residential and commercial that is tributary to this property, which includes numerous stormwater detention basins; it's not that the water isn't detained, but with 234 acres of upstream water, it slows it down and lets water labor over even more days than it might have in the past. The water that's coming at the site is relatively significant especially as 234 acres hits a 27 acre property-it enters at the west side of the Petkus property, turns almost 90 degrees-there's a ditch that created itself and scours through the property-turns north and goes into a low point, which now overlaps between the Petkus property and the rear yards of the homeowners in Cornerstone Lakes immediately adjacent on the north of the property. There have been numerous field visits to try to understand this problem and we have met half of the residents who have educated us as to what they have witnessed over the last 15-17 years. After the drainage moves through their backyards, combined with the Petkus property, it then gets into a defined 60 ft. corridor channel to take the water overland and underground with a storm pipe out through the

Cornerstone Lakes development into their storm water management basins, with all of this becoming the head waters to Norton Creek. He said his presentation has easily 20-25 slides to give more detail regarding the drainage as well as pictures, but there is some serious water, there are residents who have actually had fish get to their property, then the water recedes, the fish die and the residents have to clean up dead fish, which isn't something anybody should have to tolerate in their backyards. Before Cornerstone Lakes was constructed, this water did the same thing but it was able to flow directly north through where the subdivision is now, but the homes and the earth moving have kind of blocked that; it was designed to go into a new channel, it just doesn't work as effectively as one would hope. There's a ridge line running through the property with the high point which is what prevents the water from getting out of the corner to move east to get to the channel. There is a disconnect between where the water is trying to get to and its blocked by the high point that is a ridge line through the Petkus property that lands at the north property line where Cornerstone is. He said regarding the proposal with the development of the property, that having done this for a while he hasn't seen too many conditions where there has been such an obvious problem and such a potential for a solution through the development of the neighboring property to greatly mitigate the current problem. He said there would be a long east/west direction to the stormwater management basin that will take the offsite water to channel it into the detention basin to create a place where it makes sense to be. After a big rain the bottom of the stormwater basin is soggy and wet; it will be a wetland-type basin designed to handle that water to get this out of these backyards. He said as they move the dirt, they will bust through the high point to allow the water to be conveyed overland from the west to the east to get to the channel where its designed to go, instead of through backyards to be trapped for long durations of time. They know there's a problem out there and they need to take care of their own stormwater management from the 27 acres and deal with and manage the water from offsite to the property, which can all be done in a way that will have a positive impact for the site and neighbors.

Mr. Hanlon said regarding the Concept Plan, he noted that the plan submitted illustrates 2 areas-west and east development areas. There will need to be a primary access from Smith Rd. that needs to go perpendicular; that creates the 2 halves at the primary entrance; the 2 halves could be 1 development and 1 developer or 2 developers with 2 developments. When the packet was submitted they needed to estimate a unit count to fill in some of the forms to look at the land cash numbers to give people an idea of the maximum potential the property could be, and based on the density governor and the boundary agreement limiting the north 300 ft. to 7 ½ units an acre, they have looked at RM-3 PUD zoning, and doing the math by the acreage its yields 416 maximum units, which is how they got that number, not by counting the physical buildings drawn on a potential plan. He said its pure coincidence that the 300 ft. buffer is both a density governor in the boundary agreement and is a physical requirement in terms of space needed on the west end of the property to create the necessary stormwater management capacity, which may shrink to ½ that distance (150ft.) or so as you go further to the east before it gets to the outlet. He said just to understand the magnitude of the buffer between the rear of the single-family homes to where they could be the start of a multi-family development, that distance is 4 football fields, 3 that are north/south and 1 turned 90 degrees to fit within that area. There is also an existing hedge row as well as a landscape plan to supplement the landscaping at the property line between this property and Cornerstone Lakes, as well as other landscaping that would most likely occur on the south edge of the detention basin to develop a screened area beyond what it currently is.

Mr. Carrara said there is also an additional landscaping requirement as part of the Boundary Line Agreement. Along the north property line, an additional 30 ft. landscape buffer has to be added to whatever the development is above and beyond whatever is required under the ordinance; it will be

a pretty well vegetated area from a landscaper's perspective that would buffer the properties to the north before even running that 300 ft. down to get to where we are right now.

Joe Abel-introduced himself as a land planning expert for over 40 years, responsible for drafting of ordinances and comprehensive plans, was director of development at DuPage County for 17 years and served on the Regional Planning Commission. Showed a presentation to explain the process to getting to the PUD RM-3 classification for this property. He said he used West Chicago, St. Charles and the DuPage County zoning ordinances to overlay the existing land use and zoning, and the most important element is both sides of the North Ave. corridor starting with The Quad mall to the west all the way over to almost the DuPage Airport; it's a really intensive regional business area. The city's Comprehensive Plan indicates that this is an area where you would want to make the transition from the heavy regional business to multiple-family. There is a bit of a transition that takes place just north of The Quad with community business and then it goes into an RM-3 parcel directly to the west of the subject property. There are 2 existing uses- office along the south property line and the US Bank facility, proceeding to the north everything is within West Chicago-residential-Cornerstone Lakes. His theory is that any land use change will have to take place at the rear property line with a transition from the most intensive uses (regional businesses) to the least intensive (residential). The 300 ft. buffer decision was made in the Comprehensive Plan because there has to be a transition, even though it all went to 1 use with the rear lot line, they not only use the principal of making the land use change at the rear lot line, they also took into consideration density and business. Within that 300 ft., the density mandated comes very close to RM-1 which allows townhomes to be at about 7.5 units per acre, which is almost identical. A decision was made at 300 ft. with a good transition as well as a rear lot line and a transition to density. The 300 ft. line going to the south is adjacent to the RM-3 multi-family to the west, between Walmart and Pheasant Run Trails, the plan calls for multi-family and everything to the south calls for regional commercial. The progression is from regional commercial to multi-family, multi-family and then the 300 ft. buffer for RM-1; unfortunately the RM-1 will never be residential within the west side 300 ft., and maybe to the east side there is a wetland up in the northeast corner that cannot be touched, so there will be very little development on the western/eastern half of the 300 and no development at all within the western half of the 300. Everything starts coming to play here, transition, rear lot transition and a 30 ft. landscape buffer that has to meet the ordinance; there is already landscaping along that rear lot line and then the wetland which is a natural buffer. He said there is no doubt in his mind that it makes sense and implements the Comprehensive Plan and meets all the standards that planning and zoning officials use to come up with a recommended density classification. He noted that St. Charles does not have a transition between RM-3 and single-family in any area close by, and in his experience they have a 300 ft. separation of open space plus landscaping requirement which he hasn't seen anywhere.

Mr. Abel said while skimming the zoning map he saw the entire city's planning and zoning principals in the Comprehensive Plan that multiple-family should be the next use after making the transition from the most intense use, which is business. Just west of the subject property, about a mile, there is a similar situation with community business both to the east and south of the RM-3-General Residence districts-Surrey Hill Apartments and Hunt Club Village, and kiddie corner from that development is the Hunt Club Condominium which are directly across from community business to the east and south, with local business to the west. Here the RM-3 actually makes a direct transition from the commercial to the RM-3 multiple-family and then residential, but it all takes place at a rear property line so this still meets the criteria of the Comprehensive Plan. He said he felt Surrey Hill was a good example and he even drove through that area and there is no negative impact whatsoever from those apartment and condos, which is primarily because the transition

takes place from the rear property line with well-designed landscaping. This transition is also not 300ft.; it's the normal setbacks of about 50 ft. and those buildings are all 3-4 stories with underground parking, which all meets the standards and has been done with no negative impact. It just so happens that on the subject property everything falls in place; transitions from heavy use to the multiple family, to the lighter density- which actually becomes open space, landscape buffers and rear lot lines and its natural how everything will fall into place.

Mr. Carrara said the Surrey Hill area is a great example of a success story where apartments/condominiums were built directly abutting single-family where there is no negative impact, and is a great model of what can be done on their parcel. He said a few reasons were given as to why they think the RM-3 PUD designation makes sense in this context, and as Mr. Abel said its compatible with the surrounding land uses in the zoning standards that are in place that this city utilizes in a transitional process from its heavy/intense uses from commercial stepping it back to the single-family. It will also confirm the uses identified within the Boundary Line Agreement, which are both residential and listed office research uses, which are assisted living and senior centers, which are considered an allowable use. It also addresses the density concerns that were part of that 300 ft. consideration by both municipalities and also happens to deal with some very significant site specific impacts, which has 234 acres of water that comes through our property that will be kept in our system to bypass and discharge to West Chicago's pipe moving north toward Norton Creek. He said they are confident, and as Mr. Hanlon said he has never seen such a simple fix to help the residents of West Chicago in this process, and a key thing to note is that the city will not lose control of anything that happens in the future due to the PUD designation process.

Mr. Carrara then shared the timeline thus far: Concept Plan review, Plan Commission and now in front of P&D to hear input, which will hopefully lead to formal application, Annexation, PUD entitlement process, public hearing processes and ultimately end up in front of City Council for a favorable vote. Whoever comes through in the future to develop this parcel will have to go through that exact same process no matter what use it will be. That developer will have to be fully vetted by proving all the standards for PUD approval by submitting plans for final engineering, site plan, architecture, bike paths or connections. He mentioned that the staff report does state that at this time, because it's a conceptual plan, the St. Charles Park Dist. does not think a park is an appropriate plan but they would like to have interconnectivity with parks and trails.

Chairman Bancroft asked the Committee to offer questions or comments.

Aldr. Stellato said after years on the Plan Commission and Council, the PUD discussed is the key for him due to the ultimate control, and he has seen PUD's to the point where specific planting of a particular type of tree has to be put in there, otherwise the develop is in violation and will not get PUD approval. He said this is not atypical and very early in the game, but knowing that they are willing to give control to the city makes him a lot more comfortable with this.

Aldr. Silkaitis agrees with Aldr. Stellato and liked the fact that they will work on the stormwater management as part of this development to correct those problems. The density is a bit on the high side and should be reduced with some compromise between RM-2 and RM-3, which would be handled through the PUD. He's not thrilled about one shared entrance/exit off Smith Rd.; he would like to see a 2nd entrance that reconnects everything together. Mr. Carrara said they don't know the future plan, but staff recommended that as this works through the actual site plan process that a shared entrance way north with the Pheasant Trail townhomes to the south may make sense with the alignment of those north/south roadways on Smith Rd.

Aldr. Payleitner thanked them for having the conversation with the school district and agrees that the PUD will protect the city. The success story of Surrey Hill is her neighborhood and she concurs with the conclusion that it's been a nice blend.

Aldr. Lemke said Hunt Club Village being an age-restricted development solves some concerns in regard to traffic, and he has also seen that of the Windsor development. He said because this will need to be fully vetted by the purchaser, he is not sure why, without seeing the final development, we need to commit to this now. It looks like the highest possible density, but when he first saw this he was impressed with how they proposed to take care of the drainage for the site. He said in looking at the isobars of elevation and it looks like a lot of them, looks like a foot per isobar and he asked how high the ridge is compared the road. Mr. Hanlon said the ridge is a little lower than Smith Rd. and the more important issue is this ridge is only about 2.5-3ft. higher than the low point, and while it's subtle enough at only a few feet, the water can't climb over, that's what's trapping the water. Aldr. Lemke said so there would be a detention in there, there would not be a ridge. Mr. Hanlon said they would break through the ridge and let that water flow on the Petkus property where it has to go east before it goes north.

Aldr. Turner said he'd be in favor of the annexation definitely with the PUD.

Aldr. Krieger said she is more comfortable with the PUD process due to the control, and she also shares the concern regarding the 2nd entrance/exit, that is important for emergencies.

Aldr. Gaugel asked staff about the Boundary Agreement being approved right around the time the Comprehensive Plan was finalized and he wondered if the 300 ft. setback was carried over from the previous agreement. He questions this because the implication was that there was a change to it, that the 300 ft. buffer was put in at that point. Mr. Colby said the Comprehensive Plan and the Boundary Agreement were being discussed at the same time and he thinks it was just a coincidence they were approved around the same time. Under the previous Boundary Agreement, this property was on the West Chicago side of the boundary line with no specific development restrictions on the parcel. Aldr. Gaugel said in general he goes with the other aldermen's sentiments; it's a little too dense, but the PUD, yes, and he has no large issue.

Aldr. Bessner asked if the 30 ft. regarding landscaping meant the property line itself. Mr. Carrara said the agreement reads-a 30 ft. buffer to the north in addition to whatever is required under the ordinance. We have conceptually been interpreting that to be 60 ft., so from that north property line there'd have to be landscaping within that 60 ft. area; somewhere in the location of the detention pond and the rest with a final plan would be to get as much landscaping as a buffer along that whole north property line as possible. Aldr. Bessner asked if there was any thought of single-family attached homes; a lot of us here understand buffers and transitions, but going from single-family to multi-residential there may be some area in there where you wouldn't go so quickly. Mr. Carrara said yes, primarily the defeating factor from their perspective was because it becomes difficult to do a mix of product within that lower portion of the property. In essence what you may have is a single strip of those single-family type product, which would almost be a product that's an island because there'd be 10 units at the most and that would really hamper everything down to the south. So they felt it better to try to transition them side to side as opposed to north and south, thereby potentially allowing something on either side of that pod, but somebody may come in and want to put in something on that east pod like assisted living; but the RM-3 and the PUD would limit that,

but Council would be able to discuss/control some of those density concerns that fellow alderman have raised.

Aldr. Lewis asked if there are any plans south of Smith Rd., which is DuPage/unincorporated. Mr. Carrara said they don't own or control any of that but you can see the intent in the future which is in the Boundary Line Agreement and St. Charles anticipates that being commercial and then multi-family to the north which could be opportunity for that RM-2, RM-3 or a blended mix. He said that is a pretty small parcel so it may just end up being detention for that commercial development to the south at some point, depending on what happens in terms of development; but we are not the owners. Aldr. Lewis asked if Hunt Club were the same amount of space (27 acres). Mr. Carrara said Hunt Club and Surrey are about 6 acres each, so that's 12 acres of product there which has more intensity than what they asked for in the initial concept plan. The Hunt Club/Surry Hill site is close to the 20 units per acre and conceptually our plan is, due to restrictions, 15 units per acre, which is between the RM-2 and RM-3. Aldr. Lewis said she is not opposed to this but as of now, she is not sure she can support annexation because in her ward there is potential for the same type of product being built. At this point her focus is to stay with the Comprehensive Plan to do in-fill to redevelop the properties that are already in our borders before we annex anymore in.

Chairman Bancroft asked for any comments from the audience.

Noreen Ligino-Kubinski- 2430 Bainbridge Blvd-West Chicago-Alderman, together with Aldr. John Banas, represent and live within Cornerstone Lakes Subdivision. She is representing West Chicago's elective leaders as Mayor Ruben Pineda and Aldr. Banas could not be here tonight due to having to attend a similar committee meeting for West Chicago. Since reviewing a copy of the Concept Plan over a month ago, West Chicago elected officials have received over 100 calls, emails and stop by's at Aldr. Banas's and her home by residents within Cornerstone Lakes subdivision, all expressing concern over the desired zoning for the site owned by Mr. Petkus. Since the proposal is just a concept review stage, there is not enough information for West Chicago staff to do a detailed analysis to determine if the plan complies with the Boundary Agreement between our two cities, however the desired zoning is simply not appropriate for the entire site. The St. Charles Comprehensive Plan reflects that the majority of the site be zoned RM-2 like that of the Pheasant Run Trails development, as well as the southern 1/3 of the site being zoned as RM-3, which is the zoning district being sought here for the entire site, which does not conform with the St. Charles documented long term vision for the area. The zoning designation and anticipated land use mix in the St. Charles Comprehensive Plan is what was contemplated when the 2 municipalities entered into a boundary agreement and what is appropriate transitional zoning moving from single-family homes in the Cornerstone Lakes subdivision to the commercial area further south along Smith Rd. A multiple family zoning designated for the southern 1/3 of the Petkus parcel, when combined with the parcel to the west and south of it, which already has a multi-family zoning designation, provides for a large enough and appropriately sized area to allow for the transition from a quality townhome development on the balance of the Petkus site to the commercial area to the south. In fact the senior housing encouraged by the Comprehensive Plan would be a great transitional development here followed by a townhome development before the Cornerstone Lakes subdivision as you drive north on Smith Rd. Alderman Banas as well as several Cornerstone Lakes residents attended the Plan Commission meeting on Sept. 20 and the West Chicago neighbors that spoke in addition to a couple St. Charles residents who live in a nearby townhome development all expressed the same concerns. She said they were all very pleased that all the members of Plan Commission echoed what the speaker said that Tuesday night and they too believe that RM-3 zoning is not appropriate for the entire Petkus parcel. During the presentation Mr. Abel offered his opinion on the reasons why there

is a 300 ft. buffer in the boundary agreement, the timing of this agreement and the updated St. Charles Comprehensive Plan. He was not a participant in those discussions and he is not accurate. St. Charles has been a great neighbor to West Chicago over the years and she encourages Committee to check with those who were directly involved in the Boundary Agreement negotiations. On behalf of Mayor Pineda, Aldr. Banas and herself, she hopes that the Planning & Development Committee concurs with our concerns and provides feedback to the owner of the site that he should adhere to the land use mix designated in its Comprehensive Plan, which provides for a much lower density development on the northern 2/3 of the site. Thank you for Committee's time and the opportunity to share her comments.

Aldr. Stellato thanked Aldr. Ligino-Kubinski and the Alderman from West Chicago for coming out tonight and that they brought up a good point, RM-3 versus RM-2; is there a compromise here to blend these together to meet what their interpretation is of the Boundary Agreement, as well as ours, he's not sure which is which. For example, we have things in our community called density bonuses where if people can develop a certain way they are allowed to have a little more density if it meets with our criteria, whether it be affordable housing etc. He wondered if there were a compromise here were if they did senior/age restricted housing RM-3 would be appropriate, or if it were not age restricted it would be more of the blend which is RM-2 adjacent to the single-family and RM-3 closer to Smith Rd. He said it's very early in the process, but as a team would they consider that, and he'd like to get some feedback at a future date to see if they'd consider that because it may meet more with the spirit of what we are talking about here. He said if we were to give a density bonus, to him age restricted would sell better, and then the RM-2 would be more appropriate.

Aldr. Krieger agreed that would be a good compromise and she likes the age restricted and/or senior housing for a portion of it, not everything, but it would be a way to ease into it.

Aldr. Silkaitis said his biggest problem is the density and there needs to be some compromise in there, somehow.

Chairman Bancroft said he thinks it's an interesting concept.

Aldr. Payleitner asked how the Comprehensive Plan has the 300 ft. greenspace to the north of the property designated. Mr. Carrara said interestingly, even though they were negotiated concurrently that was signified to be multi-family and the density they chose in the boundary line agreement is single-family; the boundary line agreement doesn't comply with the Comprehensive Plan in terms of strict adherence. That's why he believes that it's the spirit and the transition to try to get that density away from the single-family to the north and push it to the south more by the commercial, and that's why they feel they are within the spirit of that by leaving that 300 ft. green area with no density in it and trying to push and do density bonuses to the south or east and west as you drive along Smith Rd, depending on what product would be used. Aldr. Payleitner said she would concur and at the time of the agreement and the Comprehensive Plan was approved there was no discussion on the drainage then and it turns out this will be a big fix. Aldr. Gaugel said as he recalls, there was not.

Aldr. Lewis said we have this issue all over town and she is curious in talking about high numbers for density, which will bring in say 1,500 new residents, what impact will that have on our city services, do we think it will help our east corridor and will the city have to start hiring more staff.

Aldr. Turner said the City Administration along with Public Works can handle between 35,000-40,000 people, so there would be no reason to go and hire more people.

Chairman Bancroft summarized what was heard from Committee regarding the 4 questions from staff:

1. *Should the City annex the property for residential use?*
Everybody besides Aldr. Lewis expressed that it was an acceptable solution.
2. *The Comprehensive Plan provides a split land use designation for the property. Should the land use, in terms of the type of buildings, follow the Comprehensive Plan? (If the land uses were followed, then only townhomes could be placed along the northern portion of the site)*
Deference is being given to the Comprehensive Plan but the reality of the site and the reality of the drainage issue that is being solved with it, the Committee idea is to think creatively how to get to a place that's acceptable to both.
3. *Alternately, given the site information presented by the applicant, should the City consider amending the Comprehensive Plan to reflect the stormwater detention area as a green space "buffer", and adjust the land use areas on the site to follow the two development "pods" shown on the Concept Plan?*
There wasn't any discussion to amend the Comprehensive Plan; there are other solutions that present themselves and he doesn't know that anybody here is in favor of that.
4. *What zoning and density is appropriate? How might the density be divided across the site?*
A lot of feedback was heard regarding density, generally speaking RM-3 is going to be too dense, however there will be a lot of willingness from Committee to listen to some sort of senior housing or age restricted housing; deference to Aldr. Lewis.

Aldr. Lewis clarified that she is not opposed to residential but at this time she would like to get some other things done before annexing this property at this point in time.

Aldr. Krieger said she would stress that the next use be residential.

Aldr. Lemke said until he sees more fabric to the plan he is not in any hurry to annex, although its likely to be residential per the Comprehensive Plan.

Aldr. Stellato said he appreciates Aldr. Lemke's opinion but if we have the opportunity to annex and we can come to some agreement, he'd rather annex it to control it and have a PUD placed on top. He said maybe he is saying exactly what Aldr. Lemke is saying, but as we get further along annexing is a good idea, but we will need to hear some density discussions from the team.

Chairman Bancroft said that made sense and would include the feedback from Committee.

5. POLICE DEPARTMENT

a. Nuisance Abatement Discussion.

Chief Keegan said he was there to talk about nuisance abatement, give a brief overview of the current ordinance and share some ideas staff has to strengthen their position on nuisance abatement.

Some statements of fact; when he uses the term “nuisance abatement” we are attempting to abate the problem, not the tenant or the resident; for example-if we are there because the music is too loud, we are there to abate the music, not shut the house down. We control this by our local ordinance and address this through the person in charge of the property (landlord).

Chief Keegan then showed a PowerPoint Presentation:

Nuisance Abatement Programs are intended to define and identify chronic nuisance property locations and to then hold the “person in-charge” and/or the owner responsible for the unwanted and unlawful activities.

- Nuisance abatement is typically an alternative to crime free housing. The city does not have a crime free housing program and we typically have addressed issues that have surfaced through nuisance abatement.
- “Accountability” is achieved through the local Administrative Hearing process and/or the Circuit Court. Currently, if an issue surfaces where we do not get that remediated in a quick or favorable fashion, that case is typically taken to the circuit court. His idea is to address these issue through the local adjudication process, as opposed to the Circuit Court.

Defining “Chronic Nuisances”:

If we did have a crime free housing addendum, nuisance abatement would come from that, and the teeth of our nuisance abatement ordinance are some of the issues already codified, which range from:

- Disorderly conduct
- Unlawful use of weapons
- Mob action
- Discharge of firearms
- Public Indecency
- Possession/manufacture/delivery of cannabis of controlled substances
- Assault or battery
- Gambling & prostitution
- Chronic massage or liquor code violations
- Sexual abuse or related offenses

Chronic massage or liquor code violations were added recently when the Alcohol, Tobacco, Massage (ATM) program was implemented, which has been a great success. He said there are a few more they would like to add to expand the program to work collaboratively with Community Development. Often times you will hear us talk about “quality of life issues” if you have a loud music issue per say sometimes you might have a disruptive tenant who may not be keeping their property in an aesthetically pleasing fashion. So a complaint might come to the PD via 911 due to loud music but Rita or Bob in Community Development will receive calls for rubbish or high weeds and a lot of time the PD sees issues that run hand in hand.

Code Enforcement Nuisance Activites

- Chronic violations of rubbish and garbage

- Chronic violations of plants and weeds
- Unfit structures/human occupancy
- Unlawful structures
- Three (3) or more separate violations of the city's property maintenance code.

Mr. Vann showed a matrix to layout the process for code enforcement, starting with:

- Complaint submitted or found out.
- 2 actions-issue is unfound during the inspection which closes out the process, or they contact the property owner and at times issue violation notices (letters, door hangers, etc.) and that process can either go right to a contact where they might ask for an extension and then hopefully comes into compliance.
- If there is no compliance after the letter is sent it can go a couple ways:
 - Pre-prosecution hearing-which is just a meeting with the property owner to come up with a good resolution to get to that compliance, which has been pretty successful, especially for rental properties where the owner is not aware of the issue. If that does not work there is the:
 - Adjudication process which works well also to get the issue out in front of the property owner to take care of the issue. After the adjudication process we get an FDO (fine decision order) from the hearing officer, which is presented to the property owner if they are present. If not present they have to be notified in writing which takes a couple days by writing that up and sending the FDO to the property owner which tell them what the decision is from the hearing officer and if it's not founded the case is closed and if it is a violation it'll tell them what they need to do and in what time period. Typically there is 30 days compliance for an appeal, in his experience we have only had 1 case that had to go to the Circuit Court to find that out. If that property does not come into compliance the fines go into place and we start to lien the property, normal lien is per day at \$100 and we do have a number of outstanding liens on properties. Typically when they go for a sale of a property or a refinance the city gets compliance because they want to move forward with that.

Aldr. Bessner said if you get a call for loud music and you see a foot of grass in the yard is the city allowed to turn that in as a violation, or does that need to be called in. Mr. Vann said we work really well with the Police Dept.; there's a case going on right where a call was made regarding a staircase at an apartment building, Building and Code gets notified of those issues. Police Dept. would take a violation like loud music, but when it comes to the property condition we get notified from Police Dept. to deal with it.

Aldr. Lewis asked if they only hear of issues through complaints made, or do they go out and look for those on their own. Mr. Vann said staff generates a lot of the complaints based on the movements made through the 3 inspectors, but also those made from residents, alderman, etc.

Chief Keegan said in our current ordinance that is codified within the city code; if we see issues that meet the criteria, whether its fines, calls for service or high weeds, and we see 2 or more of those in a 6-month period or 180 days, the person in charge of the property (landlord) will be sent a warning letter. If there is a 3rd subsequent violation that then triggers an abatement meeting, which is a sit down with the Police Dept. and a lot time Community Dev. to try to abate the problem, which can be as simple as finding out who lives there, who's allowed to stay there, discussing remedies as far as curfews or plans to keep the music down after a certain time, and if after that those issues surface again, we currently take those to the Circuit Court and bypass administrative adjudication. So the

previous flow chart that Mr. Vann just discussed allows us to take them to adjudication first and if it's not worked out it then goes to the Circuit Court. The Police Dept. does not currently have that option and that is what he would like to advocate for moving forward, and if the court deems our case necessary for government action, they can close the property typically from 30-180 days and impose fines. In his 25 years of being a police officer and 15 years working with nuisance abatement, it's very rare that the Circuit Court steps in and made the owner of record vacate the property.

Chief Keegan said we can be more restrictive as a home rule community, just not less restrictive, and he advocates that moving forward that we review calls for service and case activity along with Community Development and ask that Council consider taking that review period from 6 months/180 days to 12 months to give more of a snapshot into what really takes place. If we see 2 or more in a 12 month period that would trigger a warning letter from his office, then a subsequent violation would trigger an abatement plan or a meeting with the chief, and then a subsequent violation or failure to appear for the abatement meeting would then trigger a notice to appear at an administrative adjudication hearing. The hearing officer can then render a finding of liable or not liable, upon a liable finding the fee can be opposed for up to \$750 which is a correlation he wants to make that we use with alcohol, tobacco and massage. If we have a young man/woman go in and buy cigarettes or alcohol illegally, in years past the person that sold that tobacco or alcohol would be held liable, but there were never any sanctions in place for the store manager or the proprietor. Nuisance abatement is similar, if the issue were loud music we would address the issue with a citation, but the landlord would never be held accountable for the constant violations that were taking place at their property. Fast forward to this process, we would hold the person with the loud music accountable and after there were 3 or 4 instances in a snapshot period, we would notify the owner of record, warn them first, bring them in for an abatement plan with the tenant, and if that didn't work we would look to hold the owner of record/landlord accountable through the administrative adjudication process to either clean up the property or seek a new tenant. Cases that are beyond adjudication could still be taken to the Circuit Court and have either the states attorney office or a local attorney file the appropriate paperwork.

Chief Keegan then went over the Pros & Cons of the process:

Pros

- Can be used for privately owned or rental properties. If we ever pursue rental licensing within the city there would be a due process hearing at administrative adjudication and the hearing officer can revoke that rental license. On appeal, it would be handled just like we would through administrative review, with a 35 day window for the landlord/owner of record to appeal that process to the circuit court.
- Administratively less labor intensive.
- Does not inconvenience responsible landlords. If you are vetting your tenants properly with conducting background investigation and working collaboratively with the Police Dept. this won't be an issue. If you are landlord or tenant and it's an owner-occupied residence that is not following rules, regulations and ordinances, there is some accountability.
- Imposes immediate consequences in cases where violations were found to have occurred.
- Can hold landlords accountable (similar to alcohol, tobacco and massage licensing)

Cons

- Does not proactively promote Community Relations.
- Increases burden and caseload at local Administrative Hearings.

Chief Keegan said he is seeking feedback or direction and he has drafted some sample ordinance language but he has not vetted that through the attorney yet, but he is familiar with the process from his previous municipality and used it with great success.

Chairman Bancroft asked what “Does not proactively promote community relations” means. Chief Keegan said similar to what was experienced as a city several years ago with rental licensing; there will be some folks that will think this a little too stringent upon the landlords. Meaning why should they be held accountable for the actions of their tenants; but with a 12 month review process, a warning letter and abatement hearing, he doesn’t think that argument holds water; but there may be pushback from a landlord. Chairman Bancroft said he is more on the side of thinking about the landlord’s side of the equation of this, but that wasn’t his reaction to this.

Aldr. Stellato said he agrees because it doesn’t involve interior inspection or anything like that and he is okay asking Chief Keegan to submit whatever he has. He said Batavia has a crime free ordinance in place and he’d be happy to send that to the Chief to see the wording that’s used.

Aldr. Silkaitis said good idea to keep it in house but he wondered why we are lengthening the time they can have violations from 6 month to 12 month. Chief Keegan said we saw this in massage, and he knows the ATM commissioners can speak to that, but he thinks the Illinois statute, if we weren’t a home rule community, indicates that its 180 day/6 month review process. He said we can be more restrictive just not less and he thinks by broadening the review it gives us a greater snapshot into what is really taking place, and if folks aren’t dotting the i’s or crossing the t’s that will surface a bit clearer to us in a longer review process.

Aldr. Lemke said he would like to coordinate it; there’s a house in our ward that had a couple fires set outside as well as numerous cases of loud music, so to what extent that you’d have 2 cases like that where the Fire Dept. had to be called, and he’d like to have those interlinked.

Aldr. Lewis said she likes the fact that it’s for both privately-owned or rental, one or the other is not being signaled out, she thinks it’s fair and the Chief should go ahead.

Aldr. Krieger said her concern is, when you reach 3 or 4 times and its only 4 months, do we have to wait the full year. Chief Keegan said a lot the time they see that some of the issues they respond to don’t rise to the level of some of the offenses that were outlined, which is another reason why he would like to expand some of those and get more collaboration with Community Development. A lot of time those quality of life issues, let’s say we don’t have the burden of proof whether its 911 calls, but those in conjunction with maybe a housing matter like an unkept property, those might be able to be combined to have the 2 or 3 we need to bring them in to talk about the issues and maybe that would actually tip the scales where we can push this into place. A lot of times we are hampered by the fact that 6 months has come and gone, or we don’t have qualifying offenses.

Aldr. Bessner said he is in favor of this but wondered if this would blend easily if we ever did a rental licensing agreement. Chief Keegan said it would, the ordinance that has a piece that can either be included or we can hold off, but if we do at some point go to a rental licensing program the hearing officer has the availability to suspend or revoke that license and as part of the nuisance abatement ordinance, there is a section where he can easily plug it in to work hand and hand with rental licensing, if its decided as a city.

Aldr. Lewis said some people have code violations, not because they are lazy, but because they have other issues and she asked if there were mental health things in place to help those people and those instances would not be addressed as part of this, those would be handled in a different manner. Chief Keegan said social workers come on board and what the Police Dept. does with screening reports and working in collaboration with Fire and Community Development, sometimes we get a complaint from the neighbor that there is junk, unkept garbage and high weeds, they respond and start digging into the problem and find out the root cause is a mental illness and they are hoarding. Chairman Bancroft said every time something like this comes up and just in talking with the Chief that compassion side reigns true and he commends him for that.

6. ADDITIONAL BUSINESS-None.

7. EXECUTIVE SESSION-None.

8. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS-None.

9. ADJOURNMENT- Aldr. Lemke made a motion to adjourn at 8:41pm. Seconded by Aldr. Payleitner. Approved unanimously by voice vote. Motion Carried. 9-0