

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, MARCH 22, 2016**

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Members Present: Chairman Todd Wallace  
Brian Doyle  
James Holderfield  
Laura Macklin-Purdy  
Dan Frio  
Tim Kessler

Members Absent: Tom Pretz  
Michelle Spruth  
Tom Schuetz

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

**1. Call to order**

Chairman Wallace called the meeting to order at 7:00 p.m.

**2. Roll Call**

Vice Chair Kessler called the roll. A quorum was present.

**3. Presentation of minutes of the January 5, 2016 meeting of the Plan Commission.**

**Motion was made by Vice Chair Kessler, seconded by Mr. Holderfield, and unanimously passed by voice vote to approve the minutes of the January 5, 2015 Plan Commission meeting.**

**4. 1224 E. Main St. (Eric Larson)**

Application for Concept Plan

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

**PUBLIC HEARING**

**5. General Amendment (City of St. Charles)**

A petition filed by the City of St. Charles requesting amendments to Chapter 17.12 “Residential Districts”, Chapter 17.14 “Business and Mixed Use Districts”, Chapter 17.20

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“Use Standards”, and Chapter 17.30 “Definitions” (“Alcohol or Tobacco Sales Establishment” use category)

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

**Motion was made by Vice Chair Kessler, seconded by Ms. Macklin-Purdy and unanimously passed by voice vote to continue the public hearing to the April 5, 2016 meeting of the Plan Commission at 7:00 p.m. in City Council Chambers.**

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Doyle, Frio, Macklin-Purdy

Nays:

Absent: Pretz, Spruth, Schuetz

Motion carried: 6-0

**MEETING**

**6. General Amendment (City of St. Charles)**

A petition filed by the City of St. Charles requesting amendments to Chapter 17.12 “Residential Districts”, Chapter 17.14 “Business and Mixed Use Districts”, Chapter 17.20 “Use Standards”, and Chapter 17.30 “Definitions” (“Alcohol or Tobacco Sales Establishment” use category)

This agenda item was not discussed due to the continuation of the public hearing to a later date.

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

**7. Additional Business from Plan Commission Members or Staff**

**8. Weekly Development Report**

**9. Meeting Announcements**

a. Plan Commission

Tuesday, April 5, 2016 at 7:00pm Council Chambers

Tuesday, April 19, 2016 at 7:00pm Council Chambers

Tuesday, May 3, 2016 at 7:00pm Council Chambers

b. Planning & Development Committee

Monday, April 11, 2016 at 7:00pm Council Chambers

Monday, May 9, 2016 at 7:00pm Council Chambers

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**10. Public Comment**

**11. Adjournment at 8:50pm**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
Regular Meeting including :  
Application for Concept :  
Plan; Property Located at :  
1224 East Main Street. :  
-----x

HEARING  
St. Charles, Illinois 60174  
Tuesday, March 22, 2016  
7:00 p.m.

Job No.: 97787A  
Pages: 1 - 65  
Reported by: Melanie L. Humphrey-Sonntag,  
CSR, RDR, CRR, CRC, FAPR

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HEARING, held at the location of:

ST. CHARLES CITY HALL  
2 East Main Street  
St. Charles, Illinois 60174  
(630) 377-4400

Before Melanie L. Humphrey-Sonntag, a Certified  
Shorthand Reporter, Registered Diplomate Reporter,  
Certified Realtime Reporter, and a Notary Public in  
and for the State of Illinois.

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- LAURA MACKLIN-PURDY, Member

ALSO PRESENT:

- RUSS COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner

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P R O C E E D I N G S

CHAIRMAN WALLACE: This meeting of the  
St. Charles Planning Commission will come to order.

Tim, call the roll.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Doyle.

MEMBER DOYLE: Here.

VICE CHAIRMAN KESSLER: Frio.

MEMBER FRIO: Here.

VICE CHAIRMAN KESSLER: Macklin-Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right.

Item 3 on the agenda, presentation  
of minutes of the January 5th, 2016, meeting.

Is there a motion to approve?

VICE CHAIRMAN KESSLER: So moved.

MEMBER HOLDERFIELD: Second.

CHAIRMAN WALLACE: It's been moved and  
seconded.

All in favor?

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1 (Ayes heard.)

2 CHAIRMAN WALLACE: Opposed?

3 (No response.)

4 CHAIRMAN WALLACE: Motion passes  
5 unanimately.

6 Item 4 on the agenda is 1224 East Main  
7 Street, Eric Larson, application for concept plan.

8 For those of you who haven't been before us  
9 or here before, the Plan Commission is tasked by the  
10 City Council with considering applications for  
11 certain zoning-related things. One of the things  
12 that we do is we conduct concept plan reviews, which  
13 we're doing tonight.

14 Before an Applicant goes forward with an  
15 application for rezoning or a special use, they can  
16 come before us for a concept plan review to save  
17 them the expense of drawing up plans. It's  
18 basically a preliminary review of an eventual  
19 application, and so that's what we're doing tonight.

20 We are not going to take any action on this  
21 tonight. We will review it, we'll give feedback to  
22 the Applicant, ask any questions that we may have,  
23 and the Applicant will walk away and decide whether  
24 or not he wants to submit an application and, if so,

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1 what type of application he wants to submit. And in  
2 doing that, he'll work with staff to come up with  
3 what makes the most sense going forward.

4 Then at a future date we will hold a public  
5 hearing and eventually take action on the item and  
6 forward our recommendation to the City Council.

7 Any question on that procedure?

8 (No response.)

9 CHAIRMAN WALLACE: Okay. Russ, do you have  
10 anything?

11 MR. COLBY: No.

12 CHAIRMAN WALLACE: Okay. Is this yours or  
13 Ellen's?

14 MR. COLBY: It's --

15 CHAIRMAN WALLACE: Or do you not assign  
16 concept plan reviews?

17 MR. COLBY: Ellen did write the staff  
18 report, but it's appropriate to just turn it over to  
19 the Applicant to make the presentation.

20 CHAIRMAN WALLACE: Sure. Okay.

21 Mr. Larson.

22 MR. LARSON: Hello.

23 I'm Eric Larson. I own the property at  
24 1224 East Main.

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1 I actually have some photos I wouldn't mind  
2 sharing. Can I pass them or is that --

3 CHAIRMAN WALLACE: Yeah.

4 MR. LARSON: Then I have -- do you have a  
5 copy of the concept plan? Is that --

6 MR. MARSHALL: It's here.

7 CHAIRMAN WALLACE: Yeah. We have everything  
8 electronic in front of us.

9 MR. LARSON: I just wanted to show you this.

10 CHAIRMAN WALLACE: We can pass those down if  
11 you want us to.

12 MR. LARSON: So I -- my wife and I purchased  
13 the property in 2013, and we're kind of debating on  
14 what to do with it.

15 The condition of the house was, you know,  
16 okay, but the inside was poor and so we decided to  
17 continue to do some renovations to kind of get it --  
18 cash flow and get it working.

19 It's now a viable two-flat. You can see  
20 from the before or after -- we plan to do more to  
21 it, but that was the starting point, was just to  
22 take, I guess, a dilapidated building and make it  
23 look decent. I own five other buildings along Main  
24 Street, and I have a habit of trying to make them

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1 look better. It's my goal.

2 So now we have this, you know, half-acre  
3 property, and the question is, you know, what can we  
4 do with it. And the zoning is kind of unique in  
5 that the front of it is zoned BL and the back is  
6 zoned --

7 MR. MARSHALL: RT-1.

8 MR. LARSON: -- RT-1, which I think Russ and  
9 I both found kind of unique.

10 And so we were hoping to kind of rezone it  
11 to be consistent with the current use along with  
12 being able to expand and put some more two-family  
13 residences on it.

14 So -- and Dan Marshall is here to kind of  
15 review that.

16 MR. MARSHALL: My name is Dan Marshall from  
17 Marshall Architects, 812 East Main Street,  
18 St. Charles. I'm also a partial owner of Cedar  
19 Crossing, which is right on 12th Avenue and Main, so  
20 we're neighbors to this, as well, and we care about  
21 this area quite a bit.

22 It's a unique piece of property because of  
23 the flag lot that comes off of 13th Avenue, which  
24 allows for property to be developed in the back as

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1 well as off Main Street.

2 And currently Eric came to me looking for  
3 ideas on what to do with this, and it is zoned BL up  
4 front. We could try to rezone it all BL, which  
5 would allow a 10,000-square-foot building of uses  
6 that would include motor vehicle repairs, rentals,  
7 offices, day cares -- you can put up to 10,000  
8 square feet three stories high on that -- or 30 feet  
9 high, I think, on that -- with a 60 percent building  
10 coverage. That doesn't seem to fit that well,  
11 tucking it in the back that well -- that way.

12 Just to the east of the back part of the lot  
13 there is a 3-unit nonconforming building that's an  
14 RT-1 building, existing nonconforming. It's sort of  
15 a town house except that there's two garages  
16 underneath the south side, so that kind of makes it  
17 a multifamily, as well.

18 CHAIRMAN WALLACE: Where -- is that off of  
19 13th Avenue?

20 MR. MARSHALL: It's off of 13th, just north  
21 of the flag there.

22 MR. LARSON: 911-15.

23 MR. MARSHALL: That's a 3-unit town houseish  
24 building.

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1           And then just further east of that is RM-3,  
2           which is basically an apartment building. It  
3           connects to those existing apartments in there.

4           So we looked at it -- thanks to Russ  
5           actually giving Eric some ideas on the different  
6           zoning, what the density would allow.

7           And we looked at two different -- a couple  
8           of options here, which obviously we're open to more  
9           options, but this is the two that we looked for, and  
10          Russ said they were at the bottom.

11          MS. KING: We can't hear Mr. Marshall.

12          CHAIRMAN WALLACE: Okay. Can you just bring  
13          the microphone a little closer?

14          MR. MARSHALL: I'm sorry. I'll get closer  
15          to the mic.

16          So there we are. So we have Version A and  
17          Version B -- oops. Too far. Sorry.

18          So Version A doesn't quite fit. That would  
19          be the idea of doing two 2-unit, 1 1/2-story  
20          buildings.

21          Recently I've found that there's people, a  
22          certain segment of the population -- including my  
23          mother -- who is looking for smaller units with  
24          one-car garages similar to what Delnor Glen offers.

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1           And so when Eric brought this to me, I said,  
2       "Boy, I know people looking for this kind of thing  
3       that would fit perfect back here," would be this  
4       small duplex with a one-car garage -- not just  
5       duplex, could be town houses, too, like this one,  
6       the 3-unit.

7           The 3-unit fits per the RM-2 zoning or the  
8       RM-3 zoning. RM-2 zoning is a little less dense,  
9       doesn't allow as much building coverage as RM-3.  
10      RM-3, remember, is to the east of this.

11          So it could be RM-3 or RM-2. It fits with  
12      RM-2 with three units. All the lot coverage,  
13      setbacks, density all fits with that. And we could  
14      go RM-2 on the front lot and on the back lot, and as  
15      far as I know, everything fits, works with that.

16          So the 3-unit building would be a story and  
17      a half, would be a little smaller than what's just  
18      to the east of it, make a nice transition from the  
19      single-family to the west to that 3-unit.

20          If -- we thought, though, even better would  
21      be two 2-units because they're a little smaller  
22      building. It's an even better transition from  
23      single-family to the 3-unit in between there, so we  
24      wanted to consider that.

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1           The only problems with this one is I can't  
2           get the interior setbacks. Like on the front lot --  
3           Lot 1, I call that -- that's supposed to be 30 feet  
4           in the rear and, I think, 10 feet on the sides. So  
5           there's three interior setbacks that don't meet the  
6           zoning straight.

7           And, also, this back lot doesn't really have  
8           street frontage. It comes -- it would be a private  
9           drive through the Lot 2 from the flag lot to the  
10          back lot that would be pushed into a PUD, I think.

11          But we've done similar things before so --

12          CHAIRMAN WALLACE: Under this one would you  
13          be looking to subdivide into three lots, then?

14          MR. MARSHALL: Yes, because we can only have  
15          one building per lot. So we'd have to divide it  
16          into three lots.

17          Even though density and everything works as  
18          two lots, we'd have to divide it into three lots to  
19          make that work, which isn't uncommon for a  
20          town house. Sometimes, actually, you divide them  
21          right on the town house line per unit, yeah.

22          CHAIRMAN WALLACE: Is there vehicular access  
23          like -- under this plan would there be vehicular  
24          access from 64?

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1 Is there a curb cut?

2 MR. MARSHALL: Well, we have some -- an  
3 additional parking space for each unit and a  
4 surface-level parking place, probably, and so you  
5 would have a -- there's a driveway right now going  
6 along the east side of the existing two-unit that  
7 goes to the back area, and there's a little barn  
8 back there and some parking -- some old cars parked  
9 back there.

10 So, yeah, you could connect it through so  
11 that -- or not connect it through. It wouldn't  
12 have to.

13 CHAIRMAN WALLACE: Oh, I mean for Lot 1.  
14 Sorry. Under this scenario --

15 MR. MARSHALL: Oh, for Lot 1, yes, you would  
16 come --

17 CHAIRMAN WALLACE: -- you would envision the  
18 vehicular access --

19 MR. MARSHALL: It would all be --

20 THE COURT REPORTER: Wait, wait, wait.

21 (An off-the-record discussion was held.)

22 CHAIRMAN WALLACE: You would envision  
23 vehicle access would be from the south for Lot 1?

24 MR. MARSHALL: Correct. It's there.

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1 THE COURT REPORTER: Thank you.

2 MR. LARSON: If you look at the bottom  
3 picture, you can see a car sitting.

4 MR. MARSHALL: You wouldn't have to. You  
5 could do it through the other one, take that off.  
6 But right now we haven't developed this very far  
7 because what he wanted to get in front of you.

8 But there would be a way to not do that or  
9 leave that as a -- like a one-way going out or  
10 something like that, and not coming in if that made  
11 a difference to somebody.

12 Right now, we'd like to keep as much  
13 flexibility as possible. So there's that one.

14 And then, like I said, this one pretty much  
15 fits straight zoning if we could rezone to RM-2 or  
16 RM-3, which is sort of contiguous except for this  
17 nonconforming 3-unit, which is -- should be RM-2,  
18 probably, or probably even too dense for that. But  
19 it's similar to RM-3, so it's sort of contiguous to  
20 that.

21 And then even if this is a full two-story,  
22 we can get that to work, I believe, with the  
23 25 percent building coverage.

24 CHAIRMAN WALLACE: I have a question for

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1 staff.

2 How -- I haven't seen a parcel that's zoned  
3 in this fashion before. How many parcels are there  
4 in the city with split zoning like this?

5 MR. COLBY: I don't believe there's many.

6 CHAIRMAN WALLACE: Okay. And I guess my  
7 question is, what would he have the right to build  
8 on -- at -- I mean, if he tore this house down, what  
9 zoning would you look at for what he has the right  
10 to build?

11 MR. COLBY: There's actually a section of  
12 the Zoning Ordinance that addresses what happens  
13 when a lot has split zoning, and the owner can  
14 choose either zoning district to extend -- I believe  
15 it's -- 25 feet into either zoning area.

16 So in the event there was a parcel where  
17 there was a small portion that was in another  
18 district, you could utilize the district that  
19 covered most of the lot to develop the lot.

20 In this scenario, you know, it is possible  
21 to subdivide the property, to split it into two lots  
22 following the zoning district boundaries. But  
23 developing it all under a single zoning district,  
24 I'm not sure how we would address that unless, you

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1 know, the use was permitted in both districts and  
2 could meet the bulk regulations that would apply to  
3 each section of the lot.

4 And we haven't gone through an exercise like  
5 that before.

6 CHAIRMAN WALLACE: Do you have any idea if  
7 this was zoned in a similar fashion under the old  
8 Zoning Ordinance?

9 MS. JOHNSON: Yeah. I believe the property  
10 first showed up on the Zoning Ordinance in the  
11 1960s -- in 1960, and at that time the zoning was  
12 split, also. And I'm not sure why because the house  
13 existed at that point, too. It was built in 1930  
14 so --

15 CHAIRMAN WALLACE: Okay.

16 Sorry. I didn't mean to interrupt you.

17 MR. MARSHALL: That's okay. That's okay.

18 That's really the bulk of the information.

19 Just in terms of good reason for doing this  
20 is that it's -- I think it's a type of housing that  
21 we really need in town and could be -- fill a useful  
22 void that we have right now.

23 And it's an underutilized parcel that  
24 there's not been -- you know, it could use some

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1 loving care back there, and I think a little more  
2 use out of it could help the neighborhood a lot. As  
3 far as a neighbor, I would like to see something  
4 happen there.

5 CHAIRMAN WALLACE: All right. Yeah.

6 MEMBER DOYLE: Is there a garage that  
7 accompanies the existing house?

8 MR. LARSON: An old barn, yeah.

9 MEMBER DOYLE: Is it used as a garage?

10 MR. LARSON: Yeah, but it's in really bad  
11 condition.

12 MEMBER DOYLE: So is there any sort of  
13 garage parking for the house in either of the new  
14 concept plans? Because I'm not seeing a --

15 MR. LARSON: For the front two-flat?

16 MEMBER DOYLE: Yeah.

17 MR. LARSON: You could add one.

18 MR. MARSHALL: That's a good point. We  
19 didn't show one in there, but that doesn't mean we  
20 couldn't.

21 That would be a good -- we could put that in  
22 the rear yard as a detached garage, so we could do  
23 that.

24 MEMBER DOYLE: So -- and this gets to the

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1 two different concept plans here.

2 Your rear yard in Concept Plan 1 is 11 feet;  
3 correct?

4 MR. MARSHALL: Yeah.

5 MEMBER DOYLE: So could you go back to that?

6 So if it's 11 feet, do you have the -- okay.  
7 So is -- is there a drive that can -- is the drive  
8 on the left side or the right side?

9 MR. MARSHALL: It's on the right side right  
10 now, but you could put a driveway back here and put  
11 a garage back in here probably.

12 MEMBER DOYLE: So you'd circle around?

13 MR. MARSHALL: Well, come across the back,  
14 yeah.

15 MEMBER DOYLE: Okay.

16 MR. MARSHALL: Sort of like an alley,  
17 basically, between the two.

18 MEMBER DOYLE: Right. Is there -- in terms  
19 of setbacks for outbuildings like garages, do those  
20 also have to -- you know, are there setback  
21 requirements, Russ, for those?

22 MR. COLBY: There are. But in residential  
23 districts you're allowed to place detached garages  
24 in rear yard areas. There's minimal setbacks,

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1 either 5 or 3 feet from the lot line, so you do have  
2 the ability to place a detached structure in the  
3 rear yard.

4 MEMBER DOYLE: Up to 5 or 3 feet.

5 MR. COLBY: Yes.

6 MEMBER DOYLE: So I guess my question is --  
7 well, two questions, first of all.

8 Are -- would -- you know, in terms of our  
9 evaluation of the concept plans, is that something  
10 that you'd want to maintain flexibility to do?

11 Do you envision a need for a garage for that  
12 front house?

13 MR. LARSON: Yeah, if we could fit it.

14 MEMBER DOYLE: And do you think that you can  
15 fit it with a 11-foot setback on that?

16 MR. MARSHALL: Yeah, because the garage --  
17 it's allowed to be in the rear yard, but it doesn't  
18 have to be in the rear yard, so it could be  
19 actually -- I think I would -- just off the bat,  
20 I would see the driveway going along the 11 foot and  
21 then turning back south into the garage so the  
22 garage would sort of be either an attached building  
23 to the existing two-unit or separated to the  
24 existing two-unit kind of right where my number --

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1 right in here would be the garage doors going  
2 into it.

3 MEMBER DOYLE: So the front of the garage  
4 would not have -- it wouldn't be a front-facing  
5 garage? It would be a rear-facing garage?

6 MR. MARSHALL: Correct. Just shooting from  
7 the hip here, Brian.

8 MEMBER DOYLE: Sure.

9 MR. MARSHALL: I think that's a great idea,  
10 to have a garage for that, yeah.

11 MEMBER DOYLE: Well, and I'm trying to  
12 evaluate in terms of -- I mean, it seems like to me,  
13 as I look at the two concept plans, that the issue  
14 that stands out most to me is that -- is that  
15 setback, particularly the -- if we go to the first  
16 one -- the -- that 5-foot setback on Lot 2 there on  
17 either side.

18 MR. MARSHALL: Yeah.

19 MEMBER DOYLE: Now, my understanding is that  
20 6-foot requirement, that those setbacks -- really,  
21 it's about fire safety but -- often the purpose of  
22 it is about fire safety in terms of adjacent  
23 structures.

24 And so, again, the question where would the

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1 garage be placed is part of what I'm thinking here,  
2 and I guess I'm trying to think through, with the  
3 three-lot concept, is it -- is there enough room  
4 from a safety standpoint.

5 And as well as from other accommodations,  
6 like outdoor patios or any other kind of amenities  
7 you want these units to have in terms of outdoor  
8 living.

9 But, you know, what is your thought about  
10 just the amount of space that's available on the  
11 lots -- in terms of the building coverage, in terms  
12 of the setbacks -- to provide you flexibility that  
13 you need for both outbuildings as well as outdoor  
14 amenities?

15 MR. MARSHALL: It actually works amazingly  
16 well because the back of the middle lot, 2, has got  
17 the 30-foot rear yard there, so that's really nice  
18 for patios right back there. One has 30 feet going  
19 to the north. That gives you some nice areas for  
20 patios there. And then this lot here has tons of  
21 space around this house right now with a lot of  
22 space over here on the west side of it.

23 So that could be developed, like I said, as  
24 an attached garage or a detached garage. Detached

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1 buildings have to be 10 feet away from another  
2 building or the principal building, so that's one  
3 thing to address the fire concern that you've got,  
4 is that you'd never be closer than 10 feet to  
5 another building with a detached building.

6 MEMBER DOYLE: Uh-huh.

7 MR. MARSHALL: We can move this line,  
8 actually -- the line can be enlarged. We've got  
9 11 feet and 5 feet, so we've got 16 feet, so  
10 I really could do 8 feet between the two.

11 MEMBER DOYLE: Uh-huh.

12 MR. MARSHALL: It's just that, technically  
13 speaking, this is the front yard and that's the rear  
14 yard, and rear yards are supposed to be 30 feet per  
15 the straight zoning.

16 That's what kicks us into a PUD coming -- it  
17 would be coming in front of you saying, you know,  
18 "These are the changes to the base zoning that would  
19 be required to pass this PUD," which is not uncommon  
20 but --

21 MEMBER DOYLE: So --

22 MR. MARSHALL: -- you know, that --

23 MEMBER DOYLE: Yeah.

24 Route 64 is a fairly busy thoroughfare,

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1 obviously.

2 MR. MARSHALL: Yes.

3 MEMBER DOYLE: If you had a patio that was  
4 on the side yard, that would be -- unless you had  
5 some sort of screening or, you know, noise buffer,  
6 you know, across that, like a fence or some sort of  
7 screening, you'd have a lot of traffic noise.

8 MR. MARSHALL: Yeah.

9 MEMBER DOYLE: I mean, again, thinking about  
10 this from an amenity standpoint, if you could go to  
11 the other concept plan, you've got a lot of space at  
12 the rear of this yard there in terms of the size of  
13 the lot; right?

14 MR. MARSHALL: Back here, you mean?

15 MEMBER DOYLE: Yeah.

16 MR. MARSHALL: Okay.

17 MEMBER DOYLE: Have you considered whether  
18 or not you might want to put -- this one has a  
19 30-foot -- you've got now 30 feet in the back.

20 I mean, have you considered whether you'd  
21 want to preserve more rear space in -- on the house  
22 on Lot 1 here for a backyard patio, for a garage,  
23 et cetera, and --

24 MR. MARSHALL: Yeah, we haven't developed it

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1 very far, but that building could be slid to the  
2 north or there's little things we can do from that.  
3 So what we're hoping to do is get a feel for whether  
4 you guys would prefer to see a 3-unit or the  
5 two 2-units.

6 What I like about the two 2-units is they're  
7 smaller buildings and it breaks up -- lets the, you  
8 know, light between flow. You can -- I don't know.  
9 They're just -- I think they're going to look more  
10 like the other houses around there than a  
11 3-unit town house.

12 Now, these aren't -- we're not picturing  
13 tall town houses. We're picturing story-and-a-half,  
14 small cottages -- attached cottages, call them, to  
15 sound better. But they're not like what we're doing  
16 over at the Judd Mansion with three-story walk-ups  
17 like that. That's not what we're talking about with  
18 these. It's more of a story and a half because I've  
19 got a little more footprint and we're just doing a  
20 one-car garage.

21 As soon as you start doing a two-car garage  
22 and start filling up your footprint, then you kind  
23 of stack all your household on top of that garage  
24 and then your bedrooms on top of that, and you end

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1 up with three units.

2 So going to the one-car really limits his  
3 market to a little -- to a certain extent, but  
4 that's the market that there's a huge need for in  
5 terms of the expense of that unit not being so high,  
6 either, because it doesn't have a two-car garage on  
7 it and it doesn't use up that much land space.

8 So we're thinking that on the first floor  
9 you would have just a living, dining, family, mud  
10 room area and, the second floor, you'd have two,  
11 maybe three smaller bedrooms -- two decently  
12 sized -- two bigger bedrooms or three, you know,  
13 smaller, sort of cottagey rooms up there or two  
14 bedrooms and a loft or something like that up on --  
15 sort of tucked under the eaves.

16 MEMBER DOYLE: Yeah.

17 So I know we're not in the comments section  
18 but, you know -- you know, my thought is I think  
19 they're both good concept plans. There are pros and  
20 cons of even -- they each have their strengths.  
21 Let's put it that way.

22 I think that the strength of the 3-unit  
23 concept plan is that you have more outdoor space to  
24 work with for outdoor amenities, and that really

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1 becomes a function of what you think your market  
2 needs are.

3 MR. MARSHALL: Right. Yeah.

4 MEMBER DOYLE: But on the other hand, the  
5 other concept obviously has four units --

6 THE COURT REPORTER: I'm sorry.

7 (An off-the-record discussion was held.)

8 MEMBER DOYLE: Four units, correct, four  
9 additional.

10 MR. LARSON: The one is turned which gives  
11 you a lot of privacy in the back, which is what  
12 I liked with what you first did.

13 MEMBER DOYLE: But -- you know, I guess --  
14 you know, I don't have any other questions about  
15 this. I'm just wondering is there anything left?

16 VICE CHAIRMAN KESSLER: I have some  
17 questions --

18 MEMBER DOYLE: Okay. Good.

19 VICE CHAIRMAN KESSLER: -- just a couple of  
20 questions because -- I don't totally have our  
21 bearings here but -- okay.

22 So I'm looking at this picture. And this  
23 brown building is the garage just behind the house;  
24 correct?

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1 MR. LARSON: No. That's the oil change  
2 place.

3 MEMBER MACKLIN-PURDY: That's Pit Stop;  
4 right?

5 VICE CHAIRMAN KESSLER: Oh, that's the  
6 Pit Stop?

7 MR. LARSON: That's Pit Stop, which I plan  
8 on installing a fence along that, kind of --

9 VICE CHAIRMAN KESSLER: All right. Well,  
10 here. I have here -- I'm looking at two buildings  
11 that I believe are on the property.

12 Are they?

13 (An off-the-record discussion was held.)

14 THE COURT REPORTER: I can't hear you. Is  
15 this off the record?

16 VICE CHAIRMAN KESSLER: Go ahead.

17 So I'm looking at the building on Main  
18 Street, and you can see on the map on -- that barn.  
19 And what about this building back here?

20 MEMBER MACKLIN-PURDY: That's not you.

21 VICE CHAIRMAN KESSLER: So that isn't -- is  
22 that a shed or a garage?

23 MR. LARSON: That's a garage area --

24 THE COURT REPORTER: I can't hear you, sir.

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1 (An off-the-record discussion was held.)

2 VICE CHAIRMAN KESSLER: Okay. Very good.

3 All right. Thanks.

4 MR. LARSON: The other thing that -- there's  
5 a 3-unit building adjacent to it, and I think  
6 partially why we liked the two 2-units is, by  
7 turning them, we don't end up with another big  
8 building here and a big building there. It kind of  
9 breaks it up a bit.

10 VICE CHAIRMAN KESSLER: Okay.

11 MR. LARSON: Okay.

12 MR. MARSHALL: It might be nicer for that  
13 existing 3-unit not to be looking at a whole  
14 3-unit -- I think is what Eric's saying -- that they  
15 would be able to see through the two buildings with  
16 one turned like that. So that helps that neighbor's  
17 views out to their -- and people like duplexes.  
18 Sorry, Tim.

19 People like duplexes better because they get  
20 more light. So a 3-unit building, you have that  
21 interior unit that doesn't get as much light into  
22 the building. So as far as the quality of the  
23 units, it's a little nicer when it's a duplex.  
24 A little more expensive to build, obviously. The

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1 A scheme than the B scheme is more expensive.

2 VICE CHAIRMAN KESSLER: Could you go back to  
3 the concept plans?

4 MR. MARSHALL: Yes. Which one?

5 VICE CHAIRMAN KESSLER: Either one.

6 That's -- right there. That's fine.

7 So there's 26 feet to the -- that would be  
8 the front of the building?

9 MR. MARSHALL: There, yeah.

10 VICE CHAIRMAN KESSLER: Yeah, 26 feet.

11 And 13 feet on the other building. And  
12 I expect that the townhome 3-unit building is a  
13 typical --

14 MR. MARSHALL: They should have 30 feet from  
15 there to the back. I'm not sure it is 30 feet.

16 MR. LARSON: I don't think they do, but it's  
17 hard to tell.

18 VICE CHAIRMAN KESSLER: Of course, one of  
19 the difficulties with a lot like this is that  
20 whatever you put in there is going to appear to be  
21 shoehorned in, whatever you do, because it's been  
22 empty for 60 years --

23 MR. MARSHALL: Correct. Yeah.

24 VICE CHAIRMAN KESSLER: -- 70 years. And

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1 so --

2 MR. MARSHALL: Forever.

3 VICE CHAIRMAN KESSLER: Forever. Wait --  
4 that's right.

5 But I mean, that area was developed probably  
6 about 70 years ago or more.

7 MEMBER MACKLIN-PURDY: Have you talked to  
8 any of the neighbors?

9 MR. MARSHALL: No. We're hoping to tonight  
10 maybe.

11 MS. KREMPEL: I need to talk.

12 MEMBER FRIO: Can I ask one question?

13 So if you took Option 1 and zoned it into  
14 three parcels, how do you get access -- how would  
15 you sell the back lot? You have no access to it, do  
16 you?

17 CHAIRMAN WALLACE: You'd have to do a cross-  
18 access easement.

19 VICE CHAIRMAN KESSLER: You come in on the  
20 flag on 13th Street.

21 MR. MARSHALL: Well, or even from Main  
22 Street. You can have a cross easement for a private  
23 road across any property like that, so we can do  
24 that.

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1 CHAIRMAN WALLACE: Is there a cross-access  
2 easement currently in place on the flag portion for  
3 the --

4 MR. MARSHALL: It's not a cross easement.  
5 They actually -- he owns it --

6 CHAIRMAN WALLACE: Yeah.

7 MR. MARSHALL: -- so that's a dedicated  
8 parcel -- part of the parcel.

9 CHAIRMAN WALLACE: So it seems to be used by  
10 the apartments to the north.

11 MR. LARSON: Yeah, but -- whatever.

12 MEMBER MACKLIN-PURDY: And it's used by  
13 Pit Stop, isn't it?

14 MR. LARSON: They park stuff there but it's  
15 fine.

16 CHAIRMAN WALLACE: I just want to make sure  
17 that, if it's used by them now, they aren't -- there  
18 wouldn't be an issue with blocking the only access  
19 to these rear two parcels --

20 MS. KREMPEL: I can --

21 CHAIRMAN WALLACE: -- because they --  
22 they --

23 MR. LARSON: We're going to put a fence up.

24 VICE CHAIRMAN KESSLER: We'll get there.

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1 CHAIRMAN WALLACE: Hold on, yeah.

2 MR. MARSHALL: Right now there's a wide  
3 driveway here. And you drive in and you park in  
4 these end units that are under -- in their garage  
5 under the 3-unit, and then there's a -- there's a  
6 driveway on the south side of this that's for  
7 Pit Stop that you can see in the aerial probably.

8 CHAIRMAN WALLACE: Yeah.

9 MR. LARSON: There's a lot of space there.

10 MR. MARSHALL: Yeah, there's a lot of paving  
11 right in here right now. It all kind of blends  
12 together, but you can see an asphalt difference,  
13 what's Eric's and what's the 3-unit's and what's  
14 Pit Stop's.

15 CHAIRMAN WALLACE: Hold on just one second.

16 Ma'am? Ma'am, did you want to -- did you  
17 want to comment?

18 VICE CHAIRMAN KESSLER: Did you want to  
19 comment on something they just said?

20 MS. KREMPEL: That area --

21 CHAIRMAN WALLACE: If you could just  
22 state -- if you could state your name, please, for  
23 the court reporter.

24 MS. KREMPEL: I'm hearing impaired and it's

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1 very difficult for me to hear in this room. I have  
2 a cochlear implant.

3 CHAIRMAN WALLACE: Okay.

4 MS. KREMPEL: So if I miss something,  
5 I miss it.

6 CHAIRMAN WALLACE: Okay.

7 MS. KREMPEL: But my name is Mary Ann  
8 Krempel, and I own the oil change directly south  
9 of -- and east of this property.

10 Anyway, that area over there, that 15 feet,  
11 is a private alley. Did you know that?

12 MR. MARSHALL: Well, the -- the private is  
13 that he owns it.

14 MS. KREMPEL: I understand. I understand.

15 MR. MARSHALL: Okay?

16 MS. KREMPEL: And I -- I want you to be able  
17 to develop whatever you're going to develop  
18 accordingly, but in this document it says that --  
19 okay.

20 It describes this property and then it says,  
21 "It being understood between the parties hereto that  
22 a strip of land 15 feet wide extending from the east  
23 line of said lot to the west line of the property  
24 herein conveyed shall be kept open for a private

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1 alley."

2 So when you said about, you know, the people  
3 going into the apartment building that is currently  
4 there using that, they use that as an entrance to  
5 their garages, and, you know, that's always been  
6 kept open.

7 And so my only thought is, if you develop  
8 your -- that back end like -- you know, Concept 2  
9 was the two -- then, you know -- or -- well, I meant  
10 the other -- is this Concept 1?

11 I might be at the wrong meeting, but  
12 I was --

13 MR. MARSHALL: No, you're right. You've got  
14 it. You've got it.

15 MS. KREMPEL: I just thought I want to know  
16 what's going on with my -- you know, because of my  
17 property.

18 And so if you put all those units up there  
19 and then -- you know, there will be cars and they  
20 will need to park, and they can't be parking on that  
21 15-foot strip.

22 MR. MARSHALL: No.

23 MS. KREMPEL: And, you know, will they do  
24 it? I mean --

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1 CHAIRMAN WALLACE: I don't think that  
2 there's any discussion that it would be used for  
3 anything but a thoroughfare so no.

4 MS. KREMPEL: I just -- I didn't know  
5 what -- which -- what this meeting was all about,  
6 but I thought --

7 MR. MARSHALL: You're right on target.  
8 You're doing good.

9 MS. KREMPEL: Okay.

10 MR. MARSHALL: That's exactly what we want  
11 to hear about.

12 MS. KREMPEL: Okay. Yeah.

13 MR. MARSHALL: I think that really means --  
14 and here they go with that. That private alley is a  
15 thoroughfare for its lots. It's actually not  
16 technically for the 3-unit, but they use it right  
17 now. There's enough room --

18 MR. LARSON: They don't need to use it.

19 MR. MARSHALL: That's just how -- if there's  
20 room, you're going to drive on it, but they have  
21 plenty of room to back up and get out. They have  
22 their own driveway on there.

23 MR. LARSON: It's never blocked. I come up  
24 there.

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1 MR. MARSHALL: It's never blocked. And  
2 I think for Eric it would be a concern that, if they  
3 were blocking it -- "How do I get back there?" So  
4 they would not want it to be blocked.

5 CHAIRMAN WALLACE: Yeah.

6 MR. MARSHALL: I don't think that -- just  
7 knowing him, he would try to accommodate them for  
8 keeping things flowing smoothly and not trying to  
9 block them off or anything.

10 CHAIRMAN WALLACE: I don't know.

11 VICE CHAIRMAN KESSLER: I think the point  
12 that you made, Ms. Krempel, is that it is being  
13 used. And as much as you want to have access to it  
14 because it's your property -- it's yours -- you also  
15 want to make sure that the neighbors that are used  
16 to using it have, you know, a friendly access, as  
17 well.

18 MR. MARSHALL: Correct. Correct. And he  
19 is -- right now you can go through there back to his  
20 garage. That's -- I mean, he uses that -- they use  
21 that. The people who live in that 2-unit now --

22 MR. LARSON: All the time, yeah.

23 MR. MARSHALL: -- use it all the time,  
24 probably more than the other driveway.

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1 MR. LARSON: It's easier to get out.

2 CHAIRMAN WALLACE: Okay. Any other  
3 questions?

4 Yeah.

5 MEMBER DOYLE: I had one more question.

6 With a -- so in Concept Plan 1, the third  
7 lot, is there a requirement that the fire department  
8 have full access to the back lot, not just to Lot 2  
9 and close to it? And if so, is there any concern  
10 about turn radius for fire trucks and fire vehicles?

11 MR. MARSHALL: There is and it's a good  
12 point, and that's something that we have to check  
13 into further.

14 With my recent dealings with the Hillcroft,  
15 as you remember, is that four units is where they do  
16 start to get concerned about it. Three units, they  
17 don't.

18 I've found that they're amenable to  
19 discussion if you put in residential sprinklers, so  
20 I've got to talk to Brian Byrne about this. He  
21 knows nothing about this. I haven't run this by  
22 him. You guys are the first to see it.

23 So that would be something that we'd have to  
24 develop and make sure they're comfortable with this

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1 2-unit, as well, but no need to go down that path if  
2 we're doing the 3-unit, so that's why this would be  
3 the first step, to talk to you guys.

4 CHAIRMAN WALLACE: But, either way, the plan  
5 would be to the satisfaction of, obviously, the fire  
6 department and comply, of course, with the fire  
7 safety code.

8 MR. MARSHALL: Of course.

9 VICE CHAIRMAN KESSLER: Is there a driveway  
10 on the north side of the 3-unit that's there now?

11 MR. MARSHALL: No. There's one coming  
12 straight off of 13th Avenue right into a drive -- a  
13 garage that's on the north end of their building.

14 VICE CHAIRMAN KESSLER: Is it their garage?

15 MR. MARSHALL: Yeah, a front-facing garage.

16 VICE CHAIRMAN KESSLER: Okay. But it is  
17 their garage?

18 MR. MARSHALL: It's attached. It's  
19 underneath the building.

20 MR. LARSON: It's a one-car.

21 MR. MARSHALL: So they've got a one-car --

22 VICE CHAIRMAN KESSLER: I see.

23 MR. MARSHALL: -- on the north end and  
24 then two cars coming underneath, obviously, on the

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1 south end.

2 VICE CHAIRMAN KESSLER: Got it. Okay.

3 Because I was thinking it was some sort of  
4 cross easement with them.

5 MR. MARSHALL: It's -- you know, having  
6 units like this 3-unit is great for this town. We  
7 need that kind of variety of housing right now. And  
8 right now, with our whole percentage thing that  
9 we're talking about, this could be a really good  
10 opportunity to get another unit out of this rather  
11 than just the three units.

12 So when I looked at it with Eric, I thought,  
13 you know, we should present this as a four-unit  
14 because the buildings are nicer. They're nicer  
15 quality; they're smaller scale. It's just -- seems  
16 like a smaller development, nicer for the existing  
17 3-unit, nicer for all the neighbors as far as the  
18 mass size and everything.

19 And we get an extra unit of the type of  
20 units that we're short of.

21 VICE CHAIRMAN KESSLER: Uh-huh.

22 MR. MARSHALL: So, to me, it's a win-win all  
23 around.

24 But this one has these little quirks of the

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1 setbacks, as Brian's pointing out, and we'd have to  
2 work on that a little more to get it to work with  
3 the fire department so -- we're just starting down  
4 the path.

5 If you wanted us to check this out more, we  
6 would be glad to check this out more. But if  
7 you say, "No way, Dan; start heading down this  
8 path," we'll start doing that at this time.

9 If you don't care --

10 CHAIRMAN WALLACE: Any other questions?

11 (No response.)

12 CHAIRMAN WALLACE: Anything further from the  
13 audience?

14 MEMBER DOYLE: I have one more question.

15 CHAIRMAN WALLACE: Yeah.

16 MEMBER DOYLE: Is this -- is the parcel or  
17 the house that's on the front lot right now in any  
18 way a historic property? 1930, but how close is it  
19 to having any preservation consideration, if any?

20 MR. COLBY: There's no historic significance  
21 to the house that I'm aware of. It's not near the  
22 City's historic district, either. I don't think  
23 there's anything that's notable about it other than  
24 its age.

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1 MEMBER DOYLE: Okay.

2 VICE CHAIRMAN KESSLER: And the turret.

3 Love that turret.

4 MR. MARSHALL: It's cool.

5 CHAIRMAN WALLACE: All right.

6 Beyond what we've already told the  
7 Applicant, I guess I'll ask if anyone has further  
8 comments and then if you could just let the  
9 Applicant know, you know, Option 1, Option 2, or  
10 it's not going to work.

11 MR. LARSON: Or Option 3 could be just  
12 rezoning the whole thing to -- RT-4, is it? Just to  
13 clean it up.

14 MR. COLBY: One thing I would suggest for  
15 the Plan Commission comments, we've provided some  
16 questions we were looking for feedback on because,  
17 in addition to the zoning issues, there's also the  
18 question of the comprehensive plan designation, how  
19 that's dealt with.

20 So if you could provide some comment on  
21 that, as well, that would be appreciated.

22 CHAIRMAN WALLACE: And I'm sorry. What is  
23 the --

24 MS. JOHNSON: Pages 8 to 9 of the staff

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1 report, there's questions to consider.

2 CHAIRMAN WALLACE: What is the current  
3 con -- I see it right here.

4 MEMBER DOYLE: Page 5.

5 CHAIRMAN WALLACE: So the designation really  
6 for this entire property is business use in the  
7 comprehensive plan?

8 MR. COLBY: Uh-huh.

9 MS. JOHNSON: Yes. It's neighborhood  
10 commercial.

11 CHAIRMAN WALLACE: But that's also the use  
12 for the 3-unit to the northeast, the apartment  
13 across the street; correct?

14 MS. JOHNSON: (No verbal response.)

15 CHAIRMAN WALLACE: Okay.

16 VICE CHAIRMAN KESSLER: Well, I'd like to  
17 comment.

18 CHAIRMAN WALLACE: Okay.

19 VICE CHAIRMAN KESSLER: I'll address these  
20 questions, as well. And I'll do that first.

21 I would support a change in zoning, but  
22 I don't think I would -- I would support a change to  
23 residential. I think I would -- you know, that's --  
24 I know what Main Street is like. I live on Main

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1 Street, on West Main Street.

2 I think it would be -- it's looking  
3 backwards to zone parcels on Main Street residential  
4 when they're surrounded by commercial, and it will  
5 continue to become more commercial. I mean, we do  
6 spot zoning all up and down Main Street from east to  
7 west to commercial units.

8 So I do like the fact that you've come with  
9 some sort of plan for that area. So, to me, the  
10 simplest thing to do is not to rezone at all and  
11 work with the plans that you have here.

12 I don't have any problem adding residential  
13 units to the area because, first of all, it is a  
14 residential unit there now, and it's surrounded with  
15 residential behind the existing residential. So it  
16 just makes sense to put it there.

17 CHAIRMAN WALLACE: But if the front parcel  
18 remained legal nonconforming, then how would they be  
19 able to develop the rear parcel?

20 I don't understand what you're saying. If  
21 you leave it zoned the way that it is, would they be  
22 able to develop the rear parcel?

23 VICE CHAIRMAN KESSLER: Why not? It's zoned  
24 for it.

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1 MR. MARSHALL: I guess we --

2 VICE CHAIRMAN KESSLER: It's already zoned  
3 for it.

4 CHAIRMAN WALLACE: I guess the question is,  
5 if it's not subdivided -- are you talking about  
6 subdividing?

7 VICE CHAIRMAN KESSLER: Yes.

8 CHAIRMAN WALLACE: Okay.

9 MR. COLBY: So to clarify, the existing  
10 zoning of the northern portion only permits  
11 single-family right now. It's zoned RT-1.

12 You could subdivide the property and rezone  
13 that RT-1 portion to a different residential  
14 district to permit more than one unit on that  
15 northern portion of the lot and still maintain the  
16 BL zoning on the southern portion of the lot,  
17 assuming that the portion of that that remains still  
18 met the minimum requirements of the BL District.

19 CHAIRMAN WALLACE: Doing that wouldn't  
20 trigger -- I mean, that would not be seen by the  
21 City as a change of use that would require him to  
22 conform with the existing zoning, would it?

23 MR. COLBY: No, as long as the lot that was  
24 being created wasn't violating the minimum standards

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1 of that district.

2 It's a little bit unusual in that it's a  
3 nonconforming use, but provided that it was  
4 otherwise conforming to the newly created lot,  
5 I think that's something that could be approved as a  
6 subdivision.

7 CHAIRMAN WALLACE: So it would allow him to  
8 be able to do what he wants to do to the rear  
9 portion of the lot but it would be in conformance  
10 with our comprehensive plan, as well.

11 VICE CHAIRMAN KESSLER: Right. And it would  
12 maintain the zoning in the front lot --

13 CHAIRMAN WALLACE: Uh-huh.

14 VICE CHAIRMAN KESSLER: -- even though  
15 what's there now is nonconforming.

16 So, yes, to clarify, to answer your  
17 question, we would have to -- there would be some  
18 rezoning on the rear portion, but I'm -- I'm not  
19 for rezoning that whole plot as one, either  
20 residential or commercial. I don't think you should  
21 put residential on the front end, zone it as  
22 residential and I don't think the back portion  
23 should be zoned BL.

24 So I think you --

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1 MR. MARSHALL: But you would be okay leaving  
2 the nonconforming 2-unit there --

3 VICE CHAIRMAN KESSLER: Yes.

4 MR. MARSHALL: -- if we were to subdivide it?

5 It's just in the future, if something were  
6 to happen, you'd want to see it be more business  
7 than residential.

8 VICE CHAIRMAN KESSLER: Right. It would  
9 turn into a business.

10 MEMBER HOLDERFIELD: You're talking about  
11 leaving the south portion of the lot as is?

12 VICE CHAIRMAN KESSLER: As is.

13 MEMBER HOLDERFIELD: But, north, you could  
14 go from -- has it been -- from single-family to  
15 multiple- or higher density?

16 VICE CHAIRMAN KESSLER: Exactly.

17 MEMBER HOLDERFIELD: Okay. That's what I  
18 thought.

19 VICE CHAIRMAN KESSLER: That is correct.

20 CHAIRMAN WALLACE: I don't think that you'd  
21 want the rear to be residential single-family.

22 VICE CHAIRMAN KESSLER: No.

23 MEMBER HOLDERFIELD: That's not what they're  
24 looking for.

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1 VICE CHAIRMAN KESSLER: I don't think so,  
2 either, not in that transition.

3 So to continue, then, I -- when I first saw  
4 both concepts, I thought, "Oh, those two  
5 buildings -- oh, there's only one building."

6 But what you say makes sense, and that is  
7 there's a lot of massing when you put one building  
8 in there --

9 MR. MARSHALL: Yeah.

10 VICE CHAIRMAN KESSLER: -- and these are  
11 backyards where people are --

12 MEMBER MACKLIN-PURDY: Right.

13 VICE CHAIRMAN KESSLER: -- out with their  
14 families; they use their yards.

15 It's a neighborhood. And to put a large  
16 building back there I think is kind of in their --  
17 in their face.

18 I like the fact that the first building to  
19 the north -- it does seem a little close, but then  
20 it opens up as the lot moves back. That's where all  
21 the backyards are. That's where everybody is going  
22 to be, you know, congregating.

23 Dan -- I'll mention something.

24 There's -- I know of two flag lots on the

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1 west side that are huge single-family, and it's not  
2 a -- it's not an issue. It's kind of a unique  
3 feature, actually.

4 MR. MARSHALL: Off Prairie there?

5 VICE CHAIRMAN KESSLER: Yeah, off of Prairie  
6 and then --

7 MR. MARSHALL: West of that?

8 VICE CHAIRMAN KESSLER: Exactly. Those two.  
9 And it's kind of a unique feature. It's  
10 kind of neat, you know. In fact, I always looked at  
11 that lot thinking that would be neat -- it's kind of  
12 like having a compound in the middle of town.

13 MEMBER MACKLIN-PURDY: Where is that?

14 VICE CHAIRMAN KESSLER: Off of Prairie,  
15 right off of Prairie and Howard. Right there.  
16 There's a flag lot right back there. It's a big  
17 house, too.

18 So I am in favor -- I mean, I would be in  
19 favor of Option -- I'm going to make -- hope I say  
20 that right -- Option 1 is the two buildings?

21 MR. MARSHALL: Right.

22 VICE CHAIRMAN KESSLER: I would be in favor  
23 of Option 1 in that location.

24 MEMBER DOYLE: Can I --

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1 VICE CHAIRMAN KESSLER: I'm done. Go ahead.

2 MEMBER DOYLE: Just to sort of follow up on  
3 that, you know, in terms of your point about BL in  
4 the front, I guess a question I have -- and I don't  
5 think we should try to answer it tonight but --  
6 is -- the question was put to staff as to whether or  
7 not the nonconforming use would be retained, and the  
8 answer was it could if -- if the new BL lot conforms  
9 to the requirements of a BL -- the BL zoning.

10 And so then my question is, if you look at  
11 Concept Plan 1, with that 11-foot setback in the  
12 back, which is not conforming to RT-4 --

13 VICE CHAIRMAN KESSLER: Brian, what page are  
14 you on there?

15 MEMBER DOYLE: This is page 6.

16 CHAIRMAN WALLACE: Page 6.

17 VICE CHAIRMAN KESSLER: Page 6. Thank you.

18 MEMBER DOYLE: This is RT-4 and I don't know  
19 what the requirements are of BL District and -- in  
20 terms of lot area and coverage and the setbacks.

21 CHAIRMAN WALLACE: What would the rear yard  
22 requirement be for BL?

23 I think it's much less.

24 MR. MARSHALL: I know lot coverage I looked

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1 into, would be no problem. You can get a lot of lot  
2 coverage with BL.

3 MR. COLBY: The minimum rear yard in BL is  
4 20 feet.

5 CHAIRMAN WALLACE: So that begs the question  
6 of can it -- if we did -- well, yeah.

7 Because if we subdivided it to within  
8 11 feet of the rear of the south building, what  
9 issues would we have there?

10 I mean, we would --

11 MR. MARSHALL: I'll just remind you that,  
12 with that Scheme A, there's already setback issues  
13 on the middle lot, so it would be taken in as a PUD,  
14 in which case you would say something like, "That  
15 front lot, we're going to change the rear yard to  
16 11 feet" or "The existing building can stay at  
17 11 feet but, if it's future developed" -- like if  
18 you rip it down, start over again, you're going to  
19 build a business there -- "we need the setbacks."

20 MEMBER DOYLE: Yeah.

21 CHAIRMAN WALLACE: I just don't want him to  
22 run into a problem of not being able to continue to  
23 use the front lot for the sake of rezoning the rear  
24 lots, you know, having setback issues and that sort

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1 of thing.

2 So all of the lots would then have to be  
3 included under the PUD --

4 MR. MARSHALL: Yeah.

5 CHAIRMAN WALLACE: -- to allow for those  
6 setback variances.

7 MR. MARSHALL: You're correct. I think as a  
8 PUD you'd come in and say -- to Tim's -- maybe  
9 Brian's point -- that we want to keep business up  
10 there so we're going to, in our PUD, call that the  
11 BL lot and these other ones the RT-4 lots.

12 CHAIRMAN WALLACE: And you wouldn't have as  
13 much of an issue if it were BL as you would if it  
14 were RT-4 --

15 VICE CHAIRMAN KESSLER: Uh-huh.

16 CHAIRMAN WALLACE: -- because the rear yard  
17 setback is 10 feet less under BL. So, really,  
18 instead of a 19-foot variance, you only have a  
19 9-foot variance.

20 MR. MARSHALL: Right.

21 MEMBER DOYLE: So I'll just finish my  
22 comments on that.

23 CHAIRMAN WALLACE: Sorry.

24 MEMBER DOYLE: But I guess I would piggyback

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1 on what Tim said and say that I think he makes a  
2 good point, that, in terms of the comprehensive plan  
3 or just in terms of the direction of development,  
4 I think it makes sense that we would want to keep  
5 the zoning on Route 64 as BL.

6 And I think there's also merit to the  
7 arguments that I've heard all around about the  
8 smaller massing of the two buildings in back, so  
9 I would be in favor of that if the math can all work  
10 and if there's a way to make it procedurally work.

11 I would say that, though, there's a part of  
12 me that is also in favor of -- or maybe more in  
13 favor of Concept Plan 2 with the 3-unit building  
14 because, although it's not a historic property, it  
15 is a unique property. And I think it's kind of like  
16 with the manor over -- over by the library -- I'm  
17 forgetting the name of it --

18 VICE CHAIRMAN KESSLER: The Judd Mansion.

19 MEMBER DOYLE: -- the Judd Mansion.

20 You know, you look at that house and during  
21 those proceedings I said, you know, "The problem  
22 with what we're dealing with is that we took this  
23 big, grand manor and we stuck it onto a little  
24 parcel." And so the grounds around the house --

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1 which really were part of the original concept, are  
2 now gone.

3 And so if I think about the use of this  
4 property down the road when it might be historic,  
5 when it might -- you know, I mean -- having that  
6 larger grounds around it could make it more flexible  
7 for BL in terms of parking.

8 MR. MARSHALL: Uh-huh.

9 MEMBER DOYLE: You know, if you wanted to  
10 change the use down the road, you'd have more to  
11 work with in terms of that back -- that setback in  
12 the rear.

13 It seems like it's -- it just seems less  
14 cramped in general, whether it's parking in the rear  
15 or whether it's outdoor amenities, as I was talking  
16 about before.

17 And then in terms of trying to make the  
18 BL zoning work, as we were just talking about, and  
19 ensure that what's there is sufficient to allow for  
20 a nonconforming use to be retained, I think that's  
21 what -- that's important.

22 So I would say, in conclusion, both  
23 concepts, to me, are -- have their -- have merit.  
24 There are, again, strengths of each.

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1           The final thing I would say is that  
2 I appreciate the fact that you've put some work and  
3 effort into the property and to restoring it, and  
4 that really goes a long way to me wanting to be  
5 flexible with you and collaborative in terms of  
6 getting to the right solution.

7           MR. LARSON: Thank you.

8           CHAIRMAN WALLACE: Jim.

9           MEMBER HOLDERFIELD: Yeah, I have a comment.

10           I guess from the beginning, as I looked at  
11 this property -- it's already been talked about, and  
12 I'm sure you're well aware of it -- about the  
13 vehicle --

14           MS. KING: Could Jim speak into the  
15 microphone, please?

16           MEMBER HOLDERFIELD: I'm sorry.

17           Being -- emergency vehicles being able to  
18 access all the units in this proposal.

19           And I had planned to ask the Petitioner had  
20 he contacted the architect to see if the turn  
21 radiuses were right, but I guess that's true now for  
22 sure.

23           When I visited the property, I was amazed at  
24 the height of the apartment building along the east

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1 side of your property, and I just couldn't get over  
2 that. And a suggestion I would make -- I'm kind of  
3 partial to Option 2 and -- but I would like to see  
4 it kind of reversed, in that the units be slid to  
5 the north, the flag driveway or alleyway that goes  
6 in would go past the units, and the front of the  
7 units would be facing the west because there's so  
8 much light and ventilation actually knocked off by  
9 that apartment building. I would like the backyard  
10 of these units to the backyards of that apartment  
11 building. I was just amazed at the size of it.

12 So that's what I'm suggesting. I'm tickled  
13 to death that we're moving forward, you want to  
14 improve the property, but I think, you know, you  
15 don't have to necessarily make them large three  
16 units there.

17 But having them face the west, the front,  
18 might be something you want to consider --

19 MR. MARSHALL: Sure.

20 MEMBER HOLDERFIELD: -- if it's just  
21 backyards and the backyards of the apartment  
22 building. I was just amazed how tall that was.

23 MR. MARSHALL: Can we call -- Russell, can  
24 we call the east side the rear yard and the west

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1 side the front yard as far as setbacks go on a flag  
2 lot like this? It's weird to try to define the --

3 MEMBER HOLDERFIELD: Sure. But the turn  
4 radius wouldn't be any different.

5 MR. MARSHALL: No. It would be the same,  
6 30 feet on the east and 26 feet on the front, so it  
7 would just --

8 MEMBER HOLDERFIELD: I don't know if that's  
9 possible.

10 MR. COLBY: In a subdivision plat you can  
11 designate the yards. Certainly, with a PUD, you can  
12 specify which is which.

13 I'm not certain with a flag lot, if it was  
14 just a rezoning and not a PUD, how we would  
15 accommodate that. That's something we would have to  
16 look into. It might be possible but typically you  
17 can designate yards on a subdivision plat.

18 MEMBER HOLDERFIELD: That could be explored,  
19 then, so -- that's my only comment.

20 CHAIRMAN WALLACE: Okay.

21 Laura.

22 MEMBER MACKLIN-PURDY: Do you also own  
23 1434 East Main?

24 MR. LARSON: I do, yeah.

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1 MEMBER MACKLIN-PURDY: I think that's --  
2 that's what I see eventually this morphing into,  
3 with all those businesses in there. So -- I mean,  
4 that's just an awesome building with all those  
5 businesses. I think, yeah, there's five businesses  
6 in there.

7 MR. LARSON: Four, I think -- four, yeah.

8 MEMBER MACKLIN-PURDY: Five.

9 MR. LARSON: Are there?

10 MEMBER MACKLIN-PURDY: There's five.

11 MR. LARSON: Okay.

12 MEMBER MACKLIN-PURDY: There's an  
13 acupuncturist; there's an accountant; there's a  
14 chiropractor; Edwina -- the facial --

15 MR. LARSON: Edwina, yeah.

16 MEMBER MACKLIN-PURDY: Wait. Is that four?

17 MR. LARSON: They kind of share, massage and  
18 acupuncture.

19 MEMBER MACKLIN-PURDY: I think it's awesome.

20 MR. LARSON: Thank you.

21 MEMBER MACKLIN-PURDY: That's what I'm  
22 thinking this could morph into, so I'm all for  
23 keeping it BL so that we could have that business  
24 option because it's just a great way to get a lot of

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1 businesses that don't want the high overhead in the  
2 downtown area.

3 MR. LARSON: I agree. I've been pushing it  
4 a long time to change the sprinkler ordinance, and  
5 I think they're doing that. Correct?

6 Have you heard that?

7 CHAIRMAN WALLACE: That doesn't go through us.

8 MR. LARSON: But a building of this size,  
9 won't need sprinklers if I change the use to  
10 commercial, is what I'm being told.

11 MR. MARSHALL: I happen to sit on the board  
12 that's -- the commission that's doing that, and the  
13 rule is going to be, if you make it more dangerous  
14 of a use, you have to turn it to sprinklers, but if  
15 you change the use to an equal or less hazard group,  
16 you don't have to have sprinklers.

17 So residential to business is a little  
18 questionable.

19 MR. LARSON: It goes down. No cooking,  
20 no --

21 MR. MARSHALL: Yeah. We'd have to ask the  
22 fire department about that.

23 MEMBER MACKLIN-PURDY: Anyway, I would like  
24 to keep it zoned the way it is so that that option

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1 could be available because it seems to be working  
2 really well. So I agree with Tim, is to keep that  
3 zoned and in BL.

4 And I love your ideas that you just came up  
5 with. I think that's awesome. But I am kind of  
6 leaning toward Option 2 just because I was just over  
7 there looking at the space, looking at the -- and  
8 I think it would be great to flip it because I think  
9 that would be a lot nicer to look at, also, for the  
10 people who would live there --

11 MR. MARSHALL: For who?

12 MEMBER MACKLIN-PURDY: -- coming in.

13 MR. LARSON: For the tenants.

14 MEMBER MACKLIN-PURDY: For the front to be  
15 flipped.

16 MR. MARSHALL: Okay.

17 MEMBER MACKLIN-PURDY: I think that would be  
18 a better option. And for the whole structure to be  
19 moved more north --

20 MR. MARSHALL: Sure.

21 MEMBER MACKLIN-PURDY: -- so that there's  
22 more access.

23 MEMBER HOLDERFIELD: You might end up with  
24 more parking there.

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1 MEMBER MACKLIN-PURDY: I think that would  
2 give you more parking, and I think the emergency  
3 vehicles --

4 MR. MARSHALL: It would definitely give you  
5 more paving.

6 THE COURT REPORTER: I'm sorry. I didn't  
7 hear what you said.

8 (An off-the-record discussion was held.)

9 MR. MARSHALL: It would definitely give you  
10 more paving --

11 THE COURT REPORTER: Thank you

12 MR. MARSHALL: -- when you put it on the  
13 west side because you'd have to bring that driveway  
14 along the whole south end of the --

15 MEMBER MACKLIN-PURDY: And it would also  
16 provide more access for emergency vehicles.

17 That's my comment.

18 MEMBER FRIO: I'm left.

19 CHAIRMAN WALLACE: Dan.

20 MEMBER FRIO: I think that's a great  
21 concept, No. 2, flipping the building to the front,  
22 keeping the zoning in the -- the front lot as the  
23 BL. So kind of ditto what they're saying about the  
24 Option 2.

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1           It's easy going last. I think it's great.

2           CHAIRMAN WALLACE: And I don't necessarily  
3 agree. I like Option 1 and the reason that I like  
4 it is actually what you said about kind of cottage  
5 duplexes, the concept of that, and making -- one of  
6 the things that I was looking at -- one of the staff  
7 questions was whether the proposal would meet the  
8 purposes of the PUD process, and one of them is to  
9 promote a creative approach to site improvements and  
10 building design that results in a distinctive,  
11 attractive development that has a strong sense of  
12 place yet becomes an integral part of the community.

13           And I think putting in two duplex units like  
14 that and creating almost like a private court area  
15 but, yet, that is still integrated into the  
16 surrounding -- you know, you do have the 3-unit to  
17 the east, you have single-family to the west and to  
18 the north. I mean, my idea of it -- and I know that  
19 you'll do a great job of, you know, making it  
20 something special --

21           MR. MARSHALL: Thank you.

22           CHAIRMAN WALLACE: -- and I think that  
23 that's what it would end up being. It would be, you  
24 know, a special place, not just another kind of

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1 apartment building --

2 VICE CHAIRMAN KESSLER: Three-flat.

3 CHAIRMAN WALLACE: -- three-flat kind of  
4 thing.

5 MR. MARSHALL: That's what we're trying to  
6 avoid.

7 CHAIRMAN WALLACE: And I think it's a  
8 difficult area to work with. But I can see that,  
9 you know, definitely being a huge improvement and,  
10 really, a jewel in that residential neighborhood  
11 that will, you know, increase property values around  
12 it, which is a great thing.

13 And after discussion we've had here,  
14 I do agree with maintaining the zoning on the front  
15 portion of the lot. I don't -- you know, I'm always  
16 wary of, "Well, would forcing zoning, you know,  
17 decrease the ability to develop -- for future  
18 development of that lot?"

19 But, you know, in thinking about it, as long  
20 as you're a nonconforming use and maintaining that  
21 zoning doesn't hurt your ability to do that, I like  
22 the fact that it fits in with our comprehensive  
23 plan, you know, because that's one of the things  
24 that we look at, is -- and you're still going to be

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1 able to do what you want to do but have the ability  
2 in the future if you do want to develop it like  
3 Laura was talking about.

4 So those are my thoughts.

5 And I will also comment I think that you've  
6 done a great job on changing this property. It's --  
7 I mean, it used to be somewhat of an eyesore, and  
8 the change is dramatic. So good job.

9 All right. Anything else from staff before  
10 we close?

11 MR. COLBY: I just want to make a couple  
12 comments for the benefit of the Plan Commission.

13 The BL Zoning District, although it is a  
14 commercial district, it does permit some residential  
15 use. It permits a single-family dwelling, and it  
16 also permits an upper-level dwelling, which would be  
17 a residential unit above a commercial use.

18 So if this building were to be occupied on  
19 the first floor with a commercial use and a  
20 residential use on the second floor, that would be a  
21 conforming use of the building to the BL District.

22 Also, if the -- if a PUD is pursued for the  
23 entire site, one possibility we could look into is  
24 using the PUD to grant legal status to the two-unit

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1 building but also preserve the commercial zoning.

2 CHAIRMAN WALLACE: Uh-huh.

3 MR. COLBY: It's a little bit unusual  
4 because, with our PUD process, we prefer not to  
5 grant additional land uses through the PUD; however,  
6 the zoning district in this case already permits  
7 some residential use in a different form, so we may  
8 have the ability to make it legal but keep the BL  
9 zoning in place.

10 So that's an option that we could look into  
11 if a PUD is pursued.

12 CHAIRMAN WALLACE: That would be helpful to  
13 not have it -- I don't know. In my view, the less  
14 nonconforming buildings that we have, the better --

15 VICE CHAIRMAN KESSLER: That's for sure.

16 CHAIRMAN WALLACE: -- so that would be a  
17 good option.

18 All right.

19 MR. MARSHALL: Thank you very much for your  
20 time.

21 MR. LARSON: Thank you.

22 CHAIRMAN WALLACE: All right. Thank you.

23 And that concludes Item No. 4 on the agenda.

24 (Off the record at 8:02 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified  
Shorthand Reporter No. 084-004299, CSR, RDR, CRR,  
CRC, FAPR, and a Notary Public in and for the County  
of Kane, State of Illinois, the officer before whom  
the foregoing proceedings were taken, do certify  
that the foregoing transcript is a true and correct  
record of the proceedings, that said proceedings  
were taken by me stenographically and thereafter  
reduced to typewriting under my supervision, and  
that I am neither counsel for, related to, nor  
employed by any of the parties to this case and have  
no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my  
hand and affixed my notarial seal this 29th day of  
March, 2016.

My commission expires: May 31, 2017

  
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Notary Public in and for the  
State of Illinois

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

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In Re: :  
Public Hearing; City of :  
St. Charles Requests General :  
Amendments to Chapter 17.12, :  
Chapter 17.14, Chapter 17.20, :  
and Chapter 17.30. :

-----x

HEARING

St. Charles, Illinois 60174  
Tuesday, March 22, 2016  
8:02 p.m.

Job No.: 97787B  
Pages: 1 - 50  
Reported by: Melanie L. Humphrey-Sonntag,  
CSR, RDR, CRR, CRC, FAPR

General Amendments to Chapter 17.12, 17.14, 17.20, and 17.30  
Conducted on March 22, 2016

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HEARING, held at the location of:

ST. CHARLES CITY HALL  
2 East Main Street  
St. Charles, Illinois 60174  
(630) 377-4400

Before Melanie L. Humphrey-Sonntag, a Certified  
Shorthand Reporter, Registered Diplomate Reporter,  
Certified Realtime Reporter, and a Notary Public in  
and for the State of Illinois.

General Amendments to Chapter 17.12, 17.14, 17.20, and 17.30  
Conducted on March 22, 2016

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- LAURA MACKLIN-PURDY, Member

ALSO PRESENT:

- RUSS COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner

General Amendments to Chapter 17.12, 17.14, 17.20, and 17.30  
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P R O C E E D I N G S

1  
2 CHAIRMAN WALLACE: Item 5 is a public  
3 hearing, general amendment, St. Charles, a petition  
4 filed by the City of St. Charles requesting  
5 amendments to Chapter 17.12, "Residential  
6 Districts"; Chapter 17.14, "Business and Mixed-Use  
7 Districts"; Chapter 17.20, "Use Standards"; and  
8 Chapter 17.30, "Definitions, Alcohol or Tobacco  
9 Sales Establishment" use category.

10 For the public hearing portion, the City  
11 conducts public hearings for applications such as  
12 this one. This one's a little unusual since it's  
13 been brought by the City, but our procedure is still  
14 the same.

15 The Applicant will make a presentation  
16 followed by Plan Commission questions, questions  
17 from members of the public, and at the end of the  
18 public hearing, if the Plan Commission feels that it  
19 has enough -- it's collected enough evidence to make  
20 a recommendation to the City Council, then the  
21 public hearing will be closed.

22 If it feels that it hasn't, we have the  
23 option to continue the public hearing to a future  
24 date; however, Item 6 on the agenda is an action

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1 item for this application, so it's anticipated that  
2 we'll be able to collect our evidence and be able to  
3 make a recommendation tonight to the City Council.

4 Any questions on our procedure?

5 (No response.)

6 CHAIRMAN WALLACE: All right. If you could  
7 raise your hand.

8 (One witness duly sworn.)

9 CHAIRMAN WALLACE: All right. And, of  
10 course, anyone speaking, please state your name,  
11 spell your last name, and state your address for the  
12 record.

13 Go ahead.

14 MS. JOHNSON: Okay. Ellen Johnson with the  
15 City of St. Charles.

16 So staff is proposing this general amendment  
17 based on input that we received from City Council.  
18 Council expressed interest in limiting locations  
19 where liquor stores and tobacco stores can locate.

20 This conversation was spurred last summer  
21 when the Council considered a liquor license  
22 application that would have allowed a liquor store  
23 to open at the St. Charles Mini-Mart on South Third  
24 Street, south of Prairie.

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1           So neighbors expressed some opposition to  
2 that location. They didn't feel that it was  
3 appropriate to locate a liquor store within a  
4 residential neighborhood, and so Council expressed  
5 an interest in addressing this issue through zoning.

6           So under the current Zoning Ordinance,  
7 retail sales is a general use category that kind of  
8 combines all retail uses into the one category. It  
9 doesn't differentiate between products sold.

10           So a liquor store or a store that primarily  
11 sells tobacco products, they're both considered just  
12 retail sales, and, as such, they're permitted in all  
13 commercial zoning districts as well as mixed-use  
14 zoning districts and the downtown zoning districts.

15           So some of these commercially zoned  
16 properties are kind of pockets of commercial zoning  
17 within -- surrounded by or partially within  
18 residential neighborhoods, so we are proposing to  
19 create a new zoning use category separate from  
20 retail sales called "Alcohol or Tobacco Sales  
21 Establishments," and this would include package  
22 liquor stores, tobacco, cigar, e-cigarette stores,  
23 also hookah bars.

24           So proposed is to permit this new use in the

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1 more heavily traveled commercial zoning districts,  
2 the BR, Regional Business District; BC, Community  
3 Business; also the Central Business District  
4 downtown; and, also, to allow it in the BL, Local  
5 Business, and CBD-2, Mixed-Use Business, only along  
6 Main Street, Randall, and Kirk Road.

7 So it would not be permitted in the BL and  
8 CBD-2 District in locations not on these major  
9 arterials and also would not be permitted in the BT,  
10 Transitional Business, overlay, which are kind of  
11 mixed-residential areas over -- right outside of  
12 downtown.

13 Are there any questions on that so far?  
14 I have some maps that will kind of illustrate this.

15 So this map shows the locations of the CBD-2  
16 and BL; CBD-2 pink and then BL is light blue. These  
17 are locations east of downtown where the uses will  
18 be permitted.

19 So as you can see along Main Street, CBD-2  
20 and BL Zoning Districts will -- these properties  
21 will be permitted to have a liquor store or a  
22 tobacco store. So there are two existing  
23 businesses, an e-cigarette store and a liquor store,  
24 that will continue to be permitted uses because they

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1 front Main Street.

2 VICE CHAIRMAN KESSLER: And not CBD-1;  
3 correct?

4 MS. JOHNSON: Correct. CBD-1, it will be  
5 permitted. I didn't outline it. The whole entire  
6 district, it will be permitted.

7 VICE CHAIRMAN KESSLER: It will be  
8 permitted? So this red dotted line doesn't mean  
9 it's restricted to that area?

10 MS. JOHNSON: Right. Right. I'm just  
11 showing where -- in CBD-2 and BL -- where it's  
12 permitted.

13 VICE CHAIRMAN KESSLER: Okay.

14 MS. JOHNSON: Yeah, it's kind of backwards  
15 because of the red.

16 And then this shows the CBD-2 and BL  
17 locations where it will be permitted west of  
18 downtown, and there are no existing liquor or  
19 tobacco stores there.

20 And then this shows the locations near  
21 Randall and Main Street. So Lundeen's there will  
22 continue to be a permitted use because it's on Main  
23 Street.

24 VICE CHAIRMAN KESSLER: And the BC, of

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1 course, is still permitted.

2 MS. JOHNSON: BC is permitted; BR is  
3 permitted.

4 CHAIRMAN WALLACE: Can you go back to the  
5 map before that?

6 MS. JOHNSON: (Complied.)

7 So kind of those BL locations that are north  
8 of the area outlined in red, those locations will  
9 not be able to have a liquor store or tobacco store  
10 since they're kind of more towards the residential  
11 neighborhoods, kind of inset, and not along -- they  
12 don't have frontage on Main Street.

13 VICE CHAIRMAN KESSLER: This is the BL, by  
14 Thompson -- by Ninth Street?

15 MS. JOHNSON: Yes, uh-huh.

16 CHAIRMAN WALLACE: Did the City Council have  
17 any discussion about exempting from this permitted  
18 use properties that are adjoining schools? The only  
19 properties that would come into play in the  
20 BL District would be the ones across the street from  
21 Thompson.

22 MS. JOHNSON: Uh-huh. I don't know.

23 Russ, do you know if anything came up about  
24 that?

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1 MR. COLBY: No, I don't believe that issue  
2 was brought up.

3 CHAIRMAN WALLACE: Okay.

4 MS. JOHNSON: So most existing businesses  
5 will comply with this amendment. The only one that  
6 will become a nonconforming use is the liquor store  
7 on Prairie and 14th Street, which is the One Stop  
8 Liquor.

9 It will be a legal nonconforming use, so it  
10 can -- it can continue in operation, but the  
11 business won't be able to be expanded; they can't  
12 expand their building footprint. And then if the  
13 store is vacant -- if the use, basically, is vacated  
14 for 180 days -- then they couldn't return to being a  
15 liquor store.

16 But the business could sell and -- to  
17 another liquor store -- and it could continue in  
18 operation as a liquor store. So that's the only  
19 situation where an existing business would be  
20 affected.

21 So this map shows all of the BL, CBD-2, and  
22 BT locations where the use will not be permitted so  
23 kind of shows those commercially zoned pockets  
24 around town.

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1           Here's the convenience store I talked about,  
2           the Mini-Mart on South Third Street, the liquor  
3           store on 14th and Prairie. There's the retail kind  
4           of strip mall up by Delnor on North Fifth Avenue.

5           And then kind of the pockets of BL zoning  
6           back from -- set back from West Main Street and  
7           East Main Street. And then all of the CBD-2  
8           locations that are -- that do not have frontage on  
9           Main Street.

10           So that is the proposal. If there are any  
11           questions --

12           MEMBER MACKLIN-PURDY: Definitions of  
13           "tobacco sales"?

14           MS. JOHNSON: Uh-huh. Yes.

15           So we're referencing -- there's still  
16           specific language of the definition of this new use.  
17           It's in the packet. I can read it.

18           It's kind of long but it references the  
19           tobacco definitions that are in our tobacco -- the  
20           City Code section that references tobacco --

21           MEMBER MACKLIN-PURDY: I did read it.

22           I'm just -- I'm referencing vape because  
23           they do say -- I know. I read it. I read it a  
24           couple times.

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1           Because some people do not consider vape  
2 alcohol sub- -- or tobacco substitute --

3           MS. JOHNSON: Uh-huh.

4           MEMBER MACKLIN-PURDY: -- so I was just  
5 hoping that it's all encompassed in there.

6           MS. JOHNSON: Yeah. And that's the intent  
7 so I'll look at those definitions again that are in  
8 that City Code section to make sure that we've got  
9 that.

10           MEMBER MACKLIN-PURDY: I'm right in the  
11 throes of the vape world, unfortunately. I have two  
12 high schoolers. Don't -- don't --

13           VICE CHAIRMAN KESSLER: Really?

14           MEMBER MACKLIN-PURDY: Yes.

15           CHAIRMAN WALLACE: All right. Any other  
16 questions?

17           MEMBER DOYLE: Yes.

18           Was there any consideration -- I mean,  
19 what's the rationale -- is there a public safety  
20 rationale for the amendment? I mean, I guess  
21 I should take a look at the findings of fact.

22           MEMBER MACKLIN-PURDY: It's the community  
23 image.

24           MS. JOHNSON: Yeah. The idea is that,

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1 basically, that the liquor stores and tobacco stores  
2 kind of have a character that's outside of -- maybe  
3 contrary to residential neighborhoods and maybe not  
4 as compatible as other retail uses.

5 MEMBER DOYLE: So there's been no analysis  
6 of whether there's a public safety issue? I mean,  
7 like, for instance, at the store on 1401 Prairie  
8 Street, are there more incidents of police calls at  
9 that location? Are there more incidents of public  
10 destruction at that location?

11 MS. JOHNSON: Yeah, we don't look into that.  
12 I don't know if they did at the time.

13 MR. COLBY: No, there hasn't been any kind  
14 of analysis of that information.

15 I think the basis for the direction we  
16 received from the City Council had to do with -- you  
17 know, at the time the Third Street proposal was  
18 discussed, we presented some zoning information to  
19 the Council. They were looking at the zoning  
20 district purpose statements for the type of  
21 businesses that might be appropriate in given  
22 districts and, based on that, they felt that that  
23 type of use, although it was currently considered  
24 retail sales, was different in character, and then,

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1 based on those purpose statements, it didn't  
2 necessarily fit within the entire area of those  
3 districts as mapped.

4 And so they reached that conclusion more or  
5 less based on the purpose statements.

6 MEMBER DOYLE: So it's a matter of character  
7 and image?

8 MR. COLBY: Yes.

9 MEMBER DOYLE: Okay. Another question: Are  
10 firearms -- sale of firearms -- a general retail  
11 issue?

12 MS. JOHNSON: They are, yes.

13 MEMBER DOYLE: So at the Federal level,  
14 alcohol, tobacco, and firearms go together. Is  
15 there any consideration of including firearms?

16 MS. JOHNSON: Did that come up, Russ?

17 MR. COLBY: It hasn't come up.

18 Part of the reason that this grouping was  
19 proposed is that these are all businesses that the  
20 City licenses. So the City reviews license  
21 applications, and as part of that consideration they  
22 do look at the location, but, really, the location  
23 of the business is meant to be dictated by the  
24 zoning.

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1           So what the hope was is -- was that, by  
2           modifying this, it would sort of more align the  
3           location expectations and kind of what the ordinance  
4           says in terms of purpose statements sort of match  
5           community expectations.

6           And because we do not license firearms  
7           dealers, that had not come up in discussion.

8           MEMBER DOYLE: Okay.

9           MR. COLBY: It isn't to say that it couldn't  
10          be included.

11          MEMBER DOYLE: But the same premise could be  
12          applied there, as well? We could create a separate  
13          category for firearm retail and put it in this new  
14          category?

15          MR. COLBY: Yes.

16          MEMBER DOYLE: Okay.

17          CHAIRMAN WALLACE: What determines whether  
18          the primary purpose is the sale of these items?

19          MS. JOHNSON: Yeah. It's based on floor  
20          area, the use of the tenant space that they occupy.

21          So like a grocery store that just had a  
22          section of the store that sells alcohol, the primary  
23          purpose wouldn't be the sale of alcohol.

24          CHAIRMAN WALLACE: Hm-m. I'm still thinking

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1 of --

2 VICE CHAIRMAN KESSLER: So -- but by saying  
3 that, if that little Family Pantry thing wanted to  
4 have one cooler of beer and wine, they wouldn't be  
5 subject to this. It wouldn't be a primary --

6 MS. JOHNSON: Well, they're zoned BR so they  
7 would be permitted to have a liquor store.

8 But -- I guess I don't understand your  
9 question.

10 VICE CHAIRMAN KESSLER: That convenience  
11 store on Third Street.

12 MS. JOHNSON: Oh. They would still need to  
13 get their liquor license.

14 VICE CHAIRMAN KESSLER: But they could get a  
15 liquor license if it wasn't a primary -- if it  
16 wasn't their primary -- they're not exempt, then,  
17 under that?

18 MR. COLBY: No. It would depend on the  
19 category of liquor license they applied for because  
20 I believe that there's a square-footage limitation  
21 to the building that comes into play. And if the  
22 building's under a certain size and they're applying  
23 for a liquor license, it's basically considered to  
24 be a package liquor store in its entirety.

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1 VICE CHAIRMAN KESSLER: Okay. So if it's  
2 under a certain size and they have liquor of any  
3 kind, if one -- one cooler door, it would be  
4 considered a liquor store?

5 MR. COLBY: Yes. For purposes of licensing,  
6 it would be considered a package liquor store.

7 VICE CHAIRMAN KESSLER: Okay.

8 CHAIRMAN WALLACE: As it is right now.  
9 The -- for example, St. Charles Mini-Mart -- or any  
10 gas station in town -- could not apply for a liquor  
11 license because they would -- they really would need  
12 to be a package liquor store.

13 MR. COLBY: Yes. And so there's a square-  
14 footage minimum.

15 CHAIRMAN WALLACE: Okay.

16 MR. COLBY: And I think there's also a  
17 restriction that prevents the sale at gas stations,  
18 as well, separate provision.

19 CHAIRMAN WALLACE: I'm just -- I'm wondering  
20 in particular with the convenience store on Third  
21 Street, you know. I know what the basis is for  
22 this -- for the application, City Council  
23 discussion, but I'm just wondering if this would be  
24 inclusive enough, that the definition would be

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1 inclusive enough to be able -- for them to --  
2 I mean, if they wanted to turn 49 percent of their  
3 floor area into hookah sales, would they be able to  
4 do that?

5 MR. COLBY: We could do further research on  
6 that question if you'd like more information:

7 CHAIRMAN WALLACE: And the other reason  
8 I asked is, if it's just based on floor area, if we  
9 have a -- I don't even know how big -- thousand-  
10 square-foot convenience store that sells tobacco  
11 from, you know, behind the counter in a fairly small  
12 space but it accounts for 60 percent of their sales,  
13 are they considered to be a tobacco store or a  
14 convenience store that sells tobacco?

15 MS. JOHNSON: Yeah. I think we need to look  
16 into that a little bit more to refine our definition  
17 and align it more with the tobacco licensing --

18 VICE CHAIRMAN KESSLER: I don't think you're  
19 achieving what you're trying to achieve here.

20 MS. JOHNSON: Right.

21 MEMBER MACKLIN-PURDY: There's a loophole.

22 CHAIRMAN WALLACE: Yeah.

23 MS. JOHNSON: Yeah.

24 CHAIRMAN WALLACE: And the other issue that

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1 I had brought up regarding properties that abut or  
2 adjoin or -- I don't know what you would say -- are  
3 next to school properties or, for that matter, park  
4 properties -- I don't know. I guess I would want to  
5 make some type of a consideration as to whether they  
6 would be allowed on those properties, as well.

7 MS. JOHNSON: Uh-huh. So to have some sort  
8 of separation requirement?

9 CHAIRMAN WALLACE: I don't know if it would  
10 be a separation requirement or just strictly to the  
11 parcels that are --

12 MS. JOHNSON: Directly adjacent.

13 CHAIRMAN WALLACE: -- directly abutting.

14 And I guess the question would be, are the  
15 properties across Main Street directly abutting  
16 Thompson School property?

17 VICE CHAIRMAN KESSLER: I would say no.

18 MS. JOHNSON: Well, it could be "directly  
19 abutting or directly across the street from."

20 CHAIRMAN WALLACE: Okay. And then I guess  
21 that would also go to properties that are -- well,  
22 the only other properties I think it would affect  
23 are the ones that are across from that Lincoln Park.

24 VICE CHAIRMAN KESSLER: Where?

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1 CHAIRMAN WALLACE: In front of St. Pat's.

2 VICE CHAIRMAN KESSLER: Yes.

3 MEMBER HOLDERFIELD: Yes.

4 CHAIRMAN WALLACE: Yeah.

5 VICE CHAIRMAN KESSLER: Well, I would say  
6 two things that come to mind.

7 First of all, you know, Brian brought up the  
8 issue of firearms, and ATF is a grouping that we  
9 choose not to address here. And I understand the  
10 reasoning and more than one reason for not -- or for  
11 creating this type of ordinance.

12 But while I want to make sure you're  
13 comprehensive in what you're attempting to do,  
14 I want to make sure that you're not too restrictive  
15 because I think you're opening Pandora's box when  
16 you start doing that.

17 And could you just tell us a little bit  
18 about how other, similar communities deal with  
19 alcohol use in zoning?

20 MS. JOHNSON: So, a lot of other  
21 communities, they kind of parcel out different  
22 retail uses. So they'll list a whole list of  
23 permitted retail uses per zoning district, so  
24 they'll say "grocery stores, liquor stores,

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1 furniture stores."

2 But our -- under our Zoning Ordinance we  
3 just have one general retail sales category that  
4 kind of groups all general retail sales without  
5 defining what specifically is included in that.

6 So this situation probably doesn't occur as  
7 much in other communities because of how they define  
8 different types of retail sales.

9 VICE CHAIRMAN KESSLER: Do you feel that  
10 there might be an issue for -- do you think there  
11 might be an issue by just segregating one particular  
12 retail use from all the others, particularly when  
13 it's alcohol or cigarettes?

14 MS. JOHNSON: An issue with precedence or --

15 VICE CHAIRMAN KESSLER: Precedent --

16 CHAIRMAN WALLACE: Equity.

17 VICE CHAIRMAN KESSLER: -- equity. You  
18 know, liquor licenses are hot button issues, people  
19 that want them and the people that don't want them.

20 And it's just -- I'm just asking the  
21 question to consider it.

22 MS. JOHNSON: Uh-huh.

23 CHAIRMAN WALLACE: Well, are there any other  
24 groups of retail sales that should be similarly

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1 dealt with?

2 VICE CHAIRMAN KESSLER: And then we go --

3 CHAIRMAN WALLACE: I guess.

4 VICE CHAIRMAN KESSLER: And then we go to  
5 how other communities handle it.

6 CHAIRMAN WALLACE: Exactly.

7 MEMBER MACKLIN-PURDY: What about  
8 restaurants that sell retail?

9 MS. JOHNSON: Those are not included in  
10 this. It's -- the definition says "This use does  
11 not include retail sales or tavern/bar, as defined  
12 herein," and we can add "or restaurants" because  
13 that's not -- their primary purpose isn't package  
14 sale of liquor. It's for -- to consume liquor on  
15 premises.

16 VICE CHAIRMAN KESSLER: But the argument  
17 could be made that a convenience store's primary  
18 purpose isn't selling liquor, either.

19 CHAIRMAN WALLACE: Well, yeah. That's what  
20 I was saying.

21 VICE CHAIRMAN KESSLER: And I think --  
22 I guess that's why -- the only thing I would say is  
23 take a look at that to make sure that you're  
24 accomplishing what you're trying to accomplish --

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1 MS. JOHNSON: Uh-huh.

2 VICE CHAIRMAN KESSLER: -- because I'm not  
3 so sure it is.

4 But, otherwise, I'm -- I think it's -- I'm  
5 okay with it. I'm okay with it.

6 CHAIRMAN WALLACE: Well, do you think that  
7 alcohol and tobacco should be decoupled and that we  
8 should have a standard for alcohol and a separate  
9 standard -- because as it is right now, convenience  
10 stores are allowed to sell tobacco. I mean, you can  
11 sell tobacco at -- on Third Street. You could sell  
12 alcohol. I mean, there are other reasons for that  
13 that go into licensing.

14 VICE CHAIRMAN KESSLER: I'm thinking out  
15 loud when I say that -- or when I say, "Gosh,  
16 I don't know."

17 If you were to have a separate ordinance  
18 just for tobacco or tobacco type -- you know, vapor  
19 lounges -- it could be considered somewhat even  
20 discriminatory when you separate it out like that.

21 But then we start seeking to categorize all  
22 retail --

23 CHAIRMAN WALLACE: Yeah.

24 VICE CHAIRMAN KESSLER: -- you know, and

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1 I don't know if we want to go there.

2 CHAIRMAN WALLACE: And that's opening a  
3 whole --

4 VICE CHAIRMAN KESSLER: And that's a whole  
5 Pandora's box. You go -- you've got other stuff to  
6 work on. Don't worry about that right now.

7 CHAIRMAN WALLACE: Yeah, Brian.

8 MEMBER DOYLE: So here's where I come down  
9 on this: I'm conflicted about it. The first thing  
10 is I'm going to go to Finding of Fact 4, "The extent  
11 to which the proposed amendment would be in the  
12 public interest and would not serve solely the  
13 interest of the Applicant."

14 The answer is "The proposed amendment will  
15 prevent liquor/tobacco sales establishments from  
16 locating within predominantly residential areas in  
17 order to prevent potential negative impacts on  
18 neighborhood character and the general welfare of  
19 residents."

20 I live -- I probably could throw a  
21 football -- not -- I'm not that good an athlete, so  
22 maybe I should back away from that claim --

23 VICE CHAIRMAN KESSLER: Do you live that  
24 close, Brian?

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1           MEMBER DOYLE: I live about as close to the  
2 nonconforming use as you could get, 1401 Prairie  
3 Street. And in the 10 years that I've lived there,  
4 I can't cite a single negative impact from that  
5 establishment that comes to mind.

6           I've gone in there once or twice, and  
7 I don't particularly like the establishment.  
8 I don't -- I prefer to go to Binny's or any other  
9 liquor store in the area. But I've never seen a  
10 police car out there; I've never seen a public  
11 disturbance there; I am not aware of profusion of  
12 trash on the property.

13           It just comes down to the fact that some  
14 people don't like those kind of businesses. And if  
15 that's what this is going to be about, then I'll  
16 raise my hand and say, "I don't like guns."

17           And so I would only support this amendment  
18 upon the condition that firearms are included  
19 because, if we're going to limit vice -- and that's  
20 what the point of this is -- let's limit vice and  
21 just call it that. Otherwise, I think we should be  
22 very rigorous about the public welfare concerns that  
23 we're trying to mitigate.

24           VICE CHAIRMAN KESSLER: Are you proposing

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1 that?

2 MEMBER DOYLE: If we're going to recommend  
3 for approval of this, I would propose that we add --  
4 I would only vote for it on the condition that  
5 firearms are included.

6 VICE CHAIRMAN KESSLER: Oh.

7 CHAIRMAN WALLACE: I don't know if we even  
8 would be able to amend it in such a way, you know,  
9 just because of notice requirements.

10 MR. COLBY: Yes, that's true. One thing we  
11 could do, though, is include that as a comment from  
12 the Plan Commission when it's presented to the  
13 P&D committee, and if they would direct us to  
14 include that, then we could renotice it, reconduct  
15 the hearing to incorporate that.

16 CHAIRMAN WALLACE: Yeah. And then the NRA's  
17 attorneys will show up.

18 MEMBER DOYLE: Well, the point is that we  
19 are opening up Pandora's box.

20 VICE CHAIRMAN KESSLER: Brian, I think  
21 there's a big difference, and I think the big  
22 difference is that gun shops and sales in  
23 St. Charles aren't an issue. And if they become an  
24 issue, we can address that but they aren't now.

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1 MEMBER DOYLE: But --

2 VICE CHAIRMAN KESSLER: But liquor licenses  
3 are, and that's why we're talking about it.

4 MEMBER DOYLE: But this -- I'm saying, this  
5 Finding of Fact 4, I don't see an issue. I live --

6 VICE CHAIRMAN KESSLER: What page?

7 MEMBER DOYLE: Page 14.

8 VICE CHAIRMAN KESSLER: Thank you.

9 MEMBER DOYLE: I live next to the one  
10 business that would remain that would be a  
11 nonconforming business, and I cannot recall a single  
12 incident in 10 years I've lived there that I would  
13 describe as presenting a potential negative impact  
14 on my neighborhood.

15 So what is it about? Is it about real  
16 negative impacts or is it about image? You know, if  
17 it's about image, then let's call it what it is. We  
18 just don't like certain kinds of businesses, and we  
19 prefer that they not be in our backyard.

20 And if that's what it's going to be about,  
21 then, you know -- then I've got an agenda that I can  
22 bring to the table, as well.

23 VICE CHAIRMAN KESSLER: I don't like tire  
24 stores. Can we add them?

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1 CHAIRMAN WALLACE: I think that the real  
2 issue is not so much image as it is access. You  
3 know, when you place an establishment in a  
4 residential neighborhood, you have increased access  
5 from people who aren't able to use vehicles, you  
6 know, people who aren't able to drive; whereas, if  
7 they're on main thoroughfares, then they are  
8 exclusively aimed at people who, you know, have the  
9 means to access it by automobile.

10 I don't know. That's more what my view is.

11 VICE CHAIRMAN KESSLER: If you have an issue  
12 with getting to a liquor store because you can't  
13 drive, there's probably a reason for it.

14 CHAIRMAN WALLACE: I'm thinking more of  
15 people who can't drive because of age.

16 VICE CHAIRMAN KESSLER: Is that a selling  
17 point?

18 CHAIRMAN WALLACE: So I don't know. I guess  
19 that's the question.

20 So --

21 MEMBER DOYLE: In terms of the public  
22 hearing, I think the question is upon what basis are  
23 we going to render a recommendation and do we have  
24 the information that we need.

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1 I don't know -- I asked the question about,  
2 you know, police records in terms of this business.  
3 Is there any higher incidence of public  
4 disturbances? Is there any higher incidence of  
5 police calls there?

6 I don't know that ultimately that's going to  
7 make -- that's going to mean anything because the  
8 truth is that this is here because of a procedural  
9 requirement, and Council is going to decide what the  
10 Council decides.

11 I just don't -- I don't like the idea of  
12 telling businesses that they can't locate in a  
13 particular area because we just don't like it.  
14 It's -- I just don't know that that's --

15 VICE CHAIRMAN KESSLER: Or we don't like  
16 having to tell you that we don't like it.

17 MEMBER DOYLE: That's the other thing. We  
18 could just continue to tell you no each time you  
19 bring the application forward and --

20 VICE CHAIRMAN KESSLER: Well, Brian, I'd  
21 also like to point out that, you know, these  
22 findings of fact --

23 THE COURT REPORTER: Excuse me. Could you  
24 use your mic, please.

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1 VICE CHAIRMAN KESSLER: I said I do  
2 understand the findings of fact.

3 Anyway, I know by the findings of fact  
4 that -- I understand your point and I am for the  
5 findings of fact, but you also realize that in these  
6 six items, these six findings of fact, we're not  
7 required to find in the affirmative on all of them  
8 and it's really a preponderance.

9 And I suppose we could go through each  
10 finding of fact and, you know, get a sense of the  
11 preponderance, but I -- I hear what you're saying.  
12 And I do believe that it's -- there are a number of  
13 things at play here, and one of them may be image --

14 MEMBER DOYLE: Uh-huh.

15 VICE CHAIRMAN KESSLER: -- but I don't think  
16 that's the only issue.

17 MEMBER DOYLE: So let's talk about image.  
18 I mean, is that -- I mean -- well, we --

19 CHAIRMAN WALLACE: Any use can have a  
20 variety of images. I mean, if you just talk about  
21 liquor stores, you know, if you go into Binny's,  
22 Binny's is a nice place. It's like -- you know,  
23 I would compare it to the Blue Goose as far as  
24 quality of a retail establishment.

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1           VICE CHAIRMAN KESSLER: If you're against  
2 liquor stores, you're going to be more against the  
3 Binny's than you are going to be against the little  
4 cooler section over in the Mini-Mart.

5           CHAIRMAN WALLACE: Well, yeah. But if  
6 we're -- what we're talking about is image, I don't  
7 think -- I mean, businesses have an economic reason  
8 to improve their image regardless of what they're  
9 selling because you would rather go to -- just like  
10 you said, you would rather go to Binny's than to the  
11 place on 14th Street because it's a nicer place to  
12 shop, and, therefore, you think that they have  
13 better products.

14           And so I -- in my opinion, it's not about --  
15 as I said, it's not about image. It's more about  
16 access to things that are undesirable.

17           MEMBER DOYLE: And we -- and so it's better  
18 for the access to be limited to the main  
19 thoroughfares?

20           MEMBER MACKLIN-PURDY: I think it's a  
21 judgment. I mean, you read No. 1 on findings of  
22 fact, "On page 43, a residential land use policy  
23 states 'Preserve the character of the city's  
24 existing single-family residential neighborhoods.'"

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1 I mean, that -- who's to say what that  
2 means? I mean, do alcohol stores say that that's  
3 not preserving the character?

4 And it's a judgment.

5 MEMBER DOYLE: Well, or Bull & Bear, when it  
6 was --

7 MEMBER MACKLIN-PURDY: Right.

8 MEMBER DOYLE: -- you know, a cigar shop.

9 MEMBER MACKLIN-PURDY: I mean, Blue Goose,  
10 it's an awesome store. It sells alcohol. I mean,  
11 that's the primary, but still it's a judgment,  
12 I think, and that's what we're getting into.

13 VICE CHAIRMAN KESSLER: Well, it is. And  
14 the findings of fact are simply guidelines that we  
15 should consider when we make our decision on this.  
16 And while we may disagree with some of the findings  
17 of fact, unless we disagree with all of them,  
18 I don't -- I'm not uncomfortable with the issue.

19 MEMBER MACKLIN-PURDY: I mean, I don't have  
20 a problem with it. I just think that it is an  
21 image -- it is -- and we should call it what it is.

22 MR. COLBY: You know, if I can offer a  
23 comment, there's one thing to keep in mind, is,  
24 really, what we're doing here is deciding in which

1 zoning districts is a given use appropriate.

2 And based on how these zoning districts are  
3 mapped, are there certain locations where it's more  
4 appropriate than others and can we write the code to  
5 address that?

6 So we do this with, really, most land uses  
7 that are regulated by the Zoning Ordinance. We  
8 allow them in certain districts; we don't allow them  
9 in other districts based upon the purpose statement  
10 of the district and the character of those areas.

11 So, really, what we're doing here is not  
12 that different from how we regulate our uses, but it  
13 is a policy decision that, if the Council approves  
14 through legislative action, our ordinances would  
15 classify this land use as a different category. It  
16 would still be regulated based on the same scheme of  
17 how we regulate other types of businesses.

18 So while your comments are well taken, just  
19 keep in mind that we're not doing anything unusual  
20 in terms of how to regulate different types of  
21 businesses.

22 CHAIRMAN WALLACE: Well, and I think that we  
23 need to delineate between the objective and the  
24 subjective because, really, from -- I mean, it's --

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1 the City Council has the ability to decide what City  
2 policy is, but, really, from our standpoint, we're  
3 just looking at land use.

4 And if it's something that the City Council  
5 wants to incorporate, it's our -- my view -- it's  
6 our job to figure out how from an objective  
7 standpoint. And, you know, if it makes sense for  
8 them to be in certain zoning districts, just as Russ  
9 said, that's what we're -- you know, that's what  
10 we're looking at.

11 I mean, along the same lines, we're not  
12 allowing, you know, manufacturing to be located in  
13 the middle of a residential district. I mean,  
14 fortunately for us, that was done years ago by good  
15 planning in our city, but I think that's the same  
16 type of thing that we're considering, is, you know,  
17 what uses should be allowed in what portions of what  
18 zoning districts.

19 So I don't know. I mean, I'm in support of  
20 what the aim of the application is. My holdback,  
21 personally, is about the language of the definition  
22 just because I don't -- I don't want it to be  
23 unintentionally too broad or narrow.

24 So that's my opinion on that.

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1 VICE CHAIRMAN KESSLER: I agree with Todd --

2 CHAIRMAN WALLACE: Thank you.

3 VICE CHAIRMAN KESSLER: -- because that's  
4 what I said.

5 CHAIRMAN WALLACE: All right. Any other  
6 comments or questions?

7 (No response.)

8 CHAIRMAN WALLACE: Anything from -- yes.

9 MR. LARSON: Can you require a special use  
10 for that?

11 CHAIRMAN WALLACE: Wait. State your name  
12 and spell your last name.

13 MR. LARSON: I'm sorry.

14 Eric Larson, L-a-r-s-o-n.

15 Can you just require a special use for any  
16 of those offensive businesses? And are there others  
17 like massage? Just a thought.

18 MR. COLBY: Yes, we can require a special  
19 use. The issue we run into with regulating special  
20 uses of this type is that, with most special uses,  
21 we look at the physical layout of the development,  
22 how the physical development impacts the properties  
23 around it.

24 When we have a special use that's really --

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1 it's just a business occupying a space within a  
2 building, there's not a lot that can be reviewed in  
3 terms of zoning because the only information we  
4 really have is that they are going to establish a  
5 certain type of business in the building.

6 Any impact of that business that could be  
7 expected would really be based on speculation. Just  
8 say if it was a special use for a drive-through or  
9 something.

10 We would be looking at, you know, how the  
11 vehicles would be circulating through the site. In  
12 that situation we could predict certain things about  
13 what we know about how traffic travels around the  
14 property.

15 But if we had a special use where we were  
16 sort of speculating about the impacts, the City  
17 couldn't use that information as a basis to deny the  
18 application. We would be in a difficult position,  
19 I think, to review those types of businesses.

20 And that's why we have licensing for those  
21 types of businesses like we have for the liquor  
22 stores, also for the massage establishments.  
23 Because of the types of things that can happen there  
24 that might be criminal activities, the business can

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1 be further controlled with a license that would  
2 prevent the business from continuing to operate if  
3 the license was withdrawn, versus, if it was a  
4 zoning approval, it's a little trickier to enforce.

5 In particular --

6 CHAIRMAN WALLACE: Particularly by right in  
7 the guise of doing something --

8 MR. COLBY: Yeah. So if there was a  
9 criminal activity occurring, the City couldn't  
10 necessarily withdraw the special use because the  
11 zoning approval remains. And the criminal activity  
12 could be associated with a person individually and  
13 not the business and couldn't necessarily be held  
14 against the business, as in the use occupying the  
15 site.

16 So we purposefully try not to -- you know,  
17 we discourage the City from regulating the special  
18 uses where we might get into situations like  
19 I described where we don't have a clear basis to  
20 approve or deny it where licensing might be a more  
21 effective tool.

22 MEMBER DOYLE: I have --

23 CHAIRMAN WALLACE: There was one other  
24 question.

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1 MR. MARSHALL: Dan Marshall.

2 I was wondering, when you did the notice,  
3 did you notice -- like send notices to the  
4 properties that are affected by this?

5 VICE CHAIRMAN KESSLER: No.

6 MR. COLBY: No. No.

7 MR. MARSHALL: Because I'm surprised  
8 nobody's here. If I owned where Swaby Flowers is up  
9 there and they told me that you were going to start  
10 limiting the uses that I could put in there, I think  
11 I'd show up to the meeting and talk about it, at  
12 least. So I'm surprised.

13 VICE CHAIRMAN KESSLER: Well, I believe that  
14 it's a -- it's an ordinance change. It's not a land  
15 use change.

16 CHAIRMAN WALLACE: It's a general amendment.

17 VICE CHAIRMAN KESSLER: It's a general  
18 amendment.

19 MR. MARSHALL: Yeah.

20 VICE CHAIRMAN KESSLER: They're not required  
21 to notify. And it happens -- I mean, we make these  
22 changes often without -- for different reasons  
23 without --

24 MR. MARSHALL: Yeah.

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1 VICE CHAIRMAN KESSLER: -- you know,  
2 requiring any notice.

3 MR. MARSHALL: That's true.

4 VICE CHAIRMAN KESSLER: And I don't disagree  
5 with you because I brought the same thing up. This  
6 is a hot button. Liquor licenses, tobacco  
7 license -- you know, selling tobacco -- they're hot  
8 button issues.

9 And you might consider it simply because you  
10 want to be proactive but it's not required.

11 MR. MARSHALL: I'd just be careful to not  
12 lump all the uses into that same negative category  
13 of the -- from a liquor store, you know. It might  
14 be a nice craft or winery or something like that  
15 that could go very well in that.

16 VICE CHAIRMAN KESSLER: Right.

17 MR. MARSHALL: Personally, that one doesn't  
18 seem as much in the residential area as the other  
19 ones. I can understand the Third Street one and  
20 even the Prairie Street one. That's not a very busy  
21 street. Like Brian says, no problems.

22 VICE CHAIRMAN KESSLER: Well, that's a very  
23 good point. And I think, you know, when we're  
24 reviewing the language as Todd suggested for, you

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1 know, compliance, you might watch that definition,  
2 as well, and try to be a little more clear on the  
3 definition.

4 Because you could have a nice little  
5 brewery -- I mean, I think of that Penrose that sits  
6 in a residential neighborhood.

7 MEMBER DOYLE: Right.

8 VICE CHAIRMAN KESSLER: It's a little  
9 brewery in an old factory building where --

10 MR. MARSHALL: It limits the creativity for  
11 uses --

12 THE COURT REPORTER: Excuse me. Excuse me.

13 (An off-the-record discussion was held.)

14 MR. MARSHALL: It limits the creativity for  
15 uses of how we use spaces that are hard to rent or  
16 use, and sometimes we have problems with spaces like  
17 that. It takes a little creativity to get somebody  
18 in there.

19 I don't like them, either, so I'm not  
20 fighting for them. I don't -- especially the hookah  
21 bars and e-cigarettes. I hate that to move into  
22 anyplace, actually, in St. Charles.

23 But I have -- I would just understand, as a  
24 property owner, being a little concerned that all of

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1 a sudden you're going to start to pick and choose  
2 what I can use the building for even though  
3 I think -- I agree they should be licensed, those  
4 particular uses, and, you know, controlled somehow.

5 But I understand now you're kind of saying  
6 special uses deal with it but -- I understand what  
7 you're saying, you can't go pulling someone's  
8 special use on activities.

9 CHAIRMAN WALLACE: Yeah.

10 Brian.

11 MEMBER DOYLE: So I'll just put my earlier  
12 comments in context.

13 You know, when I first moved into my house  
14 and I saw this liquor store that is a block away  
15 from my house -- I'll be perfectly honest --  
16 I didn't like it, the way it looks. Its sign --  
17 it's got a security glass window there, and I'm  
18 thinking, "Geez, what kind of neighborhood am I  
19 living in here?" It just feels like you're --  
20 you're not in St. Charles.

21 And it's that part about -- when you say  
22 "I don't like that," that really worries me.

23 And, you know, a couple years ago, when the  
24 TitleMax went in on the corner of Randall and North

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1 Avenue, I remember seeing a bunch of comments in the  
2 paper about people who thought that that had a  
3 negative impact on the neighborhood.

4 "Why would the City allow a TitleMax to go  
5 in on North Avenue?" The answer was, "Well, because  
6 zoning allows it."

7 And so my comments are about -- you know,  
8 it's not just the fact that it worries me that other  
9 people want to proscribe what they like and what  
10 they don't like. I would do the same thing if  
11 I could.

12 And there might be uses that I would say,  
13 "That's not one that I like, and I don't want to  
14 have that around my house."

15 And there's a dark side to all that, which  
16 is that a lot of times it's not just about the  
17 business but the perceived clientele of that  
18 business and the -- the people who it serves and  
19 whether or not you like them in your neighborhood  
20 or not.

21 And so, again, I can't recall a single  
22 incident with this business that's near my house  
23 that I proclaim to not like so much. As far as  
24 I know, they're perfectly upstanding, honest

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1 businesspeople who do a good business and it's still  
2 there.

3 And if there are no neighborhood effects, to  
4 use Friedman, then I don't know what the basis is of  
5 using zoning to police that type of business, and  
6 that's really what we're proposing to do.

7 So without some tangible, concrete evidence  
8 that shows that there is a negative impact on the  
9 neighborhood that is injurious to my use of my  
10 comfort and my enjoyment of -- in my life, I just  
11 think that this is -- I think this is something that  
12 really has a lot of unsettling implications. And it  
13 could go through and it wouldn't make a difference  
14 to me because I don't patronize that place. It  
15 wouldn't make a difference to most people who are  
16 like me in my neighborhood because they don't  
17 patronize that place. And that doesn't make it  
18 right.

19 So I'm getting up on my high horse, but it's  
20 because I do think there's a subtext to a lot of  
21 these decisions about the character of our  
22 neighborhoods and whether the character is what we  
23 want or not. And so without that evidence, I will  
24 recommend against it.

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1 CHAIRMAN WALLACE: All right. Any other  
2 comments or questions?

3 (No response.)

4 CHAIRMAN WALLACE: All right. So at this  
5 point we have the application as it is. If the Plan  
6 Commission feels they have enough evidence and --  
7 I don't know. I guess I should ask staff.

8 I mean, what do you recommend?

9 MR. COLBY: Well, if the Plan Commission  
10 would like more information about the issue you  
11 brought up of how the business is classified in  
12 terms of the percentages and those questions as they  
13 relate to the liquor code, then I'd recommend  
14 continuing the hearing so that we can provide you  
15 with that information before you make a  
16 recommendation.

17 CHAIRMAN WALLACE: Yeah, I agree.

18 VICE CHAIRMAN KESSLER: Do we need a motion  
19 to continue it, then?

20 CHAIRMAN WALLACE: Yeah.

21 VICE CHAIRMAN KESSLER: I move that we  
22 continue the public hearing to a later date.

23 MR. COLBY: We need to specify the specific  
24 date.

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1 VICE CHAIRMAN KESSLER: Okay. When can you  
2 have -- when do you want to do this?

3 CHAIRMAN WALLACE: Do we have something on  
4 the April 5th agenda?

5 MS. JOHNSON: Yes, we do.

6 MR. COLBY: Yes, we do.

7 CHAIRMAN WALLACE: Okay. Shall we continue  
8 it to April 5th?

9 VICE CHAIRMAN KESSLER: Do we -- what do we  
10 have on the April 5th agenda?

11 MS. JOHNSON: A concept plan.

12 VICE CHAIRMAN KESSLER: Okay.

13 CHAIRMAN WALLACE: So that will go.

14 VICE CHAIRMAN KESSLER: How about, then,  
15 I move we continue it to April 5th? Is that enough  
16 time?

17 MR. COLBY: Yes, I think so.

18 CHAIRMAN WALLACE: Okay. Is there a second?

19 MEMBER MACKLIN-PURDY: I second.

20 CHAIRMAN WALLACE: Okay. It's been moved  
21 and seconded.

22 Any discussion on the motion?

23 MR. COLBY: Just to clarify, it's the  
24 April 5th meeting of the Plan Commission at

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1 seven o'clock p.m. in the City Council chambers.

2 CHAIRMAN WALLACE: 2016.

3 All right. Any discussion?

4 (No response.)

5 CHAIRMAN WALLACE: Tim.

6 VICE CHAIRMAN KESSLER: Holderfield.

7 MEMBER HOLDERFIELD: Yes.

8 VICE CHAIRMAN KESSLER: Doyle.

9 MEMBER DOYLE: Yes.

10 VICE CHAIRMAN KESSLER: Frio.

11 MEMBER FRIO: Yes.

12 VICE CHAIRMAN KESSLER: Macklin-Purdy.

13 MEMBER MACKLIN-PURDY: Yes.

14 VICE CHAIRMAN KESSLER: Wallace.

15 CHAIRMAN WALLACE: Yes.

16 VICE CHAIRMAN KESSLER: Kessler, yes.

17 CHAIRMAN WALLACE: All right. That motion  
18 passes unanimously.

19 The next item on the agenda is Item 6, which  
20 I think we'll forgo now.

21 Item 7 is additional business from Plan  
22 Commission members or staff.

23 (No response.)

24 CHAIRMAN WALLACE: No?

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1 (No response.)

2 CHAIRMAN WALLACE: All right. Item 8 is the  
3 weekly development report, which is included with  
4 the materials.

5 Item 9 is meetings, which are in the agenda.  
6 If anyone knows that they cannot attend any of the  
7 future meetings, I would ask that you let staff  
8 know.

9 VICE CHAIRMAN KESSLER: May 3rd.

10 CHAIRMAN WALLACE: You're not at the  
11 May 3rd?

12 VICE CHAIRMAN KESSLER: May 3rd.

13 CHAIRMAN WALLACE: Okay.

14 Public comment? Any members of the public?

15 (No response.)

16 CHAIRMAN WALLACE: No?

17 VICE CHAIRMAN KESSLER: Can I make a comment  
18 about the --

19 CHAIRMAN WALLACE: We're already past Plan  
20 Commission comments.

21 VICE CHAIRMAN KESSLER: -- weekly  
22 development report?

23 CHAIRMAN WALLACE: Oh, okay. We're past  
24 that, too, but go ahead.

General Amendments to Chapter 17.12, 17.14, 17.20, and 17.30  
Conducted on March 22, 2016

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1 VICE CHAIRMAN KESSLER: Gee, thanks.

2 Russ, I read your e-mail on the changes you  
3 made to the weekly development report.

4 MR. COLBY: Oh.

5 VICE CHAIRMAN KESSLER: There has been no  
6 discussion about it but -- I don't know if everybody  
7 saw the changes that were made but well done.

8 MEMBER MACKLIN-PURDY: I like it.

9 VICE CHAIRMAN KESSLER: Thank you. I just  
10 wanted to make note of that.

11 MR. COLBY: Thank you.

12 CHAIRMAN WALLACE: Hear, hear.

13 All right. Can we go on to Item 11?

14 VICE CHAIRMAN KESSLER: You may.

15 CHAIRMAN WALLACE: All right. Is there a  
16 motion to adjourn?

17 VICE CHAIRMAN KESSLER: So moved.

18 MEMBER FRIO: Second.

19 CHAIRMAN WALLACE: It's been moved and  
20 seconded.

21 All in favor?

22 (Ayes heard.)

23 CHAIRMAN WALLACE: Opposed?

24 (No response.)

General Amendments to Chapter 17.12, 17.14, 17.20, and 17.30  
Conducted on March 22, 2016

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CHAIRMAN WALLACE: Motion passes  
unanimously.

This meeting of the St. Charles Planning  
Commission is adjourned at 8:50 p.m.

(Off the record at 8:50 p.m.)

General Amendments to Chapter 17.12, 17.14, 17.20, and 17.30  
Conducted on March 22, 2016

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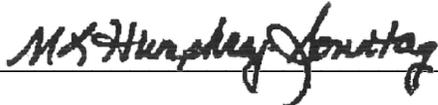
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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 29th day of March, 2016.

My commission expires: May 31, 2017



Notary Public in and for the  
State of Illinois