

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, APRIL 2, 2019**

Members Present: Vice Chairman Kessler
James Holderfield
Jeffrey Funke
Tom Pretz
Jennifer Becker
Peter Vargulich
Laura Macklin-Purdy
Sue Melton

Members Absent: Chairman Wallace

Also Present: Rita Tungare, Community & Economic Development Dept.
Director
Russell Colby, Community Development Manager
Ellen Johnson, Planner
Rachel Hitzemann, Planner
Monica Hawk, Development Engineer
Court Reporter

1. Call to order

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

2. Roll Call

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

3. Presentation of minutes of the March 5, 2019 meeting of the Plan Commission.

Motion was made by Mr. Holderfield, seconded by Ms. Purdy, and unanimously passed by voice vote to approve the minutes of the March 5, 2019 Plan Commission meeting.

4. General Amendment (City of St. Charles)

Ch. 17.12 "Residential Districts", Ch. 17.14 "Business and Mixed Use Districts", Ch. 17.20 "Use Standards", Ch. 17.24 "Off-Street Parking, Loading and Access", and Ch. 17.30 "Definitions" regarding regulation of short-term rental units.

a. Public Hearing

Motion was made by Mr. Vargulich and seconded by Mr. Kessler to close the public hearing.

Roll call vote:

Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton

Nays:

Absent: Wallace

Motion carried 8-0

b. Discussion & Recommendation

Motion was made by Ms. Becker and seconded by Ms. Purdy to approve option #3 of the General Amendment regarding short-term rentals, subject to removing the requirement for a minimum annual owner-occupancy period of 6 months in residential districts, but with a requirement that registration include a primary residence affidavit.

Roll call vote:

Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton

Nays:

Absent: Wallace

Motion carried 8-0

5. General Amendment (City of St. Charles)

Ch. 17.20 “Use Standards” regarding regulation of food trucks.

a. Public Hearing

Motion was made by Mr. Vargulich and seconded by Mr. Funke to close the public hearing.

Roll call vote:

Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton

Nays:

Absent: Wallace

Motion carried 8-0

b. Discussion & Recommendation

Motion was made by Ms. Purdy and seconded by Mr. Pretz to approve a General Amendment to Ch. 17.20 “Use Standards” regarding regulation of food trucks.

Roll call vote:

Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton

Nays:

Absent: Wallace

Motion carried 8-0

6. General Amendment (City of St. Charles)

Ch. 17.06 “Design Review Standards and Guidelines” regarding design review standards and guidelines for the RT and CBD-2 zoning districts.

a. Public Hearing

Motion was made by Mr. Funke and seconded by Ms. Purdy to close the public hearing.

Roll call vote:

Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton

Nays:

Absent: Wallace

Motion carried 8-0

b. Discussion & Recommendation

Motion was made by Mr. Pretz and seconded by Ms. Purdy to approve a General Amendment to Ch. 17.06 “Design Review Standards and Guidelines” regarding design review standards and guidelines for the RT and CBD-2 zoning districts.

Roll call vote:

Ayes: Kessler, Holderfield, Funke, Pretz, Becker, Vargulich, Purdy, Melton

Nays:

Absent: Wallace

Motion carried 8-0

7. Additional Business from Plan Commission Members or Staff-None.

8. Weekly Development Report

9. Meeting Announcements

a. Plan Commission

Tuesday, April 16, 2019 at 7:00pm Council Chambers

Tuesday, May 7, 2019 at 7:00pm Council Chambers

Tuesday, May 21, 2019 at 7:00pm Council Chambers

b. Planning & Development Committee

Monday, April 8, 2019 at 7:00pm Council Chambers

Monday, May 13, 2019 at 7:00pm Council Chambers

c. Open House for Comprehensive Plan Update: Downtown – North of Main St.

Wednesday, April 24, 2019 from 6:00-8:00pm Council Chambers

10. Public Comment-None.

11. Adjournment at 8:35 p.m.



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Transcript of Hearing

Date: April 2, 2019

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

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In Re: General Amendments :
for Short-Term Rental :
Units, Food Trucks, and :
Design Review Standards :
and Guidelines for RT and :
CBD-2 Zoning Districts :
-----x

HEARING
St. Charles, Illinois 60174
Tuesday, April 2, 2019
7:01 p.m.

Job No.: 218461
Pages: 1 - 93
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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13 Before Joanne E. Ely, a Certified Shorthand
14 Reporter, and a Notary Public in and for the State
15 of Illinois.

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1 PRESENT:

2 TIM KESSLER, Vice Chairman

3 JENNIFER BECKER, Member

4 JEFFREY FUNKE, Member

5 JAMES HOLDERFIELD, Member

6 LAURA MACKLIN-PURDY, Member

7 SUZANNE MELTON, Member

8 TOM PRETZ, Member

9 PETER VARGULICH, Member

10 ALSO PRESENT:

11 RITA TUNGARE, Community & Economic

12 Development Department Director

13 RUSSELL COLBY, Community Development

14 Manager

15 ELLEN JOHNSON, Planner

16 RACHEL HITZEMANN, Planner

17 MONICA HAWK, Development Engineer

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P R O C E E D I N G S

VICE CHAIRMAN KESSLER: This meeting of
the St. Charles Plan Commission will come to
order.

Becker.

MEMBER BECKER: Here.

VICE CHAIRMAN KESSLER: Good. Funke.

MEMBER FUNKE: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Vargulich.

MEMBER VARGULICH: Here.

VICE CHAIRMAN KESSLER: Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Melton.

MEMBER MELTON: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

Okay. No. 3 on our agenda is presentation
of minutes of the March 5th, 2019, meeting of the
Plan Commission.

Is there a motion to approve?

MEMBER HOLDERFIELD: So moved.

1 MEMBER MACKLIN-PURDY: Second.

2 VICE CHAIRMAN KESSLER: All in favor.

3 (Ayes heard.)

4 VICE CHAIRMAN KESSLER: All right. That
5 motion passes.

6 No. 4 on the agenda is the general
7 amendment, City of St. Charles, business and mixed
8 use districts. Chapter 17.12, residential
9 districts; chapter 17.14, business and mixed-use
10 districts; chapter 17.20, use standards; 17.24,
11 off-street parking, loading, and access; and
12 chapter 17.30, definitions regarding regulation of
13 short-term rental units.

14 Is this a public hearing?

15 MS. JOHNSON: Yes. This is a continued
16 public hearing.

17 VICE CHAIRMAN KESSLER: This is a
18 continued public hearing. Okay.

19 Well, I'm not going to go into detail for
20 the public hearing because I'm pretty sure
21 everybody here understands. You're going to give
22 a presentation for us.

23 Does anybody in the audience intend to
24 speak during this public hearing? If so, raise

1 your right hand.

2 (Witnesses duly sworn.)

3 VICE CHAIRMAN KESSLER: Thank you. And
4 we'll go through our presentation. We'll question
5 the Commission, have audience participation, and
6 then we'll decide if we're going to close the
7 public hearing if we have enough information.

8 I see on our agenda that we would also
9 have discussion and perhaps make a recommendation.

10 MS. JOHNSON: Thank you.

11 Okay. So as you'll recall, the Plan
12 Commission last discussed this item in January.
13 The hearing was continued at that time to allow
14 staff to collect some additional information and
15 propose further discussion.

16 So in your packet, we've provided a memo
17 updating you on some information we've gathered
18 since the last meeting, and I'm going to go over
19 the information in that memo.

20 So as a reminder for the benefit of the
21 new members, staff is bringing this amendment
22 forward regarding short-term rentals as Airbnbs,
23 similar home-sharing websites have become more
24 popular. Our zoning ordinance does not address

1 this type of use.

2 So a brief summary of short-term
3 rentals -- websites like Airbnb offer platforms
4 for property owners to rent their homes on a
5 short-term basis, vacation rentals. Entire homes
6 or entire apartments can be rented or rooms within
7 homes can be rented, and the owner acts like a
8 host. Short-term rentals have become a popular
9 option for travelers and also for homeowners
10 looking to earn some extra income.

11 The following is the proposed ordinance
12 definition of short-term rental: "A dwelling
13 unit, or a portion of a dwelling unit, that is
14 available for rent as a residential accommodation
15 for a duration of less than 30 consecutive days at
16 a time."

17 The main points of discussion at the last
18 meeting was where a short-term rental should be
19 permitted and to what extent. So we've come up
20 with three options that are laid out in that staff
21 memo.

22 The first one is the minimum course of
23 action that we would recommend taking. The first
24 component of this is to define short-term rental

1 and then permit them in commercial districts where
2 residential uses are currently allowed, and these
3 are the downtown business districts and the BL,
4 Local Business District; and then through this
5 option, they would not be permitted at all in
6 residential districts.

7 The second option is the action that we
8 discussed at the last meeting, and I'll briefly
9 summarize it. So in single-family districts, we
10 would allow one short-term rental per lot. So
11 this could be one room within an owner-occupied
12 home; or in the RT district, it could be an
13 auxiliary dwelling unit. So the principal
14 dwelling would have to be owner occupied, so use
15 of an entire home would not be permitted as a
16 short-term rental.

17 In multi-family districts in the downtown
18 districts, the BL, one would be permitted per
19 dwelling unit, and this could be an entire unit or
20 a shared unit.

21 Then the final option was put together
22 based on the discussion at the last meeting. So
23 there was an interest in allowing -- some members
24 expressed interest in allowing an entire unit to

1 be rented as a short-term rental.

2 So under this option, one short-term
3 rental would be permitted per lot in single-family
4 districts that could either be a permanent shared
5 house or an entire principal dwelling if the owner
6 occupies the dwelling for more than half of the
7 year. So it would have to be the owner's primary
8 residence.

9 And then it would be permitted one per
10 unit in multi-family and downtown just like the
11 previous proposal. So the only change is allowing
12 an entire unit to be rented, but we've added the
13 caveat that it would need to be owner occupied for
14 more than half the year.

15 Are there any questions on that? Would
16 you like to discuss those options, or would you
17 like me to move on and talk about registration?

18 VICE CHAIRMAN KESSLER: I have one quick
19 question. Regarding rental units in St. Charles,
20 do you have to be licensed to rent a home?

21 MS. JOHNSON: No. We do not have a rental
22 registration or a licensing requirement.

23 VICE CHAIRMAN KESSLER: Okay. Go on.

24 MEMBER PRETZ: I have something. I had a

1 conversation today, a casual conversation with
2 code enforcement, and he mentioned two things
3 that I guess would be part of this.

4 One was he had come across a situation
5 where a lady had purchased a house with the
6 intention of flipping it and had finished the
7 construction, but the owner of the property who
8 will not be living there is thinking about doing
9 one-week rentals.

10 Does your section here -- would the
11 half-year residents, primary residents then apply
12 to that type --

13 MS. JOHNSON: Do you know what zoning
14 district it's located in?

15 MEMBER PRETZ: It's a residential --

16 MS. JOHNSON: Is it?

17 MEMBER PRETZ: -- district.

18 MS. JOHNSON: Yeah. Under this proposal,
19 the home, in order to be used as a short-term
20 rental, it would need to be -- if the full unit
21 was going to be rented, it would have to be owner
22 occupied for half the year.

23 MEMBER PRETZ: Then I guess the question
24 would be then how do you really -- how are you

1 capable of managing that the owner of the property
2 actually lives there for the one-half year?

3 MS. JOHNSON: So that's kind of the next
4 piece, registration component. So the idea would
5 be that we'd require registration of these units,
6 and we'd collect some information before approving
7 the registration. So we'd verify the unique
8 zoning.

9 And if it's in a residential district, we
10 would require they submit a primary residence
11 affidavit with some documentation like tax records
12 showing that it's their primary residence, and
13 that would be required in order to approve the
14 registration.

15 But for existing short-term rentals, it's
16 a question of enforcement and how we want to go
17 about dealing with existing nonconformities.

18 MEMBER PRETZ: I guess my perspective is
19 what he was saying is help them -- something needs
20 to be in place to help them to be able to enforce
21 and manage that. So I don't know if that's the
22 way, trying to do the license and that.

23 But the other component of that was they
24 apparently run into a lot of situations where --

1 and I can use this as an example. Let's say
2 you're doing Airbnb, and you have a 3/9 rental,
3 and the owner of the property decides to go to
4 Wisconsin for three or four days also.

5 Something needs to be in place so that if
6 there is an issue, that there is a responsive
7 party within, I think he said, 30 miles or less
8 because what they're finding out is that they have
9 nobody to contact, and there is obviously a
10 stranger in the house, and they're having an
11 issue, yet they have no way to -- nobody to speak
12 to. They can't track down the owner. It's a
13 remote owner or, you know, something along that
14 line. So that was a concern that they were
15 expressing -- he was expressing today.

16 MS. JOHNSON: Okay. Yeah. Another
17 component of the registration would be to require
18 24/7 contact information, and we would have that
19 on file, and we could add a stipulation that a
20 person needs to be within a certain distance of
21 town.

22 MEMBER PRETZ: Thank you.

23 MEMBER FUNKE: I've got a question
24 regarding the single-family rentals. I guess the

1 only problem I see is that if you're going to have
2 a single-family that's rented out in a residential
3 neighborhood, a lot of other families,
4 single-family owners that are -- the problem with
5 renting out a single-family house on Airbnb or
6 VRBO is that they typically will stuff, you know,
7 20 people into the house and rent it out for the
8 weekend and have parties and, you know, be allowed
9 to surf into the area, music, and a lot of garbage
10 after the weekend.

11 So how do you prevent that from happening
12 in a situation where somebody is renting out their
13 house for a weekend?

14 MS. JOHNSON: Yeah. I think with the
15 registration piece. So one of the items we would
16 be asking for is size of the unit, and we would
17 compare that with the occupancy standards and
18 limitations in the International Property
19 Maintenance Code.

20 So we would then be able to verify that
21 the size of the house is large enough with the
22 number of people that they wish to allow, and we
23 would probably -- with the approval, we would --
24 we would state, Okay, this unit is large enough

1 for this many people; and if there are problems,
2 there's a 24/7 contact. So the City would have --
3 if the City receives complaints, you would have
4 someone to contact if there's a noise issue or a
5 nuisance issue.

6 And then if there are problems, you have
7 more people in the unit than they are approved
8 for, then there would probably be some sort of
9 process, like we would revoke the registration or
10 something like that.

11 MEMBER FUNKE: Okay.

12 MS. JOHNSON: So there would be a process
13 in place to deal with those types of things, which
14 right now there is not.

15 MEMBER PRETZ: I'm sorry.

16 VICE CHAIRMAN KESSLER: Go ahead.

17 MEMBER PRETZ: There was one more.
18 Parking is part of this; right?

19 MS. JOHNSON: Yeah. So we'd require one
20 parking space per unit.

21 MEMBER PRETZ: And what was pointed out,
22 since he just happened to be on my street,
23 obviously, and I hadn't even thought about this.
24 He had said that if you'll notice, you have six

1 homes on our -- ones between 2nd and 3rd Avenue,
2 five driveways, three of the driveways are
3 basically single car. You have two rental units
4 of the six. There's no parking on 2nd Avenue, no
5 parking on 3rd Avenue, only half the street we
6 have parking, which allows for probably about four
7 cars.

8 As he was taking a look, he said, Where
9 exactly are all of these vehicles going to park?
10 It is an issue, and I think normal code says two
11 cars per house?

12 MS. JOHNSON: Yes. Two off-street spaces
13 per unit.

14 MEMBER PRETZ: And we have a total of
15 four. The math doesn't add up. So if I was
16 expanding that away from -- and I'm sure my area
17 is somewhat unique or more restricted than others,
18 but I would think that somehow we have to make
19 sure, from a parking perspective, that we take
20 into consideration that if somebody is going to be
21 generating some additional income and you're going
22 to have these vehicles, that it doesn't impose on
23 the rest of the neighbors who are there day in,
24 day out, which can be a burden.

1 MS. JOHNSON: Yeah. And for a
2 single-family unit where they're renting out only
3 one bedroom in the unit, the owner is present, in
4 that case, they would need to provide the two
5 off-street for the primary unit, and then they'd
6 need one more, a third space for the accessory
7 unit.

8 So if a unit comes in to be registered and
9 we find that it doesn't have those three parking
10 spaces on site, then we wouldn't accept their
11 registration. That's not to say that a family
12 would travel in two cars and have -- you know, one
13 would be on the street, something to think about.

14 VICE CHAIRMAN KESSLER: So my experience
15 with Airbnb in neighborhoods, at least my
16 neighbor -- I have known four residences that over
17 the past 10 years have been renting out Airbnb,
18 and people come to stay for a week or two and have
19 a job or they've got some project that they're
20 working on. But the owner wasn't occupying it for
21 six months out of the year.

22 But if I decided that I was going to move
23 out of my house, I could move out of my house and
24 rent it to whoever I wanted without any --

1 MS. JOHNSON: Yeah. This ordinance only
2 addresses short-term rentals under 30 days.

3 VICE CHAIRMAN KESSLER: Under?

4 MS. JOHNSON: 30 days.

5 VICE CHAIRMAN KESSLER: Under 30 days.

6 And if I rented to somebody and then they don't
7 work out, and they move out, and I have to rent it
8 again, and I do it three or four times, that's a
9 short-term rental, although that's not the intent.

10 I guess what I'm getting at is I don't
11 believe that -- I'm not that opposed to the six
12 month, you know, resident -- six-month occupation
13 or occupied, but I am a little troubled by, you
14 know, not being -- you don't have to have any kind
15 of licensure or scrutiny to be a landlord, and you
16 could rent anything you want, but yet this
17 requires an enormous amount of vetting.

18 So if it's going to require this kind of
19 scrutiny, then I think it should be allowed. If
20 we're going to go through the process of
21 registration and a 24/7 contact person, an
22 acknowledgement that the property complies with
23 the International Property -- we don't do that for
24 rental units, but we're going do that for a

1 single-family residence for a short-term rental.
2 I don't think we should have that requirement. I
3 think you should be able to just do it. If you're
4 willing to go through this --

5 MEMBER MACKLIN-PURDY: What is the reason
6 for the six months? What is the thought process
7 behind the six-month owner living there?

8 MS. JOHNSON: The thought process would be
9 these are residential -- predominantly
10 single-family residential districts. Sometimes in
11 some communities they're experiencing, you know,
12 companies coming in or investors coming in,
13 flipping homes, and then having short-term rentals
14 without ever intending to occupy the home.

15 And that could change the character of a
16 neighborhood. It could cause the types of
17 activity that you wouldn't typically see or desire
18 in single-family neighborhoods.

19 MEMBER MACKLIN-PURDY: Well, I think if
20 somebody is going to come in, flip a house, and
21 put a lot of money into it, I can't imagine that
22 they wouldn't care what happens to it, and they
23 would let the house be worn down and torn apart.

24 MS. JOHNSON: Yeah. I think that's not as

1 much of the worry as the kind of activity that's
2 generated from the unit, and these are
3 single-family, and our interest is in protecting
4 them.

5 MEMBER MACKLIN-PURDY: Yeah. I mean I
6 have rented Airbnbs quite a few times, like in
7 Nashville, and they're beautiful, beautiful
8 neighborhoods. I mean there's a 10:00 o'clock
9 quiet hour. There's -- you know, you take your
10 garbage out in this place, and you have to leave
11 your house completely, you know, sparkling clean.
12 You have to pay for maid service to come in. I
13 mean, it's on the up and up. It's very -- and I
14 just -- and I know that no one lives there. They
15 just rent it out for Airbnb.

16 So if St. Charles does become the
17 destination that we hope it does with the river
18 corridor and all that kind of stuff, I just see
19 this closing off some doors.

20 MS. JOHNSON: Yeah. I know that
21 communities like Nashville and high tourism
22 generated communities have very robust regulations
23 and licensing requirements for short-term rentals.
24 So I think our ordinance is kind of not as intense

1 as, say, a New Orleans or a Nashville, but
2 communities that have a lot of tourism, they have
3 to do something.

4 MEMBER MACKLIN-PURDY: But that is the
5 intent with us eventually is to have some more
6 tourism.

7 MS. JOHNSON: Yeah, yeah. And so we're
8 kind of -- I see this as kind of getting ready for
9 that. If short-term rentals kind of proliferate
10 in our neighborhoods, this is kind of protecting
11 our neighborhoods and putting some limitations and
12 processes in place so they don't get out of hand.

13 MEMBER MACKLIN-PURDY: I guess I agree
14 with Tim. If we're going to go through the
15 process of having these places registered and
16 contact information and all that, then I don't
17 think it should be restricted. That's my --

18 MS. JOHNSON: So your position is to
19 require registration but not limiting where the
20 use is allowed.

21 MEMBER MACKLIN-PURDY: Correct.

22 VICE CHAIRMAN KESSLER: For the
23 long-term -- for the six-month occupancy
24 requirement.

1 MEMBER MACKLIN-PURDY: The six-month.

2 MS. JOHNSON: Okay.

3 VICE CHAIRMAN KESSLER: But I do see what
4 you're saying. If you're talking about Nashville
5 and New Orleans, and those communities have these
6 registration programs, but they're, as you pointed
7 out, far more robust than what we're proposing
8 here. And, you know, maybe this is the place we
9 start with that; and if it becomes an issue, we
10 revisit it and tighten up the registration, you
11 know, proposals.

12 But I just see so many -- this is a
13 community where people travel. They own their
14 homes. There's things going on in the Chicago
15 metro area, not to mention St. Charles. They want
16 the ability to be able to do that without
17 restriction; and if we're going to go through
18 this, and I don't disagree with the registration,
19 then I don't think there should be that sort of
20 caveat to restrict the use.

21 Any other comments?

22 MEMBER BECKER: Well, what's the feeling
23 then about the whole house versus one portion? Is
24 there a consensus that the whole house is

1 acceptable regardless of the zoning district?

2 VICE CHAIRMAN KESSLER: Well, I think
3 they've spelled out the zoning districts and the
4 residential. Are there any districts under that
5 particular -- and I think it was option 3. Are
6 there any districts that are not allowed under
7 option 3?

8 MS. JOHNSON: The BR, regional business,
9 commercial business.

10 VICE CHAIRMAN KESSLER: But in
11 single-family --

12 MS. JOHNSON: This covers all the
13 residential districts.

14 VICE CHAIRMAN KESSLER: -- it's the whole
15 house.

16 MEMBER BECKER: Because it says one room
17 with an owner-occupied house. The other part
18 would be you could rent the whole house regardless
19 then? That's the other part of this?

20 MS. JOHNSON: Yeah. So it would be either
21 one room in an owner-occupied house or an entire
22 unit, an entire dwelling unit. That was the
23 change from last time.

24 MEMBER MACKLIN-PURDY: If the owner

1 occupied for more than half the year, the third
2 point, yeah.

3 MEMBER HOLDERFIELD: So what's your issue
4 about the six months?

5 VICE CHAIRMAN KESSLER: In the district,
6 yes.

7 MEMBER HOLDERFIELD: I kind of agree with
8 you. It's just uncharted ground here; and maybe
9 we could ease into it and maybe, like you said,
10 begin with six months. But I kind of -- my
11 concern is people living around one of these,
12 could they be informed that the house is becoming
13 an Airbnb?

14 I mean if you want to rent, I know that
15 would be something different long term or
16 something; but if you're going to have people
17 moving in every week, turning over, I think I'd be
18 a little startled if that happened in my
19 neighborhood.

20 So I don't know if this addresses that, or
21 there's so much to cover here, I guess I'm -- but
22 that's a concern I have, you know. As Laura said,
23 if this becomes a destination city -- I just
24 wonder what would happen on 12th Street and all of

1 a sudden I see strange cars parked there, out of
2 place.

3 VICE CHAIRMAN KESSLER: Well, I'm telling
4 you it does happen on 12th Street right now.

5 MEMBER HOLDERFIELD: See, I didn't even
6 know that, but I don't think it's happened in my
7 neighborhood. That's what I'm getting at.

8 VICE CHAIRMAN KESSLER: That makes sense.
9 That makes sense. You know, I think we have
10 these, you know, opportunities for registration
11 and such, and maybe that's where it's addressed at
12 that point, and you know --

13 MEMBER HOLDERFIELD: Okay.

14 VICE CHAIRMAN KESSLER: Go ahead.

15 MEMBER HOLDERFIELD: What Jeff was saying,
16 who is going to monitor how many people are in
17 that house on a weekend? No one. I mean, we've
18 designated that you can't have so many people.
19 All right. A party gets going, and it's growing,
20 and it's growing, and the police come by and knock
21 on the door, and you've got maybe 15 people out
22 here.

23 VICE CHAIRMAN KESSLER: Well, I can tell
24 you that if it happens in a rental unit, you don't

1 have any sort of registration.

2 MEMBER HOLDERFIELD: All right.

3 VICE CHAIRMAN KESSLER: Any rental unit.

4 A rental unit you don't have to have any
5 registration, and what happens if you have a party
6 or if in a private home that occurs.

7 MEMBER HOLDERFIELD: But the discerning
8 difference here is when we're talking about
9 rentals, we're talking about long-term people
10 moving in and they stay years, once. If you're
11 talking short-term, weekends or three days, and I
12 don't know that it would happen, I'm just
13 concerned about it.

14 VICE CHAIRMAN KESSLER: Right. I guess I
15 can't figure -- in my head I can't discern the
16 difference between a wild party in a short-term
17 rental or a wild party in a long-term rental. I
18 don't know what the difference is.

19 MEMBER FUNKE: Well, I've had some
20 experience with that. I used to have a lake
21 house, and it was about 5,000 square feet, and I
22 used to rent it on VRBO.

23 In the summers, half the time I would get
24 families that would come in there. A group of

1 what I would say, three or four couples in a
2 family; and then half the times I would get
3 bachelor parties, you know, younger, you know,
4 parties or bachelorette parties, and they were,
5 you know, guys that were doing golf trips and
6 things, and they would rent out the entire house.

7 And I would find most of the time -- and
8 you can tell when there's a big party, and this
9 would happen a lot. So a lot of these VRBOs, you
10 know, you have these kids that are, you know, they
11 want to get away and have -- even for a
12 homecoming, prom, you know, they're getting
13 apartments for that. I wouldn't rent it out
14 because of the age group, but you're going to get
15 a lot of this stuff.

16 What happens at these houses on the
17 weekends, rented out for the weekend, and 9 times
18 out of 10, they're going to, you know, have
19 parties, and it became a problem within my
20 neighborhood and our community, and I had to stop
21 it from happening. So it does happen.

22 VICE CHAIRMAN KESSLER: I'm sure it does;
23 and whenever there's a wild party and, you know,
24 crazy things going on in St. Charles, some

1 neighbor calls the cops, and the cops go and break
2 them up.

3 And if you continue to do something like
4 that, as Jeff points out, then you're going to get
5 your registration pulled. That's why we have the
6 registration. That's the whole point of it, so
7 you can monitor and scrutinize what's going on.
8 That's the whole point of it. If it's a problem
9 home, then they don't get to do it.

10 So I agree that it is a concern that you
11 have to be careful of, but I think that's the
12 whole point of this registration program.

13 MEMBER VARGULICH: I have a question
14 regarding hotel/motel tax.

15 So in theory, I think it sounds like the
16 right thing to do, where we're, you know, getting
17 the sales tax from and how does that relate to
18 regular hotel operators.

19 I think that any of these things are just
20 operating on a different level, but they're still
21 doing exactly the same thing as any hotel or motel
22 would do or bed and breakfast would do. So does
23 that money just flow to the general funds, or is
24 it identified for anything specific?

1 MS. JOHNSON: I believe it's identified
2 for the CVD, Convention & Visitors Bureau,
3 Cultural Commission, History Museum, and remaining
4 funds are deposited in the general fund. So it's
5 used to fund tourism activities, tourism
6 promotion.

7 MEMBER VARGULICH: So is there any way
8 that we could potentially -- and I don't know if
9 you know what revenue we're talking about. Are we
10 talking, like, \$5,000. Are we talking maybe
11 \$100,000. I don't know what that number is.

12 But initially it's a small number, but
13 that could change over the years where it's a
14 larger number, and probably larger numbers create
15 larger issues or the need for more enforcement,
16 whether it's police or building codes or
17 registration-related violations.

18 So could some of that money ultimately be
19 considered to be identified to help fund that
20 extra person that's needed to do those things.
21 About enforcement, right, again, building codes
22 all that stuff, if you only have so many people to
23 do these things, there's only so much coverage,
24 and then you hence need more people.

1 Is that a cost that's just a cost to the
2 City, or can it be identified and some of that
3 money pays for that or some portion of it. Maybe
4 it can't cover all of it.

5 MS. JOHNSON: Yeah. That would probably
6 be a discussion with City Council for budgeting
7 purposes; but at least with registration, we
8 have -- and collection of the tax, we have a way
9 to track the activity and the amount of revenue
10 coming in and the units are paying over time, so.

11 MEMBER VARGULICH: Yeah. I would agree
12 that the taxes are an appropriate thing to do
13 through this process.

14 MS. JOHNSON: Okay.

15 MEMBER MACKLIN-PURDY: Are bed and
16 breakfasts currently taxed?

17 MS. JOHNSON: Yes.

18 MEMBER MACKLIN-PURDY: Do they pay the
19 hotel and --

20 MS. JOHNSON: Yes.

21 MEMBER MACKLIN-PURDY: Okay.

22 MEMBER BECKER: That's collected through
23 Airbnb; is that what the memo said?

24 MS. JOHNSON: Yeah. So that's the goal.

1 Airbnb has worked with other municipalities in
2 collecting the tax through their websites, and so
3 we're going to have discussions with Airbnb to try
4 and come to an agreement with them as well.

5 VICE CHAIRMAN KESSLER: All right.
6 Anything else? Anybody from the audience who
7 would like to --

8 MS. JAMES: Can I?

9 VICE CHAIRMAN KESSLER: Come on up. This
10 is a public hearing, so you have to state your
11 name and give your address for the record.

12 MS. JAMES: Hi, my name is Carrie James.
13 I live at 714 Washington Avenue. I have never
14 done anything else like this before, so excuse me
15 if I'm a little nervous.

16 I made some notes. My husband and I moved
17 here about two years ago from the Champaign area.
18 We bought a house with a mother-in-law suite in
19 the hopes that, you know, when our parents get
20 older, we'll have a place for them to stay.

21 Luckily, we don't need that right now. So
22 we have this extra space in our basement. It's a
23 one bedroom, one bath. It has a separate
24 entrance. We thought, Hey, let's make some extra

1 money on this. We're currently -- we've been
2 renting out via Airbnb since January, February of
3 this year, so about six weeks.

4 We have had no problems so far, you know,
5 knock on wood. It's a smaller unit. We're not
6 going to have 20 people there. We just simply
7 couldn't fit it.

8 And so I'm here -- I was Googling around
9 to see what the rules were, and I saw that you all
10 had some discussions about this. So I just wanted
11 to come and say, you know, I hope that you will
12 support this.

13 I made some notes, so I just want to make
14 sure I'm not -- you know, it's my husband and I.
15 We live there. I hear some of the comments about,
16 you know, if we go out of town, who is going to --
17 how are people going to reach us. Who is going to
18 be available. We are always reachable via the
19 Airbnb app for the people who are staying. I'm in
20 favor of the registration process. I'd be happy
21 to be listed with the City.

22 So far we have been there because we're
23 worried about our space. You know, I don't want
24 people coming in and having a party and destroying

1 it. So we've been there the whole time. We might
2 this summer go away for a weekend or go on
3 vacation, so I hear, you know, the concerns about
4 having somebody to call if there's problems.

5 We actually put in an extra kind of gravel
6 area for people to park, so nobody is parking on
7 the street. We only allow one parking space, you
8 know, per guest. You know, some of the concerns
9 that you all have we kind of tried to address,
10 mostly because we care about our property.

11 And I just wanted to add one quick thing
12 to the taxes. So Airbnb is already collecting
13 State tax in Illinois. So I just looked up --
14 we've been open for about six weeks. We have
15 \$1900 in revenue, and we've paid 113 in occupancy
16 tax to the State. So anything the City decides to
17 do would be on top of that. So I'm hoping that
18 would be a fairly seamless process.

19 And, you know, we have chosen to tell our
20 neighbors just because we were worried about
21 people coming in and out. Frankly, there was more
22 traffic in our house over Thanksgiving than there
23 has been. You know, we had more problems with
24 parking when we had a bunch of people in for

1 Thanksgiving than I have for the Airbnb.

2 So I just urge you to consider it. I
3 noticed in one of the options, you're only looking
4 at certain districts. We are in the RT3. So I
5 would hope we could keep it in all residential
6 districts.

7 Thank you.

8 VICE CHAIRMAN KESSLER: I have one
9 question.

10 MS. JAMES: Sure.

11 VICE CHAIRMAN KESSLER: Did you say you
12 did go around and talk to all your neighbors?

13 MS. JAMES: I told them. Yeah, we told
14 them. We said, Hey, you know, there's going to be
15 a bunch of other people coming in and out. We're
16 doing this. So far our neighbors seem okay with
17 it, but there haven't been any problems, so.

18 VICE CHAIRMAN KESSLER: Nobody reacted
19 negatively toward it?

20 MS. JAMES: No, no, we haven't had any
21 concerns.

22 VICE CHAIRMAN KESSLER: Great.

23 MEMBER MELTON: How many renters have you
24 had since you started?

1 MS. JAMES: Our 10th group just left
2 yesterday.

3 MEMBER MELTON: So they're short term.

4 MS. JAMES: They're very short term, and
5 actually I wanted to address that too.

6 The kinds of people we're seeing -- kind
7 of to address a lot of other things you all were
8 talking about. So we have people who are in for
9 girls' weekends. You know, they're going to go
10 shopping downtown, or they're going to go over to
11 Geneva.

12 We have had people who were spending most
13 of their time in Chicago but wanted to be a little
14 further out, and so they're taking the Metra.
15 We've had business travelers. We've had people in
16 town for sporting events. I mean, all kinds of
17 the tourism kinds of things you're talking about.
18 A couple people who were working at Fermi for a
19 week.

20 So I think -- and maybe it's because my
21 unit, you know, is a one bedroom, one bath. We're
22 not talking multiple. You couldn't fit that many
23 people. But we've had really mostly singles and
24 couples, some small families. But we can't -- we

1 have listed on Airbnb that we can't take more than
2 four people. So we're not, you know -- and most
3 of them are so quiet I can't even hear them when
4 I'm upstairs.

5 VICE CHAIRMAN KESSLER: Okay.

6 MS. JAMES: I'm happy to answer other
7 questions, but I just wanted to sort of voice my
8 support.

9 VICE CHAIRMAN KESSLER: Thank you. I
10 appreciate it.

11 Okay. Anybody else? We're good. Okay.

12 Sorry, Ellen.

13 All right. Anything else from the Plan
14 Commission?

15 (No response.)

16 VICE CHAIRMAN KESSLER: If not, if we feel
17 we have enough information to make a
18 recommendation, I'd entertain a motion to close
19 the public hearing.

20 Is there a motion?

21 MEMBER VARGULICH: So moved.

22 VICE CHAIRMAN KESSLER: Second.

23 MEMBER FUNKE: Second.

24 VICE CHAIRMAN KESSLER: All in favor?

1 (Ayes heard.)

2 VICE CHAIRMAN KESSLER: All right. So the
3 public hearing is closed on Item 4 of the agenda.

4 And pursuant to our new rules, we're going
5 to have the discussion and recommendation now, and
6 we don't even have to change the agenda to do it.

7 So any other discussion on the motion -- I
8 mean on the general amendment?

9 MEMBER MACKLIN-PURDY: I mean I think
10 that, Ellen, you've done a lot of work, and I know
11 this is a lot of research in figuring out the
12 different districts and everything.

13 And I'm going to agree with everything
14 except for the six months because I think that no
15 matter what, if somebody is living there or not,
16 the same things are going to happen. You know, if
17 somebody is living there six months, but then they
18 rent it out during a month when the owner is not
19 there, anything -- the same things could happen,
20 and I don't think that -- I don't see that as a
21 deterrent for parties or quote/unquote bad
22 behavior.

23 I think anything is going to happen; but
24 if we have the registration process, that could be

1 a deterrent. And maybe there's some rules in
2 place where there's a quiet hour or the maximum
3 people that can stay there. I don't have a
4 problem with putting some kind of limitations or
5 rules around it either. So I don't know exactly
6 what those would be, but that's my two cents.

7 VICE CHAIRMAN KESSLER: Okay. Anybody
8 else?

9 MEMBER PRETZ: Again, so I would take -- I
10 like all the ideas, but I'd prefer to have the six
11 months in there. And my perspective is that I
12 guess we could always take an action later if it's
13 not necessary and we should pull it out.

14 But my perspective is that the homeowners
15 in the neighborhood should be the primary concern
16 as we add this, and that they should not be
17 sacrificed for the benefit of somebody who wants
18 to have a business out of their house.

19 So I think that's just one more protection
20 in what we're taking a look at here for the
21 neighborhood, and so that's why I would prefer to
22 see the six months still in there.

23 MEMBER FUNKE: Is the six month -- is that
24 only for the single-family homes, or is it for all

1 the units?

2 MS. JOHNSON: For just single-family.

3 MEMBER FUNKE: The single-family.

4 MEMBER BECKER: What would be the
5 difference between six months and then maybe
6 working with a primary residence affidavit as a
7 failsafe in lieu of the six months? Can you
8 address that a little bit?

9 MS. JOHNSON: So we would require one or
10 the other or --

11 MEMBER BECKER: Well, no, I mean, does the
12 primary residence affidavit kind of help answer
13 some of those questions that you have?

14 MS. JOHNSON: Oh, so require a primary
15 affidavit without the six-month window
16 requirement.

17 MEMBER BECKER: Well, possibly, if that is
18 something that relates to the concern about owner
19 occupied -- owner interest and owner supporting,
20 keeping their property as opposed to, you know,
21 having a time limit. This would be -- this is
22 part of what you're recommending for the
23 application or the registration. So they're
24 saying this is their primary residence regardless

1 of how long they live there throughout the year;
2 right?

3 MS. JOHNSON: Uh-huh.

4 VICE CHAIRMAN KESSLER: Interesting.

5 MEMBER BECKER: So maybe that would, you
6 know, help alleviate some of the concerns as
7 opposed to a corporation that might come in and
8 buy a slew of properties and start renting them
9 out, if that's a concern of the Commission. I
10 don't know. But this affidavit really I thought
11 was an interesting, really essential component of
12 that registration process.

13 VICE CHAIRMAN KESSLER: Interesting.

14 MEMBER MELTON: How would you address the
15 scenario where a homeowner gets transferred for
16 their job for say a year? So is their only option
17 then because they're not here six months to rent
18 for the full year, and they couldn't do a couple
19 three months or a two-month duration?

20 MS. JOHNSON: They could do any duration
21 longer than 30 days without these requirements
22 applying. So they could do like a month to month.

23 VICE CHAIRMAN KESSLER: That's a good
24 compromise.

1 MEMBER HOLDERFIELD: Yeah.

2 VICE CHAIRMAN KESSLER: We're requiring it
3 to be a primary residence.

4 You did, Laura, bring up -- you mentioned
5 that Aldi owned the -- tell that story about Aldi.

6 MEMBER MACKLIN-PURDY: Oh, well, Aldi
7 corporate owned a home in our neighborhood, and
8 the corporate business owned it, and they would
9 let the executives stay there for a week at a time
10 if they were in visiting.

11 I don't know if that comes under this
12 umbrella or not but -- short-term rental. I don't
13 know that they actually rented it. Aldi owned it.

14 MS. JOHNSON: Yeah. Right.

15 MEMBER MACKLIN-PURDY: I'm not sure that
16 that falls under this.

17 MS. JOHNSON: Probably not.

18 CHAIRMAN MACKLIN-PURDY: Yeah.

19 VICE CHAIRMAN KESSLER: Any other --

20 MEMBER PRETZ: I would just say if we were
21 going down the road of the affidavit, then that
22 to me would satisfy the six months.

23 MEMBER BECKER: It would have to be
24 tweaked a little bit because a couple of the

1 points talk about them verifying their term.
2 Maybe it could be tweaked to remove that
3 stipulation and put something else in that would
4 satisfy the Commission.

5 VICE CHAIRMAN KESSLER: All right. Well,
6 anything else?

7 (No response.)

8 VICE CHAIRMAN KESSLER: So we've talked
9 about, you know, the six-month requirement in the
10 residential neighborhood. There's been a lot a
11 discussion around whether that should stay or not,
12 and Jennifer has pointed out that we already have
13 a primary residence affidavit in the rules that
14 was suggested.

15 So I guess what we could do is since
16 there's no more discussion and we're ready for a
17 recommendation, we could have a motion and include
18 that language in that motion.

19 Does anybody care to make that motion?
20 Tom? Laura, do you want to make the motion?

21 MEMBER MACKLIN-PURDY: Oh, no, I don't
22 know exactly how to word that.

23 MEMBER PRETZ: I'm still thinking.
24

1 VICE CHAIRMAN KESSLER: Jennifer, would
2 you like to make a motion?

3 MEMBER BECKER: Well, we've kind of come
4 up with a consensus that option 3 was the thing
5 that we've all most likely agreed upon, with the
6 exception of that six month. So maybe we could
7 work off that and then have the affidavit.

8 MEMBER HOLDERFIELD: Could you put that
9 back on the screen?

10 VICE CHAIRMAN KESSLER: Well, first of
11 all, we have to make -- we have to make a motion
12 for recommendation for the application -- for the
13 general amendment change. Then in addition, we
14 would include language to describe the consensus
15 that Jennifer so aptly --

16 MEMBER BECKER: So a motion to accept the
17 text amendment, Section 17.04.320 regarding
18 short-term rentals -- I'm not sure about all the
19 legalese -- but based upon option 3 as recommended
20 by staff, removing the six-month minimum, but with
21 the requirement that the registration process as
22 proposed with the primary residence affidavit,
23 removing the six months, would be part of the text
24 amendment and administration of the program.

1 VICE CHAIRMAN KESSLER: Okay. So your
2 motion is to recommend approval to the Planning &
3 Development Committee of the application for the
4 general amendment of the City of St. Charles as
5 spelled out in Item 4 on the agenda, with the
6 additional language to include the choice of
7 option 3, removing the six-month residency
8 requirement, and including the residency affidavit
9 in the registration process.

10 MEMBER MACKLIN-PURDY: I second that.

11 VICE CHAIRMAN KESSLER: Does that sound
12 right?

13 MEMBER BECKER: Yeah. That's fine.

14 VICE CHAIRMAN KESSLER: We have a second.
15 Okay. All right. It's been moved and seconded.
16 Let's see. Becker.

17 MEMBER BECKER: Yes.

18 VICE CHAIRMAN KESSLER: Funke.

19 MEMBER FUNKE: Yes.

20 VICE CHAIRMAN KESSLER: Pretz.

21 MEMBER PRETZ: Yes.

22 VICE CHAIRMAN KESSLER: Holderfield.

23 MEMBER HOLDERFIELD: Yes.

24 VICE CHAIRMAN KESSLER: Vargulich.

1 MEMBER VARGULICH: Yes.

2 VICE CHAIRMAN KESSLER: Purdy.

3 MEMBER MACKLIN-PURDY: Yes.

4 VICE CHAIRMAN KESSLER: Melton.

5 MEMBER MELTON: Yes.

6 VICE CHAIRMAN KESSLER: Kessler, yes.

7 Okay. Item No. 4 passes unanimously.

8 MEMBER BECKER: So now we're all going to
9 sign with VRBO tonight, aren't we?

10 VICE CHAIRMAN KESSLER: It's in my future
11 I know.

12 Anyway, now we'll move on to Item 5 on the
13 agenda, general amendment, chapter 17.20, use
14 standards, regarding the regulation of food
15 trucks, another interesting discussion, and this
16 is a new public hearing.

17 MS. JOHNSON: Yes.

18 VICE CHAIRMAN KESSLER: And we'll go by
19 the same rules that I spelled out in detail
20 previously.

21 And anybody who was sworn, the gentleman
22 in the back. Anybody who wishes to speak at this
23 hearing, raise your right hand.

24 (Witness duly sworn.)

1 VICE CHAIRMAN KESSLER: Thank you.

2 All right. And, Ellen, are you presenting
3 this one too?

4 MS. JOHNSON: Yes.

5 VICE CHAIRMAN KESSLER: Okay.

6 MS. JOHNSON: Thank you.

7 So staff has filed a general amendment to
8 add to the ordinance provisions for food trucks.
9 Food trucks have become more popular over the
10 recent years, and staff has not been able to
11 provide clear direction on whether the use is
12 permitted because it's not currently addressed in
13 our ordinance.

14 So food trucks have been operating in
15 St. Charles for several years. They typically are
16 operated under certain circumstances, like during
17 special events and festivals, like Scarecrow Fest,
18 sometimes at private parties and events, weddings,
19 or parties people hold in their homes or also
20 businesses holding parties or events on their
21 property.

22 And then also outside of businesses, like
23 breweries as a way for brewery owners and bar
24 owners to offer food options to their patrons. So

1 this is kind of currently what we're seeing in
2 town regarding food trucks.

3 And so note for this discussion that
4 zoning regulations only relate to private
5 property. So we're not talking about public
6 property or use of public streets or parking lots
7 for food trucks. We're talking specifically only
8 about private property.

9 So the zoning ordinance regulates
10 temporary uses and provides a list of requirements
11 that temporary uses must meet which are related to
12 public health, safety, welfare, parking, signs;
13 and then there are several types of permitted
14 temporary uses in the code. Food trucks are not
15 one of these types of uses that are listed. Some
16 types are farmstands, outdoor sales, farmers
17 markets, outdoor entertainment, those sorts of
18 uses.

19 So staff is proposing to define food
20 trucks in the code as follows: "A food truck is a
21 wheeled vehicle from which food is sold that
22 typically contains cooking facilities where food
23 is prepared."

24 And we are proposing to allow food trucks

1 under the following circumstances: First is at
2 private events not open to the public.

3 Second is events associated with a special
4 event permit approved by the City. So special
5 events, large community events require a special
6 event permit from the City. So food trucks could
7 be incorporated as part of that permit.

8 Also in association with a temporary
9 outdoor sales permit. Operation of the food truck
10 itself will be limited to two days in any
11 seven-day period during normal hours of the
12 permanent business. So temporary outdoor sales
13 permits are required for businesses wanting to
14 sell outside, so on a temporary basis, like Lowe's
15 has their outdoor garden, that sort of thing.

16 And the fourth instance would be in
17 association with a restaurant or a bar, including
18 brewery, where the food truck is operating in
19 conjunction with the business, and then again
20 operation of the food truck would be limited to
21 two days in a week during normal business hours.
22 That's the permanent business.

23 So we feel that these kind of four areas
24 cover the types of instances where food trucks are

1 operating now in town, but it codifies current
2 practices and then places the time limit -- time
3 limitations as well.

4 MEMBER PRETZ: Can I just ask you -- sorry
5 to interrupt. When you're talking about a food
6 truck, and let's say I'm on No. 4, it says the
7 operation of the food truck is limited to two days
8 in any seven-day period.

9 Food truck ABC, and then there may be an
10 XYZ food truck. Each one two days within seven
11 days or just very specific no matter whose food
12 truck it is, two days during that seven days.

13 MS. JOHNSON: Yeah.

14 MEMBER PRETZ: Could we have three?

15 MS. JOHNSON: There could be multiple food
16 trucks.

17 MEMBER PRETZ: Okay.

18 VICE CHAIRMAN KESSLER: It's based on the
19 food truck, not on the business; right?

20 MS. JOHNSON: Right.

21 MEMBER PRETZ: Okay. I just wondered.

22 MEMBER MACKLIN-PURDY: So Toasty Cheese
23 and Chuck's Pizza, they could both be at a brewery
24 on a Friday night together?

1 MS. JOHNSON: Yes.

2 MEMBER MACKLIN-PURDY: Can they both be
3 there together on Friday night, Saturday night,
4 and Sunday night?

5 MS. JOHNSON: No, but they could be Friday
6 and Saturday night.

7 MEMBER MACKLIN-PURDY: Okay. So out of
8 the week, the breweries are only allowed to have
9 food trucks two nights a week no matter how many
10 food trucks.

11 MS. JOHNSON: The food truck itself. So
12 theoretically, I suppose they could have a food
13 truck every night, but, you know, food truck A
14 could operate Monday, Tuesday --

15 MEMBER MACKLIN-PURDY: So Chuckie Cheese
16 can only be there two nights a week.

17 VICE CHAIRMAN KESSLER: Correct.

18 MEMBER MACKLIN-PURDY: Okay. I didn't get
19 that at all out of the verbiage.

20 MEMBER VARGULICH: That's where I was
21 getting confused.

22 MS. JOHNSON: Yes.

23 MEMBER VARGULICH: In theory, you could
24 have six food trucks there.

1 MEMBER MACKLIN-PURDY: So you could have
2 tacos, toasted cheese, pizza.

3 MS. JOHNSON: Yeah. In theory and there's
4 some requirements related to temporary outdoor
5 sales that all temporary outdoor sales need to
6 meet regarding parking and not taking up required
7 parking and that sort of thing.

8 MEMBER MACKLIN-PURDY: Okay.

9 MS. JOHNSON: So that's kind of where
10 there's provisions to protect against, like, there
11 being food trucks for --

12 MEMBER MACKLIN-PURDY: Got it.

13 VICE CHAIRMAN KESSLER: Where had you
14 been?

15 MEMBER MACKLIN-PURDY: Did not get it
16 from -- I didn't get that from the verbiage, but
17 I'm glad I understand. Thank you.

18 MS. JOHNSON: Yeah. Question.

19 MEMBER HOLDERFIELD: Well, here's what I
20 don't get. The seven-day period, when does that
21 start? Are we talking Sunday through Saturday; or
22 another truck comes in, and they've got seven
23 days, Tuesday through next Monday? What's the
24 seven-day period?

1 VICE CHAIRMAN KESSLER: Well, I think
2 that's a good question, but you know what I'm
3 going to suggest, that we finish this up because
4 we're going to spend some time talking about that.
5 Let's let Ellen finish her presentation --

6 MS. JOHNSON: Sure.

7 VICE CHAIRMAN KESSLER: -- then -- because
8 we're getting into the discussion, and it's a good
9 one.

10 Jim, you've got me all confused now.

11 MS. JOHNSON: So this is really the meat
12 of it. The temporary outdoor sales definition is
13 a related piece. So some questions have come up
14 as to whether food trucks can be considered as a
15 temporary outdoor sales use.

16 And based on the time limitation for
17 temporary outdoor sales, if a food truck were
18 considered that type of use, it could be parked in
19 a single location for up to 90 days. So our
20 interest is not allowing a food truck as a
21 temporary outdoor sale.

22 So we've modified the definition of
23 temporary outdoor sales to stipulate that that
24 type of use is limited to provision of services or

1 sales of products that are related to the
2 principal use of the property, and then also
3 seasonal products like Christmas trees or
4 landscape materials, which currently happens in
5 town on private property.

6 So we're kind of just modifying this
7 definition to further limit what -- we're
8 specifying exactly what temporary outdoor sales
9 constitute, and that's all.

10 VICE CHAIRMAN KESSLER: Okay. What about
11 Jim's question? Now I need to know.

12 MS. JOHNSON: Well, that's a good
13 question. I don't know if we really flushed that
14 out exactly, the time period. The idea would be
15 that a food truck couldn't operate more than twice
16 in a week at a specific location. So it couldn't
17 be parked for a long time and operating in one
18 spot for more than we felt two days in a week
19 period was reasonable.

20 MEMBER MACKLIN-PURDY: In one location.

21 MS. JOHNSON: In one location, yes.

22 MEMBER MELTON: So it could be replaced by
23 another one?

24 MS. JOHNSON: Yes, yes. So it's a

1 temporary -- the temporary use is the one food
2 truck. Another food truck is another temporary
3 use.

4 VICE CHAIRMAN KESSLER: The obvious
5 question to me is how are you ever going to
6 monitor something like that?

7 MEMBER MACKLIN-PURDY: Facebook.

8 VICE CHAIRMAN KESSLER: Who is going to
9 monitor Facebook?

10 MEMBER MACKLIN-PURDY: I'm kidding. I'm
11 kidding.

12 MS. JOHNSON: Yeah. That's going to be,
13 yeah, a question of monitoring and enforcement;
14 and we've talked to Bob Vann in the building
15 division about these provisions, and he is
16 agreeable to them and acknowledges that
17 enforcement and monitoring would be key.

18 MEMBER BECKER: Are you generally thinking
19 that there's like per -- when you say one
20 location, do you mean one business? One zoning
21 lot? For a multiple strip center, could the truck
22 just, you know, move along? You know, how do you
23 envision trying to monitor that geographically?

24 MS. JOHNSON: Yeah. Well, if it is on

1 private property and it's being offered -- say, a
2 brewery is offering it in conjunction with their
3 business. It would be offered in conjunction with
4 that business. So if that business is on its own
5 lot, then it would have to be -- just be on that
6 lot.

7 But if it's a strip center, and then
8 another bar in the same strip center wants to
9 offer that food truck as well and it's on the same
10 lot, there's a little bit of gray area because
11 then it would be associated with a different
12 business. So I think it could may be moved along
13 the parking lot if it's really being offered in
14 conjunction with that business.

15 But this isn't -- this would be so that,
16 say, a retail store isn't allowing a food truck to
17 offer -- to set up on their parking lot because it
18 has no relation to the business.

19 MEMBER BECKER: Thank you.

20 VICE CHAIRMAN KESSLER: Can you explain
21 what the rationale is behind two days in seven? I
22 mean, why is it limited to two?

23 MS. JOHNSON: We felt it was reasonable.
24 It covers, I believe, the weekend. And I mean,

1 it's a temporary use. So there has to be a
2 limitation, a time limitation. I mean it's open
3 for discussion. We felt that the two days was
4 reasonable.

5 VICE CHAIRMAN KESSLER: Okay. Anything
6 else? Any comments?

7 (No response.)

8 VICE CHAIRMAN KESSLER: Would anybody like
9 to speak to this issue?

10 MEMBER VARGULICH: Just a question. The
11 food trucks, they have all -- you know, are all
12 registered with the City as a business or no?

13 MS. JOHNSON: No.

14 VICE CHAIRMAN KESSLER: They are not
15 registered?

16 MS. JOHNSON: No. We don't have business
17 licensing. So they're not registered.

18 MEMBER MACKLIN-PURDY: No.

19 VICE CHAIRMAN KESSLER: Okay.

20 MEMBER VARGULICH: Then do they -- I'm
21 assuming that whether you're a food truck or a
22 restaurant, you still pay all the retail taxes,
23 you know, like everybody else does.

24 MS. JOHNSON: You know, we have a food

1 truck operator here. He might be able to speak
2 better to the operations. But the City doesn't
3 have sort of registry or licensing requirements or
4 a mechanism to track what that would be.

5 MEMBER VARGULICH: So I'm just wondering
6 how if you're a restaurant and you serve whatever,
7 then you pay sales taxes, and those taxes go to
8 the City. So when a food truck is parked on our
9 parking -- on the City's parking lot --

10 VICE CHAIRMAN KESSLER: In the city.

11 MEMBER VARGULICH: -- in the city, we
12 don't get any sales tax revenue from that?

13 MS. JOHNSON: I'm not sure.

14 MEMBER MACKLIN-PURDY: Let's hear from the
15 food truck --

16 MS. JOHNSON: Yeah.

17 MEMBER VARGULICH: I'm just trying to
18 understand that.

19 VICE CHAIRMAN KESSLER: All right. We are
20 in a public hearing, so please state your name and
21 address.

22 MR. SPOERL: My name is David Spoerl, and
23 I'm at 4N645 Osage Drive, technically now Campton
24 Hills.

1 THE REPORTER: Can you spell your last
2 name.

3 MR. SPOERL: S-p-o-e-r-l.

4 I'm an open book. Fire away.

5 MEMBER MACKLIN-PURDY: What business are
6 you?

7 MR. SPOERL: I'm Dave's Slow Food, and I
8 have the slow food truck.

9 VICE CHAIRMAN KESSLER: You park out next
10 to the florist.

11 MR. SPOERL: Yeah. Until you guys shut me
12 down, which is why -- that's Cada Pools, which
13 used to be the old florist. That was, you know, a
14 couple years ago.

15 Because there is no licensing or there is
16 no permit that I can buy, I'm like -- so I think
17 I'm probably one of the guys that is, you know,
18 trying to encourage -- we need to set some ground
19 rules. We have Toasty Cheese comes into town. We
20 have food truck festivals, and they just take all
21 the money and go home.

22 MEMBER VARGULICH: So you don't pay any
23 taxes to the City.

24 MR. SPOERL: Well, no, I mean, I pay my

1 sales tax and stuff, County and stuff; but there's
2 no mechanism for me to actually do something
3 officially and correctly, which I really want to.
4 We have been doing this for a while, so.

5 MEMBER VARGULICH: It seems like the
6 finance department is missing an opportunity.

7 MR. SPOERL: Well, I think that's why
8 we're actually here.

9 MEMBER VARGULICH: Would that be true? I
10 mean, if a restaurant pays, why wouldn't Dave's
11 pay?

12 MR. COLBY: Potentially that is true. I
13 think what we've struggled with is the fact that
14 our ordinance doesn't really recognize this as a
15 business model in any way. So it's not something
16 that we've made any efforts to track, and we don't
17 really have any kind of reporting methods.

18 So this is sort of the first step to sort
19 of recognize this as a business model, and so one
20 potential next step might be to find a way to
21 collect sales tax from these businesses.

22 MEMBER FUNKE: So who monitors the
23 cleanliness of the kitchen? I mean who comes in?
24 You're not licensed. I mean, how do you --

1 MR. SPOERL: The health department.

2 MEMBER FUNKE: Does the health department
3 come in?

4 MR. SPOERL: Oh, yeah. We're 100 percent
5 inspected like any other restaurant or anything,
6 both mobile unit and my commercial kitchen, by the
7 Kane County Health Department.

8 VICE CHAIRMAN KESSLER: Kane County would
9 have jurisdiction over any restaurant in
10 St. Charles.

11 MR. SPOERL: Correct. Right.

12 VICE CHAIRMAN KESSLER: And do you operate
13 out of other communities? Do you operate in other
14 communities?

15 MR. SPOERL: Yes.

16 VICE CHAIRMAN KESSLER: Besides
17 St. Charles.

18 MR. SPOERL: Yes.

19 VICE CHAIRMAN KESSLER: Do you operate in
20 communities that have a mechanism in place to
21 collect sales tax?

22 MR. SPOERL: There is no mechanisms in any
23 community anywhere, with the exception of downtown
24 Chicago that has mechanisms for food trucks.

1 You'd be the first.

2 MEMBER MACKLIN-PURDY: What does Chicago
3 do? Do you know?

4 MR. SPOERL: Well, you can Google --

5 MEMBER MACKLIN-PURDY: Okay.

6 MR. SPOERL: -- and spend so many hours
7 reading, you know, the limitations and the
8 restrictions and the GPSing. I mean they have
9 made it almost impossible to operate a food truck
10 in Cook County -- in the City of Chicago. I mean
11 extra of food handling protections.

12 That's why you're seeing food trucks
13 coming out to the western suburbs where there's no
14 rules, so.

15 VICE CHAIRMAN KESSLER: I don't know if
16 anybody from staff can answer this question, but
17 is there a mechanism whereby -- because you do pay
18 taxes through the County.

19 MR. SPOERL: Correct.

20 VICE CHAIRMAN KESSLER: I mean, isn't
21 there some way that the County collects the tax
22 and reimburses the City? Isn't there some -- it
23 seems to me that there's some tax, something in
24 place for that. Do you know of anything like

1 that, Russ?

2 MR. COLBY: I assume it's sales tax that
3 you're reporting through the State. I would
4 think.

5 MR. SPOERL: Through the State, correct.

6 MR. COLBY: Yeah. So I think it would
7 have to be reported as a business operating within
8 our jurisdiction where our portion of the tax
9 could be collected. In addition, the City has a
10 home rule sales tax that's also added on to that.

11 So I'm not sure of the exact mechanism for
12 how we would collect from this type of business
13 because it doesn't have a permanent location. So
14 I think that's the challenge, and I'm not sure how
15 that would be accomplished.

16 VICE CHAIRMAN KESSLER: So let me ask you
17 this: So you pay taxes to the County. Do you
18 only operate in Kane County?

19 MR. SPOERL: No. I pay primarily the
20 State of Illinois.

21 VICE CHAIRMAN KESSLER: Okay. So you
22 would just report your --

23 MR. SPOERL: Correct.

24 VICE CHAIRMAN KESSLER: All right. This

1 seems like a little bit bigger issue than what we
2 have in front of us here and what's being
3 proposed. It sounds to me like you're headed in
4 the right direction, but it's not even close to
5 being ready to burn. I think that we have to -- I
6 don't know that we have enough information yet.

7 MS. JOHNSON: I mean in terms of the tax
8 collection because these are specifically zoning
9 regulations.

10 VICE CHAIRMAN KESSLER: I think that's
11 just one issue. I think in the zoning
12 regulations -- I mean, to me one of the biggest
13 issues I've always had with any kind of zoning is
14 enforcement. And we don't have any -- in
15 St. Charles, we don't have cops going around
16 making sure that people are complying with
17 regulations, zoning regulations. It's typically
18 triggered by a complaint. That's how we monitor
19 those situations.

20 I don't see how you're going to -- I mean,
21 two days and seven days and temporary sales permit
22 at this location, and that's not the right kind of
23 business to have a food truck, I don't know who is
24 going to watch that. I mean, I think we'll be

1 making rules that aren't going to be able to be
2 enforced. That's my issue. I don't see how we
3 would enforce something like this. I just don't
4 see it.

5 MS. JOHNSON: I think one of the goals is
6 to have something in our ordinance because right
7 now we have nothing, and we have no direction to
8 give to operators of food trucks. And so the
9 first step, I think, is getting something down on
10 paper and in our code that we can point to; and
11 then if there are issues, that we can, you know,
12 determine whether a food truck is meeting the code
13 or not. So it's a first step, I think.

14 VICE CHAIRMAN KESSLER: That makes sense.
15 I appreciate that you're bringing it to us because
16 it sounds like even the food truck operators want
17 us to do something, so.

18 MEMBER PRETZ: It seems to me that you
19 could define what the food truck is and then
20 the -- and I know we have all these different --
21 these four options here or four things that
22 qualify as a standard.

23 But maybe the mechanism is really the
24 licensing permit with the fee that's associated

1 with that; and then at least with the license, if
2 code enforcement was taking a look, the license
3 would have to be displayed at their register. We
4 have all the information. We have at least some
5 means of collecting some revenue coming in direct
6 because of the permitting process, and maybe that
7 makes it just a little bit simpler.

8 But then the standards are where we would
9 allow those trucks to be at, what types of
10 businesses, breweries, or private parties, or
11 whatever it is. But they'd all have to display
12 their license, and at least we'd have some control
13 over food trucks for what it is. And then if it
14 becomes a burden even more so later, then you
15 tighten it up and add some other restrictions.

16 VICE CHAIRMAN KESSLER: I think you're
17 right. Dave, you said it too. We need to start
18 somewhere. The registration process would be
19 really important.

20 I have two questions. I mean, what do you
21 think about the two days and seven days? How does
22 that relate to your business?

23 MR. SPOERL: I'm actually a catering
24 company that happens to have a cool food truck.

1 Because there is no food truck permit or license,
2 I would be more than happy to buy a permit. I
3 mean 500 bucks. Give me a permit, a sticker for
4 my truck, and at least it's a starting point so
5 that if someone in the municipality rolls up, they
6 know I'm good to go, I mean.

7 On the two to seven day -- starting now,
8 we're so busy, I couldn't go to a brewery and stay
9 two days if I wanted to. You know, maybe roll in
10 on a Thursday night for dinner, and we're going to
11 go somewhere else, a wedding or graduation party
12 or something like that. And there's right now so
13 few food trucks in Kane County, that we're all in
14 that same boat, if that helps answer the question.

15 VICE CHAIRMAN KESSLER: Okay. Very
16 interesting.

17 MR. SPOERL: Yeah. The two and seven day,
18 you know, when I was reading through this, I mean,
19 I think, that's a good goal; but I think really
20 what -- I would love to have a sticker that says
21 St. Charles likes me, and I'm good to go, and
22 we're official.

23 Then there's a means and a way to start
24 the process of tracking, and it also may keep my

1 competitors from coming into town, you know,
2 unless they come to the City, and they do their
3 paperwork, and they pay a fee and get a permit to
4 operate in St. Charles.

5 I mean, you know, the restrictions and
6 those kind of things -- you know, if you look at
7 towns like Austin or Portland or New Orleans,
8 Columbus, Ohio, I mean, the cities that have
9 approved food trucks and kept the restrictions to
10 a minimum, it's increased the opportunity for the
11 entire food scene.

12 And I like to think that that's what we've
13 done for the years that we've been doing it in
14 St. Charles and Geneva and other places. I mean,
15 we offer kind of a different thing. So, you know,
16 there's not a grilled cheese only restaurant in
17 town.

18 MEMBER MACKLIN-PURDY: Right.

19 MR. SPOERL: And it's kind of cool.

20 MEMBER MACKLIN-PURDY: Yes.

21 VICE CHAIRMAN KESSLER: Okay. I take it
22 from what you've said that these use standards
23 are -- you don't consider them particularly
24 onerous.

1 MR. SPOERL: No, not at all.

2 VICE CHAIRMAN KESSLER: And registration
3 is something that you welcome.

4 MR. SPOERL: I've been wanting to do that
5 in St. Charles for years. My truck -- I don't
6 know whether any of you guys remember Larry
7 Hopper, I mean, Hopper's Bar-B-Que. When Larry
8 closed down, I took over Larry's business. So my
9 rig has been in town since 1999. And I mean since
10 1999, we want to be recognized as official, and
11 there's just not a mechanism to be able to do
12 that.

13 VICE CHAIRMAN KESSLER: Would you be
14 opposed if the City were to come up with some way
15 to collect a sales tax or --

16 MR. SPOERL: Charge me food and beverage
17 tax. I mean, I'll report and pay, no problem,
18 love to.

19 VICE CHAIRMAN KESSLER: Anything else?

20 MEMBER MACKLIN-PURDY: No.

21 VICE CHAIRMAN KESSLER: All right. Thank
22 you.

23 MR. SPOERL: Thank you.

24 VICE CHAIRMAN KESSLER: Go ahead.

1 MR. MARK: My name is Steve Mark. I'm
2 from Riverland Brewery. I don't live in town, but
3 we operate a business in town.

4 VICE CHAIRMAN KESSLER: Address?

5 MR. MARK: It's at 1860 Dean Street,
6 Suite A.

7 So food trucks are critical to our
8 business because it keeps people there longer. It
9 makes them safer because they're eating instead of
10 just sitting there drinking. It helps draw in
11 more traffic.

12 Our biggest concern -- I understand Dave
13 might want to have a fee to have a license, but I
14 would rather encourage more food trucks to come to
15 the area because that is super -- I mean, it just
16 draws in business.

17 We have looked at just in the first three
18 weeks we've been open, the days that we've had
19 food trucks have been more than double the sales
20 on days that we don't have food trucks. So when
21 we saw this was up here, we made sure that
22 somebody came in to, you know, address that and
23 make sure that St. Charles is open to having that
24 sort of an option.

1 Because we have no food, and we have no
2 intention of doing any food. We still want to
3 make sure people have that ability to eat
4 something. So besides food trucks, we'd also, you
5 know, love to get -- we're trying to organize
6 something where we can get local restaurants to do
7 delivery as well, but our struggle is that we
8 can't always seem to get one every weekend.

9 So the two days, I would love to be able
10 to get somebody to come in three days in a row.
11 That would be fantastic; but right now, like I
12 said, they're so busy, there's not enough of them
13 around. I don't think that that's super onerous.

14 Except if I were to have some sort of a
15 release where I wanted to have, say, I don't know
16 if somebody made a pairing or something and maybe
17 we did that all weekend. So as long as there was
18 an option where I could go to the City and say,
19 Hey, we'd really like permission to have a whole
20 weekend of this for a special release.

21 But the biggest issue for us is to make it
22 as easy as possible for them to come to the city
23 and to really encourage it.

24 So I don't know if a sales tax would

1 prevent that or not. I definitely want them to
2 all be clean and pass the health department. I
3 mean, that would be a disaster for us if there was
4 a gross truck. So I'm really glad that Dave has,
5 you know, spent some time to make sure he passes
6 them.

7 But the big thing is we want to just make
8 sure that St. Charles is open to it and
9 encouraging it as much as possible and making the
10 process seamless and that we're going to continue
11 to be able to book them as much as possible.

12 I don't know if you have any questions for
13 me. I only have three weeks of data to give you
14 but --

15 MEMBER VARGULICH: I would just say,
16 Ellen, to cover that whole issue of two days of
17 seven, just make it start on Saturday. So if it's
18 Saturday --

19 MR. MARK: But we have an extra day on
20 Friday.

21 MEMBER VARGULICH: -- and the beginning of
22 the week is Sunday, so you could have three days
23 in a row.

24 MR. MARK: That would work.

1 MEMBER VARGULICH: Because you'd have two,
2 and one in the other week, and now you wouldn't
3 have to change anything. Just define when the
4 week starts.

5 MR. MARK: That hasn't come up yet
6 because, you know, it's hard to get somebody to
7 come back two days in a row anyway. But if we
8 were to have somebody that paired a specific food
9 to a specific beer, I would like to have that
10 ability even if it was just something as far as
11 writing you guys and saying, Hey, we're going to
12 do this.

13 VICE CHAIRMAN KESSLER: I didn't think you
14 paid that much tax.

15 MR. MARK: We do. We pay St. Charles
16 sales tax. And now remember, food truck sales are
17 not part of our business, so we're ringing up the
18 beer and the alcohol.

19 VICE CHAIRMAN KESSLER: Right.

20 MR. MARK: So we pay a St. Charles sales
21 tax, we pay two different levels of State sales
22 tax, and we pay federal. There's lots of taxes.
23 We're going to be figuring that out this month,
24 so.

1 MEMBER MELTON: You did say that when the
2 food trucks are there, your business is --

3 MR. MARK: Much more, much more in sales,
4 yeah. Empanadas were a big hit, so.

5 VICE CHAIRMAN KESSLER: Anybody?

6 (No response.)

7 MEMBER MACKLIN-PURDY: Thank you.

8 VICE CHAIRMAN KESSLER: Thanks very much.
9 I appreciate it.

10 Okay. Well, we're still in the public
11 hearing. If we feel like we have enough
12 information to make a recommendation or a
13 decision, we can entertain a motion to close the
14 public hearing.

15 MEMBER VARGULICH: I make a motion that we
16 close the public hearing.

17 MEMBER FUNKE: I'll second.

18 VICE CHAIRMAN KESSLER: Okay. Moved and
19 seconded.

20 All in favor.

21 (Ayes heard.)

22 VICE CHAIRMAN KESSLER: The public hearing
23 is closed.

24 Now, we go into discussion and

1 recommendation.

2 MEMBER MACKLIN-PURDY: Well, I mean, I
3 think it's necessary that we have some definitions
4 of food trucks and where they can be and where
5 they can't be. And I think that you did a great
6 job defining all of that. I have no problem with
7 any of it.

8 I mean, two to three day, it's a little
9 ambiguous as to when we start the week, but I do
10 think that's a good idea. If he does have a
11 pairing for a new release and they want to have a
12 certain kind of food there that pairs well with
13 the beer that they're serving, it wouldn't be for
14 us to limit that.

15 MS. JOHNSON: Yeah. I think they would
16 have the ability to come in for either a special
17 event or a temporary outdoor sales permit to
18 encompass their special release weekend, and that
19 includes food trucks for more than two days. They
20 have options.

21 VICE CHAIRMAN KESSLER: All right. Then I
22 guess we could make a motion.

23 MEMBER MACKLIN-PURDY: I'll make a
24 recommendation for general amendment, City of

1 St. Charles, chapter 17.20, use standards,
2 regarding regulation of food trucks.

3 VICE CHAIRMAN KESSLER: Recommending
4 approval to the Planning & Development Committee.

5 MEMBER MACKLIN-PURDY: Yes. I recommend
6 approval to the Planning & Development Committee.

7 VICE CHAIRMAN KESSLER: All right. Any
8 discussion on the motion?

9 MEMBER PRETZ: Second.

10 VICE CHAIRMAN KESSLER: I'm sorry. Tom,
11 second.

12 MEMBER PRETZ: Yes.

13 VICE CHAIRMAN KESSLER: Any discussion on
14 the motion?

15 (No response.)

16 VICE CHAIRMAN KESSLER: All right.
17 Becker.

18 MEMBER BECKER: Yes.

19 VICE CHAIRMAN KESSLER: Funke.

20 MEMBER FUNKE: Yes.

21 VICE CHAIRMAN KESSLER: Pretz.

22 MEMBER PRETZ: Yes.

23 VICE CHAIRMAN KESSLER: Holderfield.

24 MEMBER HOLDERFIELD: Yes.

1 VICE CHAIRMAN KESSLER: Vargulich.

2 MEMBER VARGULICH: Yes.

3 VICE CHAIRMAN KESSLER: Purdy.

4 MEMBER MACKLIN-PURDY: Yes.

5 VICE CHAIRMAN KESSLER: Melton.

6 MEMBER MELTON: Yes.

7 VICE CHAIRMAN KESSLER: Kessler, yes.

8 All right. So that passes unanimously.

9 You're going to get your regulations.

10 MR. SPOERL: Can I say one more thing?

11 VICE CHAIRMAN KESSLER: Sure.

12 MR. SPOERL: One of the things, Ellen,
13 that I think needs to get put in there is kind of
14 a term that's called, like, "pop ups." You know,
15 like, we have a lot of local schools that do
16 fundraisers. You know, like, Wredling last year
17 out of the blue, they called, and, you know, we
18 did their Color Run. So can you bring a truck
19 out.

20 You know, so I think there needs to be
21 something in there, you know, as we finalize this
22 for those type of events, local schools, and
23 fundraisers, or, you know, just a pop-up event or,
24 you know, what you said where we can just come in

1 for a couple of hours.

2 I think that if we had a certificate from
3 the City of St. Charles, I mean, we would be good.
4 I mean if any official or police officer --

5 MEMBER MACKLIN-PURDY: Would that be
6 covered under the special events?

7 MS. JOHNSON: Yeah. I think that would be
8 covered in special events --

9 MR. SPOERL: But they wouldn't be --

10 MS. JOHNSON: -- or a special event
11 permit.

12 MR. SPOERL: Yeah. I don't think they're
13 going to -- I don't think, like, Wredling school
14 gets a permit to have their Color Run.

15 MS. JOHNSON: It's probably going to be
16 covered under private events not open to the
17 public.

18 MR. SPOERL: But they are open to the
19 public.

20 MS. JOHNSON: But do they require a
21 registration for their Color Runs?

22 MEMBER MACKLIN-PURDY: Yes.

23 MS. JOHNSON: Yeah.

24 MR. SPOERL: So it would be a school

1 function.

2 MS. JOHNSON: Yeah, a school function. I
3 think it would be covered.

4 MR. SPOERL: You think so.

5 MS. JOHNSON: It wouldn't be open to the
6 general public in terms of a festival or --

7 MR. SPOERL: Okay.

8 VICE CHAIRMAN KESSLER: I'm sure that --
9 and I'm not the only one thinking this. I'm sure
10 you've thought about it too. It certainly
11 wouldn't hurt to have help drafting this thing
12 from, you know, Dave especially and local, you
13 know, people that would use it. I think that
14 would be very helpful.

15 You've been very helpful tonight, both of
16 you. Thank you.

17 All right. So that concludes Item 5, and
18 Item 6, Ellen, are you up again?

19 MS. JOHNSON: Yes. You get me again.

20 VICE CHAIRMAN KESSLER: You're getting all
21 your hours in here.

22 Item 6 on the agenda is a general
23 amendment, City of St. Charles, chapter 17.06 on
24 the design review standards and guidelines

1 regarding design review standards and guidelines
2 for the RT and CBD-2 zoning districts, and again
3 this is a public hearing, and all standard rules
4 apply.

5 MS. JOHNSON: Okay. And this one will be
6 fairly quick.

7 So this is a follow-up item to past
8 discussions that the Plan Commission has had on RT
9 design standards and guidelines. This topic was
10 last discussed after the appeal request regarding
11 the container home on 3rd Street which was back in
12 August of 2017.

13 So after that appeal, the Plan Commission
14 discussed the existing RT design standards and
15 guidelines; and as a reminder, these apply to new
16 homes and exterior alterations in the traditional
17 residential zoning districts outside of the
18 historic districts.

19 So the Plan Commission suggested that the
20 standards and guidelines be revised to require
21 traditional architectural style as a baseline and
22 then to require any nontraditional designs to be
23 reviewed by the Plan Commission, and the Plan
24 Commission would act as a sort of architectural

1 review body in those circumstances.

2 So that recommendation went to the
3 Planning & Development Committee, where they
4 discussed that recommendation. They did not
5 support requiring a traditional building style,
6 and they also did not support establishing a new
7 architectural review process by the Plan
8 Commission.

9 The committee then directed staff to leave
10 the code as-is but to add clarification to
11 existing requirements in order to remove vague
12 language and potential for future appeals based on
13 the requirements being unclear.

14 So what we've done is -- from this
15 direction, is we've kept the code as-is, but we've
16 modified the language a bit to remove ambiguities
17 and to clarify the existing requirements.

18 So I can go through each section if you'd
19 like. There are no real significant changes. I
20 don't know if you have had the opportunity to read
21 through the changes and if you'd like to discuss
22 anything.

23 VICE CHAIRMAN KESSLER: I would just ask,
24 you know, this is the Planning & Development

1 Committee directing staff to -- of course, they
2 have the ordinance and plans which is fine, but to
3 modify the language. Explain how they described
4 modifying the language.

5 MS. JOHNSON: They didn't get into detail.
6 I think there was an understanding that some of
7 the verbiage of the existing provisions is a
8 little bit unclear and interpretation -- and open
9 to interpretation based on who is reading it. So
10 we kind of wanted to just had clarity to the
11 language. They didn't give much feedback
12 specifically.

13 MEMBER HOLDERFIELD: I like the language
14 because it uses "should" instead of "must." I
15 think it gives us latitude to interpret the design
16 and see how it would be compatible to the
17 neighborhood. So I think that was a big move. I
18 like the way we do that where it wasn't demanded,
19 it must, should. I think that was a language
20 change that I liked.

21 VICE CHAIRMAN KESSLER: So you're
22 comfortable with the language change?

23 MEMBER HOLDERFIELD: Yes.

24 VICE CHAIRMAN KESSLER: Okay.

1 MEMBER MACKLIN-PURDY: So does this change
2 anything about if someone were to build another
3 container home? Would the process be the same?

4 MS. JOHNSON: The process would be the
5 same. They would still be subject to the design
6 standards. We removed some of -- so there's a
7 guideline stating that flat roofs are discouraged.
8 We removed that because that kind of pertains to
9 requiring more traditional architecture.

10 So that question -- so now the
11 requirements that are in place are more
12 surrounding use of consistent materials and use
13 of, you know, windows on all elevations, kind of
14 more of the basics that a container home would be
15 able to meet. Because the Council was -- the
16 Committee did not express favor for limiting
17 modern design in traditional neighborhoods.

18 MEMBER MACKLIN-PURDY: Thank you.

19 VICE CHAIRMAN KESSLER: All right. Any
20 questions? Any discussion?

21 MEMBER PRETZ: I was just going to say I
22 agree with his comment. I agree with Jim as far
23 as the language. I may have missed something
24 through all the reading of it, but it seems to be

1 the typical standards from the Preservation
2 Commission, you know, with mass of the buildings,
3 and the type of language seems to be appropriate
4 to be able to come to a review process.

5 VICE CHAIRMAN KESSLER: I concur with
6 that. I agree that -- I am glad that they did
7 not -- the City Council -- the Planning &
8 Development Committee did not seek to limit
9 nontraditional architectural styles. I think they
10 are very important. I think it's just as
11 important as traditional and that they have made
12 some changes to the language. I'm very happy
13 that's the direction they took.

14 MEMBER VARGULICH: I just have a question
15 related to the section on doors and entrances,
16 Ellen.

17 MS. JOHNSON: Uh-huh.

18 MEMBER VARGULICH: I was not looking at
19 the specific code with the things as far as an
20 enclosed porch versus an unenclosed porch and the
21 8-foot encroachment.

22 Is an enclosed porch considered one that
23 has screens?

24 MS. JOHNSON: Yes. That would be

1 considered enclosed, but unenclosed is an open
2 porch or a porch with railings.

3 MEMBER VARGULICH: And so why wouldn't a
4 porch with screens be allowed?

5 MS. JOHNSON: So that is a provision
6 that's in a different part of the code. It's in
7 the bulk standards chapter, and we just reference
8 it in the design review guidelines kind of for
9 ease of use of the ordinance.

10 So that's the same provision somewhere
11 else, but basically you can have a front porch
12 that's enclosed with a screen. It just can't
13 encroach 8 feet into the front setback. If you
14 have an open porch, you get that bonus of allowing
15 8 feet to be into the setback.

16 MEMBER VARGULICH: And is the intent -- I
17 mean, this is a little outside of what this
18 discussion is, but it does relate because you're
19 referencing it.

20 What is the issue if you couldn't really
21 have screen porches in the setback?

22 MS. JOHNSON: Yeah. Well, I think the
23 8-foot encroachment is kind of a -- well, it's a
24 benefit you get if you provide an open porch, and

1 an open porch is an element of traditional
2 building design, and I think that traditional
3 design usually doesn't incorporate screens, if
4 that makes sense.

5 MEMBER VARGULICH: I don't know that I
6 would agree with that, especially in our climate
7 where we have lots of evenings of way too many
8 bugs. I admit that's a little bit more of what I
9 think of.

10 MS. JOHNSON: Yeah. We don't see many
11 front porches that are enclosed with screens only.
12 I mean sometimes they have been enclosed with
13 windows that can open and you see screens, but I
14 can't think of any examples of a front porch
15 that's only enclosed with screens.

16 MEMBER FUNKE: The theory is to keep it
17 more open. When you put a screen in, it could be
18 a solid screen. It could be a shutter. It could
19 be -- you know, so.

20 MEMBER VARGULICH: Well, I mean --

21 MEMBER FUNKE: An enclosed space, so.

22 MEMBER VARGULICH: I mean a screen is
23 something that has a certain level of
24 transparency. You know what I mean? So if it

1 doesn't meet that transparency or lack of opacity,
2 which is what you're talking about because that
3 would be, like, more solid but then maybe
4 that's --

5 And just another, does the ordinance
6 define anything related to -- which I've seen more
7 and more, probably more as a feature in custom
8 homes is rollup screens where they fully roll all
9 the way up into the soffit, and then you pull them
10 down, and they're literally floor-to-ceiling
11 screen, but it's a rollup. It is not permanently
12 affixed in place.

13 MS. JOHNSON: We had that situation come
14 up a few years ago with a permit, and I don't
15 remember what we -- do you remember that, Russ?
16 It wasn't a front porch, though. It was a --

17 MR. COLBY: Yeah. I think the issue is,
18 you know, we have to review based on what's being
19 permitted. So we wouldn't necessarily require a
20 permit to install a rollup screen because it isn't
21 really a structural part of what's being built.

22 So if someone were to install and utilize
23 one, we wouldn't necessarily have a way to prevent
24 them from doing that unless it remained there

1 permanently, and we were made aware of it and
2 determined that it was being used as an enclosed
3 porch, and the screens were down all the time.
4 But that's not something that's easy for us to
5 regulate because it sort of is outside of the
6 permit process.

7 MEMBER VARGULICH: Okay. And the only
8 reason I asked or even mentioned it is because
9 they're typically designed as an architectural
10 element that are not overly functional or they
11 won't last very long if they're left down all the
12 time, which would be something different. Their
13 spans are maybe like 3-and-a-half and 4 feet wide;
14 And if you left them down all the time, they
15 wouldn't last very long.

16 That's all. Just one of those things I
17 just wanted to ask. Thanks.

18 MS. JOHNSON: Sure.

19 VICE CHAIRMAN KESSLER: One of those
20 things that you pointed out is that that is a part
21 of the building ordinance, not necessarily you're
22 just referring to it; right?

23 MS. JOHNSON: It's part of the zoning
24 ordinance, but it's in a different code section.

1 VICE CHAIRMAN KESSLER: Right.

2 MS. JOHNSON: It's permitted -- in the
3 list of permitted encroachments.

4 VICE CHAIRMAN KESSLER: It seems to me to
5 be addressed here within the last few years.

6 MS. JOHNSON: Yes. There was a code
7 amendment for allowing -- regarding front porch
8 encroachments in the side yard in the RT district.

9 VICE CHAIRMAN KESSLER: Talking about the
10 RT district.

11 MS. JOHNSON: Right.

12 VICE CHAIRMAN KESSLER: All right. Any
13 other comments? Questions? Discussion?

14 (No response.)

15 VICE CHAIRMAN KESSLER: Then I would
16 entertain a motion to close the public hearing.

17 MEMBER FUNKE: So moved.

18 MEMBER MACKLIN-PURDY: Second.

19 VICE CHAIRMAN KESSLER: Okay. It's been
20 moved and second. All in favor.

21 (Ayes heard.)

22 VICE CHAIRMAN KESSLER: Okay. We're in
23 the discussion and recommendation portion of Item
24 No. 6. I guess we can start out by entertaining a

1 motion to recommend approval -- to make a
2 recommendation for approval or not. Anybody?
3 Tom?

4 MEMBER PRETZ: I'd like to make a
5 recommendation for approval for this to go to
6 Planning & Development, general amendment, City of
7 St. Charles, chapter 17.06, design review
8 standards and guidelines regarding design review
9 standards and guidelines for the RT and CBD-2
10 zoning districts.

11 MEMBER MACKLIN-PURDY: I'll second.

12 VICE CHAIRMAN KESSLER: Okay. Moved and
13 seconded. Is there any discussion on the motion?

14 (No response.)

15 VICE CHAIRMAN KESSLER: I'll take the
16 roll. Becker.

17 MEMBER BECKER: Yes.

18 VICE CHAIRMAN KESSLER: Funke.

19 MEMBER FUNKE: Yes.

20 VICE CHAIRMAN KESSLER: Pretz.

21 MEMBER PRETZ: Yes.

22 VICE CHAIRMAN KESSLER: Holderfield.

23 MEMBER HOLDERFIELD: Yes.

24 VICE CHAIRMAN KESSLER: Vargulich.

1 MEMBER VARGULICH: Yes.

2 VICE CHAIRMAN KESSLER: Purdy.

3 MEMBER MACKLIN-PURDY: Yes.

4 VICE CHAIRMAN KESSLER: Melton.

5 MEMBER MELTON: Yes.

6 VICE CHAIRMAN KESSLER: Kessler, yes.

7 All right. That concludes Item No. 6 on
8 the agenda.

9 Item 7 is additional business from Plan
10 Commission members or staff. Staff?

11 MR. COLBY: I was just going to mention
12 we've passed around information regarding the
13 comprehensive plan open house that's been
14 scheduled for April the 24th. It's also listed
15 under meeting notices.

16 This is not a meeting of the Plan
17 Commission. It's a public open house where we're
18 inviting members of the community to attend.
19 There will be an interactive workshop where people
20 can come at any time during the two hours that
21 it's going on and participate.

22 We'll be gathering information that will
23 be compiled into a report that will then be
24 provided to the Plan Commission as part of the

1 process of developing plan recommendations for the
2 comprehensive plan update.

3 So we welcome the Plan Commission members
4 to attend. It may not make sense for you to
5 participate in the activities because you'll be
6 really reviewing the results of that -- of those
7 interactive activities; but you would at least be
8 able to see, you know, how they're working and
9 communicate with any of the attendees and see what
10 their thoughts are. So I would encourage you to
11 attend for that purpose.

12 VICE CHAIRMAN KESSLER: Okay. Attend but
13 not necessarily participate.

14 MR. COLBY: Correct.

15 VICE CHAIRMAN KESSLER: All right.

16 Understood. Thank you.

17 Anything else from members?

18 (No response.)

19 VICE CHAIRMAN KESSLER: All right. Weekly
20 development report, still well down. I love
21 looking through that actually. It's very helpful
22 to see what's going on. So thank you for that,
23 Staff.

24 Meeting announcements, Plan Commission

1 meetings April 16th, May 7th, and May 21st. Do we
2 expect that we will have items for the 16th?

3 MR. COLBY: Yes.

4 VICE CHAIRMAN KESSLER: All three?

5 MR. COLBY: At least the 16th.

6 VICE CHAIRMAN KESSLER: Okay. All right.

7 We'll reserve the other two. All right.

8 Planning & Development -- these three
9 items that we discussed tonight -- Russ, do you
10 think these three items that we discussed tonight
11 will be on the Planning & Development Committee on
12 the 8th?

13 MR. COLBY: At this point, we're only
14 anticipating that one of them will be, the food
15 truck item.

16 VICE CHAIRMAN KESSLER: Okay. Any reason
17 the other two are not?

18 MR. COLBY: We were just trying to space
19 out the items based on the content and other
20 things that are on the agendas.

21 VICE CHAIRMAN KESSLER: Okay. Very good.
22 Thank you.

23 And then we just talked about the open
24 house for the comprehensive plan update. Thank

1 you. There's no public. Anything?

2 All right. Do we have a motion to
3 adjourn?

4 MEMBER FUNKE: Second.

5 VICE CHAIRMAN KESSLER: Wait. We need a
6 motion first.

7 MEMBER HOLDERFIELD: So moved.

8 VICE CHAIRMAN KESSLER: We have a first
9 and a second.

10 All right. This meeting of the
11 St. Charles Plan Commission is over at 8:35 p.m.

12 (Off the record at 8:35 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, 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 4th day of April, 2019.

My commission expires: May 16, 2020



Notary Public in and for the
State of Illinois