

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, JUNE 11, 2018 7:00 P.M.**

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

Members Absent: Lewis

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

1. CALL TO ORDER

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

2. ROLL CALLED

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner

Absent: Lewis

3. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Recommendation to approve an Intergovernmental Agreement with Kane County regarding St. Charles Housing Trust Fund Administration and Management Services.

Ms. Johnson said a joint meeting of the Housing Commission and City Council was held in March where the city's participation in the Kane County Affordable Housing Fund was discussed. That fund was established by the county to provide funds to developers as a means of accessing fund from a variety of sources. Developers provide proposals during the county's annual application cycle; projects are then reviewed and approved by the Kane-Elgin Home Commission. At the March joint meeting staff was directed to pursue St. Charles contribution into the Affordable Housing Fund with the city's Housing Trust Fund dollars to be made available for projects within the city. An IGA between the city and county has been prepared and allows for Kane County to administer the city's contributions into the Affordable Housing Fund, as discussed. The IGA also allows for county management of the city's housing program in order to streamline and simplify administration of these programs, along with the Affordable Housing Fund.

There are 2 city programs:

1. Home Rehab Program- Existing since 2010, which is administered by Community Contacts on behalf of the city, the program provides up to \$10,000 in city assistance to homeowners to repair their homes and is supplemental to the counties rehab program, who provides \$20,000; city funds are used if additional funds are needed.

2. First-Time Homebuyer Loan Program – This is a new program; Committee recommended creation of this program in January, 2017. The program is not officially established yet, but will be supplemental to Kane County’s First-Time Homebuyer Program. \$10,000 is offered by the County and an additional \$10,000 will be offered by the City in the event that additional funds are needed to meet the County’s underwriting criteria. Funds will be offered in the form of a 0% interest, deferred payment loan.

The IGA includes the following:

- Scope of work regarding County administration of the three initiatives detailed above (see Attachment A of the IGA and the attached AHF Process Flowchart).
- City’s budget for the three initiatives. This is currently blank and is up for discussion by the Committee. The City will reimburse the County for expenses associated with the scope of work. Funds will remain in the Housing Trust Fund until payments are made following requests for reimbursement.
- The term of the agreement is open-ended. The budget allocation will not necessarily be made on an annual basis. Additional funds can be allocated by the City at any time by amending the IGA. The County will provide the City with progress reports detailing the balance of the City’s current allocation. The City will have the ability to add additional funds as needed based on usage of the programs.
- A seat on the Kane-Elgin HOME Commission will be created for the chair of the St. Charles Housing Commission. The Kane-Elgin HOME Commission reviews and recommends financing of projects under the AHF. The Housing Commission will review and approve financing for projects that utilize St. Charles funds.

The Housing Commission reviewed the IGA and recommended approval at their May meeting, where they suggested an allocation from the Housing Trust Fund of \$500,000; \$42,000 for each program, which is enough for 4 loans, and then the remaining \$416,000 into the Affordable Housing Fund, which would be made available as part of the county’s next application cycle this summer. The county estimated this amount to last 2 application cycles.

Staff is seeking committee approval of the IGA along with the initial budget allocation for each of the 3 initiatives.

Scott Berger-1833 Lucylle Ct., St. Charles-Kane County Director of Community Reinvestments-said this latest step forward in our partnership comes after a 20 year partnership with the city. St. Charles is one of 24 communities that participates under the umbrella of the county’s federal Housing Community Development programs, and as a St. Charles resident he is proud that we are on cutting edge of all the municipalities in terms of being mindful of the need for affordable housing and doing something about it; he applauds the effort.

Aldr. Lemke asked if those 24 communities are in Kane County or all of Illinois. Mr. Berger said Kane County; either completely or partially. Aldr. Lemke asked if the current balance in the fund is before the amount mentioned tonight. Ms. Johnson said yes, depending on what is allocated, that amount would be subtracted from \$730,000. Mr. Berger noted that those funds will stay in the city’s possession until the county requests the reimbursement, which won’t occur until actual work is completed; first the application, then approval, then funds are drawn.

Aldr. Stellato said this is a good thing. Aldr. Silkaitis agreed, we’ve had this money in the account for years and he’d like to see it used. He’s glad the Housing Commission will be in charge of this, they’re more qualified.

Aldr. Stellato made a motion to approve an Intergovernmental Agreement with Kane County regarding St. Charles Housing Trust Fund Administration and Management Services. Seconded by Aldr. Payleitner.

Roll was called:

Ayes: Vitek, Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel

Absent: Lewis

Recused:

Nays:

Motion carried 8-0

- b. Recommendation to approve Amendments to the City of St. Charles Economic Incentive Policy # 2009-4.

Mr. O'Rourke said the policy was approved in 2009 to establish framework for guidance and criteria to help the city review financial assistance requests. The policy originally was heavily focused on TIF and sales tax incentive proposals (such as Fox Valley Volkswagen) and since that time there's been various requests of other types of financial assistance (such as AJR/Doran Scales/Clarke). A majority of the proposed amendments are to remove the references to TIF and sales tax incentives rebates to make the document more generally applicable to a wider variety, as well as amendments to specific sections of the document to reflect current practices:

- Add a new section that states the purpose of pre-application meetings.
- Reduce the initial application deposit amount from \$50,000 to \$7,000; this is based on staff's experience reviewing applications.
- Separate the Part 1 & 2 application descriptions to clearly delineate the purpose and amount of information required during each part of the application/review process.
- Remove the applications as listed exhibits to the policy document so they are administered at the staff level similar to land development and building permit applications.

Legal counsel has reviewed these items with no issues.

Chairman Bessner asked if going forward, would this process be similar to a concept plan, and would the applicants understand they would have to show the concept plan in some detail, but also have the correct financial numbers. Mr. O'Rourke said it's not a concept plan in the land development sense of the word; it's more of an initial review of the terms for the financial assistance request. Staff isn't proposing any changes to the process per say, just proposing changes to the document that clarify that part 1 is more of a conceptual plan with high level review; part 2 is the actual incentive request.

Aldr. Bancroft made a motion to approve Amendments to the City of St. Charles Economic Incentive Policy # 2009-4. Seconded by Aldr. Vitek. Approved unanimously by voice vote. Motion carried 8-0.

- c. Plan Commission recommendation to approve a General Amendment to Title 17 (Zoning Ordinance), Chapter 17.28 "Signs".

Mr. Colby said back in March staff presented a proposal to update the ordinance based on two interests: 1-increasing the effectiveness of temporary signs regulations, 2-updating the code based on recent Supreme Court rulings that change the interpretation of the how the First Amendment is applied to sign regulations. The following changes are being proposed:

- Regulating all temporary signs by zoning district.
- Eliminating categories in the code based on function or content (such as “garage sale sign”).
- Eliminating sign regulations that apply only to specific businesses or land uses.
- Changing terminology but keeping existing regulations for permanent signs.
- Generally cleaning up and simplifying code language and terminology where possible.

The most significant change is a creation of a new general category called “yard signs” which would include all small signs posted in yards regardless of the content of the sign; those regulations are:

- 1 sign per lot or 2 per corner lot.
- Size limited to 6 sq. ft.
- Cannot be placed in rear or side yards or within 10 ft. of a side or rear lot line.

Plan Commission held a public hearing to review the amendment and discuss significant points:

- Yard Signs posted prior to elections: It was noted that property owners may wish to leave up signs during the time period between the primary and general election, which typically exceeds 90 days. The proposed draft would only allow 1 (or 2 signs for a corner lot) to remain outside of the 90-day period preceding an election. No changes were recommended by Plan Commission.
- Signs on vehicles: The Plan Commission recommended further restrictions regarding regulations for signs on parked vehicles, including: Requiring the vehicle to be parked in a designated parking stall and not be parked within a setback area (i.e. the driveway), and that no lights or other attention getting devices be used to draw attention to the vehicle.
- For large temporary signs not subject to a specific time period limit, Plan Commission recommended the sign permit expire after 1 year.

Aldr. Silkaitis asked if there would be any changes made for automotive dealers. Mr. Colby said there is a specific sign category that identifies signs for dealerships where there’s multiple makes of cars being sold, which staff is proposing to take out. It was written based on an older business model of brands manufactured by the same manufacturer, but we don’t believe there’s any current signs posted that follow those regulations, so those are being removed. Aldr. Silkaitis asked if you can have a “for sale” on a car in a driveway. Mr. Colby said you’re allowed to have a sign displayed on a parked vehicle if the sign pertains to the sale, lease or rental of the vehicle in which it’s displayed; this is separate from a sign attached to a vehicle advertising a business. Aldr. Silkaitis asked if a car with a “for sale” sign can be parked on the street. Mr. Colby said he doesn’t think the code specifies that because cars parked on the street are subject to different regulations than these zoning regulations that relate to vehicles on private property. Ms. Tungare said she believes they could have a “for sale” sign while parked on the street.

Aldr. Payleitner asked if vehicles themselves could be considered signs. Mr. Colby said if it’s parked at a location that is not on the same site as the business it could be considered as an off-site sign. Aldr. Payleitner asked if all temporary signs need a permit. Mr. Colby said yes, as long as it is above 6 sq. ft. Aldr. Payleitner asked if the permitting process would also keep the condition of the sign in check. Mr. Colby said there’s a condition written into the ordinance that after a year there would need to be a new permit applied for with the intent of preventing signs posted for an extended period of time that may become deteriorated.

Aldr. Lemke said what about big trucks with advertisements and would old trucks be grandfathered in. Mr. Colby said there wouldn't be anything grandfathered regarding a sign on a parked vehicle; the existing regulation has an exception for "signs painted or otherwise affixed to a truck, bus or other vehicle" that is used to carry goods to people or provide services at least 1 day per week as an accessory use to the business identified on the sign. The vehicle needs to be used as an accessory use to the business where the vehicle is parked and has to be a usable vehicle. Plan Commission recommended that there be a stipulation that the vehicles can only be parked in a paved area, in a designated parking space on a lot, not in a driveway area that is the access to a lot. There may be existing situations where the parking spaces are closer to the street where those may no longer be permissible. Ms. Tungare added that once the ordinance is put in place staff can go out and enforce it. Aldr. Lemke stated that he could provide a list of those.

Aldr. Gaugel mentioned a situation where a resident is complaining about their neighbor, who runs a legitimate business strictly out of their home and doesn't have a physical commercial location, because they park their van in their driveway at the end of every day. That neighbor will now have ammo to make them keep that van out every night. Mr. Vann said he is aware of the situation; he has a couple trucks and a trailer with some possible magnetic signage, in that case the setback is not an issue for him, it's in a driveway but in this circumstance it's the way it's parked and would not be a violation. Aldr. Gaugel said he thinks this might be difficult to administer. Mr. Vann said they've already started by checking to be sure license plates are current, maybe chalking tires to be sure they have moved and then making the business owners aware. If this passes we will see trucks that are parked legally, close to the roadway in a parking spot that has their name on the business; this will be perfectly legal and there's a lot of parking spots right next to the sidewalk along Main St. that will be perfectly within the setbacks. Aldr. Gaugel said he likes the spirit of it, he just sees a lot more work for staff. Mr. Vann said the 1 year re-permitting process will be administratively challenging.

Aldr. Turner made a motion to approve a General Amendment to Title 17 (Zoning Ordinance), Chapter 17.28 "Signs". Seconded by Aldr. Lemke. Approved unanimously by voice vote. Motion carried 8-0.

- d. Plan Commission to approve a Final Plat of Subdivision (Minor Subdivision) for 1835 and 1855 Wallace Ave. (ERP Plat of Consolidation).

Mr. Colby said once combined the parcels at the northwest corner of Wallace Ave. and Tyler Rd. could be expanded or connected together for a larger building; staff has a few minor comments on the plat that will need to be addressed before Council approval, Plan Commission reviewed the application and recommended approval.

Aldr. Stellato made a motion to approve a Final Plat of Subdivision (Minor Subdivision) for 1835 and 1855 Wallace Ave. (ERP Plat of Consolidation). Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion carried 8-0.

- e. Recommendation to approve a Final Plat of Subdivision for Cityview, 895 Geneva Rd.

Ms. Johnson said a preliminary plat was approved back in March for Cityview, which is a 4 lot single-family subdivision at the northwest corner of Mosedale St. and Geneva Rd. The applicant has now filed for final plat approval and is in substantial conformance of the preliminary plat. Plan Commission review is not required because the plat was filed within 60 days of Council approval of the preliminary plat.

Aldr. Stellato made a motion to approve a Final Plat of Subdivision for Cityview, 895 Geneva Rd. Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion carried 8-0.

4. ADDITIONAL BUSINESS-None.

5. EXECUTIVE SESSION-None.

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

7. ADJOURNMENT- Aldr. Stellato made a motion to adjourn at 7:29 pm. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion Carried 8-0.