

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, MAY 17, 2016**

Members Present: Chairman Todd Wallace
Brian Doyle
James Holderfield
Laura Macklin-Purdy
Tim Kessler
Tom Pretz
Tom Schuetz
Dan Frio
Michelle Spruth

Members Absent: None

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

1. Call to order

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

2. Roll Call

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

3. Election of Officers

Motion was made by Mr. Kessler and seconded by Mr. Schuetz to re-elect Todd Wallace as Chairman.

Motion was made by Mr. Doyle and seconded by Mr. Schuetz to re-elect Tim Kessler as Vice-Chairman.

Both motions carried by a unanimous voice vote.

4. Presentation of minutes of the May 3, 2016 meeting of the Plan Commission.

Motion was made by Mr. Kessler, seconded by Mr. Schuetz , and unanimously passed by voice vote to approve the minutes of the May 3, 2016 Plan Commission meeting.

PUBLIC HEARING

5. General Amendment (City of St. Charles)

Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”; Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” and Section 17.22.030 “Permitted Encroachments”; and Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions” (multiple amendments applicable to residential and manufacturing zoning districts).

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

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

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Doyle, Macklin-Purdy, Pretz, Spruth, Schuetz, Frio

Nays:

Absent:

Motion carried: 9-0

MEETING

6. General Amendment (City of St. Charles)

Ch. 17.08 “Nonconformities”, Section 17.08.040 “Nonconforming Buildings and Structures”; Ch. 17.22 “General Provisions”, Section 17.22.020 “Accessory Buildings and Structures” and Section 17.22.030 “Permitted Encroachments”; and Ch. 17.30 “Definitions”, Section 17.30.030 “General Definitions” (multiple amendments applicable to residential and manufacturing zoning districts).

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

Motion was made by Mr. Doyle and seconded by Mr. Kessler to recommend approval of the application for General Amendment to Title 17 of the City Code regarding multiple amendments applicable to residential and manufacturing zoning districts, with two conditions: 1) The definition of “Patio” shall be amended to define a patio as being within 6 inches of grade level; and 2) There shall be no limitation to patio encroachments in the RT Districts.

Roll Call Vote:

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

Nays: Spruth

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Absent:

Abstain:

Motion carried: 8-1

7. Metro Storage PUD, 2623 Lincoln Highway (Metro Storage St. Charles, LLC)
Application for Final Plat of Subdivision

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

Motion was made by Mr. Kessler and seconded by Mr. Doyle to recommend approval of the application for Final Plat of Subdivision for Metro Storage PUD, 2623 Lincoln Highway.

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Pretz, Schuetz, Doyle, Macklin-Purdy, Frio, Spruth

Nays:

Absent:

Abstain:

Motion carried: 9-0

8. Additional Business from Plan Commission Members or Staff

- a. Consideration of an advisory resolution to the City Council regarding zoning regulations for Taverns in the BL District

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

Motion was made by Mr. Doyle and seconded by Mr. Kessler to approve the resolution to City Council regarding zoning use restrictions for taverns/bars located within or adjacent to predominantly residential districts, with the condition that the word “pending” be eliminated before the word “amendments” in the fourth paragraph.

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Pretz, Schuetz, Doyle, Macklin-Purdy, Frio, Spruth

Nays:

Absent:

Abstain:

Motion carried: 9-0

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- b. Consideration of an advisory resolution to the City Council regarding zoning regulations for Gun Sales Establishments and Public Firing Ranges

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

Motion was made by Mr. Doyle and seconded by Mr. Kessler to approve the resolution to City Council regarding use standards for gun sales establishments and public firing ranges.

Roll Call Vote:

Ayes: Wallace, Kessler, Holderfield, Pretz, Schuetz, Doyle, Macklin-Purdy, Frio, Spruth

Nays:

Absent:

Abstain:

Motion carried: 9-0

9. Weekly Development Report

10. Meeting Announcements

- a. Plan Commission
 - Tuesday, June 7, 2016 at 7:00pm Council Chambers
 - Tuesday, June 21, 2016 at 7:00pm Council Chambers
 - Tuesday, July 5, 2016 at 7:00pm Century Station Training Room
- b. Planning & Development Committee
 - Monday, June 13, 2016 at 7:00pm Council Chambers
 - Monday, July 11, 2016 at 7:00pm Council Chambers

11. Public Comment

12. Adjournment at 8:19pm

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: :
Public Hearing Regarding :
General Amendments to :
Title 17. :
-----x

HEARING
St. Charles, Illinois 60174
Tuesday, May 17, 2016
7:00 p.m.

Job No.: 97791A
Pages: 1 - 55
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

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HEARING, held at the location of:

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

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

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- LAURA MACKLIN-PURDY, Member
- TOM PRETZ, Member
- TOM SCHUETZ, Member
- MICHELLE SPRUTH, Member

ALSO PRESENT:

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

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P R O C E E D I N G S

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

Tim.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Doyle.

MEMBER DOYLE: Here.

VICE CHAIRMAN KESSLER: Schuetz.

MEMBER SCHUETZ: Here.

VICE CHAIRMAN KESSLER: Frio.

MEMBER FRIO: Here.

VICE CHAIRMAN KESSLER: Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right.

VICE CHAIRMAN KESSLER: Oh. I never saw
this.

CHAIRMAN WALLACE: Item 3 on the agenda is
election of officers.

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1 VICE CHAIRMAN KESSLER: How about that?

2 CHAIRMAN WALLACE: Was that on the agenda
3 previously?

4 MR. COLBY: It was not. But we should have
5 listed it on the previous meeting agenda and we
6 did not.

7 CHAIRMAN WALLACE: Okay.

8 VICE CHAIRMAN KESSLER: Do you want to do
9 it, do you want to table it, or what do you want
10 to do?

11 Okay. I nominate Todd to be Chairman.

12 MEMBER SCHUETZ: I second that.

13 MEMBER FRIO: Fourth.

14 CHAIRMAN WALLACE: All right. Are there any
15 other nominations?

16 MEMBER DOYLE: I nominate Tim to be Vice
17 Chairman.

18 MEMBER SCHUETZ: Second.

19 MEMBER FRIO: Third.

20 VICE CHAIRMAN KESSLER: Where's the fourth?

21 MEMBER FRIO: Fourth.

22 CHAIRMAN WALLACE: All right. Well, I guess
23 we'll have a voice vote on that slate of candidates
24 if there are no other combinations.

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1 All in favor?

2 (Ayes heard.)

3 CHAIRMAN WALLACE: Opposed?

4 (No response.)

5 CHAIRMAN WALLACE: All right. That passes
6 unanimately.

7 Item 4 on the agenda is a presentation
8 of minutes of the May 3rd, 2016, meeting of the Plan
9 Commission.

10 Is there a motion to approve?

11 VICE CHAIRMAN KESSLER: So moved.

12 MEMBER SCHUETZ: Second.

13 CHAIRMAN WALLACE: It's been moved and
14 seconded.

15 Any discussion on the motion?

16 (No response.)

17 CHAIRMAN WALLACE: All in favor?

18 (Ayes heard.)

19 CHAIRMAN WALLACE: Opposed?

20 (No response.)

21 CHAIRMAN WALLACE: Motion passes
22 unanimately.

23 Item 5 is a public hearing, general
24 amendment, City of St. Charles, Chapter 17.08,

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1 "Nonconformities"; Section 17.08.040, "Nonconforming
2 Buildings and Structures"; Chapter 17.22, "General
3 Provisions"; Section 17.22.020, "Accessory Buildings
4 and Structures"; and Section 17.22.030, "Permitted
5 Encroachments"; and Chapter 17.30, "Definitions";
6 Section 17.30.030, "General Definitions," multiple
7 amendments applicable to residential and
8 manufacturing zoning districts.

9 MS. JOHNSON: Thank you.

10 CHAIRMAN WALLACE: Go ahead.

11 MS. JOHNSON: All right. Good evening.

12 So this is a general amendment application
13 that we filed as staff. It addresses several issues
14 that we found with the Zoning Ordinance. We've
15 bundled them together into one amendment. The
16 proposed changes mainly are to add clarification to
17 existing provisions.

18 Am I really loud?

19 CHAIRMAN WALLACE: No. You're fine.

20 VICE CHAIRMAN KESSLER: It's perfect.

21 MS. JOHNSON: So I'm going to go through
22 each -- there's eight topics. I'll go through each
23 of them in turn.

24 So there is a table in the Zoning Ordinance

1 called "Permitted Encroachments," and that table
2 lists allowable yard encroachments, so how far
3 certain elements can encroach into yard setback.

4 So in that table a stoop is listed with
5 unenclosed porches, and both can be placed up to
6 8 feet into the required front or exterior side yard
7 setback; however, we've encountered issues with
8 structures that have nonconforming front or interior
9 side setbacks that then have no room to have a stoop
10 or -- or a porch. And this issue mainly exists in
11 the RT Zoning Districts, which are the older
12 residential districts around town where
13 nonconforming setbacks are more common.

14 So we're proposing to separate "stoop" out
15 from "unenclosed porches" and then allow stoops to
16 encroach up to 4 feet from the structure with a
17 nonconforming setback in the front or exterior
18 side yard.

19 So they can get up to 8 feet on a standard
20 lot that -- where the structure meets the setback
21 requirement, but if the structure doesn't meet the
22 setback requirement, they still can get a 4-foot
23 projection for a stoop so that they have a usable --
24 a usable front entrance point to the house.

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1 So -- let's see.

2 We're also proposing to add a definition of
3 "stoop" to the Zoning Ordinance. One currently
4 doesn't exist.

5 The definition is on the screen and also in
6 your packets, but it clarifies that a stoop is
7 distinct from a front porch in that it is not
8 covered by a roof and it's -- it also is the main
9 point of -- the main purpose -- its main purpose is
10 to provide access to the structure.

11 (Member Spruth joined the proceedings.)

12 MS. JOHNSON: So this issue really came up
13 recently with this house on the east side of the
14 river.

15 The house, as you can see, is pretty close
16 to the lot line. It has a nonconforming setback.
17 The stoop right now is not only about 3 feet deep.
18 It's very narrow.

19 The homeowner wanted to replace the stoop
20 with a stoop that's 6 inches deeper because they
21 were having trouble. You know, if someone was on
22 the porch wanting to come in the house and they
23 swing the door open, there's no room for the person
24 to stand.

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1 So based on the existing Code, they weren't
2 able -- they wouldn't be able to replace the stoop
3 with one a little larger, so the proposed amendment
4 would be able to resolve this issue. They'd be able
5 to have a width -- or a depth -- of up to 4 feet.

6 Does that make sense?

7 CHAIRMAN WALLACE: Yep.

8 MS. JOHNSON: Okay.

9 VICE CHAIRMAN KESSLER: Just -- if you go
10 back to that definition, I wanted to understand
11 what's in that definition.

12 And -- "is completely open on all sides not
13 adjoining" -- oh. Okay. So it's -- so the three
14 sides that aren't adjoining the rear exterior wall
15 of the building have to be completely open?

16 MS. JOHNSON: Right. It can't be an
17 enclosed structure.

18 Okay. So the next item we're going to
19 address is permitted encroachments for patios.

20 So currently patios are grouped with
21 sidewalks and walkways in that table of permitted
22 encroachments, so patios, sidewalks, and walkways
23 can all be located anywhere within the required yard
24 setbacks and -- and theoretically could completely

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1 cover a yard currently.

2 So -- also, the current definition of
3 "patio" is kind of vague, and it would allow a
4 raised hard surface, and so, therefore, a raised
5 hard-surfaced patio could theoretically cover an
6 entire front yard.

7 So the proposed amendment changes the
8 definition to "patio" -- to patios -- to state that
9 it's a hard-surfaced area at grade level, and then
10 it clarifies that patios can encroach up to 8 feet
11 into the front or exterior side setback, which is
12 the same as for a porch, and that it can be up to
13 3 feet to a rear or side lot line, which is the same
14 encroachment from decks.

15 So that adds a little bit of clarification
16 as to difference between "patio" and the sidewalk or
17 walkway.

18 VICE CHAIRMAN KESSLER: Right now you could
19 put a patio -- you could cover -- there is no
20 encroachment on the front and exterior side yards?

21 MS. JOHNSON: Correct, yeah. It's grouped
22 with sidewalks and walkways, and they're permitted
23 across the board in any yard with no limitation.

24 VICE CHAIRMAN KESSLER: And this is saying

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1 that you could only encroach 8 feet?

2 MS. JOHNSON: Uh-huh, from the house into
3 the setback. For the front and exterior side.

4 VICE CHAIRMAN KESSLER: Okay.

5 MEMBER SCHUETZ: But not backyard.

6 MEMBER MACKLIN-PURDY: Not the back.

7 MS. JOHNSON: No. In the backyard you can
8 be up to 3 feet from the lot line.

9 MEMBER SPRUTH: And I have a question.

10 "At grade level," is that grade of the yard
11 or the house?

12 MS. JOHNSON: Of the yard. The surface that
13 it's on, correct.

14 MEMBER SPRUTH: Because the house can be
15 at -- I mean, some people would want their patio so
16 that they can walk out from the front door --

17 MS. JOHNSON: Right. And that's what
18 they --

19 MEMBER SPRUTH: -- so it's not a trip
20 hazard.

21 MS. JOHNSON: Correct. And that -- we would
22 call that a deck in that case, which would not be
23 permitted in the front yard at all.

24 So in -- so we're trying to prevent a sort

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1 of raised concrete patio in the front yard.

2 Do you know what I mean?

3 MEMBER SPRUTH: Yeah, I do.

4 MEMBER SCHUETZ: Like a courtyard.

5 VICE CHAIRMAN KESSLER: If the floor is
6 above the grade of the -- you know, above grade,
7 then you can't build a patio that's above grade.

8 MS. JOHNSON: Right. It wouldn't be
9 considered a patio anymore. It would be considered
10 a deck, which wouldn't be allowed in the front.

11 VICE CHAIRMAN KESSLER: Okay.

12 MEMBER DOYLE: On the side yard right now
13 for paths and sidewalks, they can go all the way to
14 the lot line?

15 MS. JOHNSON: Correct.

16 MEMBER DOYLE: Okay. So what if -- at our
17 house we have a new patio in the backyard, and there
18 is about a 6-foot currently grass walkway that goes
19 along the side of the garage, between the garage and
20 the lot line.

21 MS. JOHNSON: Uh-huh.

22 MEMBER DOYLE: If I want to curb that --
23 that patio -- right -- with the same paver brick
24 around the sides to the front of the house and to an

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1 apron by the driveway, if it's of the same material
2 and it's joined with the patio, is it -- is that now
3 considered a patio, or is it called a sidewalk?

4 MS. JOHNSON: If it's used as a walkway --
5 its function is for a walkway?

6 MEMBER DOYLE: Yes.

7 MS. JOHNSON: Then it will be considered a
8 walkway.

9 MEMBER DOYLE: So how do you delineate,
10 then, a walkway?

11 MS. JOHNSON: We'd have to use discretion on
12 a case-by-case basis.

13 MEMBER DOYLE: But there is some -- there is
14 opportunity for discretion?

15 MS. JOHNSON: Uh-huh.

16 MEMBER DOYLE: Okay.

17 MS. JOHNSON: Anything else on this one?

18 VICE CHAIRMAN KESSLER: We'll have
19 discussion later.

20 MS. JOHNSON: Okay. Uh-huh.

21 Okay. So next we're going to talk about
22 basements and stories.

23 So the first part of this change is to
24 delete the term "cellar" from the Zoning Ordinance.

1 The term isn't referred to anywhere else in the Code
2 besides in the "Definitions" chapter, so there's
3 definition of "cellar," but that term isn't used
4 anywhere else in the Code. It's also not used in
5 the Building Code to describe a basement. So we're
6 proposing to change the definition of "basement" to
7 kind of encompass any floor that's either partially
8 or wholly belowground.

9 And under the definition of "story"
10 currently, basements are considered a story of a
11 structure. And this is -- this is important -- has
12 important implications because, in residential
13 zoning districts, building height is restricted
14 based on the number of stories. So as a practice we
15 have -- staff has not counted basements as a story
16 in a house, but per the Code currently basements are
17 considered a story.

18 So, as proposed, a basement would not be
19 considered a story; however, if 4 feet or more of
20 the basement is above grade, then it would be
21 considered a half story.

22 So I'll show an example of this house here.
23 4 feet are -- 4 feet of the basement is above grade.
24 Assuming 4 feet is above grade around the full

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1 house, then we would call that a half story, so this
2 house would be considered a 1 1/2-story house.

3 VICE CHAIRMAN KESSLER: So if, in this case,
4 you went around the back of the house and there's
5 only 2 feet above grade, that wouldn't be considered
6 a half story then?

7 MS. JOHNSON: Correct, per the proposed
8 definition.

9 VICE CHAIRMAN KESSLER: Okay.

10 MS. JOHNSON: Now, in this example, this
11 walkout basement -- so the basement -- as you can
12 see, it reaches 10 feet but it's not 4 foot above
13 grade around the whole structure, so we would not
14 consider this a whole story -- a half story or a
15 whole story. And this kind of flexibility allows
16 for flexibility in designing homes with -- on lots
17 that have more significant changes in grade and more
18 difficult topography.

19 Does this make sense to everyone?

20 MEMBER SCHUETZ: Yes.

21 MS. JOHNSON: Okay.

22 MEMBER DOYLE: Ellen, are you moving on to
23 the next item?

24 MS. JOHNSON: Yes.

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1 MEMBER DOYLE: Before you do I have a
2 question.

3 Is there any relationship between the zoning
4 title and taxable square footages as calculated by
5 the assessor's office?

6 MS. JOHNSON: I'm not sure. I don't believe
7 so. Do you know, Russ?

8 MR. COLBY: No, I don't believe so.

9 They, I believe, go off of the square
10 footage of finished area, so a basement could be
11 counted either as unfinished or as a finished space.

12 And then a -- I think the assessment's based
13 off the value of the finished space, which is
14 unfinished space, so I don't think it relates to the
15 story or height calculation.

16 MEMBER DOYLE: Okay. So I thought that
17 basements are not considered taxable square footage
18 at all. It depends on whether they're finished or
19 unfinished?

20 MR. COLBY: I believe so. I believe, if the
21 basement is finished, it is considered taxable
22 square footage.

23 MEMBER DOYLE: Okay.

24 MR. COLBY: But I would defer to the tax

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1 assessor's office. That's my understanding.

2 MEMBER DOYLE: Okay.

3 MS. JOHNSON: Okay.

4 All right. Now, moving on to the next item,
5 cantilevers.

6 So the ordinance currently does not address
7 cantilevered portions of structures, so it hasn't
8 been clear to us, as staff, when we're reviewing
9 permits, whether these cantilevers should be allowed
10 to encroach into setbacks or whether -- or if they
11 should be counted towards the calculation of the
12 building coverage.

13 So we've observed situations in which
14 builders will cantilever a portion of the second
15 floor over the first floor in order to gain
16 additional floor area for the house without
17 increasing the building coverage.

18 And then a related issue is bay windows and
19 how they're currently defined. So based on the
20 current definition of a bay window, builders have
21 been able to add projections from a house that
22 includes windows, call it a bay window, and then
23 they're allowed to gain the permitted encroachment
24 for a bay window, which I believe is 30 inches. And

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1 then, also, they're able to not count that
2 projection toward the building coverage.

3 So the proposed definition of -- we're
4 proposing to add a definition of "cantilevered."
5 It's currently not defined. So it clarifies that
6 those types of window projections that add usable
7 floor area to a house would not be considered a bay
8 window -- it would be considered be a cantilever --
9 and then that cantilevers are counted in the
10 calculation of the building coverage.

11 So we're proposing to change that definition
12 of "building coverage" as shown in the underlined
13 portion.

14 VICE CHAIRMAN KESSLER: So building coverage
15 would be the -- would include the cantilever because
16 it's floor area?

17 MS. JOHNSON: Correct.

18 VICE CHAIRMAN KESSLER: And a bay window
19 would not?

20 MS. JOHNSON: Yes. So here's a couple of
21 examples. So the one on top, this is kind of a
22 cantilevered portion and it includes windows.

23 So in the past a builder could say, you
24 know, "This is a bay window," but it adds floor

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1 area, usable floor area to the space, so we'd call
2 that a cantilever. We wouldn't allow that to
3 encroach in the setback, so that would need to meet
4 the building setback, and then we'd also count it
5 toward the calculation of the building coverage.

6 Same with the picture below. There's that
7 cantilevered portion of the second floor over the
8 first, and we would count that as building coverage
9 there.

10 VICE CHAIRMAN KESSLER: What's the purpose
11 of that thing?

12 MS. JOHNSON: What do you mean?

13 MEMBER SPRUTH: Why would you need to do
14 that?

15 VICE CHAIRMAN KESSLER: Why is that there?

16 MEMBER SPRUTH: What is that going to add?

17 MR. COLBY: Are you talking about --

18 VICE CHAIRMAN KESSLER: The picture.

19 CHAIRMAN WALLACE: We're just asking you
20 about the lower house. Why would they --

21 MS. JOHNSON: They may have been maxing out
22 their building coverage, so they were able to get
23 around that by still adding the desired floor space,
24 but then they don't -- it's not -- they don't get

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1 penalized for it, so they have a lower building
2 coverage.

3 VICE CHAIRMAN KESSLER: I see.

4 MS. JOHNSON: That's kind of what we're
5 trying to prevent.

6 MR. COLBY: Another possibility, there might
7 be a detached garage at the end of that driveway,
8 and there's space to move around the house.

9 MEMBER SCHUETZ: It's not built in.

10 VICE CHAIRMAN KESSLER: Or was a doorway at
11 one time.

12 Anyway, go on.

13 MS. JOHNSON: Yeah. This is a house that
14 they put an addition on, so there's some different
15 things about it.

16 So are there any questions on that one?

17 MEMBER SPRUTH: I guess on the top, the --
18 so that leads to a cantilever because maybe that
19 might be kitchen or something like that?

20 So if it covers the floor -- the window
21 covers the length of the floor --

22 MEMBER SCHUETZ: You can walk on it.

23 MS. JOHNSON: Uh-huh.

24 MEMBER HOLDERFIELD: The square footage.

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1 MEMBER SPRUTH: Yeah.

2 VICE CHAIRMAN KESSLER: So the footprint
3 doesn't matter?

4 MS. JOHNSON: We would count the cantilever
5 as part of the footprint.

6 MEMBER SCHUETZ: How they did it.

7 VICE CHAIRMAN KESSLER: Okay.

8 MS. JOHNSON: Okay. The next amendment is
9 concerning the nonconformities chapter of the Zoning
10 Ordinance. Now, this adds some clarification to an
11 existing requirement.

12 So the ordinance currently allows for walls
13 with nonconforming setbacks to be extended, and this
14 is in order to allow building additions onto homes
15 that have an existing nonconforming setback.

16 So staff has encountered situations where a
17 builder wants to take down a house that has an
18 existing nonconforming setback and then keep the
19 foundation and rebuild off of that nonconforming
20 foundation in order to gain that nonconforming
21 setback.

22 So that -- that really wasn't the purpose of
23 this provision in the first place, so we're
24 proposing some additional language to state that the

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1 existing nonconforming wall must remain intact in
2 order to extend it. So it can't be completely
3 demolished and then built back on that foundation.

4 And then we also add some further
5 clarification at the end that says explicitly that
6 this does not permit construction of a dwelling on a
7 nonconforming foundation.

8 Any questions on that one?

9 (No response.)

10 MS. JOHNSON: So, next, going back to
11 RT Districts so -- rear yard coverage in RT Districts.

12 So currently this provision limits the
13 extent to which dwelling -- accessory dwellings --
14 accessory structures in the rear yard -- can cover
15 the rear yard.

16 So that limitation is 30 percent in all
17 residential districts except in the RT District
18 currently you can get up to 40 percent of rear lot
19 coverage in order to accommodate a detached garage;
20 however, the wording is kind of -- currently kind of
21 confusing, and it's caused some interpretation
22 issues.

23 So we're proposing to simplify the language
24 a little bit and clarify that. Simply, if a

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1 detached garage is provided instead of an attached
2 garage, all structures in the rear yard can occupy
3 up to 40 percent of that rear yard whether the
4 garage came first or second or -- that's kind of
5 where the interpretation issues have come about, is
6 whether the garage needs to come first or -- so this
7 kind of simplifies this requirement.

8 So, for example, this is an RT-2 lot. The
9 required setback is 30 -- or the required rear yard
10 is 30 feet. So this area is the rear yard.

11 So the structures need to -- can cover no
12 more than 40 percent of that rear yard. In this
13 case, that includes the detached garage and the
14 shed.

15 MEMBER SCHUETZ: But it looks like -- does
16 it comply with the 30 feet?

17 MS. JOHNSON: Well, the 30 feet is just how
18 the rear yard is defined.

19 So they can only cover -- those structures
20 can only cover 40 percent of that hashed area.

21 CHAIRMAN WALLACE: They can be within the
22 30 feet.

23 MEMBER SCHUETZ: I see. I'm sorry.

24 MS. JOHNSON: So they may be exceeding that

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1 limitation. I'm not sure. But just an example of
2 how that's calculated.

3 Any questions on that one?

4 (No response.)

5 MS. JOHNSON: Okay. So moving on, attached
6 garages in RT Districts.

7 So there's public provisions that are
8 applicable only to attached garages in the RT Zoning
9 Districts. This provision limits the width of an
10 attached garage -- of an attached garage with a door
11 facing the street.

12 It's 50 percent of the width of the
13 dwelling, but it's kind of unclear currently how
14 that 50 percent should be calculated, so -- which
15 part of the garage we should include -- so we're
16 proposing to clarify that the door -- the garage
17 door opening itself is what's included in that
18 calculation of the width of the front of the house.

19 And that's what staff -- what we've been
20 doing in the past. It just hasn't been explicit in
21 the Code.

22 And then the second requirement requires
23 that garages be set back from -- from the lot line
24 5 feet more than the remainder of the house.

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1 And we're proposing to add language stating
2 that that 5-foot setback can be measured even --
3 either from the front of the wall of the house or
4 the front of an unenclosed porch that's adjacent to
5 the garage.

6 So we've allowed this in the past -- I'll
7 show an example of -- this house has -- as you can
8 see, the front porch projects 5 feet -- or more --
9 from the garage itself. So we've allowed that in
10 order to meet this requirement.

11 And, also, as this illustrates, that that
12 yellow area would be what would count towards the --
13 calculating the width of the garage door.

14 MEMBER SPRUTH: So that porch is not at
15 grade.

16 MS. JOHNSON: But it's okay because it's a
17 front porch.

18 MEMBER SPRUTH: So front porches don't have
19 to be at grade? That --

20 MS. JOHNSON: Correct.

21 MEMBER SPRUTH: Just back -- just the rear?

22 VICE CHAIRMAN KESSLER: But that's not a
23 patio. Patio is the new definition.

24 MEMBER HOLDERFIELD: Has to be at grade.

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1 VICE CHAIRMAN KESSLER: Patio has to be at
2 grade.

3 MEMBER SPRUTH: Okay. We're back to that.

4 MS. JOHNSON: Any questions on these two?

5 MEMBER PRETZ: I have one question. It's
6 probably more personal than anything else.

7 But I would say that I have an attached
8 detached garage. It butts up to the house, but,
9 yet, access to the garage has to be by way of
10 outside. There's no interior entrance.

11 How do we label that? Is that considered
12 attached?

13 VICE CHAIRMAN KESSLER: Do you share a
14 common wall? I mean, is it a common wall between
15 the house and garage, or is it two separate
16 buildings?

17 MS. JOHNSON: It would be considered
18 attached.

19 MEMBER PRETZ: It's considered attached?

20 MS. JOHNSON: Uh-huh.

21 MEMBER PRETZ: Attached? Okay. Thank you.

22 MS. JOHNSON: So we've got one more,
23 regarding landscape buffers and fencing.

24 So proposed is adding that landscape -- so

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1 there's a table in the Zoning Ordinance that
2 specifies fence height in different zoning
3 districts, so we're proposing to add landscape
4 buffer yards to this table.

5 Landscape buffer yards, as you probably
6 know, are required in certain zoning districts on
7 properties that abut residential zoning. So
8 landscape buffer yards are required in the M2,
9 Limited Manufacturing District. And per the
10 requirements for landscape buffer yards, screening
11 by means of landscaping, berming, or fencing is
12 required within a landscape buffer yard.

13 However, the ordinance currently does not
14 allow for fencing to be placed in -- within the
15 landscape buffer yard in the M2 District, so,
16 therefore, fences can't be used to provide the
17 required screening. It would have to be
18 landscaping.

19 So this amendment kind of corrects this
20 issue by allowing a 6-foot board fence within the
21 landscape buffer yard within the M2 Zoning District.
22 And you probably remember last year there was an
23 ordinance amendment to allow a reduction in the
24 width of landscape buffer yards in the M2 Districts

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1 along arterial streets, and the fence regulation
2 should have been addressed at this time, so this is
3 kind of a cleanup of that amendment.

4 So this example shows the -- this is a
5 40-foot landscape buffer yard that's required along
6 this property -- you can't see the property lines
7 but -- and it's across from a residential district.
8 That's why the landscape buffer's required.

9 So within that -- along that property line
10 the fence would be allowed.

11 Any questions on that one?

12 (No response.)

13 MS. JOHNSON: That was all I had.

14 VICE CHAIRMAN KESSLER: What? We were just
15 getting rolling.

16 MEMBER SCHUETZ: You're much better to look
17 at than Russ.

18 VICE CHAIRMAN KESSLER: Well, I'll start,
19 obviously, some discussion about --

20 MS. JOHNSON: Okay.

21 VICE CHAIRMAN KESSLER: One that comes to me
22 is the patio. Can we go back to that slide?

23 Can we go back to that?

24 MEMBER SPRUTH: Yeah.

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1 VICE CHAIRMAN KESSLER: And -- where we
2 talk -- okay. "Open, hard surfaced."

3 So we're saying that in the -- you have a
4 maximum 8 feet in the front yard; side yards, 3 feet
5 from the lot line; and, rear yard, 3 feet from the
6 lot line.

7 And I'm wondering -- and as you said, that
8 this is primarily aimed at the more traditional
9 neighborhoods because of nonconforming setbacks.

10 I could see cases where somebody might have
11 a small front yard and they want to put a -- they
12 wanted to hard-surface it; they want to pave it.
13 They want to use, you know, marble; they want to --
14 where it's like a plaza thing instead of a --

15 MS. JOHNSON: Uh-huh.

16 VICE CHAIRMAN KESSLER: And I think -- and
17 the same with the rear yards and side yards.
18 I would see many cases where you might want to
19 hard-surface the entire thing.

20 So I'm wondering if perhaps the patio, you
21 know -- since we've gone to the trouble of amending
22 a patio -- or making a patio definition there and
23 clearing it up and it is at grade level, why do we
24 have to limit the encroachment?

1 What's the reasoning for limiting the
2 encroachment? I guess.

3 MS. JOHNSON: Yeah. I mean, I guess in the
4 RT Districts the lot sizes are smaller, and if you
5 have a patio that covers the front yard, the impact
6 isn't as great.

7 But the -- this requirement applies to all
8 residential zoning districts, so, theoretically, you
9 could have someone with a really large lot cover the
10 entire front in a patio, which would not look so
11 great.

12 But you're right in the smaller -- when
13 someone has a smaller front yard, especially with
14 nonconforming setbacks --

15 MEMBER SPRUTH: Have we -- I haven't seen
16 anybody with an entire hard surface for a front yard
17 in driving around. Has there been a problem with
18 that?

19 VICE CHAIRMAN KESSLER: I have. There are.
20 There are in the older neighborhoods. There are
21 places because of the way the front yard is located.
22 They're around.

23 MEMBER SCHUETZ: Yeah.

24 VICE CHAIRMAN KESSLER: It's not an uncommon

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1 thing.

2 MEMBER SCHUETZ: It's like a courtyard.

3 VICE CHAIRMAN KESSLER: It's like a
4 courtyard.

5 MEMBER SPRUTH: Yeah, with smaller houses.
6 But I guess -- I guess I have -- there hasn't been a
7 house that stood out to me that I thought, "Boy,
8 that's weird" --

9 VICE CHAIRMAN KESSLER: Which is why I don't
10 know that we want to limit those cases. Right?

11 MEMBER SPRUTH: Yeah. Yeah. Yeah.

12 VICE CHAIRMAN KESSLER: I agree. And
13 I don't know if there's anything you can do with
14 this language or if you just change it for the --
15 you know -- I don't know.

16 I'm just bringing it up because I can think
17 of cases -- I live in an old neighborhood, and
18 Brian's describing, you know, the condition he has
19 in his house, and every one of us who lives in an
20 old neighborhood -- Tom with his garage -- we have
21 these unusual conditions. And that is a pretty
22 common one, if you ask me, to have a courtyard in
23 the front or on the side.

24 MEMBER DOYLE: Could you -- I know there's a

1 picture of the -- the one picture you have, the one
2 with the basement, the half basement.

3 MS. JOHNSON: Uh-huh.

4 MEMBER DOYLE: This one's very -- no, one
5 more back.

6 Okay. This one's very similar to my house,
7 actually.

8 So two questions: First of all,
9 encroachment -- so let's say the front yard setback
10 is 20 feet and from the sidewalk to the front
11 overhang -- cantilever is what we're calling it;
12 right? -- you've got 30 feet.

13 Does that mean that I can have a patio up to
14 10 feet in front of the house without entering the
15 encroachment area?

16 MS. JOHNSON: Yeah. You can have it up
17 to -- well, it could encroach up to 8 feet into the
18 front setback.

19 So you could have -- you said the front
20 setback was -- so you could have it up to 12 feet
21 from the lot line. Right?

22 MEMBER DOYLE: Okay. So we're not saying
23 you can't have patios in the front yard --

24 MS. JOHNSON: Right.

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1 MEMBER DOYLE: -- we're saying that you
2 can't encroach all the way to the front lot line?

3 MS. JOHNSON: Correct.

4 VICE CHAIRMAN KESSLER: Well, you can on the
5 front because it's just -- it doesn't -- it gives --
6 it only says in the front you can encroach 8 feet.
7 If it's 8 feet to the sidewalk, you could encroach
8 all the way. It doesn't say you have to stay back.

9 It only says you have to stay back on the
10 side and the rear yard.

11 MEMBER DOYLE: Well, I just want to be --
12 I want to make certain I understand the implication
13 of the proposed amendment in relation to what is
14 currently permitted.

15 Right now we issue -- I understood part of
16 the rationale of the amendment was right now you
17 could have your raised patio -- that is -- or a
18 deck, essentially -- that, because it's defined as a
19 patio -- there's no clarification on what it is --
20 could encroach all the way to the front lot line
21 to -- to -- within 8 feet; right?

22 MS. JOHNSON: Correct.

23 MEMBER DOYLE: So now it's no longer --
24 after we -- if we recommend for approval of this

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1 portion of the amendment, you could still have a
2 ground -- a grade-level patio that could encroach up
3 to 8 feet, but you couldn't have a raised patio or a
4 deck?

5 MS. JOHNSON: Right. Because a raised patio
6 would then be considered a deck, which you can't
7 have in the front.

8 MEMBER SPRUTH: You can't have a raised --
9 you can't have a deck in the front?

10 MS. JOHNSON: No.

11 MEMBER DOYLE: So is that the -- is that the
12 concern that's being raised?

13 MEMBER SPRUTH: Yeah. I've seen houses that
14 are very nice -- I mean, at -- so they walk out onto
15 a deck in front with pillars. It's very nice.

16 MS. JOHNSON: And that would be probably
17 considered a porch, which you can have.

18 CHAIRMAN WALLACE: Is it covered?

19 If it's covered, it's a porch.

20 MEMBER SPRUTH: Well -- yeah. I mean,
21 I might -- my thing is that if -- you don't want to
22 make something an unnecessary trip hazard for
23 somebody if they want to stay in their house, they
24 want something to come out of their front door so

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1 that it's even with their -- you know, the door to
2 come out and to enjoy the front and socialize.

3 MS. JOHNSON: Right. And they would be
4 able -- basically, that would be able to fit into
5 the definition of "porch" or "stoop," which are
6 allowed in the front in order to allow for that
7 access.

8 MEMBER SPRUTH: But how we -- okay. It
9 would be a porch, though?

10 MS. JOHNSON: Uh-huh.

11 MEMBER SPRUTH: And a porch is allowed
12 within 8 feet from the house?

13 MS. JOHNSON: Uh-huh. 8 feet into the
14 setback, uh-huh.

15 MEMBER DOYLE: So, Ellen, here's a question:
16 I've thought about this for our house because all --
17 on our lot, all -- we're all front-facing garages.
18 There's no way to really sit in front of the house
19 and enjoy the block. Typically if you have small
20 kids, they're running up and down the block; you
21 want to watch them.

22 And so we've thought about, down the road,
23 installing a patio basically in front of the half
24 wall that -- for -- or the basement wall there.

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1 MS. JOHNSON: Uh-huh.

2 MEMBER DOYLE: Now, like this property, our
3 house is a pretty steep grade down to the front lot
4 line.

5 And so if you start at grade level at that
6 wall, that sort of half wall that juts out, and you
7 go out, say, 8 feet or 10 feet, by the time you're
8 out 10 feet you're going to have to have some --

9 VICE CHAIRMAN KESSLER: How high would
10 you be?

11 MEMBER DOYLE: You probably could be a foot.

12 VICE CHAIRMAN KESSLER: A foot.

13 MEMBER DOYLE: You know, and so -- and you
14 would have a hardscaping around the front to -- for
15 that raised -- to keep it level.

16 MS. JOHNSON: Right. Of course, the porch
17 would have to be raised because of the grades.

18 MEMBER DOYLE: Well, the deck. This
19 wouldn't be a porch; this would a patio because --

20 MS. JOHNSON: A porch, yes.

21 VICE CHAIRMAN KESSLER: So would you have it
22 at grade? So would it be like hard surface at grade
23 at the house and then it would --

24 MEMBER DOYLE: Well, the grade -- the point

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1 is that the grade slopes down.

2 MS. JOHNSON: If you want to have a flat
3 surface, part of it will be.

4 MEMBER DOYLE: The back of it would be at
5 grade --

6 MS. JOHNSON: Right.

7 MEMBER DOYLE: -- the front of it would be
8 above grade.

9 MS. JOHNSON: No -- I get what you're
10 saying. So your question is, would that be
11 considered a patio?

12 MEMBER DOYLE: Yes.

13 MS. JOHNSON: Yes.

14 And I would say we'd use our discretion on
15 that in that regard, too, if part of it is at grade
16 but you have to account for existing -- for the
17 unique conditions of a lot.

18 Would you agree, Russ?

19 MR. COLBY: Yes. This -- as long as you
20 didn't artificially raise the surface of the entire
21 patio, then I think we would consider it to be built
22 at grade since it's primarily following the grade of
23 the property.

24 MEMBER DOYLE: Okay.

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1 VICE CHAIRMAN KESSLER: No, he's saying that
2 he wouldn't. He would artificially place it so it
3 would be level because he's -- at 10 feet he's got
4 12 inches lower.

5 MEMBER DOYLE: If you're looking at this
6 picture and you walk out the front and you walk
7 around that little half brick wall and that's where
8 you'd want your patio to be and so now you're on
9 that red brick and you want to extend it into that
10 landscaping, when you're -- when you walk around the
11 wall and you walk onto your patio, it's essentially
12 at grade level. You know, the farther down you go,
13 you've got a little step there maybe.

14 VICE CHAIRMAN KESSLER: Right. Right.
15 Right.

16 MEMBER DOYLE: So -- and as -- you know,
17 as you go down, you've got more --

18 VICE CHAIRMAN KESSLER: Fill.

19 MEMBER DOYLE: -- more elevation to keep it
20 level.

21 So if that were regarded as a deck and
22 prohibited, I would say that I -- and I don't --

23 VICE CHAIRMAN KESSLER: I think decks have a
24 different definition. Don't they? I mean, they

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1 have to be attached to the house and --

2 MS. JOHNSON: Yeah. That definition is in
3 the packet.

4 VICE CHAIRMAN KESSLER: It's a whole thing.

5 MS. JOHNSON: Or, actually, no, it's not.
6 I don't have it included here.

7 VICE CHAIRMAN KESSLER: I don't think that
8 could be considered a deck, Brian, because -- unless
9 you built it as a deck, a wooden deck that was
10 attached to the house.

11 MS. JOHNSON: The definition of "deck" is
12 "An accessory structure that may be attached or
13 unattached to the principal building, which is open
14 to the sky and provides a platform that is raised
15 above the ground."

16 So that definition's fairly vague, so
17 I think a raised patio could be -- would be termed a
18 deck in that case.

19 But I think in your situation we would
20 interpret that as, like Russ said, basically
21 following the grade of the property but allowing for
22 the grade change in the lot.

23 VICE CHAIRMAN KESSLER: Well, I guess what
24 I'm coming to with this whole discussion -- and

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1 I mean, I have a situation I can describe to you,
2 but I'll come and talk about it.

3 I think I -- are we -- is this -- is -- that
4 particular portion, with all these questions that
5 have come, is that sufficient to cover any
6 probability? Or are we going to have more
7 probability or more unusual circumstances addressing
8 that particular section than we need to.

9 Should we do something with that particular
10 section to make it less vague or less --

11 MS. JOHNSON: Yeah. I mean, one option
12 could be, if you -- if you didn't want to limit the
13 extent to which patios can encroach, we could keep
14 the definition of "patio" -- the proposed definition
15 of "patio" -- at grade level, and that kind of
16 clarifies the issue of deck versus patio.

17 VICE CHAIRMAN KESSLER: Okay. I like that.

18 MS. JOHNSON: So then we wouldn't be -- you
19 still wouldn't be allowed to have a raised patio --
20 because we call that a deck -- based on this new
21 definition of "patio." So that would be one option.
22 And then not have different encroachment information
23 for patio.

24 VICE CHAIRMAN KESSLER: I think that might

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1 be the way to go. I mean, I -- it's the
2 encroachment things that are troubling me. It's the
3 front yard encroachment 8 feet -- so you've got
4 12 feet -- in an old neighborhood you've got 12 feet
5 from the front of your house and the lot line and
6 you can only encroach 8 feet so -- you know, that --
7 I suppose you could try and figure out -- but
8 suppose you wanted a courtyard because of the way
9 it's situated, because of the way it's located on a
10 corner lot or -- I can think of a lot of situations
11 where that could be a problem.

12 So I'd suggest we remove the encroachments,
13 all of them, the front, side, and rear. And then --
14 I don't know if that's opening too much because, if
15 you want to get into detail, if you want to get into
16 the detail of saying, "Well, in this zoning district
17 you can do this and in this zoning" -- because this
18 is pretty much covering every residential zoning
19 district.

20 MS. JOHNSON: Right.

21 VICE CHAIRMAN KESSLER: I would say remove
22 the encroachments. I'd suggest we do that.

23 MEMBER DOYLE: These memos came forward
24 because of problems that we encountered; right?

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1 MS. JOHNSON: Uh-huh.

2 MEMBER DOYLE: That you encountered.

3 So as you encountered them, you identified
4 that there were limitations or constraints, and
5 you're bringing them forward.

6 So I mean -- I guess the other thing is we
7 are trying to anticipate problems that may or may
8 not be there, and these -- this is all subject to
9 further amendment if the staff encounters a problem.

10 I mean, the case that I, you know, just, you
11 know, described, the idea is to come out about maybe
12 10 feet. But if I did preposterously say I want to
13 take that patio all the way to the sidewalk and have
14 a, you know, 5-foot wall at the sidewalk because
15 I've gone all the way out and now I have something
16 that just -- whether you call it a raised deck or
17 a -- a raised patio or a deck or a patio -- I mean,
18 it -- the point is that it's excessive; right?

19 So that's the point of these -- of the
20 encroachment, is to try to prevent people from doing
21 something that's excessive. I don't know. I
22 mean --

23 MR. COLBY: You know, if I can offer a
24 comment, in the encroachments table, we do

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1 differentiate between the older neighborhoods, the
2 RT Districts, and the other residential districts.

3 So it would not be inconsistent to have a
4 different encroachment restriction in the older
5 neighborhoods versus the suburban neighborhoods.

6 VICE CHAIRMAN KESSLER: That would be what
7 I would suggest because that's where I see it
8 happening. And I know of conditions. I mean,
9 I know of three conditions that I can think of right
10 now where I've talked to people about things they
11 want to do with their home that they wouldn't be
12 able to do in the old neighborhood with this.

13 But would work perfectly and be fine and are
14 not excessive.

15 But they wouldn't work with these
16 encroachments.

17 MEMBER SPRUTH: I mean -- but you're able to
18 use your discretion about -- if something is, you
19 know, completely inappropriate for the surroundings,
20 there's other areas -- you know, there's other
21 conditions that you can say, "Well, no, you have
22 to" -- I mean, you work with the Applicant --

23 MS. JOHNSON: Yeah. We can probably try to
24 discourage them, but if the -- if it's a permitted

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1 encroachment with no limitation, we couldn't tell
2 them no.

3 VICE CHAIRMAN KESSLER: So it might be
4 better to -- to write encroachments, you know, for
5 different zoning districts --

6 MS. JOHNSON: Uh-huh.

7 VICE CHAIRMAN KESSLER: -- rather than just
8 make this -- either this or nothing.

9 MS. JOHNSON: Uh-huh.

10 MEMBER HOLDERFIELD: I have a concern that
11 goes back to what Brian said earlier, about --
12 I think it can be said a little better -- an open or
13 hard surface not to exceed 6 inches out of finished
14 grade.

15 This -- if you're going to keep the patio on
16 a horizontal level, as you move away from the house
17 and you have a steep grade, by the time you get out
18 to the edge -- I know what you're saying -- that
19 could be maybe 14, 18 inches high.

20 So what this would state -- if you say
21 "6 inches out of finished grade," then it would be
22 incumbent on that person to backfill and grade that
23 appropriately as you go around the perimeter of the
24 patio to make it fit the definition of a patio.

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1 MEMBER DOYLE: Yeah.

2 MEMBER HOLDERFIELD: That's part of it.
3 We've got to make it final -- we've got to make it
4 fit the definition of a patio, which is just above
5 grade. And finished grade, you can adapt that
6 however you need --

7 MEMBER DOYLE: Uh-huh.

8 MEMBER HOLDERFIELD: -- because the house
9 has to be at least 6 inches out of finished grade.

10 All right? So if you want to continue that,
11 just grade out the front, you can apply it there,
12 I think, and get away from this barrier wall.

13 VICE CHAIRMAN KESSLER: I don't think he's
14 going to have a big problem because now he can only
15 come out to 8 feet. So how much grade change is
16 there in 8 feet? Because, according to this, you
17 can only come out 8 feet.

18 MEMBER DOYLE: To that -- I think there are
19 two issues here.

20 One is that I do think that your suggestion
21 is a good one, that that 6 inch -- you know, it
22 gives a little bit of variation right there, so
23 I say -- so, you know, there's some room, you know,
24 at that -- at that near grade level.

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1 And then the other question, which is sort
2 of really independent, is the encroachment and
3 whether or not there should or should not be
4 encroachments in the front.

5 And I think a combination -- if -- if we
6 adopted Jim's suggestion to prevent these gigantic
7 barrier walls, that would make me more comfortable
8 to leaving in the encroachment because then we're
9 back to, "Okay. That's the definition of a patio.
10 What you want is actually a deck, and that's not
11 allowed."

12 VICE CHAIRMAN KESSLER: And I'm just
13 picturing exactly what you're saying -- that's
14 exactly right. I'm picturing a courtyard that's all
15 at grade. I mean, it's -- from the sidewalk to the
16 house is completely at grade. It's not built up; it
17 doesn't have, you know, any kind of backfilled wall
18 around the front of the house.

19 MEMBER SPRUTH: But the point is, if you
20 bring in a whole bunch of material, you're going to
21 have settlement of the soil.

22 So you'd want to have something more
23 solid -- I mean, you don't want to have to deal with
24 settlement if you're spending all this money, so

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1 you're going to want -- you know, I don't see
2 anything improper with building it out of, you know,
3 whatever material because I'd much rather do that
4 than bring in soil and then have to account for
5 settlement.

6 And depending what kind of subsoil you're
7 going to have --

8 MEMBER HOLDERFIELD: But the subsoil --

9 THE COURT REPORTER: I can't hear you. I'm
10 sorry. I'm sorry. Wait, wait, wait.

11 I couldn't hear a thing you said. Sorry.

12 MEMBER SPRUTH: But the soil's been there
13 longer so you wouldn't incur settlement. So we need
14 to bring new material in. It's going to have to
15 settle.

16 MEMBER HOLDERFIELD: Because it's compacted.

17 MEMBER SPRUTH: Right. Right. But you --
18 each time you're talking about more and more land,
19 so it's adding cost to the --

20 MEMBER HOLDERFIELD: I realize that. But if
21 we're going to stick to the definition of a patio --

22 MEMBER SPRUTH: Yeah.

23 MEMBER HOLDERFIELD: -- at grade level, then
24 that's what we should have out in the front.

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1 VICE CHAIRMAN KESSLER: And you're
2 suggesting, Jim -- I want to make sure I understand
3 what you're saying.

4 And so we limit -- we say, in the
5 definition, that it can't -- it can't come any
6 higher than 6 inches.

7 MEMBER HOLDERFIELD: Right, exposed to the
8 ground.

9 VICE CHAIRMAN KESSLER: I don't have a
10 problem with that.

11 MEMBER DOYLE: Tim, do you think reducing
12 the front yard encroachment to 3 feet would address
13 your concern? Or would you want it gone entirely?

14 VICE CHAIRMAN KESSLER: Right now you can
15 encroach 8 feet. You want to reduce it?

16 MEMBER DOYLE: I'm sorry. I meant to within
17 3 feet of the lot line.

18 VICE CHAIRMAN KESSLER: No, I don't.
19 I don't like that on any -- I don't like reducing it
20 on any of the lot lines.

21 MEMBER DOYLE: So you think they should just
22 be able to go straight all over the lot?

23 VICE CHAIRMAN KESSLER: Absolutely.

24 MEMBER DOYLE: Okay.

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1 VICE CHAIRMAN KESSLER: I do.

2 MS. JOHNSON: In all zoning districts or
3 just the RT?

4 VICE CHAIRMAN KESSLER: No, just the RT.
5 I mean, you drive around the old neighborhoods,
6 there's hundreds of cases where -- in fact, we have
7 them where you have two houses and they -- they're
8 completely solid surface between them.

9 And they're not necessarily driveways. They
10 could be walkways or they could be patios; people
11 could have chairs out there. In fact, there's one
12 in my neighborhood.

13 Yeah, so I don't think -- I think you've got
14 to be careful of those encroachments in the RT, so
15 I would change it to be in the RT.

16 MEMBER DOYLE: Mr. Chairman, unless there
17 are other items to discuss, I would propose a
18 motion.

19 CHAIRMAN WALLACE: Okay.

20 MEMBER DOYLE: I move to recommend for
21 approval --

22 MS. JOHNSON: I'm sorry. Did you close the
23 public hearing?

24 CHAIRMAN WALLACE: Yeah. We're still in the

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1 public hearing at this time.

2 MEMBER DOYLE: Thank you.

3 I move to close the public hearing.

4 VICE CHAIRMAN KESSLER: Second.

5 CHAIRMAN WALLACE: All right.

6 Any discussion on the motion?

7 (No response.)

8 CHAIRMAN WALLACE: Tim.

9 VICE CHAIRMAN KESSLER: Who's here -- oh,
10 Spruth. Yes or no.

11 CHAIRMAN WALLACE: This is to close the
12 public hearing.

13 MEMBER SPRUTH: Yes.

14 VICE CHAIRMAN KESSLER: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 VICE CHAIRMAN KESSLER: Doyle.

17 MEMBER DOYLE: Yes.

18 VICE CHAIRMAN KESSLER: Schuetz.

19 MEMBER SCHUETZ: Yes.

20 VICE CHAIRMAN KESSLER: Frio.

21 MEMBER FRIO: Yes.

22 VICE CHAIRMAN KESSLER: Purdy.

23 MEMBER MACKLIN-PURDY: Yes.

24 VICE CHAIRMAN KESSLER: Pretz.

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1 MEMBER PRETZ: Yes.

2 VICE CHAIRMAN KESSLER: Wallace.

3 CHAIRMAN WALLACE: Yes.

4 VICE CHAIRMAN KESSLER: Kessler, yes.

5 CHAIRMAN WALLACE: Next on our agenda, Item
6 No. 6, general amendment, City of Charles, as listed
7 on the agenda.

8 And is there a motion?

9 MEMBER DOYLE: Yes.

10 I move to recommend for approval of the
11 application for general amendment to Title 17 of the
12 City Code regarding multiple amendments to both the
13 residential and manufacturing zoning districts with
14 two recommended edits to the staff report.

15 For the section on patio encroachment and
16 definition for "patio," that the definition be
17 amended per Jim's suggestion to define a patio
18 within 6 inches of grade level and, secondly, that
19 the encroachments be eliminated from the proposed
20 language.

21 CHAIRMAN WALLACE: Okay. Is there a second?

22 VICE CHAIRMAN KESSLER: Second.

23 CHAIRMAN WALLACE: It's been moved and
24 seconded.

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1 MEMBER DOYLE: I -- pardon me. Friendly
2 amendment.

3 That the encroachments be removed from the
4 proposed language for RT Districts.

5 MEMBER MACKLIN-PURDY: RT Districts.

6 VICE CHAIRMAN KESSLER: Okay. Thank you.

7 CHAIRMAN WALLACE: Is that agreeable?

8 VICE CHAIRMAN KESSLER: Yes.

9 CHAIRMAN WALLACE: Okay. Second one.
10 Is that -- did you get all that?

11 MS. JOHNSON: Yes.

12 CHAIRMAN WALLACE: All right.

13 Discussion on the motion?

14 (No response.)

15 CHAIRMAN WALLACE: Tim.

16 VICE CHAIRMAN KESSLER: Spruth.

17 MEMBER SPRUTH: This is to approve it?

18 CHAIRMAN WALLACE: Pardon me?

19 MEMBER SPRUTH: Sorry. No.

20 VICE CHAIRMAN KESSLER: Holderfield.

21 MEMBER HOLDERFIELD: Yes.

22 VICE CHAIRMAN KESSLER: Doyle.

23 MEMBER DOYLE: Yes.

24 VICE CHAIRMAN KESSLER: Schuetz.

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1 MEMBER SCHUETZ: Yes.
2 VICE CHAIRMAN KESSLER: Frio.
3 MEMBER FRIO: Yes.
4 VICE CHAIRMAN KESSLER: Purdy.
5 MEMBER MACKLIN-PURDY: Yes.
6 VICE CHAIRMAN KESSLER: Pretz.
7 MEMBER PRETZ: Yes.
8 VICE CHAIRMAN KESSLER: Wallace.
9 CHAIRMAN WALLACE: Yes.
10 VICE CHAIRMAN KESSLER: Kessler, yes.
11 CHAIRMAN WALLACE: All right. That motion
12 passes, and that concludes Item No. 6 on the agenda.
13 (Off the record at 7:49 p.m.)
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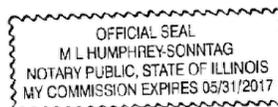
CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of May, 2016.

My commission expires: May 31, 2017

M L Humphrey-Sonntag



Notary Public in and for the
State of Illinois

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: :
Metro Storage PUD, Final :
Plat of Subdivision; :
Property Located at :
2623 Lincoln Highway. :
-----x

HEARING
St. Charles, Illinois 60174
Tuesday, May 17, 2016
7:49 p.m.

Job No.: 97791B
Pages: 1 - 33
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

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HEARING, held at the location of:

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

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

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- LAURA MACKLIN-PURDY, Member
- TOM PRETZ, Member
- TOM SCHUETZ, Member
- MICHELLE SPRUTH, Member

ALSO PRESENT:

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

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P R O C E E D I N G S

CHAIRMAN WALLACE: Item No. 7 is Metro Storage PUD, 2623 Lincoln Highway, Metro Storage, LLC, application for final plat of subdivision.

MS. JOHNSON: Okay. If you'll remember, I think back in November, the Plan Commission recommended approval of the PUD ordinance approving Metro Storage.

City Council approved that PUD ordinance in January; now a final plat of subdivision has been submitted for approval as required. The final plat is in conformance with the preliminary plat of subdivision that was approved with the PUD ordinance.

There's a number of relatively minor staff comments listed in the staff report that the Applicant will need to address prior to City Council approval, but staff recommends approval of the final plat contingent upon resolution of those comments.

CHAIRMAN WALLACE: Okay. Is there a motion or discussion?

VICE CHAIRMAN KESSLER: I'd make a motion to recommend approval of the application for final plat of subdivision for Metro Storage PUD, 2623 Lincoln

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1 Highway, Metro Storage, LLC.

2 CHAIRMAN WALLACE: All right.

3 MEMBER DOYLE: Second.

4 CHAIRMAN WALLACE: All right. It's been
5 moved and seconded.

6 Discussion on the motion?

7 (No response.)

8 CHAIRMAN WALLACE: None?

9 VICE CHAIRMAN KESSLER: Spruth.

10 MEMBER SPRUTH: Yes.

11 VICE CHAIRMAN KESSLER: Holderfield.

12 MEMBER HOLDERFIELD: Yes.

13 VICE CHAIRMAN KESSLER: Doyle.

14 MEMBER DOYLE: Yes.

15 VICE CHAIRMAN KESSLER: Schuetz.

16 MEMBER SCHUETZ: Yes.

17 VICE CHAIRMAN KESSLER: Frio.

18 MEMBER FRIO: Yes.

19 VICE CHAIRMAN KESSLER: Purdy.

20 MEMBER MACKLIN-PURDY: Yes.

21 VICE CHAIRMAN KESSLER: Pretz.

22 MEMBER PRETZ: Yes.

23 VICE CHAIRMAN KESSLER: Wallace.

24 CHAIRMAN WALLACE: Yes.

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1 VICE CHAIRMAN KESSLER: Kessler, yes.

2 CHAIRMAN WALLACE: All right. That passes
3 unanimately.

4 And Item 8 on the agenda is additional
5 business from Plan Commission members or staff.

6 We do have two things set that were placed
7 on the agenda, and I will ask Commissioner Doyle to
8 address those.

9 MEMBER DOYLE: Okay. Thank you,
10 Mr. Chairman.

11 First -- so these are two -- as Russ' note
12 indicates, these are two advisory resolutions for
13 the Plan Commission to send to the Planning &
14 Development Committee. These came out of our
15 discussion about the recent recommendation to
16 approve amendments to Title 17 for alcohol sales
17 establishments and tobacco shops.

18 The first one is a resolution to the City
19 Council regarding zoning use restrictions for
20 taverns/bars located within or adjacent to
21 predominantly residential areas. This was discussed
22 at our public hearing, and, also, the minutes for
23 the Planning & Development Committee showed that it
24 was mentioned by staff at the Planning & Development

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1 Committee, as well.

2 I think the proposed language is
3 self-explanatory. Are there any questions?

4 VICE CHAIRMAN KESSLER: Well, first of all,
5 I'd like to thank you for keeping them both very
6 brief. I was expecting something a little more
7 detailed but it's good. It's very succinct.

8 CHAIRMAN WALLACE: And just for general
9 information, I know that we had a little bit of
10 discussion on this at the last meeting, but this
11 is -- this is something that's within the Plan
12 Commission's power, to offer resolutions to the
13 extent that they relate to improving the
14 comprehensive plan for the City and, by extension of
15 that, potentially improving or making changes to the
16 Zoning Ordinance -- or in furtherance of that. And
17 the method for doing this resulted from my
18 discussion with the City's attorney.

19 And, basically, what we came up with, in
20 order to preserve due process and, also, to make
21 it -- make it the role of the City Council to make a
22 determination on policy-related issues, would be for
23 the Plan Commission to recommend -- or pass a
24 resolution asking if City Council would initiate an

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1 application through staff.

2 And so I know it seems to be kind of a
3 roundabout way of doing it, but I don't think that
4 anyone thinks that it's appropriate for the Planning
5 Commission to instruct staff to initiate an
6 application. That really should originate with the
7 City Council. I think that that's their role;
8 they're a policy-based body and we aren't. So
9 that's really where the procedure for doing it this
10 way came from, just so that everybody knows.

11 And all -- what this -- your -- all that
12 we're asking -- all that we're doing today is -- if
13 you vote in favor of the resolutions -- is we're
14 asking the City Council to make a policy decision in
15 line with our resolutions and direct staff to file
16 an application regarding these things. So it would
17 come back before us as a regular application.

18 MEMBER DOYLE: And at the last meeting, at
19 the end of this agenda item, we had discussion about
20 format for this resolution, and the Commission
21 advised that we wanted a formal -- formal language
22 for the resolution.

23 CHAIRMAN WALLACE: Uh-huh.

24 MEMBER DOYLE: So the rationale for this

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1 resolution is that -- Russ, I don't know --
2 I indicated in one of the statements "pending
3 amendments," the last one, because I wasn't certain
4 that Council had actually voted on this yet.

5 Have they?

6 MR. COLBY: They have.

7 MEMBER DOYLE: And did it pass?

8 MR. COLBY: Yes.

9 MEMBER DOYLE: So it's now no longer a
10 pending amendment. We might want to strike the word
11 "pending" as it -- since it's -- at the time I wrote
12 it, I don't think it had been approved yet. I'm not
13 certain. I couldn't find it on -- the minutes on
14 the website.

15 But the main thing is that the now-enacted
16 amendments to -- pertaining to the location of
17 alcohol and tobacco sales establishments in the
18 BL Zoning Districts are more restrictive than what's
19 allowed for taverns and bars, meaning that you can't
20 purchase and carry alcohol out of a liquor store,
21 but you can go into a tavern and bar and drink it
22 there and then leave after having consumed alcohol
23 at that establishment.

24 So that, basically, is what this one is

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1 about in a nutshell.

2 CHAIRMAN WALLACE: And then I'm assuming
3 that, if the City Council directed an application to
4 be filed, then staff would come back with the same
5 type of analysis as for the other applications
6 referred to.

7 MR. COLBY: Yes.

8 CHAIRMAN WALLACE: Okay.

9 VICE CHAIRMAN KESSLER: Okay. And it makes
10 sense to me how we're going about doing this. It's
11 interesting that we're doing it because it's out of
12 the box but that's fine. Fine with me.

13 But what we are here tonight to talk about
14 is these two recommendations coming from the Plan
15 Commission as a whole, so it's important that we
16 understand exactly what you're saying here.

17 So, Brian, would you walk through --

18 MEMBER DOYLE: -- both of them?

19 VICE CHAIRMAN KESSLER: Yeah. Let's do them
20 one at a time.

21 MEMBER DOYLE: Do you want me to read them
22 verbatim?

23 VICE CHAIRMAN KESSLER: I don't know
24 necessarily that you have to read them.

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1 MEMBER PRETZ: We should do them one at a
2 time.

3 VICE CHAIRMAN KESSLER: You've got all the
4 whereas stuff. Get rid of the whereas stuff and
5 tell us about it. We're Plan Commissioners now.

6 MEMBER DOYLE: We've already talked about
7 we're empowered to make these recommendations
8 through a resolution. We are empowered to do that
9 to the degree that this is in the pursuit of the
10 effort of improving the comprehensive plan,
11 preserving the character in the city's existing
12 residential neighborhoods.

13 And so the second part of this basically
14 puts it in that context.

15 The third part says that taverns and bars
16 will remain a special use, without limitation to
17 location, in the Business Local Zoning Districts.

18 VICE CHAIRMAN KESSLER: And they are not
19 now? What is your recommendation here?

20 I understand that you're going -- you know,
21 you're --

22 MEMBER DOYLE: The recommendation is that we
23 resolve to recommend to the City Council that the
24 City staff be directed to prepare applications for

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1 general amendments to Title 17 to restrict the
2 locations of taverns and bars in the BL Zoning
3 District to locations that front on arterial
4 streets.

5 VICE CHAIRMAN KESSLER: Oh.

6 MEMBER DOYLE: Essentially the same as we
7 have for alcohol and tobacco sales establishments,
8 to bring it into alignment.

9 VICE CHAIRMAN KESSLER: Okay. So if -- what
10 we're saying here -- or what we're asking is that
11 they -- taverns and bars are only on front -- only
12 front on arterial streets, period.

13 CHAIRMAN WALLACE: In the BL District.

14 MEMBER DOYLE: In BL.

15 VICE CHAIRMAN KESSLER: In BL. Because we
16 do that now for liquor stores.

17 MEMBER DOYLE: Yes.

18 VICE CHAIRMAN KESSLER: And what else? And
19 tobacco sales?

20 MEMBER DOYLE: Tobacco stores.

21 So for consistency, if you can't buy liquor
22 and walk out with it, it holds that you shouldn't be
23 able to drink liquor at an establishment in that
24 same residential district.

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1 VICE CHAIRMAN KESSLER: That's very
2 interesting. I have -- I can see some downsides to
3 it, and I'll tell you what they are.

4 MEMBER DOYLE: Okay.

5 CHAIRMAN WALLACE: Well, I was just going to
6 say I don't -- I mean, I think that, if we want to
7 have a discussion on the merits of the application,
8 we should do it within the context of a public
9 hearing.

10 VICE CHAIRMAN KESSLER: But we're
11 recommending that this go to -- I'm not comfortable
12 unless -- unless I agree with it, I'm not
13 comfortable recommending that it go to City Council.

14 CHAIRMAN WALLACE: Okay. Well -- I mean,
15 you can share what you're -- I mean, but --

16 VICE CHAIRMAN KESSLER: I don't care. I'm
17 not so sure that this needs to be a public
18 hearing when it comes back to us before it goes to
19 the --

20 CHAIRMAN WALLACE: Would it have to be a
21 public hearing for a text amendment?

22 MR. COLBY: Yes.

23 VICE CHAIRMAN KESSLER: Yeah, if we -- if it
24 came back to us. But right now if we, as

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1 Commissioners, are going to agree -- and I'm going
2 to throw one out here.

3 If we limit the location of taverns and bars
4 to only fronting arterial streets, then that's the
5 only thing you're going to have on pretty much
6 arterial streets. You're going to drive down
7 Main Street; it's going to be bars and taverns.
8 You're going to drive down 31; it's going to be bars
9 and taverns in BL Districts.

10 So you're going to have a tendency to
11 concentrate them in -- on fronting -- on frontage --
12 on arterial streets.

13 CHAIRMAN WALLACE: Well, I would like to
14 know how many there are in -- and the locations,
15 I mean, within the BL District. Because I would
16 imagine that probably the large majority of them are
17 in CBD-1 and 2 or -- yeah. I would say that they
18 probably are in the CBD-1 and 2. Or maybe BC.
19 So -- anyway, that's just my point but --

20 MEMBER DOYLE: Well, I think that -- Jim,
21 you were telling me that the liquor store on Prairie
22 and 14 used to be a tavern.

23 MEMBER HOLDERFIELD: It was The Torch, yes.

24 VICE CHAIRMAN KESSLER: It was The Perfect

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1 Carriage [phonetic] back in the '50s.

2 CHAIRMAN WALLACE: Really?

3 VICE CHAIRMAN KESSLER: Heck, yeah.

4 That was a nightclub. It was great. Well,
5 parents took their kids there.

6 CHAIRMAN WALLACE: Great.

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

8 CHAIRMAN WALLACE: All right.

9 MEMBER HOLDERFIELD: It was called The Wise
10 Owl.

11 MEMBER DOYLE: The Wise Owl?

12 VICE CHAIRMAN KESSLER: It was The Wise Owl
13 at the time.

14 CHAIRMAN WALLACE: All right. Well --
15 further discussion, I guess, before we entertain a
16 motion?

17 I don't really know that this will have a
18 large impact on a great number of properties,
19 especially since BL is along an arterial road
20 primarily.

21 VICE CHAIRMAN KESSLER: That's true.

22 CHAIRMAN WALLACE: So --

23 VICE CHAIRMAN KESSLER: You're right.

24 CHAIRMAN WALLACE: All right. Discussion?

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1 (No response.)

2 CHAIRMAN WALLACE: If not, I think that the
3 way that we'll do this is, since the resolution is
4 being proposed by Mr. Doyle, then I would say that
5 it would be appropriate to have a motion from you
6 for passage of the resolution.

7 MEMBER DOYLE: Yes. So I move that the Plan
8 Commission pass a resolution to the City Council
9 regarding zoning use restrictions for taverns/bars
10 located within or adjacent to predominantly
11 residential districts as stated in the staff
12 materials for tonight's meeting.

13 VICE CHAIRMAN KESSLER: Second.

14 CHAIRMAN WALLACE: Okay.

15 However, you want it to be amended so that,
16 in the fourth paragraph, "pending amendments" would
17 be --

18 MEMBER DOYLE: Simply "amendments."

19 CHAIRMAN WALLACE: -- simply "amendments."

20 MEMBER DOYLE: Strike the word "pending."

21 CHAIRMAN WALLACE: Okay. Is that agreed?

22 VICE CHAIRMAN KESSLER: That is agreed.

23 CHAIRMAN WALLACE: Okay.

24 All right. Any further discussion on the

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1 motion?

2 (No response.)

3 CHAIRMAN WALLACE: Okay. Tim.

4 VICE CHAIRMAN KESSLER: Spruth.

5 MEMBER SPRUTH: Yes.

6 VICE CHAIRMAN KESSLER: Holderfield.

7 MEMBER HOLDERFIELD: Yes.

8 VICE CHAIRMAN KESSLER: Doyle.

9 MEMBER DOYLE: Yes.

10 VICE CHAIRMAN KESSLER: Schuetz.

11 MEMBER SCHUETZ: Yes.

12 VICE CHAIRMAN KESSLER: Frio.

13 MEMBER FRIO: Yes.

14 VICE CHAIRMAN KESSLER: Purdy.

15 MEMBER MACKLIN-PURDY: Yes.

16 VICE CHAIRMAN KESSLER: Pretz.

17 MEMBER PRETZ: Yes.

18 VICE CHAIRMAN KESSLER: Wallace.

19 CHAIRMAN WALLACE: Yes.

20 VICE CHAIRMAN KESSLER: Kessler, yes.

21 CHAIRMAN WALLACE: All right. That passes
22 unanimately.

23 That concludes Item 8A on the agenda.

24 Now moving on to Item 8B, which is a

1 resolution to the City Council regarding use
2 standards for gun sales establishments and public
3 firing ranges.

4 MEMBER DOYLE: Okay. So this one also came
5 up -- I brought this up, a question during the
6 discussion about alcohol, tobacco, and firearms
7 since those three typically do go together in the
8 same phrase.

9 And so that was the impetus for this. The
10 rationale for this -- let me first go to what is
11 being recommended at the bottom, that we are
12 recommending to the City Council that the staff be
13 directed to research use standards for gun sales
14 establishments and public firing ranges that have
15 been enacted by other Chicagoland municipalities
16 and, accordingly, prepare applications for general
17 amendments for Title 17 for review and consideration
18 by the Plan Commission and the Planning &
19 Development Committee.

20 Admittedly, it does not specify what those
21 applications should specifically propose because
22 I think that would be something better discussed in
23 a public hearing. The key thing that I'm pointing
24 out here in the clauses above are that, A, our

1 Code -- our -- Title 17 of our Code defines and
2 regulates more than a hundred different land uses,
3 licensed uses, adult uses, car washes, carpet
4 stores, everything, you know, that you can think of,
5 including, interestingly, police firearm training
6 ranges.

7 One of the rationales for the recent
8 recommendation to approve of the alcohol and
9 tobacco -- creation of new categories for alcohol
10 sales and tobacco sales was to better align zoning
11 restrictions with community expectations. The Code
12 does not define gun sales establishments or public
13 firing ranges.

14 And, finally, the last one is that, as we --
15 the language here basically comes from the
16 recommendation for alcohol sales establishments and
17 tobacco shops, that it -- that identify appropriate
18 zoning use restrictions that are aligned with
19 community expectations would add clarification to
20 existing requirements by differentiating these
21 establishments from general retail sales use and/or
22 recreational use categories.

23 I was thinking about this again before the
24 meeting, and -- I just considered it in terms of

1 firing ranges. Right now, as I read Chapter 17.30,
2 which defines the use -- the use -- the various
3 uses, if a business owner wished to open an indoor
4 firing range or an outdoor firing range, what use
5 definition would we look to to determine where such
6 a business can and can't be located in the city?

7 It's not -- firearms -- firearm ranges don't
8 fall under either indoor recreation or outdoor
9 recreational uses, although archery ranges do and a
10 number of other things are included there.

11 So I just think it's an omission in -- in
12 just our basic definitions that we don't define
13 these use categories and determine where they're
14 appropriate to be located.

15 VICE CHAIRMAN KESSLER: All right. I have
16 to play devil's advocate just a little bit here and
17 say that --

18 MEMBER DOYLE: Uh-huh.

19 VICE CHAIRMAN KESSLER: -- on the face of
20 it, I mean, it's just -- it's -- some investigation
21 is what we're recommending, simply.

22 But I would -- I would think that the reason
23 we have -- we define "public" -- or "police firing
24 ranges" and the reason we define "archery" and the

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1 reason we define all those other uses is because
2 somebody came to us with a specific use and there
3 was no category, so we created a category to
4 accommodate that use.

5 And I wonder if we're not putting the cart
6 before the horse here and -- you know, I mean --
7 I guess I'm not opposed to having the discussion,
8 but, you know, I remember sitting at a Planning &
9 Development Committee meeting where they directed
10 the staff to come up with ordinances against
11 chickens in the backyard because one woman was PO'd
12 because her neighbors had, you know, allowed a
13 chicken.

14 And it doesn't make a lot of sense to me.
15 And I'm not sure that we want to create uses where
16 there is no need to create uses. I understand it's
17 a hot-button issue today, and I understand that, you
18 know, we want to be careful about it, but if
19 somebody came to us with an application for a public
20 firing range or a gun shop and we don't have a
21 definition for it, we'd have to come up with
22 something. I mean, we'd have to create something or
23 we'd have to put it under a category.

24 I think that's the point at which this

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1 would -- that's what would drive this sort of an
2 investigation.

3 CHAIRMAN WALLACE: But if we don't have it
4 appropriately accounted for in our Zoning Ordinance
5 as a separate category, then what would prevent
6 somebody from establishing a business as a permitted
7 use under another definition?

8 So saying that it's a, you know, mer --
9 I can't think of a specific definition -- general
10 merchandise sales, you know, that sells firearms.

11 VICE CHAIRMAN KESSLER: We already do.

12 CHAIRMAN WALLACE: Okay.

13 VICE CHAIRMAN KESSLER: I mean, we already
14 sell firearms in town.

15 CHAIRMAN WALLACE: Yeah. As a part of
16 general -- as a part of larger stores.

17 MEMBER DOYLE: So, Tim, you know, we already
18 have a precedent for making such decisions in
19 advance of an application for medical cannabis
20 cultivation and distribution centers.

21 VICE CHAIRMAN KESSLER: Point taken.

22 MEMBER DOYLE: We did not have an
23 application in front of us, and the City decided
24 that it was in the public interest to define where

1 they can go before such an application comes before
2 the City.

3 And I would say that the argument that we're
4 making here is simply that clarifying the
5 requirements by itself is in the public interest.
6 Right?

7 VICE CHAIRMAN KESSLER: Yes.

8 MEMBER DOYLE: Because if you have to
9 clarify it when the application's in front of you,
10 then you're really sort of -- you're unprepared;
11 right?

12 VICE CHAIRMAN KESSLER: Right.

13 MEMBER DOYLE: And the Applicant can say,
14 "Hey, you know, you're being unfair to me. You
15 didn't tell me that before and now here I am and now
16 you're changing the rules on me."

17 CHAIRMAN WALLACE: Having already invested
18 in -- dot, dot, dot.

19 MEMBER MACKLIN-PURDY: Well, there's a
20 business in St. Charles, a tattoo parlor, and
21 supposedly he can only be one -- at one little spot
22 in the whole city, in the whole town.

23 And so how does -- how does that work?

24 Because I'm very curious as to how that

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1 works. I mean, I'm looking at the Zoning Ordinance.
2 I'm like -- "Well, can he" -- supposedly he can only
3 be on this one little spot on 46 on this zoning map.

4 And how does that work? How does that
5 categorized? How is it that he can only be in this
6 one spot?

7 VICE CHAIRMAN KESSLER: Because they've a
8 defined use. There's a definition for that use.

9 But there is no definition for the use for
10 gun shops and firing ranges.

11 When you define it, you could say --

12 MEMBER MACKLIN-PURDY: So within the
13 BR District, he can only be here?

14 VICE CHAIRMAN KESSLER: I don't know that
15 but --

16 MEMBER DOYLE: Are you talking about over
17 in --

18 VICE CHAIRMAN KESSLER: You're asking how --

19 MEMBER MACKLIN-PURDY: Playground Tattoos.
20 It's the only tattoo parlor in town.

21 MEMBER DOYLE: There's one that came before
22 us just a couple years ago over by the Dominick's.

23 MEMBER MACKLIN-PURDY: That's the Playground
24 Tattoo.

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1 CHAIRMAN WALLACE: That was a special use,
2 though. Correct?

3 MEMBER MACKLIN-PURDY: Because before
4 that --

5 MR. COLBY: Yes. The tattoo parlor use
6 category is allowed as a special use in the
7 BR District.

8 So they received a special use approval for
9 that specific location.

10 MEMBER MACKLIN-PURDY: So if he ever wanted
11 to be someplace else in St. Charles, how -- what
12 would --

13 CHAIRMAN WALLACE: He would have to go
14 through the same procedure. If it's allowed as a
15 special use in whatever district he's wanting to
16 relocate to, then he would have to come back before
17 us to apply for --

18 VICE CHAIRMAN KESSLER: A special use.

19 CHAIRMAN WALLACE: -- a special use.

20 MR. COLBY: Yes. And as it stands today,
21 that special use is only available in the
22 BR District, so it would have to be --

23 VICE CHAIRMAN KESSLER: So in the
24 BR District, he can come in and open up a store.

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1 MEMBER FRIO: So wouldn't that apply to
2 this?

3 MEMBER MACKLIN-PURDY: Wouldn't that --

4 VICE CHAIRMAN KESSLER: Well, it doesn't.
5 It could but it doesn't.

6 MEMBER FRIO: I'm just saying -- being
7 devil's advocate your way, too -- we would have to
8 think of every and any combination that somebody
9 might want to try to open up something and --
10 I mean, we could never do that.

11 Like you said, "I want a chicken in my
12 backyard; I want doves in my backyard. They make a
13 lot of noise. I want" -- you know, it -- we're
14 chasing our tails, I'm saying.

15 MEMBER HOLDERFIELD: I would like to speak,
16 too.

17 I think, accepting this, we're being
18 proactive, and we're really just looking to ask the
19 City Council to investigate this to see what other
20 municipalities are doing. We're not laying down any
21 edict here, and I think it's a good decision for us
22 to take a stand on. That's where I'm at.

23 CHAIRMAN WALLACE: And I'm leaning in favor
24 of the resolution because of the verbiage that we

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1 are -- we're asking the City Council to direct staff
2 to research --

3 MEMBER HOLDERFIELD: Right.

4 CHAIRMAN WALLACE: -- use standards that
5 have been enacted and prepare applications. We're
6 not asking them to prepare a certain application but
7 to look at what other municipalities have done, you
8 know. I mean, I hate -- I think it's appropriate,
9 personally.

10 So -- any other discussion?

11 (No response.)

12 CHAIRMAN WALLACE: Let's have a motion.

13 MEMBER DOYLE: Okay. I move that the Plan
14 Commission recommend for approval of a resolution to
15 the City Council regarding use standards for gun
16 sales establishments and public firing ranges as
17 articulated in the meeting agenda.

18 VICE CHAIRMAN KESSLER: Second.

19 CHAIRMAN WALLACE: All right. Any further
20 discussion on the motion?

21 (No response.)

22 CHAIRMAN WALLACE: Tim.

23 VICE CHAIRMAN KESSLER: Spruth.

24 MEMBER SPRUTH: Yes.

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1 VICE CHAIRMAN KESSLER: Holderfield.
2 MEMBER HOLDERFIELD: Yes.
3 VICE CHAIRMAN KESSLER: Doyle.
4 MEMBER DOYLE: Yes.
5 VICE CHAIRMAN KESSLER: Schuetz.
6 MEMBER SCHUETZ: Yes.
7 VICE CHAIRMAN KESSLER: Frio.
8 MEMBER FRIO: Yes.
9 VICE CHAIRMAN KESSLER: Purdy.
10 MEMBER MACKLIN-PURDY: Yes.
11 VICE CHAIRMAN KESSLER: Pretz.
12 MEMBER PRETZ: Yes.
13 VICE CHAIRMAN KESSLER: Wallace.
14 CHAIRMAN WALLACE: Yes.
15 VICE CHAIRMAN KESSLER: Kessler, yes.
16 CHAIRMAN WALLACE: All right. That motion
17 passes unanimously.
18 Thank you, Brian, for your work on that.
19 MEMBER DOYLE: Thank you.
20 VICE CHAIRMAN KESSLER: I think this is a
21 defining moment for this Plan Commission.
22 I really do.
23 CHAIRMAN WALLACE: Uh-huh. I do, too.
24 VICE CHAIRMAN KESSLER: I think it's a

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1 really good thing that we've come up with a method
2 of being heard, and I think we're getting some
3 issues on the table that are important to us because
4 they come before us and we're largely -- we seem to
5 be somewhat silenced because of our restrictions,
6 and this is taking us out of that. So thanks,
7 Brian.

8 CHAIRMAN WALLACE: Okay.

9 All right. The weekly development report.
10 Did we receive that with our --

11 MR. COLBY: I think we forgot to include it
12 in the packet, once again --

13 VICE CHAIRMAN KESSLER: But we got one.

14 MR. COLBY: -- but it was sent out last
15 Friday.

16 VICE CHAIRMAN KESSLER: We got one.

17 MR. COLBY: We did.

18 VICE CHAIRMAN KESSLER: It just wasn't with
19 the packet.

20 MR. COLBY: It was not in the packet,
21 though.

22 The one thing I did want to mention, though,
23 is the resolutions that the Plan Commission just
24 discussed, those would likely go to the June meeting

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1 of the Planning & Development Committee, so I think
2 it would be important to have representation from
3 the Planning Commission there to --

4 VICE CHAIRMAN KESSLER: Would that be the
5 June 2nd meeting or the June --

6 CHAIRMAN WALLACE: June 13th.

7 MR. COLBY: It would be --

8 VICE CHAIRMAN KESSLER: The second of the
9 June meetings?

10 Which June meeting?

11 MR. COLBY: The June P&Z Committee meeting,
12 which is June 13th.

13 VICE CHAIRMAN KESSLER: Oh, okay. I'll be
14 here.

15 CHAIRMAN WALLACE: Brian, would you want to
16 be present for that meeting?

17 MEMBER DOYLE: Yes. With --

18 CHAIRMAN WALLACE: Okay.

19 MEMBER DOYLE: If I speak to the -- if I'm
20 asked to speak to the resolutions, I will hold
21 myself to what the Plan Commission has recommended
22 in the language of the resolutions.

23 CHAIRMAN WALLACE: Uh-huh. All right.

24 Meeting announcements?

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1 Just note that the July 5th meeting is not
2 going to be here. It will be in the training room.

3 Do we have agenda items for the next
4 meeting?

5 VICE CHAIRMAN KESSLER: I will not be at the
6 next meeting.

7 MR. COLBY: Probably not. We're not certain
8 at this point, but we don't think we have anything.

9 VICE CHAIRMAN KESSLER: And I will not be
10 here so --

11 CHAIRMAN WALLACE: Okay.

12 VICE CHAIRMAN KESSLER: -- so don't have
13 any.

14 CHAIRMAN WALLACE: Any public comment?

15 (No response.)

16 CHAIRMAN WALLACE: No?

17 All right. Is there a motion to adjourn?

18 VICE CHAIRMAN KESSLER: So moved.

19 CHAIRMAN WALLACE: Is there a second?

20 MEMBER SCHUETZ: Second.

21 CHAIRMAN WALLACE: All in favor?

22 (Ayes heard.)

23 CHAIRMAN WALLACE: Opposed?

24 (No response.)

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CHAIRMAN WALLACE: This meeting of the
St. Charles Planning Commission is adjourned at
8:19 p.m.

(Off the record at 8:19 p.m.)

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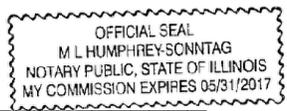
CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal this 24th day of
May, 2016.

My commission expires: May 31, 2017

M L Humphrey-Sonntag



Notary Public in and for the
State of Illinois