

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, MAY 18, 2021**

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Members Present: Chairman Wallace  
Jennifer Becker  
Jeffrey Funke  
Jim Holderfield  
Laura Macklin-Purdy  
Suzanne Melton  
Colleen Wiese

Members Absent: Peter Vargulich  
Laurel Moad

Also Present: Russell Colby, Asst. Director of Community & Economic Dev.  
Ellen Johnson, City Planner  
Rachel Hitzemann, City Planner  
Court Reporter

**1. Call to order**

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

**2. Roll Call**

Chairman Wallace called the roll. A quorum was present.

**3. Pledge of Allegiance**

**4. Presentation of minutes of the May 4, 2021 meeting of the Plan Commission.**

**Motion was made by Mr. Holderfield, seconded by Ms. Macklin-Purdy and unanimously passed by voice vote to approve the minutes of the May 4, 2021 Plan Commission meeting.**

**5. First Street Redevelopment PUD-First Floor Uses (Willam F. Bochte)**

Application for Special Use (PUD Amendment)

a. Public Hearing

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

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

**Roll call vote:**

**Ayes: Becker, Funke, Wiese, Holderfield, Wallace, Melton**

**Nays:**

**Absent: Vargulich, Moad**

**Minutes – St. Charles Plan Commission**  
**Tuesday, May 18, 2021**  
**Page 2**

**Motion carried 6-0**

b. Discussion and Recommendation

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

**Motion was made by Ms. Wiese and seconded by Mr. Funke to recommend denial of the Application for Special Use (PUD Amendment) for First Street Redevelopment PUD-First Floor Uses.**

**Roll call vote:**

**Ayes: Melton, Holderfield, Wiese, Funke, Becker**

**Nays: Wallace**

**Absent: Vargulich, Moad**

**Motion carried 5-1**

**6. Casey's Fuel Station (Erik Nikkel, Casey's Retail Company)**  
Application for Concept Plan

The attached transcript prepared by Planet Depos Court Reporting is by reference hereby made a part of these minutes.

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

**8. Weekly Development Report**

**9. Meeting Announcements**

a. Plan Commission

Tuesday, June 8, 2021 at 7:00pm Council Chambers

Tuesday, June 22, 2021 at 7:00pm Council Chambers

Tuesday, July 6, 2021 at 7:00pm Century Station Training Room

b. Planning & Development Committee

Monday, June 14, 2021 at 7:00pm Council Chambers

Monday, July 12, 2021 at 7:00pm Council Chambers

**10. Public Comment**

**11. Adjournment at 8:47 p.m.**



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# Transcript of First Street Redevelopment PUD

**Date:** May 18, 2021

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

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In Re: :  
First Street Redevelopment :  
PUD - First Floor Uses :  
(William F. Bochte): :  
Application for Special Use :  
(PUD Amendment). :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, May 18, 2021  
7:00 p.m. CST

Job No.: 336726  
Pages: 1 - 62  
Reported by: Paula M. Quetsch, CSR, RPR

1 Report of proceedings 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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10 Before Paula M. Quetsch, a Certified Shorthand

11 Reporter, Registered Professional Reporter, and a

12 Notary Public in and for the State of Illinois.

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Transcript of First Street Redevelopment PUD

Conducted on May 18, 2021

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1 PRESENT:

2 TODD WALLACE, Chairman

3 JENNIFER BECKER, Member

4 JEFFREY FUNKE, Member

5 JIM HOLDERFIELD, Member

6 LAURA MACKLIN-PURDY, Member

7 SUZANNE MELTON, Member

8 COLLEEN WIESE, Member

9

10 ALSO PRESENT:

11 RUSS COLBY, Planning Division Manager

12 ELLEN JOHNSON, Planner

13 RACHEL HITZEMANN, Planner

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Transcript of First Street Redevelopment PUD  
Conducted on May 18, 2021

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P R O C E E D I N G S

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

Roll call. Wallace, here.  
Holderfield.

MEMBER HOLDERFIELD: Here.

CHAIRMAN WALLACE: Melton.

MEMBER MELTON: Here.

CHAIRMAN WALLACE: Funke.

MEMBER FUNKE: Here.

CHAIRMAN WALLACE: Vargulich.

(No response.)

CHAIRMAN WALLACE: Moad.

(No response.)

CHAIRMAN WALLACE: Becker.

MEMBER BECKER: Here.

CHAIRMAN WALLACE: Macklin-Purdy.

MEMBER MACKLIN-PURDY: Here.

CHAIRMAN WALLACE: Wiese.

MEMBER WIESE: Here.

CHAIRMAN WALLACE: I invite you all to  
rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

CHAIRMAN WALLACE: First we have

Transcript of First Street Redevelopment PUD  
Conducted on May 18, 2021

5

1 presentation of minutes of the May 4th, 2021,  
2 meeting of the Plan Commission. Is there a motion  
3 to approve?

4 MEMBER HOLDERFIELD: So moved.

5 MEMBER MACKLIN-PURDY: Second.

6 CHAIRMAN WALLACE: Moved and seconded.

7 All in favor.

8 (Ayes heard.)

9 CHAIRMAN WALLACE: Opposed.

10 (No response.)

11 CHAIRMAN WALLACE: Motion passes.

12 No. 5 on the agenda is First Street  
13 Redevelopment PUD, First Floor Uses (William Bochte)  
14 Application for Special Use (PUD Amendment.) This  
15 is a continued public hearing, and as such the  
16 Plan Commission is taking evidence either for or  
17 against the application. Once we feel that we  
18 have enough evidence to be able to make a decision,  
19 then a motion to close the public hearing will be  
20 in order.

21 For purposes of the record, Laura Macklin-  
22 Purdy is recusing himself from this application.  
23 Correct?

24 MEMBER MACKLIN-PURDY: Correct.



Transcript of First Street Redevelopment PUD

Conducted on May 18, 2021

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1           CHAIRMAN WALLACE: Okay. Thank you. And  
2 we also do have some exhibits. We have  
3 correspondence that was received on March 30th,  
4 2021, from St. Charles Business Alliance. Can we  
5 say it's a part of the record, or should we read  
6 it into the record?

7           MR. COLBY: Yes, it's part of the record  
8 as part of the posted packet.

9           CHAIRMAN WALLACE: Thank you. Does the  
10 same go for the email?

11          MR. COLBY: No, the email was not included  
12 in the packet.

13          CHAIRMAN WALLACE: Okay. So there is also  
14 an email dated today from Susan Henry. The  
15 subject is Downtown PUD Amendment.

16          "Good evening, Russ. I hope you're doing  
17 well. I'm writing quickly because I cannot make  
18 the meeting tonight and feel very strongly that  
19 I'd like my opinion to be heard regarding the  
20 First Street PUD amendment. I address you not  
21 only as a stakeholder in downtown St. Charles but  
22 as a citizen and frequent traveler to other  
23 suburban towns.

24          "I'm opposed to lessening restrictions for

1 business expansion downtown PUD amendment. I grew  
2 up in Naperville with a population of 13,000 and  
3 seen the expansion of that city and downtown. I  
4 think we'd all like to see St. Charles as lively  
5 and robust as downtown Naperville. We've also  
6 seen Geneva develop into a well-traveled town.

7 "I believe there are several things in  
8 common with these two cities in particular and  
9 also towns like LaGrange and Downers Grove. The  
10 focus in planning and development in these cities  
11 is and always will be to attract people to the  
12 downtown area. Although our city has many things  
13 to offer, the downtown area is the draw to visit.  
14 The ability to have concentration of restaurants,  
15 shopping, art venues, music venues, et cetera, is  
16 what we all look forward to visiting other towns  
17 for. These types of businesses are what make  
18 cities memorable.

19 "Naperville started with the Jefferson  
20 Street-Washington corridor which included some  
21 shops and restaurants. Over time the office  
22 spaces/homes were converted to shopping locations  
23 and restaurants because that is what attracted  
24 visitors. As you know, several years ago

1 Naperville expanded the downtown area across the  
2 river to include a hotel just to accommodate  
3 travelers. Can you imagine if Naperville's  
4 downtown had buildings filled with banks, offices,  
5 and condos? Not the same feel, not the same city,  
6 not the same attraction.

7 "St. Charles is getting noticed. We're  
8 beginning to get drawn on the map as a destination.  
9 The Business Alliance team has done a phenomenal  
10 job attracting restaurants, breweries, and shops  
11 to build vibrancy. When we, Mixology, opened our  
12 business five years ago, we partnered with a  
13 recognizable brand Aveda and envision more of the  
14 same for downtown St. Charles. We saw what  
15 St. Charles could, which is a town for all that  
16 potential.

17 "We in St. Charles have every opportunity to  
18 expand our downtown with more shops and restaurants  
19 to attract visitors; we have a downtown hotel that  
20 is cooler than any towns around; we have a major  
21 music venue; we're starting to have less bars, more  
22 restaurants and retail. We have unbelievable parks  
23 and recreation; we have the Fox River, lending  
24 even more possibilities. We have a downtown

1 district that if developed strategically could be  
2 a wonderful walking destination on both sides of  
3 and along the river. We could and should be  
4 thinking of transportation options to get around  
5 our town. St. Charles could be even more special.

6 "In my opinion, decreasing the restrictions  
7 in downtown to allow for more business and less  
8 retail, restaurants, et cetera would kill any  
9 momentum that we have going for us now. Closing  
10 First Street for pedestrian travel is a great step  
11 in changing the feel of downtown St. Charles.

12 "In fact, I would argue we expand the  
13 restrictions. Why not be thinking ahead and give  
14 incentives for more family-owned businesses,  
15 restaurants, and shops to open in St. Charles.  
16 This is what makes a community. We should be  
17 thinking more of our families and kids, not the  
18 next bank, no offense. After all, Naperville  
19 started getting noticed because of their children's  
20 museum and safety town and now is one of the best  
21 cities to live for families.

22 "Let's not think of only tax revenue now  
23 but toward building a beautiful vibrant  
24 destination filled with businesses and charm, a

1 place to come hang out for the day or weekend. We  
2 have so much potential. Let's not fill the City  
3 with drab. That's not who we are, that's not who  
4 we have to be. Sue Henry, Mixology Salon and Spa."

5 And what I'll be doing in just a minute is  
6 I will open the floor for -- to the applicant to  
7 present evidence. Anyone who wishes to offer any  
8 testimony, including asking any questions, I'd ask  
9 you been sworn in, raise your hand.

10 (Whereupon, the witnesses were thereupon  
11 duly sworn.)

12 CHAIRMAN WALLACE: All right. Thank you.  
13 And when you speak, I'd ask that you approach the  
14 lectern, speak into the microphone, state your  
15 name, spell your last name for the record, and  
16 state your address.

17 Anything from staff before we begin?

18 MR. COLBY: I want to provide some  
19 comments before the applicant presents.

20 CHAIRMAN WALLACE: Okay.

21 MR. COLBY: First, to start with this map  
22 that's displayed, this map shows the Downtown  
23 Overlay District outlined in blue. The Downtown  
24 Overlay District is a zoning district that was

1 designated to encourage pedestrian activity in the  
2 downtown by limiting uses on the first floor of  
3 buildings that generate little pedestrian activity  
4 or otherwise incompatible with a pedestrian  
5 shopping area. So the first floor uses in the  
6 Downtown Overlay District are more limited than  
7 elsewhere in downtown.

8 This application before you tonight is  
9 regarding the regulations that apply within the  
10 First Street PUD project. The regulations within  
11 the First Street PUD are more restrictive or more  
12 limiting than those that apply elsewhere in  
13 downtown. So the request being considered tonight  
14 would eliminate the first-floor use restrictions  
15 from First Street PUD ordinance and have the  
16 buildings follow the Downtown Overlay regulations  
17 that apply elsewhere within this blue boundary  
18 that's shown here on the map. And there's a table  
19 in the staff memo that compares the permitted uses  
20 in the Downtown Overlay versus the existing First  
21 Street PUD.

22 The buildings that are subject to this  
23 change are outlined in red on the map. The first-  
24 floor spaces in the boundaries of the buildings

1 shown as 1, 2, 3, and 4 are owned by First Street  
2 Development and First Street Development II, who  
3 is the applicant. Future development lots for  
4 Buildings 6 and 8 are City-owned parcels, but they  
5 are part of the First Street PUD. City staff has  
6 included the Building 6 and 8 lots within this  
7 application so that the City Council has the  
8 option and can consider whether to adjust  
9 first-floor use regulations on those properties to  
10 be consistent with the remainder of the project.

11 Additionally, City staff has an interest  
12 in changing any percentage limitations that apply  
13 to first-floor uses to have those be calculated on  
14 a per-building bases recognizing that these  
15 parcels will likely be under separate ownership in  
16 the future when they are developed.

17 So with that background we can allow the  
18 applicant to present their request.

19 CHAIRMAN WALLACE: Russ, I'm wondering,  
20 the table that's on page 4 of the staff memo, some  
21 of these uses are permitted subject to office  
22 certification in the Downtown Overlay?

23 MR. COLBY: Yes. So as noted in the table,  
24 the use categories that say "subject to office

1 certification" are subject to the certification  
2 process before those uses can occupy first-floor  
3 space.

4 CHAIRMAN WALLACE: All right. Is the  
5 applicant ready?

6 All right. Mr. Bochte, you're up.

7 MR. BOCHTE: Good evening, Mr. Chairman,  
8 ladies and gentlemen. It's nice to be here  
9 without a mask in person. Thank you for your  
10 comments, Russ.

11 Give a little bit of history. I'll be  
12 brief but a little bit of history might be  
13 important. The TIF District was established for  
14 First Street Development in 2002. After a lot of  
15 negotiation and several meetings and much time,  
16 the redevelopment agreement which we are seeking  
17 an amendment to was entered into in 2006, 15 years  
18 ago. This project has been going on for 15 years,  
19 and the TIF is in its 22nd, I believe, year.

20 At the time that the limitation or  
21 restriction before you was put into the  
22 redevelopment agreement, that being a 25 percent --  
23 the certain uses limited to 25 percent of the  
24 total ground floor space in Buildings 1, 2, 3, 4,



1 6, and 8 eventually, which are owned by the City,  
2 there wasn't a lot of objection to it because back  
3 in 2006 the pool of potential commercial retail  
4 tenants was terrific. Things were good, the  
5 economy was good, there were a lot of tenants, and  
6 no one felt it would be difficult to fill space  
7 with people who were retail tenants.

8 What was the reason for it? Obviously, the  
9 City wanted it in there, they wanted that  
10 restriction in because they wanted to limit the  
11 tenants that were in the spaces not paying sales  
12 tax. It's that simple. We didn't object to it.

13 But things happened since 2006. 2007 to  
14 2010 we had what some refer to as the Great  
15 Recession. Things got really, really bad. The  
16 project stopped. For a while we had to hold off  
17 on building any more buildings because there  
18 weren't any tenants; there wasn't any mortgage  
19 money; things were very, very difficult.

20 Thereafter, we had the pandemic for the  
21 last year, year and a half. And during all this  
22 period of time, all of a sudden we had all kinds  
23 of online retail shopping. People were buying  
24 things online; they weren't going to stores.

1 Everything was happening online.

2 And as a result of the pandemic, as a result  
3 of the recession, as a result of people buying  
4 things in -- online as opposed to in stores, that  
5 pool of retail tenants that was adequately and  
6 recordly available back in 2006 shrank, they  
7 weren't there anymore.

8 So those factors absolutely make us believe  
9 it makes it difficult for us to rent space, and  
10 secondly, it's a substantial change in circumstances  
11 which we believe justifies an amendment to the --  
12 to the redevelopment agreement.

13 We're not asking to be treated any  
14 differently than anyone else in the Overlay District.  
15 We're not asking for any special dispensation; we're  
16 not asking for any special uses. We're simply  
17 saying treat us exactly the way everyone else in  
18 the Overlay District is being treated so that we  
19 don't suffer from a competitive disadvantage.

20 This is also very, very difficult to  
21 administer. 25 percent of the total gross  
22 leasable space in the project of all the buildings  
23 in the project, Building 1, Building 2, Building 3,  
24 Building 4, Building 6, Building 8. As you can

1 see, Building 3 has been cut up. That's because  
2 the Sterling Bank came before the Board in 2016,  
3 and in 2016 we asked the City for consent to  
4 transfer part of Lot 3 on which Building 3 sits to  
5 the Sterling Bank. At the same time Sterling Bank  
6 got permission to use that property, a special  
7 use, use that property as a bank.

8 Consequently, the part of Building 3 that  
9 is owned by Sterling is not being counted when the  
10 gross rentable square feet of area in the project  
11 is calculated in spite of the fact that the RDA  
12 agreement says all buildings in the project.

13 It's difficult to administer. We don't  
14 have legal opinions at this particular point in  
15 time on whether or not that particular square  
16 footage should be included in the total, and if it  
17 is included in the total, should it also be  
18 included in the 25 percent? We don't think so.  
19 We think it should be out of the 25 percent, but  
20 it should be included in the total. We -- I don't  
21 believe the City or the staff knows how to handle  
22 it, either.

23 But there's no reason that we should be  
24 treated any differently than anyone else in the

1 Overlay District. We've met with the Building  
2 Alliance -- Business Alliance; we've talked to the  
3 Business Alliance. It's just interesting if you  
4 open up the Business Alliance's website, you'll  
5 see a beautiful picture of downtown St. Charles.  
6 75 percent of that picture are the buildings that  
7 my clients built in downtown St. Charles district,  
8 those buildings being used to attract people to  
9 the area.

10 And it's happening. Since we've developed  
11 the downtown district, we've even heard from one of  
12 the -- the vice president of the Business Alliance,  
13 Mr. Hughes from the Q Center, who told us, "Before  
14 you guys developed this property, we put people in  
15 the bus; we took them to Geneva. We don't do that  
16 anymore; we bring them to St. Charles."

17 They bring them to St. Charles because we  
18 have developed this property. The uses that we  
19 have that aren't retail bring people, and those  
20 people who come to Pilates, who come to the hair  
21 salons, who come to the uses that are other than  
22 25 percent restriction, they shop. They go to the  
23 stores, and they go to the other places in the  
24 Downtown Overlay District that they wouldn't go to

1 had they not been there in the first place because  
2 of the service industries.

3           Once again, we just want to be treated  
4 equally. There's been a substantial change.  
5 Things are different. They're not the same way  
6 they were in 2006. There aren't the same mix of  
7 tenants available to take care of these uses in  
8 2016 -- or 2021 like they were in 2006. We want  
9 nothing special; we just want to be treated like  
10 everyone else is being treated in the Overlay  
11 District so that we don't have a competitive  
12 disadvantage.

13           I'm happy to answer any questions that I  
14 can if there are any.

15           CHAIRMAN WALLACE: I have a question. You  
16 had mentioned the possibility of counting the  
17 square footage that's occupied by the current bank  
18 in order to calculate the 25 percent; correct?

19           MR. BOCHTE: In order to calculate the  
20 total gross leasable square feet to which the  
21 25 percent applies.

22           CHAIRMAN WALLACE: If -- if that was done,  
23 what would be the basis for excluding the bank  
24 from calculating that 25 percent?

1           MR. BOCHTE: Because they got a special use  
2 all by themselves, and they don't need the uses  
3 that were set up in the redevelopment agreement.

4           CHAIRMAN WALLACE: Okay.

5           MR. BOCHTE: When the consent was given to  
6 transfer the property to them, because we did it  
7 before all of the obligations under the  
8 redevelopment agreement were fulfilled, and we  
9 needed to come to the City to get permission, at  
10 that time in 2016 they were also given the right  
11 to use that property as a bank, and they didn't  
12 have to rely on the uses that were originally set  
13 up in the redevelopment agreement.

14           That's the way we like to interpret it.  
15 The City is interpreting it in a different way.  
16 We don't have a legal opinion on which way it  
17 should go.

18           CHAIRMAN WALLACE: Okay. Questions?

19           MEMBER WIESE: I have a question. So you --  
20 under the current guidelines and the current cap,  
21 you still could come and ask for a special use permit  
22 if you wanted to, if there was a service or something  
23 that wanted to come in to one of those buildings;  
24 correct? You're still entitled to do that?

1 MR. BOCHTE: No, we can't do that without  
2 coming and asking for an amendment. We are either  
3 under the 25 percent, and if we're not under the  
4 25 percent, we cannot rent to that particular  
5 tenant. And if we wanted to, we would have to  
6 come like I'm here today to file an amendment.  
7 And in all probability, as has happened in the  
8 past, we will lose the tenant.

9 MEMBER WIESE: So automatically you'd lose  
10 the tenant?

11 MR. BOCHTE: No, the tenant will walk.

12 MEMBER WIESE: If you have to ask for a  
13 special use?

14 MR. BOCHTE: When I have to tell a tenant  
15 that he has to wait for six months for me to go to  
16 the City to see whether or not they can use the  
17 property as they'd like to, the chances are they  
18 may leave and they won't want to do that.

19 As it happened already partially, we had a  
20 bank that wanted to go into one of the vacant  
21 spaces that we have in Building 2 next to the  
22 brewery. We had a lease drawn up. One of the  
23 reasons -- not the entire reason, but one of the  
24 reasons that they walked away is they didn't want

1 to wait four months to find out whether or not  
2 their use was going to be permitted because they  
3 need to know whether or not their use is  
4 permitted, and then they have to go to the Federal  
5 government if they're going to come to this space  
6 to get permission from the FDIC to put a bank in  
7 that space. I'm not saying it was the only reason  
8 they walked away, but it was one of the reasons  
9 they walked away.

10 Because we went through that whole scenario.  
11 We had another group who was interested in the  
12 property who said, well, we wanted to give it to  
13 somebody else, and, "You didn't want to give it to  
14 us, so we don't think we want it anymore." We're  
15 still trying to get them to come back.

16 So it's problematic. It's problematical  
17 when we try to lease property; it's problematic to  
18 determine whether or not a person is under the  
19 25 percent restriction. And nobody else in the  
20 Downtown Overlay District has to do this. We're  
21 the only ones. And quite frankly, it's my client's  
22 efforts that have made downtown St. Charles the  
23 vibrant place that it is today.

24 MEMBER FUNKE: Russ, I have a question.



1 Are drive-throughs permitted in this scenario?

2 MR. COLBY: No, they are not a permitted  
3 use in the Downtown Overlay.

4 MEMBER BECKER: What's your average  
5 vacancy rate, and how long are the vacancies  
6 usually lasting?

7 MR. BOCHTE: I can't give you precise  
8 numbers. I can tell you at this particular point  
9 in time there is only 4,000 square feet of vacant  
10 space in Building 2 as far as retail spaces are  
11 concerned. As far as the condos in Building 2 are  
12 concerned, there's a whole bunch of them that have  
13 been unsold and ready for sale for probably over a  
14 year. The space on -- the space on -- on the  
15 ground floor in Building 2 has been vacant for at  
16 least a year, at least a year.

17 And we would still -- if we were treated --  
18 if we were treated like everyone else in the  
19 Overlay District, we would still be subject to the  
20 first-floor restrictions that everybody else is  
21 subject to. So we're not asking to be -- to not  
22 be governed by those restrictions. We're just  
23 asking to be governed by the same restrictions  
24 that everybody else is governed by so that we can

1 move forward.

2 Now, is it an immediate problem? Probably  
3 not. But it's going to be a problem in the future  
4 because we will lose tenants. I mean, COVID has  
5 wreaked havoc on a lot of those, a lot of the real  
6 estate owners, and maybe amendments in leases will  
7 be forthcoming, maybe they won't. Maybe we'll  
8 have more vacancies pretty soon, maybe we won't.  
9 Nobody knows.

10 MEMBER BECKER: I do have a follow-up  
11 question. When we initiated the public hearing a  
12 couple months ago, you had indicated that you were  
13 going to do some outreach to Business Alliance and  
14 others. Could you maybe go into that a little bit  
15 further, please?

16 MR. BOCHTE: The first time -- I believe  
17 it was May 1st, I think. The first day that we  
18 were scheduled to be here at 7:00, at night we got  
19 a letter from the Business Alliance approximately  
20 4:00 that afternoon saying they were opposed to  
21 it, they didn't have time to take it to their  
22 lenders, and they wanted an opportunity to do  
23 that. So I on behalf of my client filed a motion  
24 for a continuance so that we could meet with them

1 and give them a little bit more time to make a  
2 decision as to whether or not they had any  
3 opposition to what we were requesting. So it was  
4 continued to the second date.

5 At the time of the second date we were led  
6 to believe that the executive committee didn't  
7 have enough -- of the Business Alliance did not  
8 have enough time to meet and then thereafter talk  
9 to all of their members. They had certain  
10 communications that they needed to have. So  
11 instead of proceeding, we again filed a motion for  
12 a continuance to give the Business Alliance enough  
13 time to meet with their members and do whatever it  
14 is they thought appropriate to either oppose this,  
15 or join in it, or take a neutral stance.

16 We also met with them. We met with the  
17 executive board of the Business Alliance. We  
18 attempted to answer all of their questions, and we  
19 made sure that they understood exactly what it is  
20 that we were asking to do and that we weren't asking  
21 for anything other than the same restrictions as  
22 all their members had.

23 MEMBER BECKER: Thank you.

24 CHAIRMAN WALLACE: Okay. Other questions?

1           MEMBER MELTON: I don't know if it's a  
2 question or maybe it's just a comment. So you had  
3 talked about, you know, the lack of retail and  
4 things that are causing your vacancies. I guess  
5 where I'm struggling in my mind is we can all  
6 agree that last year was a wash, who knows what's  
7 going to happen. But I also think that historic  
8 information probably isn't super accurate anymore.  
9 I think we're changing.

10           So I don't know that we know what's going  
11 to happen as far as what people want to do. I  
12 think it's unfair to say that no one is going to  
13 want to do retail anymore. I think people now  
14 that we've been cooped up so long are dying to get  
15 out, and we want the St. Charles that we have  
16 here.

17           The other part I'm struggling with is the  
18 footprint is so small, I feel like it is a  
19 slippery slope to start that up and end up with a  
20 balance of things that don't create foot traffic  
21 and don't create people heading downtown all the  
22 time. I think your clients have done a fabulous  
23 job I think people want to come here now, and  
24 think that's great.

1           So I think it's -- you know, how do we  
2 balance that?

3           MR. BOCHTE: Well, we balance that by  
4 making all those other stores and businesses on  
5 Main Street comply with the same restrictions we  
6 have to comply with so they don't have a  
7 competitive advantage over us. Because I can  
8 assure you my clients spent a lot more money in  
9 First Street Development than any of them did, and  
10 they have a competitive advantage because they  
11 only have the first-floor use restrictions in the  
12 Overlay District to deal with.

13           We can only use 25 percent of our property  
14 for the very, very same uses that they do, and  
15 it's not fair. And it's no longer necessary  
16 because the benefits that the City is getting on  
17 sales taxes are no longer appropriate. They're no  
18 longer available. People aren't buying things.

19           We'd be more than happy to -- we're not  
20 saying that we're not going to rent to a widget  
21 store or don't want tonight rent to a widget  
22 store. We'd love to. We'd love to bring retail  
23 in there, but in the same respect, until that  
24 retail comes along, we have mortgage payments

1 to make.

2 It's difficult. It's not fair that we  
3 have the restriction on our property that nobody  
4 else in the district has now that the climate is  
5 so drastically changed since 2006. And it has, it  
6 really, truly has. We weathered the recession, we  
7 weathered COVID, we weathered all these restrictions  
8 in spite of the online shopping, and we're asking  
9 for a little bit of relief. And the only relief  
10 we're asking for is equal treatment. We're not  
11 asking for anything special, just equal treatment.

12 I don't know if that answers your question  
13 but I tried.

14 MEMBER MELTON: Thank you.

15 CHAIRMAN WALLACE: Any other questions or  
16 comments from Plan Commission?

17 (No response.)

18 CHAIRMAN WALLACE: Okay. Thank you. I'll  
19 take any questions or comments from members of the  
20 audience.

21 MR. WOELFFER: Good evening. My name is  
22 Chris Woelffer, W-o-e-l-f-f-e-r. My address is  
23 2001 King Edward Avenue, St. Charles.

24 I come to you tonight in the role of the

1 president of the St. Charles Business Alliance,  
2 and I wanted to make some clarifications and also  
3 a follow-up to the letter that was presented on  
4 March 30th.

5 First of all, the letter was presented not  
6 in opposition of the request from the applicant.  
7 It was really to gain some time to truly understand  
8 what the applicant was trying to accomplish. I  
9 know the applicant followed the right procedures,  
10 but there was overall, all parties, a lack of  
11 communication really to the businesses in the  
12 area here.

13 So we did meet with the First Street  
14 Development on April 19th, I believe is the date  
15 that we met with Mr. Bochte and his clients, and I  
16 believe during the meeting we gained a much better  
17 understanding as to what they were trying to  
18 accomplish.

19 Our role as the Alliance is not to take a  
20 side. Our role -- for or against. Our role and  
21 our mission is to our stakeholders downtown. What  
22 we did with that is we took the information to our  
23 board and to our stakeholders so there could be a  
24 proper communication without any assumptions as to

1 what was trying to be accomplished, a true -- a true  
2 piece of information and communication to our  
3 stakeholders so they could understand and make their  
4 comments and do what they wanted to do with that.

5 I believe we did accomplish that over the  
6 last couple weeks. I appreciated the applicant  
7 delaying so that we could get through our board  
8 meeting, which was last week, and give us this  
9 time to be here tonight.

10 So I wanted just to follow up on our letter  
11 that was sent that we did accomplish understanding  
12 of what was being requested. We did accomplish  
13 communicating that out to our stakeholders, the  
14 businesses here, so they could react or whatever  
15 they planned to do with that.

16 The one thing going through this process  
17 is we spent some time gaining a better understanding  
18 of the Overlay District which, again, was developed  
19 for this development in 2006. And I do agree with  
20 the applicant that 2021 looks a lot different than  
21 2006. In many ways we're much better than we were  
22 in 2006, but it is a little bit different world  
23 right now.

24 One of the things that on a side note we



1 suggest is that there's a comprehensive look at  
2 the Overlay District to make it fit what our city  
3 needs today versus what it needed back then -- and  
4 I don't think it's been touched since then -- and  
5 put some comprehensive rules in so that it is  
6 easier to administer the Overlay District.

7 There's not very much black and white; there's  
8 gray. And there's timing issues and things along  
9 those lines that when someone looks to do an  
10 amendment, I don't know the consistency has been  
11 there overall throughout the city.

12 So that's something we would suggest in  
13 the future that the overlay gets looked at again  
14 to see how it will fit with our future here in  
15 St. Charles.

16 With that I'd answer any questions you  
17 may have.

18 MEMBER HOLDERFIELD: Maybe you expressed  
19 it but I want to make sure I understand. You said  
20 you reached out to your stakeholders and gave them  
21 all the information. What was the feedback from  
22 them? How did they feel about that?

23 MR. WOELFFER: I think it was very mixed.  
24 You heard one of the stakeholders' email tonight.

1 Others were just concerned; others were very  
2 concerned.

3 The big fear that we had heard before we  
4 communicated was, oh, my gosh, there are going to  
5 be a bunch of banks, financial advisors, insurance  
6 people on First Street, and we're not going to  
7 have any retail. And we wanted to provide what  
8 the true intent was of this application and what  
9 it could mean in the future.

10 MEMBER HOLDERFIELD: And the true intent  
11 was what?

12 MR. WOELFFER: Well, we had heard the true  
13 intent was to -- for First Street Development, for  
14 that area up there to have the same guidelines as  
15 the St. Charles Overlay District in the blue.

16 MEMBER HOLDERFIELD: In the blue?

17 MR. WOELFFER: Right. That was not  
18 communicated to our stakeholders prior to our  
19 meeting. There was a lot of rumors; there was a  
20 lot of people taking their own ideas on that. So  
21 we provided what was truly being asked.

22 CHAIRMAN WALLACE: Any other questions?

23 (No response.)

24 MR. WOELFFER: Thank you.

1 CHAIRMAN WALLACE: Any additional comments?

2 MR. BOCHTE: Just briefly.

3 CHAIRMAN WALLACE: Sure.

4 MR. BOCHTE: We certainly would cooperate  
5 with the Business Alliance's efforts to take a  
6 whole new look at the overlay. And as to what  
7 their members knew or didn't know prior to the  
8 time that the first meeting was scheduled, notice  
9 went out per statute to 200 -- everybody within  
10 250-foot radius. They all knew it was coming;  
11 they all knew what was in the amendment that we  
12 had filed with the City. All they had to do was  
13 read it, and most of the people in the Overlay  
14 District, if not all, did get notice of what we  
15 were proposing well before the first meeting was  
16 scheduled. And in spite of that, we continued it  
17 so that they could have further communication with  
18 their members.

19 CHAIRMAN WALLACE: Yes, sir.

20 MR. WOELFFER: Just as a follow-up to that,  
21 I believe that notification went to landowners,  
22 property owners, some of which are trusts. I do  
23 not believe they went to the tenants or the  
24 businesses of that area. So that's why there was

1 an improper communication that went out. I just  
2 wanted to make sure there was that clarification.  
3 And they did follow the right process; that's  
4 exactly what they were supposed to do. It's just  
5 there was not a communication from the City, there  
6 was not a communication from the economic  
7 department that we had seen before. So we had  
8 never really been in a situation like that, and I  
9 think it's unfortunate that they had to delay, but  
10 they did the right thing.

11 CHAIRMAN WALLACE: Any other comments,  
12 questions? Go ahead, sir.

13 MR. HURST: I'm Curt Hurst, H-u-r-s-t. My  
14 residence is at 700 North 3rd Avenue, St. Charles.  
15 I'm a stakeholder in the community. We have  
16 currently an RDA for Lot 8 with the City. We  
17 extended that a couple of times for a year partly  
18 because of the COVID, that's really what has  
19 driven that for the most part just simply because,  
20 you know, things have been somewhat put on hold in  
21 many respects. But contrary to that -- and that's  
22 a new build, so it's got its own things that it  
23 has to deal with. But you also may or may not  
24 know we have a significant interest on the other

1 side of the river in the Arcada building, the  
2 BMO building, Riverside building.

3           What we've experienced in the last year, a  
4 lot of because what has been happening on First  
5 Street and all of the other things within the  
6 city, which have been fantastic, is that there's  
7 been a tremendous amount of new interest generated  
8 in the city. We have had not any issue with  
9 finding tenants in the spaces that we're working in.

10           I'm providing that information as a backdrop  
11 so that you can make an informed decision, but  
12 we've had very good success in bringing some very  
13 good brands to the city. A lot of it is because  
14 of the vibrancy of the city now.

15           The only thing that I would say about the  
16 request is that if you look at the Sterling Bank  
17 that's kind of becoming the example that everybody  
18 is making, you know -- and BMO actually is probably  
19 a good example, as well. There was nobody in the  
20 BMO building for the last four or five years. It  
21 was virtually a dark building, and that's not good  
22 for the city. And I think that the BMO -- the  
23 Sterling Bank building, while it's not dark, it  
24 has a very low activity basis in it particularly

1 on the weekends and evenings because it's closed  
2 on the weekends.

3 So I don't think that it's beneficial for  
4 those types of holes to be in the city for what  
5 the city is trying to accomplish. It's not that  
6 I'm opposed to banks and those types -- we all  
7 need those types of services, but I think what is  
8 being proposed in terms of taking a step back and  
9 looking at it because the city has changed over  
10 the course of the last 15 years, 20 years as  
11 noted.

12 I am also a stakeholder in another just  
13 call it a deal somewhere else. It's irrelevant  
14 where it is, but it's local. And I'm subject to  
15 similar restrictions, and I've had the same  
16 problems because I entered into that deal in 2007.  
17 I've been muscling through for the better part of  
18 15 years, and we have the same issues, and we just  
19 have to work through them on a case-by-case basis.  
20 I think whether it's in the Overlay District or in  
21 the specific RDA here, you do have the relief  
22 which was mentioned to come in on a case-by-case  
23 basis to see -- and I think what that does is that  
24 gives you the opportunity to say, what does the

1 landscape look like for the rest of other things  
2 that have happened and then make a decision that's  
3 based on the fact that, well, it's not going to be  
4 detrimental to what we're going to be doing for  
5 the rest of what we're trying to accomplish in  
6 the city.

7           So I'm not saying that -- I'm not telling  
8 anybody how to vote one way or the other. I just  
9 think it's a little premature to make that  
10 decision, but I also think that the City has done  
11 a lot of great things, and we have to let them  
12 take root. No different than 20 years ago when  
13 things got difficult in 2008, we all went through  
14 that, and we had to get through all of that. So I  
15 think the time is just a little bit -- it's just a  
16 little bit early as far as I'm concerned to make a  
17 decision like that. I think the relief is there  
18 on a case-by-case basis. So that would be my  
19 thought.

20           CHAIRMAN WALLACE: Thank you.

21           MR. HURST: Any questions?

22           CHAIRMAN WALLACE: I do have a question.

23 I don't know if you would want to answer it or  
24 Mr. Bochte, maybe both.

1           When you talk about relief being sought,  
2           it sounds like what Mr. Bochte is saying is that  
3           the relief that's available as it currently is is  
4           too burdensome, where it basically amounts to a  
5           hard and fast restriction because the relief  
6           process is too burdensome. Am I summarizing that  
7           correctly?

8           MR. BOCHTE: Partially, yes. In order to  
9           bypass that we have to go through what we're going  
10          through here every time.

11          MR. HURST: Right.

12          CHAIRMAN WALLACE: So I guess, what would  
13          your response be to that? Is it an overly  
14          burdensome relief?

15          MR. HURST: It's burdensome but it's part  
16          of the job, for lack of a better word. I've been  
17          in those shoes. I've had, you know, where I  
18          wasn't able to get something done in this other  
19          development simply because of those rules, and I  
20          had to go to special -- to get a special use, was  
21          denied, so we lost the tenant, and we're just  
22          moving on to the next one.

23          So I'm not -- because they're looking at  
24          it from the perspective of what's better for the



1 overall community. The contrary to that or the  
2 contrast to that would be if you remove it, then  
3 what happens is do we just end up with too many  
4 easy tenants is a way to say it. I don't want to  
5 pigeonhole banks or anybody else, but there is a  
6 reason for the restrictions not only in the  
7 Overlay District but what's in the specific RDA.

8           Yeah, I have an RDA, so I'm arguing against  
9 myself. Because we have an RDA for Lot 8, and  
10 it's actually a very prominent location, probably  
11 very easy to get a bank in there. But that's not  
12 the intent of what was originally done when the  
13 TIF funding occurred, and I think that the  
14 landscape has changed a couple of times, and I  
15 don't think that should be the reason that that  
16 gets changed because the financial burden to the  
17 City has not changed. They still have the TIF that  
18 they have to repay, all those things.

19           So we're looking for that vibrancy in the  
20 downtown area to make sure that the whole community  
21 is vibrant and successful. And we've had some  
22 difficult, you know, times in other developments  
23 or in these, as well, and I'm sympathetic to that,  
24 first guy to say that. But we've also had some

1 very good success based on the things that are  
2 happening downtown, and I'd hate to see that get  
3 cut short.

4 CHAIRMAN WALLACE: Okay. Other questions,  
5 comments?

6 MEMBER BECKER: I do. Will you take  
7 questions from us, or were you just asking from  
8 them?

9 CHAIRMAN WALLACE: Anything.

10 MEMBER BECKER: All right. Thank you.

11 I just wanted to clarify staff's comments  
12 on page 6 regarding the following practical options.  
13 If we could have some clarity on that, I think  
14 that those three topics are providing guidance for  
15 me, but I would like a little more clarity. Are  
16 you intending for them to be standalone, or taken  
17 altogether, or what was the staff's thought  
18 behind that?

19 MR. COLBY: They could be standalone or  
20 taken all together. They're merely options for  
21 the Plan Commission to consider if you're looking  
22 at potentially including conditions on what's been  
23 requested.

24 And they sort of go in order. The first

1 option relates to service businesses. As we noted  
2 in the staff memo, service businesses are not subject  
3 to any restrictions other than the Downtown  
4 Overlay District. So if the decision was made as  
5 part of the condition to allow service businesses  
6 without limitation, you can separate that out from  
7 the bank and office uses.

8 Bank and office uses are regulated within  
9 the Downtown Overlay through the office  
10 certification process, so if there was an interest  
11 in still imposing some type of percentage  
12 limitation on the bank and office uses, that could  
13 be added as a condition, and we would request that  
14 that percentage limitation be based on a per-  
15 building bases for ease of administration.

16 And finally, if the bank and office uses  
17 are allowed subject to a percentage restriction,  
18 it wouldn't necessarily be needed to have the  
19 vacancy time period apply if there was already a  
20 percentage limit on the building, but that's kind  
21 of an option.

22 MEMBER BECKER: Thank you.

23 MR. BOCHTE: With all due respect to Russ,  
24 and I appreciate all those comments and his hard

1 work, a different set of rules that apply only to  
2 First Street Development and First Street  
3 Development II that don't apply to anybody else in  
4 the Overlay District, a restriction would be put  
5 on the very, very people who have brought all this  
6 vitality and have managed this project wonderfully  
7 over the past 15 years, as evidenced by comments  
8 from the gentleman who has an RDA or has a potential  
9 RDA for Lot 8.

10 We don't want to be treated differently  
11 than everybody else. We want to be treated just  
12 like everybody else. We don't want to be  
13 discriminated against. We want to be a part of  
14 the Downtown Overlay District, and we want to be  
15 here with them if, in fact, they're suggesting or  
16 making recommendations for future plans for the  
17 district.

18 As for this bank issue, seems to be getting  
19 out of proportion, but we should recognize that  
20 there is a very, very big difference in the bank  
21 situation that existed in 2006 as opposed to the  
22 bank situation that exists today.

23 In 2006 there was the Fifth Third Bank, I  
24 believe on the corner of Route 31 and Route 64.

1 There was the Harris Bank at Route 64 and the  
2 river. There was the drive-through facility next  
3 to the Blue Goose right on First Street, and in  
4 2007 SBC Capital opened up a bank. So we had  
5 four buildings, four banks in the area in 2007.  
6 Today we only have two. We have the Harris Bank  
7 in Building 7A, and we have the Sterling Bank.

8 So our development hasn't increased bank  
9 activity. In fact, bank activity has decreased  
10 since 2006 when restrictions were put on.

11 And, again, as far as the comments are  
12 concerned, I understand Russ' comments, and I  
13 understand those three scenarios would give it --  
14 would make it much easier for the staff to  
15 administer this monster that we have, but we're  
16 still going to have the problem in determining how  
17 does Building 3 -- how does the square footage of  
18 Building 3 get resolved? Is it a building in the  
19 project or isn't it a building in the project?  
20 Does square footage go to the total square footage  
21 to which the 25 percent applies or doesn't it?

22 It's a mess. It's hard to administer; it  
23 doesn't give us any relief; we can't tell people  
24 whether they can have space or can't have space,

1 and I think we should be treated just like everybody  
2 else. Thank you.

3 MEMBER WIESE: This question might be for  
4 Mr. Hurst, or it might be for you. Based on a  
5 little bit of research that I did, there are other  
6 downtown areas in other cities that have, it  
7 sounds, similar restrictions placed on the tenants  
8 that come into the downtown. Is that correct?  
9 St. Charles isn't unique with having the type --  
10 some of these restrictions; is that correct? It  
11 sounds like that might be what you're dealing with.

12 MR. BOCHTE: I can't speak to it  
13 specifically, but I would venture a guess that  
14 there are some restrictions in some cities on uses  
15 in particular areas, yes.

16 MEMBER WIESE: Okay.

17 MR. BOCHTE: But whether or not those uses  
18 in those particular cities in those particular  
19 areas are applied on a discriminatory basis I  
20 would doubt.

21 MEMBER WIESE: Well, if you're -- as I think  
22 about it, if you're having particular restrictions  
23 in a particular area of the city, that's when  
24 there's going to be different uses for that area

1 versus a wider berth of the city. So why you  
2 consider that discriminatory -- in my head I'm  
3 just trying to understand because I look at this  
4 project as having a set purpose of trying to be  
5 very pedestrian friendly, so there's going to be a  
6 need to have a certain type of business there or  
7 not there in order to increase that, versus, you  
8 know, sitting on a different part -- a different  
9 area than that community. So that's what I'm  
10 talking about.

11 So downtown Naperville, as was referenced  
12 in that letter, is going to have a little bit  
13 different restriction on it than it is --

14 MR. BOCHTE: We're talking about  
15 discrimination within the same district. We're  
16 not talking about discrimination outside of the  
17 Overlay District; we're talking about discrimination  
18 within the same district.

19 MEMBER WIESE: Got it.

20 MR. BOCHTE: And pedestrian traffic that  
21 we see on the weekends in St. Charles downtown is  
22 a direct result of all of the uses that First  
23 Street Development and First Street Development II  
24 have procured for their buildings. They are

1 solely responsible, with the help the City, for  
2 putting that vibrant area together.

3 CHAIRMAN WALLACE: I don't think that  
4 you're really arguing -- I mean, what I'm hearing  
5 here, the Overlay District existed prior to the  
6 PUD; correct?

7 MR. COLBY: I think they were enacted  
8 around the same time period. I think the Overlay  
9 did precede the PUD.

10 CHAIRMAN WALLACE: But when the PUD  
11 application took place with this restriction, this  
12 restriction was included as part of the PUD.

13 MR. BOCHTE: The restriction was part of  
14 the redevelopment agreement, which apparently was  
15 part of the PUD.

16 CHAIRMAN WALLACE: Correct.

17 MR. BOCHTE: Exactly it was Exhibit J to  
18 the redevelopment agreement.

19 CHAIRMAN WALLACE: But that was the  
20 application; that was what was applied for by the  
21 developer --

22 MR. BOCHTE: No, it was not.

23 CHAIRMAN WALLACE: -- subject to the  
24 redevelopment agreement.



1 MR. BOCHTE: It was not -- I guess you  
2 could say it was the application, but it was one of  
3 the results of a long series of negotiations with  
4 the City, who then entered into an agreement. We  
5 didn't apply for a PUD with that restriction in it.

6 CHAIRMAN WALLACE: I understand.

7 MR. BOCHTE: It was a negotiated term of  
8 an agreement that both parties signed off on.

9 CHAIRMAN WALLACE: Understood. But really  
10 it's not necessarily a case -- because that occurred,  
11 it's not a case of unilateral discrimination.

12 MR. BOCHTE: No, no.

13 CHAIRMAN WALLACE: It's more a change of  
14 circumstances that have occurred.

15 MR. BOCHTE: Absolutely. We're not  
16 suggesting for one moment that the City is picking  
17 on us. We're not saying that. We know it's in  
18 there; we agreed to it; we understood why it was  
19 in there at the time, and we're now saying it is  
20 discriminatory because it treats us differently  
21 than everybody else in the Overlay District, which  
22 may not have been very important in 2006, but it's  
23 important today because of all the factors which  
24 have changed the climate.

1 CHAIRMAN WALLACE: I understand.

2 Jennifer.

3 MEMBER BECKER: Is it fair to say that --  
4 I was not living in this town when the redevelopment  
5 occurred. Is it fair to say that in exchange for  
6 certain parts of the development agreement that  
7 the developer agreed to there were also development  
8 incentives or land development incentives that  
9 allowed the building to be constructed possibly at  
10 a greater density? So could you have received  
11 relief in one part of the agreement in exchange  
12 for concessions on the other?

13 MR. BOCHTE: Actually, it was a  
14 give-and-take process, no question about it.  
15 Certain expenses were reimbursed; the TIF money  
16 was used for infrastructure, yes; certain impact  
17 fees were picked up by the City. All of those  
18 terms were part of the negotiation, no question  
19 about it.

20 CHAIRMAN WALLACE: Other questions, comments?

21 MEMBER BECKER: I'm sorry; I do have one  
22 more comment.

23 CHAIRMAN WALLACE: Go ahead.

24 MEMBER BECKER: I guess I'm concerned about

1 the discussion with Building 3 and with Sterling  
2 Bank, and you are representing that this is an  
3 unresolved issue and where it should be -- how it  
4 should be included and how it's calculated, and I  
5 think I would have trouble making any kind of  
6 definitive decision with that still being unresolved.

7 It's not a question; it's just a statement.  
8 So I don't know if it's maybe something that  
9 others share my concern or I'm alone, but it seems  
10 to have a large impact on the potential way that  
11 things might shake out.

12 MR. BOCHTE: Well, unfortunately, I believe  
13 you can get two law firms, and you can get two legal  
14 opinions that would be absolutely diametrically  
15 opposed as it relates to that particular issue  
16 because I think there are ambiguities which make  
17 it a difficult question to resolve. Russ and I  
18 discussed it today, and, you know, we weren't in  
19 absolute agreement on it.

20 MEMBER BECKER: But you have a definitive  
21 position about including it in the overall square  
22 footage.

23 MR. BOCHTE: Yes, I don't think -- I don't  
24 think there's any question. I think when you

1 read -- the redevelopment agreement says "all  
2 projects within the project." Building 3 is in  
3 the project. Although, part of it was sold to  
4 Sterling Bank, it doesn't take it out of the  
5 project, and it doesn't take Sterling Bank out of  
6 the building.

7 It's a building in the project, so I think  
8 it should be counted. But I don't think their  
9 space should be counted in the 25 percent. I think  
10 only the footprint should be used for which -- to  
11 which to apply the 25 percent.

12 It's confusing. It's confusing to attempt  
13 to administer it because the numbers all change  
14 because it's 5900 square feet, I believe.

15 CHAIRMAN WALLACE: If the application is  
16 approved by the City Council, this entire discussion  
17 becomes mute; correct?

18 MR. BOCHTE: It does.

19 CHAIRMAN WALLACE: All right. Further  
20 questions, comments?

21 MEMBER WIESE: Just as a clarification, so  
22 did you own the whole -- or did your clients own  
23 Building 3 and then sell it to Sterling Bank, or  
24 did -- how did Sterling Bank come in?

1           MR. BOCHTE: Sterling Bank wanted a spot  
2           in First Street. They wanted it to be on Lot 3.  
3           We sold them a portion of Lot 3, upon which we  
4           collectively built a building and thereafter filed  
5           an easement and got an operating agreement which  
6           takes care of the rights and responsibilities  
7           between First Street and Sterling Bank as relates  
8           to the building that was built on both of their lots.

9           So the building remains in the project  
10          even though the underlying land and part of the  
11          building belongs to Sterling and the rest of it  
12          belongs to First Street. Does that make sense?

13          MEMBER WIESE: It does. But it was sold  
14          and the client received payment for the sale to  
15          Sterling?

16          MR. BOCHTE: Yes. We came to the City,  
17          and we needed the City's consent to sell them that  
18          portion of Lot 3.

19          CHAIRMAN WALLACE: The portion that's  
20          owned by Sterling Bank, though, is still subject  
21          to the terms of the ADA.

22          MR. BOCHTE: I believe so, yes. I think  
23          it is but it's not being treated that way. If you  
24          look at the drawing, you'll see that Building 3 gets

1 cut off where Sterling Bank starts, an unnecessary  
2 exercise.

3 CHAIRMAN WALLACE: Okay. Any other  
4 questions, comments?

5 Russ, do you have anything?

6 MR. COLBY: No.

7 CHAIRMAN WALLACE: All right. If Plan  
8 Commissioners feel they have enough information to  
9 be able to make a recommendation to the City's  
10 Planning and Development Committee, then a motion  
11 to close the public hearing will be in order.

12 MEMBER HOLDERFIELD: So moved.

13 CHAIRMAN WALLACE: All right. It's been  
14 moved. Is there a second?

15 MEMBER FUNKE: I'll second.

16 CHAIRMAN WALLACE: Moved and seconded.  
17 Discussion on the motion to close the public hearing.

18 (No response.)

19 CHAIRMAN WALLACE: All right. Becker.

20 MEMBER BECKER: Yes.

21 CHAIRMAN WALLACE: Funke.

22 MEMBER FUNKE: Yes.

23 CHAIRMAN WALLACE: Wiese.

24 MEMBER WIESE: Yes.

1 CHAIRMAN WALLACE: Holderfield.

2 MEMBER HOLDERFIELD: Yes.

3 CHAIRMAN WALLACE: Wallace, yes.

4 Melton.

5 MEMBER MELTON: Yes.

6 CHAIRMAN WALLACE: All right. This public  
7 hearing is now closed.

8 Next we have discussion and recommendation.  
9 I guess I'll open it up by asking if there is a  
10 motion or if you'd like to have discussion prior  
11 to making a motion. Would you like to make a  
12 motion?

13 MEMBER WIESE: No, I was -- I was going to  
14 make a comment.

15 CHAIRMAN WALLACE: Go ahead.

16 MEMBER WIESE: More along the lines of --  
17 and I think you said it earlier, that we are  
18 coming out of the pandemic; we are definitely not  
19 out yet. There has been some development that's  
20 come into the First Street project during the  
21 development, which is great and I think beneficial  
22 and comes in under the idea of what the First  
23 Street project is supposed to do for the City and  
24 drive traffic and drive that vibrancy.

1           I think we all saw what last summer looked  
2     like when we had the opportunity to get out and  
3     what the plaza looks like. And I think it's a  
4     little shortsighted to cut the hands off of the  
5     Business Alliance, and staff, and the economic  
6     development team when we don't know what the  
7     future looks like.

8           I think that there is a pent-up demand. I  
9     do agree that retail is different, there is no  
10    doubt about the that, but that doesn't necessarily  
11    mean it's not coming; it just might look different.  
12    And what those options could be I think are still  
13    unknown, and I think that we're doing a little bit  
14    of a disservice, in my opinion, if we just cut  
15    short and stop what the Alliance and the economic  
16    development team has just started.

17          I think the last 14, 16 months have pretty  
18    much put a hold on a lot of things, and I hate to  
19    see us just open it up to anything that could come  
20    in and really just stop the momentum on what First  
21    Street -- and I think you said it yourself, this  
22    isn't an immediate, necessary problem. So if it's  
23    not an immediate problem, I'm more inclined to see  
24    what could be done with First Street and how it



1 could grow and be that city center that I think we  
2 all saw a glimpse of last summer.

3 MEMBER MELTON: I just want to add to that.  
4 You know, when I look at this map, it dawned on me  
5 right away that to me that area in red is the heart  
6 of the city. It just is. I mean, it's a  
7 concentrated area and when we closed it last year,  
8 it became even more concentrated. I agree that  
9 during our peak times that entire blue area is  
10 filled with people.

11 I think what's happening on the east side  
12 of the river is fantastic; I think it's going to  
13 bring even more people over there, but I'm  
14 agreeing with you that -- that's why I mentioned  
15 it. I think the pandemic has left many questions  
16 as to what the future holds, and I'm not sure that  
17 I want to be shortsighted in just allowing anything  
18 to come into that area.

19 MEMBER FUNKE: I actually want to agree also  
20 with her comments. Right now you have two buildings  
21 that are half vacant with residential, and I think  
22 once you get the residences into the economy, I  
23 think that you're going to create more density.  
24 More people are going to come down to the First

1 Street area, and you're going to have better  
2 opportunities for restaurants, retail, and tenants  
3 to fill those spaces.

4 MEMBER MELTON: I agree. Especially when  
5 I also think about people working remotely, I  
6 think that office space is going to change. I  
7 think flex workers will spend a lot of time at  
8 home, and they'll want to go out to lunch, they'll  
9 want to go shopping, and they'll be looking for  
10 that close place that they can go. That's what  
11 that area in my mind kind of represents.

12 CHAIRMAN WALLACE: I'm kind of vacillating  
13 back and forth between -- I mean, I'm in agreement  
14 with what's being said, but the thing that -- I do  
15 feel like there is discrimination going on here  
16 not as a result of any overactive of the City or  
17 anything like that but just because the  
18 circumstances have changed. Because I do remember  
19 when this was initially put into place -- I think  
20 I'm the only one that was on the Commission at  
21 that point, maybe the only one in this room -- no,  
22 Russ, you were here, weren't you?

23 MR. COLBY: No.

24 MR. BOCHTE: Just you and I.

1           CHAIRMAN WALLACE: But I do agree that it  
2 was a different environment, and the reasons for  
3 it at that point in time may not still be valid.  
4 I don't know. My thought is that however many  
5 years we are on, 15 years later is there still a  
6 justification to burden certain property owners  
7 over others in the same Overlay District just  
8 because they are a part of the PUD? I don't know.  
9 So I'm kind of going back and forth.

10           Jennifer.

11           MEMBER BECKER: I guess I would say, being  
12 a practicing planner in the Fox River valley for  
13 more decades than I care to admit, I've been  
14 through a few --

15           MEMBER HOLDERFIELD: Could you speak into  
16 the mic?

17           MEMBER BECKER: Oh, I'm sorry. I've been  
18 through a few ebbs and flows, and I think that  
19 there are many times when there are more knee-jerk  
20 reactions that then communities have to live with  
21 for a lot longer than possibly would have been  
22 anticipated by the initial decision to change, and  
23 that's something that I think might be in play here.

24           If we make a change, you know, the community

1 has to live with it for a while. I think I'd be  
2 more inclined to do a deeper dive into looking at  
3 the entire Overlay District and take a look at how  
4 that would affect the entire district and this RDA  
5 area so that it's a holistic look and it can be  
6 done with deliberate, thoughtful analysis.

7 CHAIRMAN WALLACE: Russ, has any thought  
8 been given to reexamining the Overlay District? I  
9 know at one point we did have an application over  
10 here of someone who wanted to be taken out of the  
11 Overlay District, but has there been any discussion  
12 on having a complete revision?

13 MR. COLBY: Yes, there has been some  
14 discussion over the past year or so that it's  
15 something that the City may revisit. We've not  
16 received direction from the new City Council as to  
17 what their interests are.

18 CHAIRMAN WALLACE: As a part of our  
19 recommendation, would it be possible for us to  
20 include as a part of the recommendation a  
21 recommendation that the City Council direct staff  
22 to submit an application?

23 MR. COLBY: Yes, that can be added as a  
24 comment with the recommendation.

1 CHAIRMAN WALLACE: All right. So do we  
2 have a motion?

3 MEMBER WIESE: I don't know if I have the  
4 right language for it. I would make a motion to  
5 deny the request at this time. I don't have --

6 CHAIRMAN WALLACE: A motion to recommend  
7 denial of the application to the City Council  
8 Planning and Development Committee?

9 MEMBER WIESE: Yes.

10 CHAIRMAN WALLACE: Okay. Is there a second?

11 MEMBER FUNKE: I'll second.

12 CHAIRMAN WALLACE: Okay. One of the things  
13 that I would note before we go to further  
14 discussion on the motion, we do have findings of  
15 fact, and it's always good if there is any  
16 recommendation denial to specifically look at  
17 findings of fact for this particular application.

18 Russ -- let's see. I'm sorry; I'm going  
19 to try to find them here.

20 MR. COLBY: So this is a -- the PUD  
21 application. So the document is titled "Criteria  
22 for Planned Unit Developments."

23 CHAIRMAN WALLACE: It starts on page 24 of  
24 the application.

1           MR. COLBY: Yes. With a PUD application  
2 there's a single finding that's being made as to  
3 whether the application is in the public interest,  
4 and the list of criteria are information to be  
5 considered in reaching that conclusion, and so the  
6 applicant has provided responses to those criteria  
7 on this form.

8           CHAIRMAN WALLACE: And so one of the things  
9 that I would suggest is that along with -- if there  
10 is a motion for denial and a recommendation for  
11 denial that we include these specific findings of  
12 fact that form the basis of that denial. So, you  
13 know, we're saying it's not in the public interest  
14 because of X. And if you look in there, you know,  
15 it goes through the proposed PUD advances the  
16 purposes of the PUD procedure; proposed PUD and  
17 preliminary plans conform to the requirements of  
18 the underlying zoning district where it's located;  
19 the proposed PUD conforms with the standards  
20 applicable to special uses. This would really be --  
21 and it lists what those are: Public convenience,  
22 sufficient infrastructure, effect on nearby  
23 property, effect on development of the surrounding  
24 property, effect on general welfare, conformance

1 with codes. So I would maybe suggest looking  
2 at that.

3 So the motion that is on the table is to  
4 recommend denial. Anyone who would like to further  
5 comment maybe based on which of the findings of  
6 fact would support that.

7 MEMBER WIESE: Well, I would say that in  
8 terms of public convenience or that it would serve  
9 the public convenience, I would say that that is  
10 not -- depending on the business and because it  
11 opens it up to all of the restrictions, I don't  
12 think it necessarily enhances the business  
13 environment of what the intended purpose of the  
14 First Street project is and the attraction and the  
15 draw of consumers, particularly when you look at  
16 dark buildings on weeknights and weekends.  
17 Therefore, it doesn't benefit the public. And then  
18 I think it will also have unintended consequences  
19 on the rest of the retail and restaurants and  
20 services that are there.

21 CHAIRMAN WALLACE: Other comments?

22 (No response.)

23 CHAIRMAN WALLACE: Okay. Seeing none,  
24 we'll go ahead and vote on the motion to recommend

1 denial.

2 MEMBER BECKER: So a vote yes would be to  
3 recommend denial, just so we're clear; correct?

4 CHAIRMAN WALLACE: I'm sorry?

5 MEMBER BECKER: A vote yes would be to  
6 recommend denial; correct?

7 CHAIRMAN WALLACE: Correct. Correct.

8 All right. Melton.

9 MEMBER MELTON: Yes.

10 CHAIRMAN WALLACE: Wallace, no.

11 Holderfield.

12 MEMBER HOLDERFIELD: Yes.

13 CHAIRMAN WALLACE: Wiese.

14 MEMBER WIESE: Yes.

15 CHAIRMAN WALLACE: Funke.

16 MEMBER FUNKE: Yes.

17 CHAIRMAN WALLACE: Becker.

18 MEMBER BECKER: Yes.

19 CHAIRMAN WALLACE: Okay. So that motion  
20 passes by a 5-to-1 vote, and that concludes Item 5  
21 on the agenda.

22 (Off the record at 8:17 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, 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 24th day of May, 2021.

My commission expires: October 16, 2021



\_\_\_\_\_  
Notary Public in and for the  
State of Illinois



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# Transcript of Casey's Fuel Station

**Date:** May 18, 2021

**Case:** St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
Casey's Fuel Station :  
(Erik Nikkel, Casey's Retail :  
Company) Application for :  
Concept Plan. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, May 18, 2021  
8:17 p.m. CST

Job No.: 336726B  
Pages: 1 - 27  
Reported by: Paula M. Quetsch, CSR, RPR

Transcript of Casey's Fuel Station  
Conducted on May 18, 2021

1 Report of proceedings 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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10 Before Paula M. Quetsch, a Certified Shorthand

11 Reporter, Registered Professional Reporter, and a

12 Notary Public in and for the State of Illinois.

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Transcript of Casey's Fuel Station  
Conducted on May 18, 2021

1 PRESENT:

2 TODD WALLACE, Chairman

3 JENNIFER BECKER, Member

4 JEFFREY FUNKE, Member

5 JIM HOLDERFIELD, Member

6 LAURA MACKLIN-PURDY, Member

7 SUZANNE MELTON, Member

8 COLLEEN WIESE, Member

9

10 ALSO PRESENT:

11 RUSS COLBY, Planning Division Manager

12 ELLEN JOHNSON, Planner

13 RACHEL HITZEMANN, Planner

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Transcript of Casey's Fuel Station  
Conducted on May 18, 2021

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1 P R O C E E D I N G S

2 CHAIRMAN WALLACE: All right. Next we  
3 have Casey's Fuel Station (Erik Nikkel, Casey's  
4 Retail Company) Application for Concept Plan.

5 And for the record, Commissioner  
6 Macklin-Purdy is rejoining us for this item.

7 This is a concept plan review. What we do  
8 during the course of the concept plan review is to  
9 present a potential application for development,  
10 and this gives the applicant the opportunity to  
11 receive feedback from Plan Commission before going  
12 through the expense of having to actually file a  
13 full application.

14 So what I will do is I'll ask the applicant  
15 to make a presentation. Once that's done, then I  
16 will ask Plan Commissioners whether they have  
17 questions or comments, and then provide feedback  
18 both positive and negative regarding the  
19 application -- or regarding the concept plan.

20 Any questions regarding that procedure?

21 (No response.)

22 CHAIRMAN WALLACE: All right. Whenever  
23 you're ready, go ahead.

24 MR. TRACY: Sure. My name is Eric Tracy,

1 T-r-a-c-y. I'm a licensed professional engineer  
2 with Kimley-Horn & Associates. I'm here to  
3 represent Casey's. Erik Nikkel, the applicant,  
4 should be on the Zoom call, as well, but I might  
5 need some help to get him to speak if there's any  
6 questions specifically for him.

7 CHAIRMAN WALLACE: Let me see. Mr. Nikkel,  
8 are you there?

9 (No response.)

10 CHAIRMAN WALLACE: It looks like his mic  
11 is muted. I do see him there.

12 MR. TRACY: Very good. One thing I'd like  
13 to note before I talk through some of the basics  
14 of the concept plan are in the staff report it was  
15 noted that we're proposing 32 pumps. It is a  
16 confusing diagram. I think canopy columns were  
17 referred to as the pumps on that calculation. So  
18 there's eight dispensers you can fill up on both  
19 sides, so 16 fuel positions total.

20 So this application is a proposed Casey's  
21 convenience store and gas station. The building  
22 square footage is approximately 4,000 square feet.  
23 You know, you're seeing more and more of that  
24 these days with the larger convenience stores,

1 more offerings inside the store, fresh food.  
2 Casey's is famous for their pizzas. I believe  
3 they're the No. 5 pizza chain in the country,  
4 which was surprising to me to hear, but that's  
5 what I've been told.

6 So this location is one that they like  
7 with the access to Main Street. It's located at  
8 the northeast corner of Fieldgate and Main Street.  
9 It's currently a vacant bank. The site plan  
10 decreases the amount of impervious area on the  
11 site, and the development of the new store is  
12 going to be quite an improvement over what's there  
13 today.

14 Some of the comments in the staff report  
15 were regarding access, specifically two of the  
16 cuts to Fieldgate Drive, and that's really driven  
17 more so by a fuel truck route. You can see just  
18 to the west of the building -- can you see my  
19 cursor if I point to some things? These are the  
20 tanks. This is where the fuel is going to be  
21 stored, so to allow for proper access to the  
22 tanks, both of these cuts are really necessary to  
23 get the trucks in and out of the site for proper  
24 fuel drop-off.



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Conducted on May 18, 2021

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1           We do need to get approval from IDOT for  
2 the curb cut on Main Street. A traffic study has  
3 been produced and submitted to IDOT for feedback.  
4 Generally, they're running 90 to 120 days on that  
5 feedback, so we expect to hear something back  
6 about three months from now.

7           And as was noted, we're really hoping to  
8 get an understanding from the Plan Commission on  
9 the use, if it would be supported in this location,  
10 if there's modifications to the plan that would  
11 help get support for this location, and just  
12 looking to get some general feedback on the  
13 development.

14           CHAIRMAN WALLACE: Okay. Plan Commissioners,  
15 questions?

16           MEMBER FUNKE: I've got a couple questions.  
17 That entrance on North Avenue, is that an exit and  
18 entrance?

19           MR. TRACY: Right-in only, entrance only.  
20 The traffic study showed that that entrance  
21 warrants a right-turn lane to get vehicles off of  
22 Main Street in a safer fashion, so that would be  
23 proposed as part of that entrance, as well.

24           CHAIRMAN WALLACE: I'm sorry; did you say

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Conducted on May 18, 2021

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1 right-in only or right-in/right-out?

2 MR. TRACY: Right-in only, no exit.

3 MEMBER FUNKE: What's going to take place  
4 on the north side of the building? You've got a  
5 vast amount of space.

6 MR. TRACY: Currently it's just proposed  
7 as green space. So from the existing condition to  
8 now, you know, that provides a pretty large  
9 reduction in impervious area. But green space,  
10 landscaping.

11 MEMBER FUNKE: So what do you guys envision  
12 there? Just grass or trees?

13 MR. TRACY: I don't know if we really know  
14 what it's going to look like at this point.  
15 There's a landscape code. We'd certainly look to  
16 meet that in the area. I don't know anything  
17 above and beyond what code requires would be  
18 anticipated.

19 MEMBER FUNKE: Are there any future plans  
20 for expansion of the building? Typically when you  
21 have an expansive space that large there's always  
22 future enlargement. Do you guys see that?

23 MR. TRACY: I don't believe so. Casey's  
24 has their prototypes; they're pretty strict on

Transcript of Casey's Fuel Station  
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1 their prototypes. In my experience with them  
2 these buildings aren't intended to be expanded. I  
3 think the open space is more a result of the shape  
4 of the parcel that was available at the location  
5 that was available.

6 MEMBER FUNKE: That's all I have.

7 MEMBER MELTON: I have a question. Would  
8 the traffic study take into account -- so it's a  
9 right-in only. You'd come in off North Avenue and  
10 leave and turn left. Would there be -- are we  
11 taking into account whether that would mean a  
12 stoplight? It seems like there's going to be a  
13 little more traffic.

14 MR. TRACY: At Fieldgate specifically?

15 MEMBER MELTON: Yeah.

16 MR. TRACY: That's a good question. A  
17 traffic study is not warranted. We wouldn't  
18 anticipate that IDOT would be in favor of a light  
19 in that location. You know, Main Street is the  
20 main thoroughfare for IDOT where their goal is to  
21 move cars along that corridor, not necessarily on  
22 the side street.

23 The one thing about this site that -- I  
24 probably should have brought a larger aerial, but

1 there's a lot of other means of egress going to  
2 the north getting to lights. There's ways to get  
3 where you want to go, but we would not anticipate  
4 a light at Fieldgate.

5 CHAIRMAN WALLACE: I'm assuming that  
6 there's an existing cross access agreement with  
7 the property to the east and to the north.

8 MR. TRACY: Yes, we would look to -- we  
9 would need to amend it a little bit in this  
10 configuration.

11 CHAIRMAN WALLACE: Would you line up the  
12 drive aisles -- or the entrances and exits on the  
13 north and east side with the drive aisles of the  
14 parking lot there?

15 MR. TRACY: Yeah, on the east side it is  
16 lining up. The north side -- let me try to get --  
17 here's an aerial that might give a little better  
18 depiction of that. So let me just cycle back and  
19 forth, if you can bear with me here as I get my  
20 bearings.

21 I believe we're intending to maintain  
22 this, which, you know, doesn't line up perfectly  
23 with the drive aisle to the east, but that parking  
24 lot is configured differently with one-way traffic,

1 so that's a little challenging to line up with.

2 To the north we're more or less maintaining  
3 the drive aisle here, and, again, I guess it  
4 doesn't line up as perfectly as we all would hope.

5 CHAIRMAN WALLACE: What's the overall --  
6 is there an overall decrease in impervious surface?

7 MR. TRACY: There is. I don't have the  
8 exact value, but, you know, this is an aerial for  
9 reference, and, you know, a significant amount of  
10 this area along the east side and the north side  
11 is proposed to be green space, and that's shown in  
12 the outline here.

13 MEMBER MACKLIN-PURDY: Can I ask a question?  
14 So you're going to ask for a curb cut off of Main  
15 Street; right?

16 MR. TRACY: Yes.

17 MEMBER MACKLIN-PURDY: And then there's  
18 going to be an entrance on Fieldgate?

19 MR. TRACY: Yes.

20 MEMBER MACKLIN-PURDY: So currently is  
21 there a right-hand turn lane -- I live right there  
22 and I can't remember. Is there a right turn there  
23 currently? Yeah, there is on the Fieldgate  
24 turning right; correct?

Transcript of Casey's Fuel Station  
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1 MR. TRACY: Yes. So as part of the  
2 additional curb cut that we would be requesting  
3 somewhere in this area we would anticipate that  
4 this turn lane gets extended to the light just  
5 east of there. So taking that full 12-length  
6 section and running it back to the east.

7 MEMBER MACKLIN-PURDY: So there would have  
8 to be major construction there like on Main Street?

9 MR. TRACY: As part of the right turn  
10 lane, yes.

11 MEMBER MACKLIN-PURDY: So then we would  
12 have the entrance into the regular shopping  
13 center. Then we'd have a right turn here, and  
14 then we'd have another one on Fieldgate; correct?

15 MR. TRACY: I'm not anticipating anything --  
16 any improvements at Fieldgate, really just taking --

17 MEMBER MACKLIN-PURDY: I'm just asking,  
18 there's going to be three entrances within a  
19 quarter of a mile -- right? -- not even a quarter  
20 of a mile? I'm just trying to get my bearings  
21 here. And then is there going to be another  
22 entrance -- there's going to be the entrance right  
23 off of Fieldgate and then another one?

24 MR. TRACY: Correct. And that's driven by

1 the fuel truck circulation. So it's a larger  
2 vehicle; they fill up on the passenger's side and  
3 really, you know, look to make this movement  
4 access the tanks in a way that doesn't disrupt  
5 operations of the canopy.

6 MEMBER MACKLIN-PURDY: Is there going to  
7 be any access from the actual shopping center?

8 MR. TRACY: We are proposing, if you can  
9 see the curser on the screen, on the east side and  
10 up here to the north.

11 MEMBER MACKLIN-PURDY: So, in essence,  
12 there's going to be one, two, three, four, five,  
13 six entrances into the gas station?

14 MR. TRACY: There's proposed to be good  
15 cross access with the adjacent development and  
16 three cuts.

17 CHAIRMAN WALLACE: Five entrances; right?

18 MEMBER MACKLIN-PURDY: No, because there's  
19 two from the actual shopping center.

20 CHAIRMAN WALLACE: And then three more.

21 MEMBER MACKLIN-PURDY: Five, you're right.

22 CHAIRMAN WALLACE: The one thing that I'd  
23 like to see addressed with any type of traffic  
24 study would be vehicular movement, if you're

1 proposing a new right-in turn, would be movement  
2 for adjacent properties coming in through that  
3 right-hand turn. So if somebody wants to go to  
4 Ace, are they going to go Fieldgate, or are they  
5 going to make a right turn into the gas station,  
6 and then where do they go from there? Because  
7 they're going to discover right away, oh, wait  
8 this doesn't go straight through. Instead they  
9 have to navigate through this gas station in order  
10 to go up around the back. So that would be  
11 something I'd want to see.

12 MEMBER BECKER: I think that's a pretty  
13 good point of conflict right there with that  
14 right-in coming in, and the edge of the canopy,  
15 and then the parking spaces that are associated  
16 with the building right adjacent to that. I mean,  
17 that's like four things converging together.

18 And the same thing on the far northwest  
19 corner. With a new access by the northernmost  
20 access onto Fieldgate, you're adding new access  
21 that is going to be right off the main access. I  
22 think that's another potential point of conflict,  
23 also.

24 CHAIRMAN WALLACE: Yeah. Okay. Other



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1 comments, questions?

2 MEMBER MELTON: I'm just curious, are you  
3 tearing down the existing building and starting new?

4 MR. TRACY: Yes. Right.

5 CHAIRMAN WALLACE: Anything further from  
6 staff?

7 (No response.)

8 CHAIRMAN WALLACE: All right. Then what  
9 I'll do is I'll just ask Plan Commissioners to  
10 kind of summarize both positive and negative  
11 regarding the concept plan.

12 And we'll start down on this side of the  
13 room with Laura.

14 MEMBER MACKLIN-PURDY: Oh, geez, I wanted  
15 to look at the picture of -- can we scroll to the  
16 picture of the actual -- like the signage and what  
17 the front of the Main Street --

18 MR. TRACY: The building elevations?

19 CHAIRMAN WALLACE: Yeah.

20 MEMBER MACKLIN-PURDY: I mean, it's  
21 attractive. I guess I would look at the -- what  
22 Todd had said, the flow of the traffic. And I  
23 know one of -- your landscaping packet in here, it  
24 looks like you have an abundance of landscaping

1 planned. Is that correct? Which is good, I mean,  
2 I'm happy with that.

3 MR. TRACY: As far as green space goes,  
4 yes. I don't believe we have a landscape plan.

5 MS. HITZEMANN: There's no landscape plan  
6 but they're showing areas of where landscape could  
7 go, and it appears to be also landscape screening.

8 MEMBER MACKLIN-PURDY: I guess I would  
9 like to see that, and I would hope that that would  
10 be an important part of the project. Because it  
11 is right on Main Street; it's a very visible  
12 corner, and it would be nice to see the east  
13 corridor be an attractively landscaped area.

14 But overall I think it looks good. I am a  
15 little concerned with the cross access.

16 MR. TRACY: Maybe before we continue -- I  
17 apologize; I probably should have gone through  
18 these before -- but the elevations, I'm not sure  
19 if everyone has had a chance to review those, and  
20 I don't want to put -- I want to make sure I guess  
21 if there are any concerns that these exhibits are  
22 looked at, too.

23 MEMBER MACKLIN-PURDY: I mean, it looks  
24 very kind of blank, you know, not very attractive.

1 So I think landscaping could really help that  
2 whole look and feel. So I would just ask that you  
3 use consideration when you're putting in that  
4 landscaping.

5 CHAIRMAN WALLACE: Can you commit to selling  
6 gas at these prices?

7 MR. TRACY: I don't work at Casey's. I  
8 can't commit to anything.

9 CHAIRMAN WALLACE: This may be a question  
10 for staff. As far as the size of the sign that  
11 would be allowable on the building -- actually,  
12 the one that's up here right now, what would be  
13 considered the sign? The entire red area?

14 MS. HITZEMANN: No, we would consider the  
15 red areas as building material, as more of an  
16 accent material, and the sign portion would be the  
17 Casey's name itself.

18 CHAIRMAN WALLACE: All right. And so that  
19 wouldn't be -- I'm just imagining this massive  
20 backlit sign on the front of the building, and I  
21 mean, I would say that that would be way too much.

22 MS. HITZEMANN: Correct me if I'm wrong  
23 here, but the red part is not backlit; correct?

24 MR. TRACY: I don't believe so.

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1 MS. HITZEMANN: I think just the Casey's is.  
2 If it was backlit, then it would be considered  
3 part of the sign, which obviously wouldn't be part  
4 of our sign code, but because it's not going to be  
5 backlit, then it's more of an accent material.

6 CHAIRMAN WALLACE: And do you intend on  
7 having any illuminated moving signs like video  
8 boards or anything like that? I don't see any here.

9 MR. TRACY: Let me see. This is the  
10 sample of the monument sign and a real quick look  
11 at the canopy, and this is the monument sign  
12 that's currently proposed.

13 CHAIRMAN WALLACE: So those are just --

14 MR. TRACY: Static.

15 CHAIRMAN WALLACE: -- static? All right.  
16 And I guess we interrupted Laura. Go ahead.

17 MEMBER MACKLIN-PURDY: No, I'm finished.

18 CHAIRMAN WALLACE: Oh, you're done. Okay.

19 MEMBER MELTON: I think overall I support  
20 it. I think it's -- I live around there, so I  
21 miss the Shell station. You have to drive quite a  
22 ways to get to a gas station. So I'm happy that  
23 that area is being contemplated for something.

24 I would agree with the comments we've already

1 talked about, the traffic study and the flow, and  
2 I'll be interested to see more of the detail  
3 behind the design and the landscaping.

4 MR. TRACY: Sure.

5 CHAIRMAN WALLACE: Yeah, I've been waiting  
6 for a long time for this parcel to have something  
7 useful on it, and I think that -- I think that  
8 this is a good use for this space. I like that  
9 you're decreasing the impervious surface.

10 The one -- and I think the building, you  
11 know, just from the renderings that we have right  
12 now, it's Casey's, you know, which is fine. I  
13 mean, it's a gas station, not an architectural  
14 wonder but -- you know, which is fine.

15 The one issue that I would have, I think  
16 that you're benefiting this development by  
17 bringing more traffic flow into it. I think one of  
18 the good things for the city and, you know, the  
19 overall area standpoint would be if you could do  
20 it in such a way that it directs traffic not just  
21 into the Casey's but also directs it, you know,  
22 possibly, as I said, if people turn into that,  
23 they're not stuck in a little mess there; they're  
24 able to get -- you know, even if they're just

1 turning in to go through it that that is considered  
2 in how the traffic flow is set up.

3 I don't necessarily have issue with the  
4 additional cuts. I mean, I understand the  
5 reasoning for it. I don't really think that it's  
6 going to necessarily cause any traffic flow  
7 problems or conflicts with the exception of just  
8 that right-in and where traffic goes from there.

9 I think one development to take a look at,  
10 the one this would remind me of would be the Pride  
11 store over in Geneva right next to the Fuller's  
12 Car Wash. It's a similar setup, but they don't  
13 have a right-in directly to where the pumps are.  
14 Instead they have roads on both sides and then  
15 turn-ins. I think that traffic flow makes more  
16 sense to me than the right-in does.

17 MR. TRACY: Sure. I will note -- and I'll  
18 certainly take that feedback back to the team.  
19 I'm not sure that we have the ability to do  
20 anything on the adjacent parcel.

21 CHAIRMAN WALLACE: Understood.

22 MR. TRACY: But I can bring those  
23 questions to real estate.

24 CHAIRMAN WALLACE: All right. Jim.

1           MEMBER HOLDERFIELD: Well, I will first  
2 say I'm not necessarily opposed to this concept at  
3 all, but I've studied it a while, and I feel  
4 compelled to say as a Plan Commissioner, I'm very  
5 affected by this.

6           As I prepared going through this, I read  
7 the comprehensive plan. This is a neighborhood in  
8 a commercial area, and therefore, a gas station is  
9 very appropriate. I was totally on board with  
10 that at the time. Then I kept reading the material  
11 provided to us, and if we go to Chapter 4 of the  
12 comprehensive plan, it states, "Promote a mixed  
13 attractive commercial use along the Main Street  
14 corridor." That's where I got hung up.

15           Now, I'm probably all by myself here, but  
16 as a Plan Commissioner I need to express this  
17 because we talked so much tonight about the  
18 comprehensive plan and what's good for the city.

19           Recently the Plan Commission has approved  
20 two major gasoline stations, one at the corner of  
21 Dunham and 64, they approved to restructure that,  
22 very messy. Then we also approved not too long  
23 ago another gas station at the corner of Kirk and  
24 64, very large. It got me to thinking. As I

1 think of this, this will be the third gasoline  
2 station of large magnitude that's going to be  
3 within the strip of about a mile.

4 So I just had to say that. I have no  
5 complaints about -- I know all the nuts and bolts  
6 are being worked out as far as accessibility to  
7 it, but I just had to say that and that's where  
8 I'm at. So it seems like this is a string of gas  
9 stations, and I'm not against that at all.

10 CHAIRMAN WALLACE: Thanks, Jim.

11 MEMBER WIESE: And I understand where  
12 that's coming from. I, too, think it's -- I'm  
13 glad to see that something is going into this  
14 building and that we don't have an empty building.  
15 I like that there's -- that you have the green  
16 space and that you're encouraged to keep that, and  
17 I echo Laura's comments that I would love to see  
18 that being more than just a grassy knoll and even  
19 on the front, front of the sidewalk. Anything we  
20 can do to beautify and help enhance the east side  
21 corridor. While this is a necessary -- and  
22 hopefully there's more development coming in. I  
23 believe we'll see more. So I think this is  
24 necessary, I just would like to see it enhancing



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1 and beautifying the area, but I'm glad to see that  
2 there's someone interested in that space.

3 MEMBER FUNKE: I do agree with Jim, this  
4 is going to be the third large gas station within  
5 a mile, and you're going to have other competition.

6 One thing about -- I do like the project.  
7 Just I think the material seems somewhat simple.  
8 What's the red? Is that a metal panel?

9 MR. TRACY: Red on this?

10 MEMBER FUNKE: The red on the building.

11 MR. TRACY: On the building?

12 MEMBER FUNKE: It's a pretty large expanse.  
13 I didn't read out what that material was.

14 MR. TRACY: I apologize. I'm an engineer;  
15 I'm not an architect.

16 MR. FUNKE: It says ACM.

17 MR. TRACY: ACM sounds correct.

18 MEMBER FUNKE: If you can find something  
19 that's not going to fade over time. I know a lot  
20 of those metal panels, they fade within a couple  
21 years.

22 And then if there's any way to create some  
23 more fenestration on the front of the facade. You  
24 have windows, you have large expanses of brick

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1 with those two little signs on there. I think  
2 it's out of proportion.

3 And then, you know, the canopy in the  
4 front, I mean, it's pretty massive. I mean, is  
5 there any way to incorporate some of the brick  
6 from the building onto columns of the canopy so it  
7 looks like it's in keeping with the architecture?

8 MR. TRACY: I can bring that to the --

9 MEMBER FUNKE: That would be a nice touch  
10 to give it some mass and to make it so it doesn't  
11 look so flimsy. When you're driving down North  
12 Avenue, this is going to be the first thing that  
13 you're going to see.

14 And then the lighting plan, have you guys  
15 provided a lighting plan?

16 MR. TRACY: We will with the formal  
17 application.

18 MEMBER FUNKE: Okay. That's all I have.

19 MEMBER BECKER: I think it's a major win  
20 that your major site access is off on the side  
21 road as opposed to adding curb cuts onto 64. I  
22 think for a gas station it's pretty unusual, so  
23 that's great.

24 I think if you can work to resolve some of

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1 those internal site circulation issues on that  
2 northwest corner and that cross-access drive  
3 aisle. I think one of staff's recommendations was  
4 to consider possibly reducing the number of  
5 parking spaces since you're overparked. If you  
6 maybe did that, with that cross access you might  
7 get some reduction in some conflicts.

8 And other than that, I think that it's a  
9 good plan.

10 CHAIRMAN WALLACE: All right. Thank you  
11 everyone. Thank you.

12 MR. TRACY: Thank you.

13 CHAIRMAN WALLACE: And that concludes  
14 Item 6.

15 Any additional business from Plan  
16 Commission members or staff?

17 (No response.)

18 CHAIRMAN WALLACE: Our next meeting is  
19 June 8, and then we have June 22nd, and then  
20 July 6th. Do we have any -- do we know if those  
21 meetings are going or not?

22 MS. JOHNSON: June 8th is definitely going.  
23 Likely June 22nd, as well.

24 CHAIRMAN WALLACE: Okay. And just note

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1 ahead of time July 6th is not in this room. We're  
2 being kicked out and sent across the street to the  
3 Center Station training room. Do you know where  
4 that is?

5 MEMBER WIESE: I don't know.

6 CHAIRMAN WALLACE: It's in the basement of  
7 the fire station basically.

8 All right. Any public comment?

9 (No response.)

10 CHAIRMAN WALLACE: Is there a motion to  
11 adjourn?

12 MEMBER FUNKE: I'll make that motion.

13 CHAIRMAN WALLACE: Is there a second?

14 MEMBER MACKLIN-PURDY: I'll second.

15 CHAIRMAN WALLACE: All right. All in  
16 favor.

17 (Ayes heard.)

18 CHAIRMAN WALLACE: Opposed.

19 (No response.)

20 CHAIRMAN WALLACE: This meeting of the  
21 St. Charles Plan Commission is adjourned at  
22 8:47 p.m.

23 (Off the record at 8:47 p.m. CST)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, 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 24th day of May, 2021.

My commission expires: October 16, 2021



\_\_\_\_\_  
Notary Public in and for the  
State of Illinois