

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, JUNE 5, 2018**

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Members Present: Chairman Wallace  
Tom Schuetz  
James Holderfield  
Tom Pretz  
Peter Vargulich  
Tim Kessler  
David Pietryla

Members Absent: Jeff Funke  
Laura Macklin-Purdy

Also Present: Russell Colby, Community & Economic Development Manager  
Ellen Johnson, Planner  
Monica Hawk, Development Engineer  
Court Reporter

**1. Call to order**

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

**2. Roll Call**

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

**3. Presentation of minutes of the May 8, 2018 meeting of the Plan Commission.**

**Motion was made by Mr. Vargulich, seconded by Mr. Schuetz, and unanimously passed by voice vote to approve the minutes of the May 8, 2018 Plan Commission meeting.**

**4. Election of Officers**

**Motion made by Mr. Kessler and seconded by Mr. Pietryla to table item #4 Election of Officers to the next regularly scheduled meeting.**

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz**

**Nays:**

**Absent: Funke, Purdy**

**Motion carried: 7-0**

**PUBLIC HEARING**

**5. Hillcroft Estates, 1147 Geneva Rd (Avondale Custom Homes Inc.)**

Application for Special Use requesting an amendment to PUD Ordinance 2017-Z-15

**Minutes – St. Charles Plan Commission**  
**Tuesday, June 5, 2018**  
**Page 2**

Application for PUD Preliminary Plan

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

**Motion was made by Mr. Kessler and seconded by Ms. Pretz to close the public hearing.**

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz**

**Nays:**

**Absent: Funke, Purdy**

**Motion carried: 7-0**

**MEETING**

**7. Hillcroft Estates, 1147 Geneva Rd (Avondale Custom Homes Inc.)**

Application for Special Use requesting an amendment to PUD Ordinance 2017-Z-15

Application for PUD Preliminary Plan

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

**Motion made by Mr. Kessler and seconded by Mr. Pretz to recommend approval subject to resolution of all staff comments prior to City Council action, including the comment to increase the driveway width in such a way as to retain the existing tree preservation zone along the west property line.**

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz**

**Nays:**

**Absent: Funke, Purdy**

**Motion carried: 7-0**

**PUBLIC HEARING**

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

Application for General Amendment to Chapter 17. 28 “Signs” and Chapter 17.30 “Definitions”

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

**Motion was made by Mr. Kessler and seconded by Ms. Schuetz to close the public hearing.**

**Roll Call Vote:**

**Ayes:** Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz  
**Nays:**  
**Absent:** Funke, Purdy  
**Motion carried:** 7-0

**MEETING**

- 8. General Amendment (City of St. Charles)**  
Application for General Amendment to Chapter 17. 28 “Signs” and Chapter 17.30 “Definitions”

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

**Motion was made by Mr. Kessler and seconded by Schuetz to recommend approval subject to including language related to temporary vehicle signage per the discussion during public hearing.**

**Roll Call Vote:**  
**Ayes:** Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz  
**Nays:**  
**Absent:** Funke, Purdy  
**Motion carried:** 7-0

- 9. ERP Plat of Consolidation- 1835 & 1855 Wallace Ave.**  
Final Plat of Subdivision (Minor Subdivision)

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

**Motion was made by Mr. Kessler and seconded by Mr. Pretz to recommend approval subject to resolution of staff comments.**

**Roll Call Vote:**  
**Ayes:** Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz  
**Nays:**  
**Absent:** Funke, Purdy  
**Motion carried:** 7-0

- 10. Additional Business from Plan Commission Members or Staff**  
**11. Weekly Development Report**  
**12. Meeting Announcements**

- a. Plan Commission  
Tuesday, June 19, 2018 at 7:00pm Council Chambers

**Minutes – St. Charles Plan Commission**  
**Tuesday, June 5, 2018**  
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Tuesday, July 3, 2018 at 7:00pm Council Chambers  
Tuesday, July 17, 2018 at 7:00pm Council Chambers

- b. Planning & Development Committee  
Monday, June 11, 2018 at 7:00pm Council Chambers  
Monday, July 9, 2018 at 7:00pm Council Chambers

**13. Public Comment**

**14. Adjournment at 8:25pm.**



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# Transcript of Hillcroft Estates

**Date:** June 5, 2018

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
Hillcroft Estates Application :  
for PUD Preliminary Plan; :  
Property Located at :  
1147 Geneva Road. :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, June 5, 2018  
7:01 p.m.

Job No.: 189950A  
Pages: 1 - 31  
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  
7  
8  
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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 Hillcroft Estates  
Conducted on June 5, 2018

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JIM HOLDERFIELD, Member

5 DAVID PIETRYLA, Member

6 TOM PRETZ, Member

7 TOM SCHUETZ, Member

8 PETER VARGULICH, Member

9  
10 ALSO PRESENT:

11 RUSS COLBY, Planning Division Manager

12 ELLEN JOHNSON, Planner

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Transcript of Hillcroft Estates  
Conducted on June 5, 2018

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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.

Tim, roll call.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Schuetz.

MEMBER SCHUETZ: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Vargulich.

MEMBER VARGULICH: Here.

VICE CHAIRMAN KESSLER: Pietryla.

MEMBER PIETRYLA: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: Item 3 is presentation  
of the minutes of the May 8th, 2018, meeting of  
the Plan Commission. Is there a motion?

MEMBER VARGULICH: So moved.

MEMBER SCHUETZ: Second.

CHAIRMAN WALLACE: Moved and seconded.

All in favor.

Transcript of Hillcroft Estates  
Conducted on June 5, 2018

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1 (Ayes heard.)

2 CHAIRMAN WALLACE: Opposed.

3 (No response.)

4 CHAIRMAN WALLACE: Motion passes  
5 unanimously.

6 Item 4 is election of officers. In the  
7 past if we haven't had all of the members of the  
8 Plan Commission here we continued that to a future  
9 date in order to -- for all of the members to  
10 participate. Does anyone have an objection to that?

11 Do we need to do that by motion?

12 MR. COLBY: Yes.

13 VICE CHAIRMAN KESSLER: Move we table the  
14 election of officers to a date to be determined.

15 CHAIRMAN WALLACE: The next regularly  
16 scheduled meeting?

17 VICE CHAIRMAN KESSLER: Next regularly  
18 scheduled meeting.

19 MEMBER PIETRYLA: Second.

20 CHAIRMAN WALLACE: It's been moved and  
21 seconded. Any discussion?

22 (No response.)

23 CHAIRMAN WALLACE: Roll call.

24 VICE CHAIRMAN KESSLER: Holderfield.

Transcript of Hillcroft Estates  
Conducted on June 5, 2018

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1 MEMBER HOLDERFIELD: Yes.  
2 VICE CHAIRMAN KESSLER: Schuetz.  
3 MEMBER SCHUETZ: Yes.  
4 VICE CHAIRMAN KESSLER: Pretz.  
5 MEMBER PRETZ: Yes.  
6 VICE CHAIRMAN KESSLER: Vargulich.  
7 MEMBER VARGULICH: Yes.  
8 VICE CHAIRMAN KESSLER: Pietryla.  
9 MEMBER PIETRYLA: Yes.  
10 VICE CHAIRMAN KESSLER: Wallace.  
11 CHAIRMAN WALLACE: Yes.  
12 VICE CHAIRMAN KESSLER: Kessler, yes.  
13 CHAIRMAN WALLACE: All right. Item 5 on  
14 your agendas is public hearing -- 5 and 6.  
15 Item 5 is Hillcroft Estates, 1147 Geneva  
16 Road (Avondale Custom Homes, Inc.) Application for  
17 Special Use, request for special use -- requesting  
18 an amendment to PUD Ordinance 2017-Z-15 and  
19 application for PUD preliminary plan.  
20 This is the public hearing portion our  
21 meeting, and the Plan Commission will accept  
22 evidence and testimony from anyone either for or  
23 against the application. And we will ask  
24 questions, accept testimony from people besides

Transcript of Hillcroft Estates  
Conducted on June 5, 2018

7

1 the applicant, and if we feel that we have enough  
2 evidence to be able to make a recommendation to  
3 City Council, then we will close the public hearing,  
4 and this item is actually on the agenda for action  
5 following the end of the public hearings.

6 So at this time anyone who wishes to offer  
7 any testimony, including making any comments or  
8 asking any questions on either Item 5 or Item 6,  
9 if you could raise your right hand and be sworn in.

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

12 CHAIRMAN WALLACE: And I would just ask  
13 that when you speak you first wait to be  
14 recognized by me, please, and then approach the  
15 lectern, talk into the microphone, say your name,  
16 spell your last name, and state your address for  
17 the record.

18 Any questions regarding procedure?

19 (No response.)

20 CHAIRMAN WALLACE: Okay. Staff, is there  
21 anything?

22 MS. JOHNSON: No.

23 CHAIRMAN WALLACE: All right. Is the  
24 applicant ready? Go ahead.

1           MR. GREEN: Thanks, Ellen. Good evening,  
2 ladies and gentlemen. My name is Jon Green with  
3 the Engineering Resource Associates located in  
4 Warrenville, Illinois, and I represent the  
5 applicant regarding this amended PUD application  
6 before you tonight.

7           You've seen this property a few times  
8 before, most recently about a year ago relating to  
9 a PUD amendment relating to building height for  
10 the single-family home that's currently under  
11 construction on the property. If you've passed by  
12 recently, you see that the existing house is well  
13 under construction, well underway; it's under roof.

14          And a unique part of the City's zoning  
15 ordinance is they do not allow a deviation or a  
16 variation relating to a building height ordinance  
17 requirement. And due to the unique topography of  
18 this property, which was described in detail at  
19 our last hearing, the mean height of the roof  
20 and/or the ridge height of the roof is measured  
21 from a data point that's at the front building line.

22          And you may recall that the property does  
23 fall off dramatically from the rear to the front,  
24 and if we were to apply the City's standard formula

1 for 35-foot building height or whatever it is, you  
2 couldn't even have a one-story house on the  
3 property. So it's been documented that due to the  
4 unique topography, and, of course, there's a drastic  
5 falloff towards the river to the east, that in order  
6 to have the new single-family home blend in  
7 harmoniously with the existing land, the existing  
8 terrain, to utilize the existing access drive that  
9 traverses in a loop throughout the south and west  
10 part of the property, to preserve the existing  
11 trees and maintain the existing drainage pattern,  
12 we have designed and developed a foundation  
13 schematic for the southerly parcel that fits in  
14 harmoniously with the natural grade. There's a  
15 built-in walk-out basement to kind of fit in with  
16 the slope of the land similar to the house that's  
17 under construction to the north, and we feel the  
18 project will be attractive when completed, but it  
19 is necessary that we apply for an amendment PUD for  
20 building height requirements.

21 There are some sketch plans and a rendering  
22 from Dan Marshall Architects submitted with the  
23 application, and you'll see it's a traditional  
24 two-story home, a modest footprint. The home will

1 be a little smaller on the south than the one that's  
2 currently under construction, which is about  
3 4,000 square feet with a three-car garage. So we  
4 feel that the floor area ratios and the lot  
5 coverage are well under the City map zone for  
6 those requirements, and we're here just seeking an  
7 amendment on the building height similar to last  
8 year's approval.

9 So with that I'll turn it over for any  
10 questions or any other testimony.

11 CHAIRMAN WALLACE: Okay. Thank you.  
12 Tim?

13 VICE CHAIRMAN KESSLER: I do have a  
14 question, and I want to talk a little bit about --  
15 I want to talk about the tree preservation line  
16 and the building height.

17 I think one of the comments in here is that  
18 the drive needs to be widened to accommodate --  
19 this has to be a 25-foot-wide drive, the access  
20 drive, and that in most places it's not but that  
21 it needs to be wide -- it runs along that western  
22 border of the property where that tree preservation  
23 line is, and it suggests that the drive be widened  
24 in such a way as to protect and preserve that tree

1 preservation line. Is that going to be possible?

2 MR. GREEN: We will do our best to comply.

3 There are a series of existing trees along the  
4 west property line, and then there's one specific  
5 20-inch tree, if you can follow my cursor, situated  
6 right at this location. It was one of the conditions  
7 of the previous PUD amendment that we work to  
8 minimize the critical root zone disturbance within  
9 both of those groves of trees.

10 VICE CHAIRMAN KESSLER: So your issue is  
11 going to be between that tree and the trees to  
12 the west?

13 MR. GREEN: Right here is our pinch point,  
14 but I think we can work out an amicable solution  
15 with the fire department and City staff. We can  
16 do something called an auto turn analysis where we  
17 have the wheel base and length of the City's fire  
18 apparatus in our AutoCAD system, and we can plop  
19 that in the drawing and kind of drag that through  
20 the property.

21 I believe the critical net may be the  
22 entrance point of Geneva Road and then as we come  
23 up the curve. So I believe that there's plenty of  
24 room along the south part of the property, and



1 then we can widen the driveway to the inside on  
2 this curve which will probably be the most  
3 critical point in terms of bringing a fire truck  
4 into the property.

5 My auto turn experience makes us think we  
6 can probably work something out with staff. The  
7 width is more important on the turns than the  
8 straight ones.

9 VICE CHAIRMAN KESSLER: And you believe  
10 that's the only point at which you would have that  
11 issue?

12 MR. GREEN: Yes.

13 VICE CHAIRMAN KESSLER: Explain to me -- I  
14 was trying to figure out all these building heights.  
15 So the PUD standard suggests a 60-foot height, and  
16 that's from the grade at the front, at the front  
17 setback. Parcel 1, are you asking -- so the only  
18 variation you're asking for is on Parcel 2?

19 MS. JOHNSON: Tim, if I may. For  
20 clarification, the PUD ordinance granted a  
21 deviation for the property from the building  
22 height requirement allowing for a maximum height  
23 of 60 feet, and that actually translates for the  
24 whole property. So they do not need a deviation

1 for the second lot. They're entitled to that  
2 60-foot height, as well.

3 VICE CHAIRMAN KESSLER: Okay. And it  
4 appears to me from the chart I'm looking at that  
5 the building heights, because of where they're  
6 located on the site they'd have a maximum  
7 elevation of 763 feet. They're going to be right  
8 there. In fact, proposed Parcel 2 will be a  
9 foot and a half lower it looks like. Am I reading  
10 that correctly?

11 MR. GREEN: Yes. Parcel 2, because the  
12 ground is lower to the south and also the proposed  
13 top of foundation finished floor is lower so will  
14 the roof.

15 MEMBER PIETRYLA: Why the use of the  
16 Plat Act rather than going through the standard  
17 subdivision process?

18 MR. GREEN: Just the nature of the area.  
19 It's kind of an infill site that has a lot of kind  
20 of old town, old parts of St. Charles, and the  
21 driveway, the existing driveway makes the property  
22 unique as well as the terrain unique. And it's an  
23 allowable approach by Illinois Plat Act when there  
24 are just two parcels involved.

1           MEMBER PIETRYLA: For staff, you guys are  
2           confident that if this is approved -- the staff  
3           notes here that the requirements that would  
4           typically be triggered, they'd still be covered  
5           under other avenues in the City code?

6           MR. COLBY: That's correct. We've identified  
7           that any issues related to utility improvements or  
8           easements are addressed in other sections of the  
9           code and are not -- it's not necessary that a  
10          subdivision be proposed in order for us to impose  
11          those requirements.

12          It is noted, though, in the staff materials  
13          that if no plat, no subdivision plat is submitted  
14          to the City, then the subdivision does not comply  
15          with the land cash ordinance or inclusionary  
16          housing ordinance as a result.

17          CHAIRMAN WALLACE: What's the consequence  
18          of that?

19          MR. COLBY: There would be no fee assessed  
20          for land cash payment for the new lot that's being  
21          added. There would also not be a requirement to  
22          comply with the inclusionary housing ordinance  
23          which would also trigger a fee requirement.

24          CHAIRMAN WALLACE: All right. Any other

1 questions?

2 MEMBER SCHUETZ: I just have more of a  
3 comment. Back to the tree that Mr. Kessler  
4 mentioned, I recall that that was the big discussion  
5 last time we reviewed this, and if that can't be  
6 saved, has there been any discussion or could  
7 there be any discussion, not to change things or  
8 stop things or whatever, but I mean to replace it  
9 with maybe two large trees? They're never going  
10 to replace that one because that's mature, but in  
11 the event that it does have to be removed, maybe  
12 some thought could be to replace it with a couple  
13 sizable 5- or 6-caliper trees or something.

14 MR. GREEN: Certainly we could agree to  
15 that. There are -- the builder last fall brought  
16 hundreds and hundreds of additional nursery stock  
17 to the property in terms of what he plans to  
18 construct on the north parcel. They're set in a  
19 100-foot-square mulch bed; they've been there for  
20 eight months now.

21 I think you'll find there will be quite a  
22 bit of new landscaping and screenscraping all  
23 around the perimeter of the property, so that  
24 would not be a problem.

1           MEMBER VARGULICH: Is it possible the  
2 house could be moved to the east? If you had more  
3 space between the driveway and the house by where  
4 the garage is, why can't you just move the  
5 house east?

6           MR. GREEN: Yes, we could. We could work  
7 with staff on this.

8           MEMBER VARGULICH: You're not having an  
9 issue with any setback.

10          MR. GREEN: We could definitely consider  
11 that. This started out as a schematic to move this  
12 process along showing what could be constructed.  
13 We do not necessarily have final architectural  
14 plans yet, but after we satisfy the fire department  
15 and other staff comments and integrate in tree  
16 preservation measures, yes, we can shoot it.

17          CHAIRMAN WALLACE: Any other questions  
18 from Plan Commission?

19          (No response.)

20          CHAIRMAN WALLACE: All right. Shifting to  
21 public, does any member of the public have any  
22 questions on what was presented?

23          MS. MUSSER: My name is Jeanette Musser.  
24 I live at 40 McKinley Street.

1           CHAIRMAN WALLACE: Can you spell your  
2 last name?

3           MS. MUSSER: M-u-s-s-e-r.

4           If this is approved tonight, is that the  
5 final approval, or do they have to come before you  
6 with plans again?

7           CHAIRMAN WALLACE: What we would do, if we  
8 have enough evidence, we'll close the public  
9 hearing, and then we will vote on whether to  
10 recommend denial -- approval or denial to the City  
11 Council. And then after that it will be in  
12 front of the City Council's planning and  
13 development committee. When would that be?

14          MR. COLBY: That date is to be determined.

15          MS. MUSSER: So if it's approved tonight,  
16 I just want to make sure I understand, the  
17 footprint that you see of the new house that's on  
18 there could be 60 feet tall at any point of what  
19 they're showing on this plan right here; is that  
20 correct?

21          CHAIRMAN WALLACE: No -- well, it's 60 feet  
22 from the front lot line, the average front lot  
23 line. Is that correct, Ellen?

24          MS. JOHNSON: 60 feet from grade at the

1 front setback line, which is 30 feet into the  
2 property.

3 MS. MUSSER: But the same height as the  
4 other house that's being built?

5 CHAIRMAN WALLACE: Uh-huh. And just to  
6 correct the statement, it's not going to be  
7 approved tonight. We would recommend whether the  
8 City Council should approve it. We don't approve  
9 anything; we just make a recommendation to City  
10 Council.

11 MS. MUSSER: Okay. I understand that but  
12 do they ever have to bring plans for their home or  
13 is this footprint -- if the City Council approves  
14 this as is, is that it? Then anything could be  
15 built there with that footprint, and there's no  
16 further review through any of these committees?  
17 Is this our last opportunity to comment, I guess?

18 CHAIRMAN WALLACE: No. Planning and  
19 development committee.

20 MR. COLBY: In the materials that were  
21 submitted there's also preliminary architectural  
22 elevations for the building, and those are being  
23 presented for preliminary approval as part of this  
24 application.

1           So the developer would have the ability  
2   after the project is approved to modify those  
3   elevations, but these are the versions that they're  
4   presenting with this application.

5           CHAIRMAN WALLACE: And what type -- Russ,  
6   just so we all know, what type of change to the  
7   proposed plans would be allowable without having  
8   to come back through Plan Commission?

9           MR. COLBY: The architecture could be  
10  modified provided it's still similar in form and  
11  it's of comparable footprint to what's being shown  
12  here. There would have to be an assessment made  
13  as to whether it was a significant enough change  
14  to warrant Plan Commission review.

15          There's standards in the ordinance that  
16  relate to changes in square footage. So typically  
17  if a building is -- like this one is shrinking,  
18  typically it wouldn't require a rereview by Plan  
19  Commission, but if the building is increasing in  
20  footprint, it possibly could require review.

21          That's something that could be specified in  
22  the PUD ordinance to state that there's limitations  
23  on the size of the building if that's something  
24  that Plan Commission would want to stipulate, and



1 then that would trigger a review process if  
2 something was proposed that deviated significantly  
3 enough from what's being presented here.

4 MS. MUSSER: Okay. I just have a couple  
5 more comments then.

6 I know some of you are new, but we've had  
7 a lot of discussions about the tree line. If you  
8 could move the house east, that would be very  
9 helpful to us. The original plan we came here to  
10 look at was basically a wall of townhomes. So we  
11 would look outside our windows and see no skyline  
12 anymore but all houses.

13 The way -- so the last approval went  
14 through, and there was only half of the property  
15 walled with houses, but now if this one goes  
16 through, we're basically back to the same  
17 situation that we were in before where there's  
18 nothing left to look at but a wall of homes behind  
19 our house, and it's -- also, if they take this large  
20 tree down, that's the only thing in between. So  
21 we're looking at nothing but house that covers  
22 basically the entire lot line of our property,  
23 which is Lot 3 on this plat.

24 I'm also still concerned about our trees.

1 After the last approval they did all of the digging,  
2 removed the driveway, and everything was done with  
3 heavy equipment. I have video of days and days of  
4 people driving backhoes, cranes, everything over  
5 our tree roots.

6 And if there's anything that can be done  
7 to move that driveway forward -- it's a 2-acre  
8 property, and so why it has to be 40 feet from our  
9 property behind and have the driveway right on top  
10 of our tree line is still a mystery to me. So if  
11 there's anything you can do to rectify any of that  
12 we'd appreciate it.

13 We're looking at, if we have to have those  
14 trees removed -- we had an estimate of \$8,000. We  
15 don't know whether they're going to survive and if  
16 there's anything you can do to prevent any further  
17 root damage to them. There was an arborist brought  
18 in, but nothing was done to prevent anything except  
19 a fence went up right by the tree, a construction  
20 fence.

21 So there hasn't really been anything done  
22 to protect them. So if you could address that, I  
23 would appreciate it.

24 CHAIRMAN WALLACE: The trees that you're

1 referring to, are they trees that are on your  
2 property or trees on this property?

3 MS. MUSSER: They are on our property.  
4 They are right on the fence line and the root  
5 system -- I mean, we showed you pictures before.  
6 The root system goes 15 to 20 feet into the property,  
7 and that's where the driveway is at because the  
8 driveway went within less than 10 feet of the  
9 fence line.

10 So our trees are right under their -- they  
11 did a very nice job of adding evergreens, some of  
12 them within a foot of the trunk of the tree in  
13 question. Three trees have been planted right  
14 next to it.

15 So we appreciate that, but we'd still like to  
16 have our trees preserved if that's at all possible.  
17 Any distance you can move it away would help.

18 Thank you.

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

21 (No response.)

22 CHAIRMAN WALLACE: Okay. Anything further  
23 from Plan Commission, staff?

24 MEMBER PRETZ: Does the petitioner want to

1 say anything in --

2 CHAIRMAN WALLACE: Do you want to offer --

3 MEMBER PIETRYLA: -- response to what the  
4 neighbors say?

5 MR. GREEN: Sure. The equipment that's  
6 been coming in on the property related to the  
7 construction of the house, this fencing, tree  
8 preservation fencing was limited more or less to  
9 the existing asphalt path that kind of traversed  
10 the property. And it's fair to say that that  
11 driveway has been there historically with the  
12 length that the old house was, and so there  
13 probably weren't any critical oxygen-bearing root  
14 zones within where the line of traffic that has  
15 been traversing the property because it's where  
16 there always has been asphalt and stone. We were  
17 cautious to keep the traffic within that existing  
18 roadway bed so that we weren't compacting roots on  
19 either side of it.

20 So that will be something we'll have to  
21 work with the fire department on with their  
22 request to widen it, but we can make a condition  
23 of this approval the continued enforcement of the  
24 tree preservation standards and requirements for

1 the project.

2 There's no doubt there needs to be a certain  
3 amount of traffic to construct a house, but I  
4 believe a majority of that traffic is now finished.  
5 Of course, with the pumping of the concrete and  
6 the bringing in of the roof trusses, we're just  
7 limited with the north lot in terms of how to  
8 access the site from a constructability standpoint.

9 There's also a mature tree line along the  
10 front right-of-way. Now, construction of Parcel 2  
11 will be somewhat different because the access  
12 point can be primarily from the south in this  
13 location adjacent to the Oaks, and then at the  
14 time that I prepare site development drawings I  
15 can take special care to show that the  
16 construction access for the second home can be  
17 perhaps down to the south in this direction so  
18 that there's no additional loading on the driveway  
19 other than what is happening for the first house  
20 construction.

21 MEMBER SCHUETZ: I have a question. Has  
22 there been any -- I'm not sure how to word it, but  
23 anything put into place if these trees die in  
24 two years, three years, four years, five years? I

1 was thinking of any provisions that have been made.

2 MR. GREEN: I do know that with the style  
3 and value of the development, and the amount of  
4 landscaping that's been planned, and just what  
5 I've seen that if any wood was to die on the  
6 property that it would be replaced because it's  
7 offering a screening and a buffering to the  
8 neighbors.

9 The developer's original intention was to  
10 have enough of a mature tree line to help protect  
11 the neighbors from traffic coming in and out. So  
12 knowing the style and the intention, that these  
13 are custom homes, that it will be kept up as it  
14 would as your own home.

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

17 MEMBER PIETRYLA: Just a clarification in  
18 terms of at this time we're just vetting the  
19 merits of moving forward with enough evidence to  
20 recommend, but during the meeting section, is that  
21 when we potentially could provide, as the resident  
22 suggested, maybe provisions or requests that the  
23 P and D committee can consider? Is that the  
24 proper time?

Transcript of Hillcroft Estates  
Conducted on June 5, 2018

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1 CHAIRMAN WALLACE: Yep.

2 VICE CHAIRMAN KESSLER: I'd make a motion.  
3 I'd move to close the public hearing on Item 5,  
4 Application for Special Use, request an amendment  
5 to PUD Ordinance 2017-Z-15 and the Application for  
6 PUD Preliminary Plan.

7 MEMBER PRETZ: Second.

8 CHAIRMAN WALLACE: All right. It's been  
9 moved and seconded.

10 Tim -- any discussion on the motion?

11 (No response.)

12 CHAIRMAN WALLACE: All right. Tim,  
13 roll call.

14 VICE CHAIRMAN KESSLER: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 VICE CHAIRMAN KESSLER: Schuetz.

17 MEMBER SCHUETZ: Yes.

18 VICE CHAIRMAN KESSLER: Pretz.

19 MEMBER PRETZ: Yes.

20 VICE CHAIRMAN KESSLER: Vargulich.

21 MEMBER VARGULICH: Yes.

22 VICE CHAIRMAN KESSLER: Pietryla.

23 MEMBER PIETRYLA: Yes.

24 VICE CHAIRMAN KESSLER: Wallace.

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1 CHAIRMAN WALLACE: Yes.

2 VICE CHAIRMAN KESSLER: Kessler, yes.

3 CHAIRMAN WALLACE: All right. Unless  
4 anyone has an objection, I think we could go ahead  
5 and take Item No. 7 out of order and then go back  
6 to the general amendment public hearing.

7 So Item 7 is Hillcroft Estates, 1147 Geneva  
8 Road (Avondale Custom Homes, Inc.) the applications  
9 as shown on the agenda.

10 Is there a motion or discussion?

11 VICE CHAIRMAN KESSLER: Well, I would make  
12 a motion to recommend approval of Hillcroft Estates  
13 1147 Geneva Road (Avondale Custom Homes, Inc.)  
14 Application for Special Use request of an amendment  
15 to PUD Ordinance 2017-Z-15 and the Application for  
16 PUD Preliminary Plan subject to resolution of all  
17 staff comments prior to City Council action.

18 And I want to make a couple -- clarify  
19 something. The staff comment that we're referring  
20 to in this resolution is, "The driveway width should  
21 be increased in such a way as to retain the existing  
22 tree preservation zone along the west property line.  
23 The drive should be widened to the east in this  
24 area. This will result in removal of one tree



1 shown to be preserved on the plan on the east side  
2 of the existing drive near the northwest corner of  
3 the house. However, it appears that this tree was  
4 to be removed per the tree preservation plan tree  
5 inventory."

6 The resolution here that we're talking  
7 about speaks to what Ms. Musser commented on, in  
8 trying to protect not just the tree preservation  
9 line on the western border of the property and the  
10 root system that runs under the existing drive,  
11 but as was pointed out, there's a tree that falls  
12 somewhere about halfway along the western border  
13 of the property that would be in the way of moving  
14 the drive to the east. It doesn't specify here  
15 one way or the other. It shows "To be Preserved,"  
16 but it shows "To be Removed" in the tree  
17 preservation plan.

18 The purpose of adding the consequence of  
19 resolution of all staff comments I believe would  
20 resolve the issue that the residents have and that  
21 the builder has with the help of the City staff to  
22 resolve this to everybody's satisfaction.

23 I believe that we heard that it could be  
24 solved through some modeling for the fire

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1 department; it could be resolved by perhaps moving  
2 the house to the east, switching the drive around.

3 But that is our recommendation -- my motion  
4 for a recommendation of approval is subject to  
5 resolving that before it goes to City Council.

6 MEMBER PRETZ: I'll second.

7 CHAIRMAN WALLACE: All right. It's been  
8 moved and seconded.

9 Any further discussion on the motion?

10 (No response.)

11 CHAIRMAN WALLACE: Tim.

12 VICE CHAIRMAN KESSLER: Holderfield.

13 MEMBER HOLDERFIELD: Yes.

14 VICE CHAIRMAN KESSLER: Schuetz.

15 MEMBER SCHUETZ: Yes.

16 VICE CHAIRMAN KESSLER: Pretz.

17 MEMBER PRETZ: Yes.

18 VICE CHAIRMAN KESSLER: Vargulich.

19 MEMBER VARGULICH: Yes.

20 VICE CHAIRMAN KESSLER: Pietryla.

21 MEMBER PIETRYLA: Yes.

22 VICE CHAIRMAN KESSLER: Wallace.

23 CHAIRMAN WALLACE: Yes.

24 VICE CHAIRMAN KESSLER: Kessler, yes.

1 CHAIRMAN WALLACE: All right. Thank you.

2 (Off the record at 7:31 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 12th day of June, 2018.

My commission expires: October 16, 2021



Notary Public in and for the  
State of Illinois



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# Transcript of General Amendment

**Date:** June 5, 2018

**Case:** St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
General Amendment (City of :  
St. Charles) Application for :  
General Amendment to Chapter :  
17.28 "Signs" and Chapter :  
17.30 "Definitions." :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, June 5, 2018  
7:32 p.m.

Job No.: 189950B  
Pages: 1 - 42  
Reported by: Paula M. Quetsch, CSR, RPR

Transcript of General Amendment  
Conducted on June 5, 2018

2

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  
7  
8  
9

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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Conducted on June 5, 2018

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JIM HOLDERFIELD, Member

5 DAVID PIETRYLA, Member

6 TOM PRETZ, Member

7 TOM SCHUETZ, Member

8 PETER VARGULICH, Member

9  
10 ALSO PRESENT:

11 RUSS COLBY, Planning Division Manager

12 ELLEN JOHNSON, Planner

13 BOB VANN, Building & Code Enforcement  
14 Division Manager



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

2 CHAIRMAN WALLACE: That concludes  
3 Item No. 7 on the agenda, and now we'll hop back  
4 to Item 6, which is General Amendment (City of  
5 St. Charles) Application for General Amendment to  
6 Chapter 17.28 "Signs" and Chapter 17.30  
7 "Definitions."

8 MR. COLBY: Good evening everyone. I'm  
9 going to be presenting a proposed general amendment  
10 to the City's sign ordinance, which is Chapter 17.28  
11 of the City code.

12 So a little background as to why we're  
13 proposing this update. There are two reasons.

14 One, over the past couple years the City  
15 has run into issues enforcing our temporary sign  
16 regulations, specifically for the types of signs  
17 you may consider a yard sign that residents may  
18 post in their yards.

19 Right now our code regulates certain types  
20 of signs and defines them by the type of information  
21 that's on the sign, but then there may be signs  
22 posted that don't clearly fall into one of those  
23 categories, and that's been a challenge for the City  
24 to enforce any kind of regulations for those signs.

1           As a second issue, which is directly related  
2 really, there's a recent Supreme Court ruling  
3 that changed the interpretation of how the  
4 First Amendment applies to signs, specifically signs  
5 that are regulated by type or function of the sign.

6           What they said essentially is that if you're  
7 regulating signs by the content or the function of  
8 the sign -- so if you have a regulation that defines  
9 a political sign versus a real estate sign, those  
10 types of regulations are potentially unconstitutional  
11 because they are making distinctions about the  
12 content of the sign.

13           So these regulations are common in sign  
14 ordinances in cities across the country, and over  
15 the past few years there's been efforts to modify  
16 the ordinances to the extent possible to reduce  
17 those sections where potentially there could be a  
18 question of violating the First Amendment through  
19 sign regulations. So these two issues sort of go  
20 together. We had an opportunity to more  
21 comprehensively update the code requirements.

22           So the objectives of this amendment would  
23 be to change the code so that we're regulating all  
24 temporary signs by zoning district, and we're no

1 longer referring to the sign function or content.  
2 So it's no longer a garage sale sign; it's just a  
3 type of temporary sign. So we eliminate all those  
4 categories in the code and just refer to signs  
5 based on the physical characteristics.

6 We also eliminate sign regulations that  
7 apply to specific businesses. The Supreme Court  
8 also offered an opinion that allowing one type of  
9 business to have a certain sign that's different  
10 from the other signs allowed in the same zoning  
11 district is also favoring a certain type of speech  
12 associated with the business.

13 We would also change some of the terminology  
14 for the permanent signs. We're not proposing to  
15 change any regulations for permanent signs, but  
16 some of the words used to describe the types of  
17 signs or restrictions on information posted  
18 on permanent signs would be removed. And we tried  
19 to clean up the terminology where possible to make  
20 sure that the language refers specifically to sign  
21 types as clearly as possible and nothing that  
22 refers to the content of the sign itself.

23 So the biggest changes are to temporary  
24 signs. So we propose that there be a category of

1 yard signs which would be for all small signs that  
2 might be posted in someone's yard, political  
3 signs, estate signs, garage sale signs, graduation  
4 announcement signs. There would be no reference  
5 to the content of the sign.

6 So the regulations that are proposed is  
7 there would be no permit requirement, which is  
8 similar to our current ordinance. You'd be  
9 allowed one per lot or two per corner lot. There  
10 would be a size limitation of 6 square feet. The  
11 location could either be in the front yard or the  
12 exterior side yard, otherwise known as a corner  
13 side yard, but they would not be allowed in  
14 interior side yards or rear yards. And there  
15 would be a setback limitation of a sign could not  
16 be closer than 10 feet of a side rear lot line.  
17 So the intent of that would be so that the sign  
18 could not be posted directly adjacent to a  
19 neighboring property, but it could be located in  
20 the front yard area because that's what's  
21 typically most visible from the street.

22 Now, we recognize that during certain times  
23 of year when there's elections that there would be  
24 an interest in having additional signs posted.

1 Because we can't specifically define a political  
2 sign as a type of sign, what we can do is take  
3 away the limitation on the number of signs during  
4 the time period preceding an election so that the  
5 property could have an increased number of yard  
6 signs posted, and that time period would correspond  
7 to where there's a local, state, or national  
8 election. We're proposing in this draft that it  
9 be a 90-day period prior to the election, but the  
10 square footage requirements and placement  
11 requirements would still apply.

12 So maybe I'll stop there.

13 VICE CHAIRMAN KESSLER: Yes. I do have a  
14 couple questions. Thank you.

15 First of all, they say yard signs and you  
16 refer to them being in people's yards and  
17 residential yards, but these are commonly used on  
18 commercial properties, also.

19 MR. COLBY: Yes.

20 VICE CHAIRMAN KESSLER: So this applies  
21 equally across --

22 MR. COLBY: Correct.

23 VICE CHAIRMAN KESSLER: Okay. Secondly,  
24 location. Front or exterior side yard, not interior

1 side yard or rear yard. So what is that -- I'm  
2 not sure what that's telling me here. So can you  
3 kind of explain that to me?

4 MR. COLBY: Sure. You can post it in a  
5 front yard or in a corner side yard, also known as  
6 an exterior side yard. So you could post the sign  
7 in the area between the building and the street in  
8 the area that's most visible. You could not post  
9 it behind the building in the rear yard or in the  
10 side yard adjacent to a neighboring property where  
11 two properties share a common lot line.

12 VICE CHAIRMAN KESSLER: I mean, why? I'm  
13 just asking why.

14 MR. COLBY: There were actually a couple  
15 of instances where temporary yard signs were  
16 posted along a common lot line, and that depending  
17 on the content of the sign may not be something  
18 that's desirable to the neighboring property owner  
19 who may be looking at that sign along their shared  
20 lot line.

21 So what this regulation would do is require  
22 that there be some separation between the side lot  
23 line and where the sign is posted so that the sign  
24 is more clearly posted in the front yard in front

1 of the house and it is not being posted right at  
2 the end of the yard where it could be impacting  
3 with the neighboring property.

4 VICE CHAIRMAN KESSLER: And that's 10 feet?

5 MR. COLBY: Yes.

6 VICE CHAIRMAN KESSLER: And then just another  
7 question about political signage. I understand  
8 the whole concept of not limiting free speech.

9 So before an election. What kind of an  
10 election? Is it a primary election? Is it a  
11 general election? Is it any election?

12 MR. COLBY: In the draft it states a local,  
13 state, or national election. So as long as it is  
14 an official election that's taking place.

15 VICE CHAIRMAN KESSLER: So 90 days is a  
16 reasonable period of time, but then I think between  
17 the primary election and a general election there's  
18 a longer period of time, and people are campaigning  
19 pretty heavily during that period. So this  
20 ordinance would require them to remove those signs  
21 after the primary and reinstall them 90 days  
22 before the general election?

23 MR. COLBY: That's correct.

24 VICE CHAIRMAN KESSLER: And why is that?

1           MR. COLBY: No specific reason other than  
2     if we look at the time frames they've listed in  
3     the ordinance, 90 days is typically the maximum  
4     period to allow temporary signs where there's a  
5     permit issued. That's the longest period we've  
6     identified in this draft.

7           It could certainly be a longer time  
8     period. There's no specific reason other than  
9     consistency with other sections of the ordinance.

10          VICE CHAIRMAN KESSLER: Well, one thing I  
11     noticed is that all through the Fox Valley there's  
12     still political signs up from the primary election  
13     primarily nationally, and they're pretty prominent  
14     all over the Fox Valley, and it's obviously long  
15     past then. I think if people are active, they may  
16     want to continue to do that without fear of being --  
17     so I think I would -- I think I would try and  
18     address that.

19          I know that there are people who  
20     believe -- and I happen to be one of them, that I  
21     wish our campaigns were only a year long instead  
22     of about four years long, and I wish the local  
23     elections, that they were a few weeks. But I  
24     don't think just because I think that other people



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1 do. So anyway --

2 CHAIRMAN WALLACE: So if any -- if a real  
3 estate sign is up for a house that's for sale, if  
4 it's more than the 90 days, then it's not there  
5 legally?

6 MR. COLBY: So there's no time limit on  
7 the yard signs, the length of time they're posted.

8 CHAIRMAN WALLACE: Oh, that's just for an  
9 election?

10 MR. COLBY: Yes. So preceding an election  
11 the limitation on yard signs goes away, but you  
12 could maintain one to two yard signs all throughout  
13 the year, and it could be that sign is a  
14 political sign.

15 VICE CHAIRMAN KESSLER: I don't see it.  
16 Explain that to me.

17 CHAIRMAN WALLACE: So there's no limitation  
18 but preceding an election -- there's a limitation  
19 on the number of signs that you can have in your  
20 yard, but preceding an election there's no  
21 limitation for 90 days prior to the election. If  
22 you wanted to have a sign out in your yard all the  
23 time, you could have it.

24 MEMBER VARGULICH: You'd be limited to one

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1 or two.

2 CHAIRMAN WALLACE: All year long you could  
3 have two signs.

4 VICE CHAIRMAN KESSLER: So you can --

5 CHAIRMAN WALLACE: You can but you can  
6 only have one.

7 VICE CHAIRMAN KESSLER: Or two.

8 CHAIRMAN WALLACE: Or two.

9 MEMBER PIETRYLA: Throughout the year.

10 VICE CHAIRMAN KESSLER: Okay.

11 MEMBER SCHUETZ: I have a question.

12 MEMBER VARGULICH: Russ, with respect to  
13 these recommended changes, is this something that  
14 the staff came up with, or did you kind of compare  
15 other ordinances that are addressing these  
16 two issues? I'm just curious what the background  
17 is to that.

18 MR. COLBY: Yes. There's a little of both.  
19 We have different staff members involved based on  
20 some issues we've observed over the past couple  
21 years trying to ensure that the regulations that  
22 we write would address those to the extent that we  
23 can within what we can regulate through zoning.

24 We also looked at other examples nationally

1 of municipalities who have updated their codes  
2 for -- in response to the Supreme Court decision.  
3 And they have -- municipalities take different  
4 approaches, but the literature suggests it sort of  
5 depends on how much risk a municipality is willing  
6 to take on with how far they go to regulate some  
7 of these things, but we've tried to follow what I'd  
8 say are the most common practices that have been  
9 adopted consistently.

10 There hasn't been a lot of additional case  
11 law following that decision to clarify what exactly  
12 the impacts would be particularly with these issues  
13 where we're trying to make special accommodations  
14 like with an election. We're purposefully not  
15 making reference to a political sign and allowing  
16 political signs. We're saying that during this  
17 time period you can post more signs, but we're not  
18 addressing what the signs say.

19 So that's sort of the reasoning to how the  
20 ordinance is being structured.

21 VICE CHAIRMAN KESSLER: This way you could  
22 have a big rug closeout during that time period.

23 MR. COLBY: You're limited to the square  
24 footage limitation, and also I would add that

1 limitations for off-site business signs continue  
2 to be enforceable.

3 So although you're not prohibited from  
4 posting some type of sign that has a commercial  
5 component to it, as a yard sign you could not be  
6 advertising something that is not on the lot, a  
7 business or service that's not on the lot where  
8 the sign is posted.

9 MEMBER SCHUETZ: So at the end of the  
10 90-day period in the current draft is there some  
11 stipulation that says they have to be removed?

12 MR. COLBY: Essentially that would be an  
13 enforcement issue, an action the City would need  
14 to take. It's implied after that time period  
15 you're no longer permitted to have more than one.

16 VICE CHAIRMAN KESSLER: But not all of  
17 them. I mean, it would just go back to --

18 MEMBER SCHUETZ: I know, then they'd just  
19 keep one or two. They used to take them down.  
20 I'm just wondering.

21 MEMBER PIETRYLA: So under the current  
22 ordinance we're allowing within that 90 days you  
23 can put as many signs, if I'm understanding, again,  
24 within the setback requirements or whatever. Are

1 people allowed to do that now?

2 MR. COLBY: Right now there's no time  
3 limitation. Our ordinance just says political  
4 signs are exempt from regulation.

5 MEMBER PIETRYLA: I mean, hypothetically  
6 somebody could put 200 political signs on their  
7 lot if the they wanted?

8 MR. COLBY: The issue we run into isn't  
9 necessarily with political signs during election  
10 years but differentiating whether a sign  
11 constitutes a political sign or not. Because if  
12 someone posts a certain message, it's a matter of  
13 interpretation whether it's political, which is  
14 why even though the Supreme Court case kind of  
15 directed us to take away the distinction for  
16 content, it's also from an enforcement standpoint  
17 difficult to do. In a lot of situations we can't  
18 necessarily say it is not this type of sign or  
19 that type of sign because it isn't very clearly  
20 defined without providing -- so they're subjective  
21 in content.

22 MEMBER PIETRYLA: So, in essence, we're  
23 just tightening up the time frame that they can  
24 have these multiple signs to 90 days?

1 MR. COLBY: Yes. With political signs --  
2 or signs posted during election years, yes.

3 MEMBER PIETRYLA: Is there -- with larger  
4 signs is there -- with a permit is there like a  
5 fee going to be levied on those, like a permit fee  
6 or anything associated with that? I'm just  
7 curious.

8 MR. COLBY: Yes, there is a fee required.

9 CHAIRMAN WALLACE: Does this affect the  
10 temporary signs for businesses like the big flag  
11 things that they put out?

12 MR. COLBY: So I'll switch over to this next  
13 slide. This deals with larger temporary signs --

14 CHAIRMAN WALLACE: All right.

15 MR. COLBY: -- and also attention getting  
16 devices, which are flags and streamers, inflatables.

17 VICE CHAIRMAN KESSLER: Trucks, are those  
18 in here?

19 MR. COLBY: So there are no regulations  
20 proposed to change with respect to signs on vehicles.

21 VICE CHAIRMAN KESSLER: And used as  
22 temporary signage?

23 MR. COLBY: Not as a temporary sign. The  
24 temporary signs section deals with temporary signs

1       that require a permit. So these are signs that  
2       are posted on a property.

3               VICE CHAIRMAN KESSLER: Okay. So this is  
4       nothing that's going to deal with somebody using a  
5       truck for temporary signage on their business  
6       property?

7               MR. COLBY: No, that's regulated separately  
8       under a different section.

9               So the size limitations for these larger  
10      temporary signs -- so anything over 6 square feet --  
11      vary by zoning district. So within -- it's  
12      specified in the code, but within single-family  
13      residential districts generally you can't have a  
14      larger temporary signs more than 6 square feet.  
15      But as you go up into the commercial districts,  
16      you're allowed larger signs based on the acreage  
17      of the property and based on what zoning district  
18      it's located in.

19              So then the difference is -- with these  
20      signs is how long they could be posted. So  
21      currently if you're posting a commercial sign like  
22      a banner or some kind of temporary banner sign,  
23      those are limited to a 14-day posting period.

24              So we're proposing to maintain that

1 restriction but also make a distinction between  
2 whether the sign is commercial or whether it is  
3 noncommercial in the content that's shown on  
4 the sign.

5 The Supreme Court decision said that it's  
6 still acceptable to distinguish between something  
7 that's commercial where it's being used for  
8 business versus something where it's other  
9 information that's being posted, noncommercial  
10 content. So it suggested that there be a 90-day  
11 period for posting noncommercial content.

12 So we have right now in the current ordinance  
13 an allowance for community event signs, for example,  
14 where they're exempted from some permitting  
15 requirements subject to certain standards. So  
16 with this change those are now signs that need to  
17 be permitted, but they're granted a longer time  
18 period because they're not being used for commercial  
19 or business functions; they're to provide other  
20 types of information.

21 For properties that are for sale, if you  
22 are posting a temporary sign on a property that's  
23 for sale, that can remain posted until the property  
24 is sold. So at any time if there's a question,



1       there needs to be information that the property is  
2       still being offered for sale, but you'd be able to  
3       keep -- what we consider now a large real estate  
4       signs remain up while the property is for sale.

5               There's also a category for signs called  
6       construction signs right now. This would be a  
7       large temporary sign where there's a new building  
8       or some other site improvements occurring and you  
9       want to keep the sign posted until the project is  
10      completed, and that's if you have a large sign  
11      that's associated with a temporary use.

12             Right now we make a distinction for  
13      Christmas tree sales lots. Instead of referencing  
14      a specific business like that we'd say that the  
15      temporary sign can be posted as long as the  
16      temporary use is authorized. There's a permit for  
17      those uses to be established, and the sign would  
18      just need to follow that time period. So we're  
19      not distinguishing between types of businesses but  
20      how long they're allowed to post their signs for  
21      temporary uses.

22             CHAIRMAN WALLACE: I have a question about  
23      the for sale and the new project signs. I can  
24      think of at least three or four around town that

1 have been up forever, you know, referencing  
2 projects that maybe were approved 20 years ago.  
3 Is there any thought about maybe requiring that  
4 the permit be renewed on an annual basis?

5 MR. COLBY: That's not something we've  
6 considered. Potentially there could be a  
7 requirement written for that.

8 CHAIRMAN WALLACE: Yeah. I mean, I think  
9 it's very easy for somebody to just leave a sign  
10 and for it to become totally dilapidated where you  
11 don't even notice it anymore it's been there for  
12 so long. I don't know. I'd be in favor of -- I  
13 would be in favor putting a limitation or a permit  
14 renewal.

15 VICE CHAIRMAN KESSLER: I would agree with  
16 that. And, frankly, I think -- I know you put a  
17 lot into this, but we're talking about temporary  
18 signs here, and I know you say that vehicles used  
19 for -- that's a temporary sign and they're covered  
20 under other ordinances, but we have the same kind  
21 of difficulty with those that we do with these  
22 signs, which would seem to me it should be somehow  
23 included in here.

24 We have companies using temporary trucks

1 for temporary signs that in other districts wouldn't  
2 be allowed but they're right on Main Street.  
3 Somehow that needs to be -- I mean, if we're  
4 dealing with temporary signs in this amendment, we  
5 should look at all temporary signs I think.

6 MR. COLBY: Well, it's -- the type of sign  
7 you're describing, a sign on a vehicle, it's not  
8 permanently posted on the property. So it's  
9 difficult to address that through a permit process  
10 because the permit relates to what you're allowed  
11 to do on the property.

12 VICE CHAIRMAN KESSLER: We do deal with it  
13 permanently in certain zoning districts and not in  
14 others.

15 MR. COLBY: I can pull up those regulations.  
16 Just give me a second.

17 CHAIRMAN WALLACE: I'm actually looking  
18 for them right now.

19 Signs on parked vehicles. This is  
20 17.28.080E, "No sign shall be displayed on a  
21 vehicle parked in an off-street parking or loading  
22 area or in an outdoor motor vehicle display area  
23 except in the following instances:

24 "1. The sign pertains to the sale, lease,

1 or rental of the vehicle in which it's displayed; or

2 "2. The sign is painted or otherwise  
3 affixed to a truck, bus, or other vehicle that is  
4 used to carry goods or people or provide services  
5 at least one day per week as an accessory use to  
6 the business identified on the signs. Signs  
7 resting on or attached to vehicles or trailers  
8 used as a means to circumvent the provisions of  
9 this Chapter are prohibited."

10 VICE CHAIRMAN KESSLER: We have a  
11 situation -- two that I know of where we have  
12 vehicles parked on a property that's owned by the  
13 business, but the company doesn't operate their  
14 vehicles out of that location; they're operated  
15 out of a different location. The trucks are  
16 parked there simply as advertisement. Oftentimes  
17 they're parked not properly in the lot; they're  
18 parked --

19 CHAIRMAN WALLACE: Across parking spaces.

20 VICE CHAIRMAN KESSLER: -- across parking  
21 spaces. They have actually taken spotlights and  
22 run an extension cord across the lot and  
23 spotlighted the vehicles. I mean, is that --  
24 they're clearly in violation of that ordinance

1 under those circumstances.

2 CHAIRMAN WALLACE: They've got a  
3 200-square-foot sign.

4 MR. COLBY: The question, one, would be  
5 whether the sign -- the business that's being  
6 advertised -- whether it's accessory to the  
7 business that's on the lot.

8 VICE CHAIRMAN KESSLER: Well, the business  
9 on the lot has a monument sign. The one business  
10 I'm referring to has a huge monument sign right on  
11 the lot.

12 MR. COLBY: So if there's a sign that's  
13 resting on the vehicle, maybe a physical sign  
14 maybe that's on the property against the vehicle,  
15 then we can associate it with the property. I  
16 think the issue would be if the information is on  
17 the side of the vehicle.

18 VICE CHAIRMAN KESSLER: It's painted on  
19 the vehicle.

20 MR. COLBY: If the vehicle can be moved,  
21 again, it's a regulation of what's going on with  
22 the vehicle as opposed to the property.

23 So I think this section attempts to address  
24 that by trying to associate the use of the vehicle

1 with the business.

2 MEMBER PIETRYLA: So based on the way this  
3 is written now, as long as it moves one day of the  
4 week it's not considered -- I mean, it qualifies  
5 under Section 2 of this; right? That's what it  
6 says, it's being used at least one day per week as  
7 an accessory.

8 VICE CHAIRMAN KESSLER: I guess what I'm  
9 saying is that we have -- we're addressing this  
10 temporary sign issue here, and there's clearly  
11 ways to get around this, that perhaps we should be  
12 addressing this, as well.

13 MR. COLBY: I'm open to if the Plan  
14 Commission has suggestions for how that section  
15 could be modified. Because it didn't relate to  
16 this amendment, it's not something we looked at,  
17 but it's something that can be.

18 CHAIRMAN WALLACE: Mr. Vann.

19 MR. VANN: Bob Vann, building department.

20 I can answer that question because there  
21 are number of vehicles out there that have their  
22 advertising of a business on their property. As  
23 long as that vehicle is legally licensed and that  
24 property -- that truck belongs to that property,

1       they can park it in that lot. That's how -- legally  
2       we can't do anything else. If it's parked in a  
3       different lot without that business, then we can  
4       go after them.

5               VICE CHAIRMAN KESSLER: And that's why I'm  
6       suggesting that we address that in this ordinance.  
7       That's clearly -- I mean, the intent of this  
8       ordinance that we have on the books right now is  
9       to minimize and to not allow temporary truck  
10      signage, yet it's not written in such a way that --  
11      they've figured out a way to get around it. So if  
12      that's the intent of a written ordinance, then we  
13      should do something about it.

14             MR. VANN: You have to realize that if  
15      that truck is on a different lot, that's off-site  
16      signage. That's what we would write the violation  
17      on. If that truck is there doing business and  
18      making deliveries, that's a different story, but  
19      if we see that thing parked there day after day,  
20      then we're going to start questioning that.

21             VICE CHAIRMAN KESSLER: But they are.

22             MR. VANN: They're on their own lot?

23             VICE CHAIRMAN KESSLER: They're parked on  
24      their lot right next to a monument sign, sometimes

1 multiple trucks, sometimes across parking spaces.  
2 The whole discussion here is -- I understand they  
3 can park on their own lot, but when the intent of  
4 our ordinance is to minimize or eliminate temporary  
5 signage by using vehicles, even if it's on their  
6 own lot we don't allow that. Even if it's your  
7 own lot, you can only do that if you meet the  
8 standards of this ordinance which clearly in this  
9 particular case aren't strict enough to limit the  
10 intent of our ordinance, which is to not allow  
11 temporary truck signage.

12 I mean, if you have a monument sign, and  
13 then you have two trucks parked catawampus in the  
14 yard with their own plugged-in spotlights on it,  
15 that's clearly not what we're trying to do. We're  
16 trying to not do that.

17 MR. VANN: I'm not familiar with the  
18 location you're talking about but.

19 CHAIRMAN WALLACE: Isn't it like a block  
20 from your house, approximately Main and 14th?

21 VICE CHAIRMAN KESSLER: That's right.

22 MR. VANN: So if that vehicle is parked on  
23 that business lot, whether they have one or  
24 six trucks, and they're properly parked, they can



1 do that.

2 VICE CHAIRMAN KESSLER: Well, kind of, if  
3 that truck is being used for their business.

4 MR. VANN: Correct.

5 VICE CHAIRMAN KESSLER: And it's not  
6 because they don't operate their vehicles out of  
7 there. We all know that. It's clearly -- you  
8 know, on Memorial Day when you have a truck that's  
9 got flags with spotlights on it, they're in  
10 violation. I mean, it's not like once in a while.  
11 It's all the time.

12 If we're talking about temporary signage  
13 and trying to come up with ways to make it more  
14 compliant and to come up with ways that we can --  
15 it's all temporary signage to me.

16 MR. COLBY: We're considering that. I  
17 think this text that's up here is our current  
18 regulations. This is sort of our starting point.  
19 I think the question would be, is there some way  
20 that the Plan Commission would suggest a section  
21 could be typed up to discourage the practice?

22 We'd be looking for input on that. It's  
23 not something we had done any research on thus  
24 far, but it's something that could be considered.

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1 We have these regulations here. Is there some way  
2 those could be tightened to be more effective?

3 MEMBER PIETRYLA: Are you looking for an  
4 exact proposed language tonight?

5 MR. COLBY: Sure, or if there is just a  
6 general idea of how you think it should be changed.

7 VICE CHAIRMAN KESSLER: There are a couple  
8 of things, and I would say first of all that they  
9 have to be properly parked in the parking space,  
10 number one. They have to be -- they can't be  
11 artificially -- or attention -- I don't know.

12 CHAIRMAN WALLACE: Attention drawn to the  
13 vehicle by --

14 VICE CHAIRMAN KESSLER: Artificial  
15 intention or something like that. And then I  
16 think that you need to limit how close they can be  
17 parked to their -- either the -- we have to have  
18 some kind of setbacks on the property. We have  
19 ordinances in here that don't allow certain things  
20 on a major roadway, so they have to be set back  
21 from the major roadway or somehow not parked right  
22 next to their monument sign. It's overkill. It's  
23 too much.

24 So I think those types of things, and

1 maybe you can come up with some other ones, Russ,  
2 because you're a pretty sharp guy.

3 MR. COLBY: I think those are pretty good  
4 suggestions actually. Because from a zoning  
5 standpoint the easiest way to regulate it is to  
6 deal with the location, which you suggested with  
7 how they would be required to be in parking spaces  
8 or outside setback distances. I'm not sure we  
9 want to impose a different setback requirement  
10 than what exists already for the zoning district  
11 where it's located because that would require --  
12 add complexity to the enforcement for someone to  
13 understand regulations.

14 VICE CHAIRMAN KESSLER: Is there some sort  
15 of language, Russ, that you could use that would  
16 say -- I realize -- the particular case I'm thinking  
17 of, and maybe that's why it seems so egregious to  
18 me, is that it is the business, it is their  
19 vehicle, and it is the vehicles that they use in  
20 their business but not at that location. They  
21 don't truck out of there; they don't warehouse out  
22 of there; they don't do -- there's no reason for  
23 them to be there other than to advertise.

24 MR. COLBY: So that sounds like it's

1 something that could be enforced based on the  
2 existing language --

3 VICE CHAIRMAN KESSLER: Right.

4 MR. COLBY: -- based on what you're  
5 describing.

6 CHAIRMAN WALLACE: There's no operational  
7 purpose for the vehicle to be there. It's there  
8 strictly for marketing reasons.

9 MR. COLBY: But back to your suggestion of  
10 restrictions, the locations restrictions, I think  
11 that's enforceable. Preventing the sign from  
12 being illuminated, that's enforceable.

13 MEMBER PIETRYLA: I would agree, Tim, based  
14 on, again, No. 2 here that we're looking at says  
15 as long as -- if it's not moving at least one day  
16 of the week, that's a violation.

17 CHAIRMAN WALLACE: That seems very difficult  
18 to enforce. I mean, how do you determine --

19 VICE CHAIRMAN KESSLER: You can't.

20 CHAIRMAN WALLACE: I think as Bob said, as  
21 long as it's licensed and operational, they could  
22 always say, "Yeah, well, we drove it last Sunday."  
23 How do you know?

24 MR. VANN: If we enforce -- if we write a

1 violation for your vehicle not moving within that  
2 time period, it would be up to the City to justify  
3 that. Have we done it? Yeah. We've chalked tires  
4 in the past on certain things, different occasions.  
5 That's one way we did it, took a picture, hasn't  
6 moved.

7 VICE CHAIRMAN KESSLER: You couldn't do  
8 that here because they do move them. They have a  
9 green truck on St. Patrick's Day or pink one on  
10 Valentine's Day.

11 MR. VANN: It's enforceable. It's just a  
12 matter of having the resources.

13 VICE CHAIRMAN KESSLER: And if you also  
14 have the language in here that is a little more  
15 explicit. I mean, move your vehicle one day of  
16 the week, it's okay -- I mean, it makes sense but,  
17 you know, maybe you --

18 CHAIRMAN WALLACE: Well, it would be a  
19 little more subjective to have --

20 VICE CHAIRMAN KESSLER: Subjective or  
21 objective?

22 CHAIRMAN WALLACE: -- objective if a  
23 vehicle is parked improperly, if it's parked in  
24 the yard.

1           MEMBER PIETRYLA: You could visualize that  
2 more easily.

3           CHAIRMAN WALLACE: Or if there is a light,  
4 a spotlight shining on the vehicle, obviously  
5 those are going to be a lot easier for you to  
6 enforce.

7           VICE CHAIRMAN KESSLER: Believe me, I  
8 realize the limitation. We don't have a bunch of  
9 people driving around looking for people making  
10 violations; it's not what we do. They're usually  
11 prompted by a complaint. But if we can do the  
12 things that you do, and that is to write these  
13 ordinances in such a fashion that you just have to  
14 say, "You can't do that because look at this,"  
15 then it kind of mitigates the need to have to go  
16 out and be the cop to these people all the time.

17           We don't want to do that. We don't want  
18 to be in that position, and I think we can do it  
19 through language in our ordinance. And I think  
20 just as what you proposed is a really good job of  
21 how to deal with the yard signs, temporary signage.

22           MEMBER PIETRYLA: Food for thought.

23           VICE CHAIRMAN KESSLER: So where are we  
24 at, Russ?

1           CHAIRMAN WALLACE: Tell me when you want  
2 to talk about electronic signs. Are we almost  
3 there?

4           MR. COLBY: I concluded my presentation on  
5 the changes to the ordinance.

6           CHAIRMAN WALLACE: Okay.

7           MEMBER PIETRYLA: So in a nutshell, these  
8 changes, best practices, that's great. In  
9 essence, though, we're tightening it up to the  
10 ramifications are greater esthetics, better  
11 esthetics for the city. I mean, these were the  
12 nucleus of the reasoning; correct?

13          MR. COLBY: Yes. And also to make the  
14 code clearer and easier to enforce and less open  
15 to interpretation.

16          CHAIRMAN WALLACE: Actually, I was looking  
17 at some of the changes, and I now am seeing  
18 electronic changeable copy signs. Is that just to  
19 make it easier to read?

20          MR. COLBY: Yes. That section, we basically  
21 are proposing to rewrite it so it reads clearer  
22 because the way it's phrased has been confusing.

23          CHAIRMAN WALLACE: I have -- maybe this is  
24 a side question, but it does have to do with this

1 section. If there are electronic signs that are  
2 in windows, does that fall within the purview of  
3 this ordinance?

4 MR. COLBY: No, it does not.

5 CHAIRMAN WALLACE: Even though it's in a  
6 clear window facing outward?

7 MR. COLBY: So we do have a limitation on  
8 the amount of window signs, but if it's something  
9 that's not attached to the window, it's not  
10 required to be a permitted sign.

11 CHAIRMAN WALLACE: What's "attached to the  
12 window"?

13 MR. COLBY: Basically, painted on the  
14 window. If it's hanging in the window behind the  
15 window, it's not considered to be a regulated sign  
16 other than percentage coverage of the window.

17 CHAIRMAN WALLACE: And as far as temporary  
18 signs go, is it the same -- like if you were to  
19 put a for sale sign, for example, in a window or  
20 in every window of your house, those are not  
21 included under our ordinance because they're on  
22 the inside of the house?

23 MR. COLBY: Correct.

24 MEMBER PIETRYLA: What if a business has



1 multiple locations and their sign is greater than  
2 6 feet? Do they have to get separate permits, or  
3 is it a bundling provision?

4 MR. COLBY: Well, they're still limited to  
5 the number of large temporary signs they can post,  
6 also. Were you suggesting multiple properties?

7 MEMBER PIETRYLA: Yes. So if you're a  
8 realtor and you have multiple signs, do they have  
9 to get a dozen permits?

10 MR. COLBY: The permit is associated with  
11 each property, but the standard real estate signs  
12 would fall under the square footage limitations of  
13 a yard sign, which does not require a permit.

14 VICE CHAIRMAN KESSLER: I'd like to keep  
15 this public hearing open and come back to revisit  
16 it if you come up with some language to address  
17 the temporary signage on vehicles.

18 CHAIRMAN WALLACE: Do you have any issue  
19 with that?

20 MR. COLBY: No. That's an option. I  
21 would say, though, if you wanted us to move forward  
22 with the suggestions you provided, we can do that.  
23 Unless you wanted to discuss it further, then we  
24 could continue the hearing.

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1           VICE CHAIRMAN KESSLER: So instead just go  
2 ahead subject to --

3           MR. COLBY: I would write language based  
4 on the recommendations you provided if that's the  
5 recommendation of the Plan Commission.

6           VICE CHAIRMAN KESSLER: I already said  
7 that. That would be fine with me.

8           CHAIRMAN WALLACE: I would like that.

9           VICE CHAIRMAN KESSLER: So then we would  
10 just go through closing the public hearing?

11          MR. COLBY: Yes. And you could include  
12 those recommendations.

13          CHAIRMAN WALLACE: I don't think that it  
14 would hurt to keep it open because we wouldn't be  
15 voting on it until we have -- wait. What are you  
16 suggesting?

17          VICE CHAIRMAN KESSLER: What I'm  
18 suggesting is that we need to include vehicle  
19 signage on commercial properties in this temporary  
20 signage ordinance using -- with language to describe  
21 those items that I suggested, setback -- I don't  
22 know how to describe it. Can you tell me what you  
23 have there, Russ.

24          MR. COLBY: That the vehicles be properly

1 parked in a designated parking space, that there's  
2 no attention drawn to the vehicle by artificial  
3 light, and that there's limitation how close they  
4 can be to a street based on setback requirements,  
5 and that they not be placed adjacent to a  
6 permanent sign.

7 VICE CHAIRMAN KESSLER: Okay. And I'm  
8 going to include though -- including everything  
9 that Russ noted, and I'm going to say that in my --  
10 but when you say no attention drawn to them by  
11 artificial lighting, I'd like to see some kind of  
12 language in there that would say or crepe paper,  
13 or banners, or something.

14 MR. COLBY: Attention getting devices is a  
15 category of signs. So you could say there should  
16 be no attention getting devices attached to or  
17 associated with the vehicles.

18 CHAIRMAN WALLACE: So are you suggesting  
19 closing the public hearing and voting on this  
20 today subject to that?

21 VICE CHAIRMAN KESSLER: Yes, I am.

22 CHAIRMAN WALLACE: Okay.

23 VICE CHAIRMAN KESSLER: What do you think?  
24 I mean, I'm satisfied that had Russ is -- knows

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1 what the intent is here and that he would write  
2 language that I would be comfortable with.

3 CHAIRMAN WALLACE: All right. Any other  
4 discussion?

5 MEMBER PIETRYLA: So we're going to vote  
6 to take action on your language?

7 VICE CHAIRMAN KESSLER: Well, we're  
8 talking about whether or not we want to close the  
9 public hearing or do we want them to come back and  
10 have him tell us all about what he wrote. I would  
11 make a motion.

12 CHAIRMAN WALLACE: Well, are there any  
13 questions or comments from the public?

14 (No response.)

15 CHAIRMAN WALLACE: All right.

16 VICE CHAIRMAN KESSLER: I make a motion  
17 that we close the public hearing.

18 MEMBER SCHUETZ: Second.

19 CHAIRMAN WALLACE: It's been moved and  
20 seconded. Discussion on the motion?

21 (No response.)

22 CHAIRMAN WALLACE: All right.

23 VICE CHAIRMAN KESSLER: Holderfield.

24 MEMBER HOLDERFIELD: Yes.

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1 VICE CHAIRMAN KESSLER: Schuetz.  
2 MEMBER SCHUETZ: Yes.  
3 VICE CHAIRMAN KESSLER: Pretz.  
4 MEMBER PRETZ: Yes.  
5 VICE CHAIRMAN KESSLER: Vargulich.  
6 MEMBER VARGULICH: Yes.  
7 VICE CHAIRMAN KESSLER: Pietryla.  
8 MEMBER PIETRYLA: Yes.  
9 VICE CHAIRMAN KESSLER: Wallace.  
10 CHAIRMAN WALLACE: Yes.  
11 VICE CHAIRMAN KESSLER: Kessler, yes.  
12 CHAIRMAN WALLACE: 8 is General Amendment,  
13 Application for General Amendment to Chapter 17.28  
14 "Signs" and Chapter 17.280 "Definitions."  
15 Tim.  
16 VICE CHAIRMAN KESSLER: I make a motion to  
17 recommend approval of General Amendment, Application  
18 for General Amendment to Chapter 17.28 "Signs" and  
19 Chapter 17.280 "Definitions," subject to including  
20 language relating to temporary vehicle signage on  
21 a property including those items as discussed in  
22 the public hearing and noted -- in the transcript  
23 and noted by Russ.  
24 MEMBER PRETZ: I'll second.

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1 CHAIRMAN WALLACE: All right, it's been  
2 moved and seconded. Any discussion?

3 (No response.)

4 CHAIRMAN WALLACE: Is that acceptable to  
5 you, Russ?

6 MR. COLBY: That is.

7 VICE CHAIRMAN KESSLER: Holderfield.

8 MEMBER HOLDERFIELD: Yes.

9 VICE CHAIRMAN KESSLER: Schuetz.

10 MEMBER SCHUETZ: Yes.

11 VICE CHAIRMAN KESSLER: Pretz.

12 MEMBER PRETZ: Yes.

13 VICE CHAIRMAN KESSLER: Vargulich.

14 MEMBER VARGULICH: Yes.

15 VICE CHAIRMAN KESSLER: Pietryla.

16 MEMBER PIETRYLA: Yes.

17 VICE CHAIRMAN KESSLER: Wallace.

18 CHAIRMAN WALLACE: Yes.

19 VICE CHAIRMAN KESSLER: Kessler, yes.

20 CHAIRMAN WALLACE: That concludes Item 8  
21 on your agenda.

22 (Off the record at 8:18 p.m.)  
23  
24

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 12th day of June, 2018.

My commission expires: October 16, 2021



Notary Public in and for the  
State of Illinois



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# Transcript of ERP Plat of Consolidation

**Date:** June 5, 2018

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: :  
ERP Plat of Consolidation - :  
1835 and 1855 Wallace Avenue, :  
Final Plat of Subdivision :  
(Minor Subdivision). :  
-----x

REPORT OF PROCEEDINGS  
St. Charles, Illinois 60174  
Tuesday, June 5, 2018  
8:19 p.m.

Job No.: 189950C  
Pages: 1 - 11  
Reported by: Paula M. Quetsch, CSR, RPR

Transcript of ERP Plat of Consolidation  
Conducted on June 5, 2018

2

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  
7  
8  
9

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 ERP Plat of Consolidation  
Conducted on June 5, 2018

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JIM HOLDERFIELD, Member

5 DAVID PIETRYLA, Member

6 TOM PRETZ, Member

7 TOM SCHUETZ, Member

8 PETER VARGULICH, Member

9  
10 ALSO PRESENT:

11 RUSS COLBY, Planning Division Manager

12 ELLEN JOHNSON, Planner

13 BOB VANN, Building & Code Enforcement  
14 Division Manager

Transcript of ERP Plat of Consolidation

Conducted on June 5, 2018

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

2 CHAIRMAN WALLACE: Item 9 is ERP Plat of  
3 Consolidation, 1835 and 1855 Wallace Avenue, Final  
4 Plat of Subdivision (Minor Subdivision).

5 Whose is this, Russ?

6 MR. COLBY: This is mine. This is a final  
7 plat application to consolidate some adjacent lots  
8 at the northwest corner of Wallace Avenue and  
9 Tyler Road. The properties are improved with  
10 two industrial buildings. They're currently under  
11 common ownership. The proposal is to consolidate  
12 the lots so that one building could be expanded  
13 with two buildings attached together.

14 The staff has reviewed the final plat that  
15 was submitted. The only item to be addressed is a  
16 vacation of a public utility easement that crosses  
17 the county lot line. Currently that's not used  
18 for any utilities. It's only a narrow 5-foot  
19 easement, so it's unlikely to serve any future  
20 function, so that would be removed as part of this  
21 plat of consolidation approval.

22 There's some minor comments in the staff  
23 memo regarding some of the signature blocks on the  
24 plat, but the plat as submitted complies with code

Transcript of ERP Plat of Consolidation

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1 requirements and staff is recommending approval.

2 CHAIRMAN WALLACE: Where is that easement,  
3 that utility easement?

4 MR. COLBY: It crosses -- if you look on  
5 the plat, it crosses along the common lot line of  
6 the two properties.

7 VICE CHAIRMAN KESSLER: They're  
8 consolidating two lots here, right?

9 CHAIRMAN WALLACE: On the overhead it  
10 shows -- right there.

11 MR. COLBY: So the utility easement runs  
12 along this common lot line here.

13 CHAIRMAN WALLACE: So there are three lots  
14 there, right?

15 MR. COLBY: Yes. These two parcels  
16 essentially function as one zoning lot, and they  
17 were built on --

18 CHAIRMAN WALLACE: So there's an easement  
19 that's on the south line of the north lot?

20 MR. COLBY: Yes.

21 VICE CHAIRMAN KESSLER: So they're  
22 consolidating three lots technically?

23 MR. COLBY: Yes. Because this -- these  
24 two are platted lots. It's improved as two lots.

Transcript of ERP Plat of Consolidation

Conducted on June 5, 2018

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1           CHAIRMAN WALLACE: Does that public utility  
2           easement potentially benefit any other properties  
3           besides this one?

4           MR. COLBY: No, it does not. And there  
5           are perimeter easements that exist around this  
6           property and to the north, so there's no need for  
7           that easement to be retained.

8           CHAIRMAN WALLACE: All right. Any questions?

9           MEMBER PIETRYLA: What was the -- if you  
10          know, why was that easement even created if  
11          there's no utilities in it?

12          MR. COLBY: The City requires perimeter  
13          easements be established for new lots, so when  
14          this lot was platted, it was required to be  
15          provided whether there's a need for it or not.

16          CHAIRMAN WALLACE: All right. Is there a  
17          motion -- are you done with everything?

18          MR. COLBY: Yes.

19          CHAIRMAN WALLACE: I though you were about  
20          to talk again.

21          Go ahead.

22          VICE CHAIRMAN KESSLER: I'd like to make a  
23          motion to recommend approval of ERP Plat of  
24          Subdivision - 1835 and 1855 Wallace Avenue, Final

Transcript of ERP Plat of Consolidation  
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1 Plat of Subdivision (Minor subdivision.)  
2 MEMBER PRETZ: Second.  
3 CHAIRMAN WALLACE: It's been moved and  
4 seconded. Any discussion on the motion?  
5 (No response.)  
6 VICE CHAIRMAN KESSLER: Holderfield.  
7 MEMBER HOLDERFIELD: Yes.  
8 VICE CHAIRMAN KESSLER: Schuetz.  
9 MEMBER SCHUETZ: Yes.  
10 VICE CHAIRMAN KESSLER: Pretz.  
11 MEMBER PRETZ: Yes.  
12 VICE CHAIRMAN KESSLER: Vargulich.  
13 MEMBER VARGULICH: Yes.  
14 VICE CHAIRMAN KESSLER: Pietryla.  
15 MEMBER PIETRYLA: Yes.  
16 VICE CHAIRMAN KESSLER: Wallace.  
17 CHAIRMAN WALLACE: Yes.  
18 VICE CHAIRMAN KESSLER: Kessler, yes.  
19 CHAIRMAN WALLACE: All right. That item  
20 passes unanimously, and that concludes our  
21 business through Item 8 -- oh, we have two Item 9s.  
22 Item 9B is additional business from Plan Commission  
23 members or staff.  
24 Anything?

Transcript of ERP Plat of Consolidation  
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1 (No response.)

2 CHAIRMAN WALLACE: Weekly development  
3 report, meeting announcements. What do you think  
4 are the chances for our next few meetings?

5 MR. COLBY: We have items scheduled for  
6 the 19th. I believe we're anticipating that the  
7 July 3rd meeting would be canceled.

8 CHAIRMAN WALLACE: When are the  
9 fireworks now?

10 MR. COLBY: I don't know.

11 CHAIRMAN WALLACE: Because they used to be  
12 on July 3rd. They used to do them on July 3rd I  
13 think.

14 MEMBER SCHUETZ: It always depended on  
15 where the 4th fell.

16 CHAIRMAN WALLACE: Did it?

17 VICE CHAIRMAN KESSLER: I don't know --  
18 yeah, you're right. You're right, yeah. It  
19 always has.

20 MEMBER SCHUETZ: I don't know but I have a  
21 feeling it will be on the 4th this year just  
22 because it's in the middle of the week.

23 CHAIRMAN WALLACE: Just curious.

24 MR. COLBY: As of now that meeting has not



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1       been canceled but we're doing our best.

2               CHAIRMAN WALLACE:   It will be very  
3       interesting to have a meeting then.

4               MR. COLBY:   Yes.

5               VICE CHAIRMAN KESSLER:   It's always my day  
6       when we talk about signs.

7               MR. VANN:   It's a very interesting topic.  
8       Everybody has an opinion on that.

9               CHAIRMAN WALLACE:   For us it's signs and  
10      drive-throughs; those are our two things.

11              MEMBER SCHUETZ:   That and trees.

12              CHAIRMAN WALLACE:   Yeah.   Trees can do  
13      it, too.

14              Public comment?

15              AUDIENCE MEMBER:   I missed the part I came  
16      for.   It's interesting.   I've not been before.  
17      Are you done now?

18              CHAIRMAN WALLACE:   Is here a motion to  
19      close the hearing?

20              AUDIENCE MEMBER:   I was going to comment  
21      on the house on Geneva.

22              VICE CHAIRMAN KESSLER:   So moved.

23              MEMBER PIETRYLA:   Second.

24              CHAIRMAN WALLACE:   All in favor.

Transcript of ERP Plat of Consolidation  
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1 (Ayes heard.)

2 CHAIRMAN WALLACE: This meeting of the  
3 St. Charles Plan Commission is adjourned at 8:25 p.m.

4 (Off the record at 8:25 p.m.)  
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Transcript of ERP Plat of Consolidation  
Conducted on June 5, 2018

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1 CERTIFICATE OF SHORTHAND REPORTER

2  
3 I, Paula M. Quetsch, Certified Shorthand  
4 Reporter No. 084-003733, CSR, RPR, and a Notary  
5 Public in and for the County of Kane, State of  
6 Illinois, the officer before whom the foregoing  
7 proceedings were taken, do certify that the foregoing  
8 transcript is a true and correct record of the  
9 proceedings, that said proceedings were taken by  
10 me stenographically and thereafter reduced to  
11 typewriting under my supervision, and that I am  
12 neither counsel for, related to, nor employed by  
13 any of the parties to this case and have no  
14 interest, financial or otherwise, in its outcome.  
15

16 IN WITNESS WHEREOF, I have hereunto set my  
17 hand and affixed my notarial seal this 12th day of  
18 June, 2018.  
19

20 My commission expires: October 16, 2021

21   
22 \_\_\_\_\_

23 Notary Public in and for the  
24 State of Illinois 8:25 p.m.