

**MINUTES**  
**CITY OF ST. CHARLES, IL**  
**PLANNING AND DEVELOPMENT COMMITTEE**  
**MONDAY, JULY 11, 2016 7:00 P.M.**

**Members Present:** Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Turner, Krieger, Gaugel, Bessner, Lewis

**Members Absent:** None

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

**1. CALL TO ORDER**

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

**2. ROLL CALLED**

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Bancroft, Turner, Gaugel, Krieger, Bessner, Lewis

Absent: None

**3. COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Plan Commission recommendation to approve a Final Plat of Subdivision for Schulze Resubdivision, 1021 Howard St.

Ms. Johnson said the property owner (Steven Schulze) is seeking approval of the final plat to divide his property into 2 lots. Lot 1 would encompass the house and garage, and Lot 2 would be established as a new buildable lot for a single family home and Plan Commission recommended approval upon resolution of staff comments.

Aldr. Payleitner asked if the neighbors get notice of this because this looks kind of close to the other neighbors. Ms. Johnson said they do not get notice for subdivision plats.

Aldr. Lemke asked if there is a lot line/build line consistent with other houses around there. Ms. Johnson said yes, the lot size meets all zoning requirements and is actually a little larger than the requirements of that zoning district. Aldr. Lemke said larger than those on Prairie in terms of width.

**Aldr. Stellato made a motion to approve a Final Plat of Subdivision for Schulze Resubdivision, 1021 Howard St. Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried. 9-0**

- b. Recommendation to approve a Minor Change to PUD Preliminary Plan – 2701 E. Main St. (Dunkin' Donuts).

Ms. Johnson said back in May of 2015 Council approved a minor change to the PUD Preliminary Plan (former Qdoba site) to accommodate a drive-through Dunkin Donuts. A condition of the approval was that vehicles using the drive-through lane must exit to the east instead of to the west to access the drive on the Toyota property, which is a shared access drive; and in order to accommodate that condition, circulation was limited to one-way along the south end of the building. The building permit for the project is currently under review and an issue has been raised by the neighboring Walgreens to the east. Walgreens customers have easement rights to exit west through the Dunkin Donut lot and based on the one-way circulation around the south end of the Dunkin building, Walgreens customers will have to travel around the Dunkin building in order to exit to the west. In response to this concern, the applicant is requesting a minor change to allow 2-way traffic flow along the south end of the Dunkin lot and this would be done by reducing the length of the drive-through landscape island. Vehicles exiting the Dunkin drive-through will continue to be directed east to exit by signage and curbing but the curbing will be reduced in length by about 3ft. 8in.

Aldr. Krieger asked if this affects the number of cars stacking. Ms. Johnson said it would not; the stacking would be the same as was previously approved.

Aldr. Payleitner asked why Walgreens all of the sudden came forward on this. Mr. Johnson said she believes that since there is the common access easement the Walgreens property owner has the right to review changes to the site. Aldr. Payleitner said this conversation took place a long time ago and she questions it because she visits the Walgreens often and she cannot imagine anybody going that direction to head west when the light is right there. She doesn't think the landowner understands their customer and she feels it will be a mess to make that 2-ways right now.

Aldr. Lewis said the 1-way was put in to correct traffic problems on that street and she questions why we would reverse that to have 2-way again. Jim Duerr-Dunkin Donuts-said he has met with Mr. Alf several times as well as his engineer and he does not have a problem putting the additional 3ft. 8in. curb in; the problem was the cross-access agreement with Walgreens which is why that was taken out. He said they do have signage at that point that states "no right turn" as well as one across the entrance that states "exit to North Ave." with the purpose being to direct all traffic away from the Toyota property and the shared access drive. The 3ft. 8in. curb was an accommodation for Walgreens only, Mr. Alf and himself have also talked of putting in bollards on the end of it to ensure people do not cut the corner to try to make a right turn to go to the shared driveway.

Aldr. Lewis clarified that we are back to the 2-way traffic. Mr. Duerr said they have to have the 2-way traffic due to the cross access agreement with Walgreens, but he is doing everything he can to direct all the traffic north.

Dennis Alf-St. Charles Toyota-Main St.-said its astounding that we are back here with this because the premise is safety; the more people that use the drive will potentially go back west which is a death defying act which is why this conversation has come up and why he bought property to channel over 50% of his customers back out onto Industrial Dr. The main thing to look at is the 3ft. 8in. to target the drive-through customer that way; if you take that 3ft. 8in. out the customer will look out the corner of his eye and feel comfortable to make the swing; the one coming down to the west will be the small percentage of Walgreens customers that will come around and then come back. We want to defer the larger percentage from that drive; and yes it would inhibit his business if it starts to back up, but even more, which Council should be concerned with is "how many people do you want to scrape off the middle of Main St." because they are going to go left.

He said you won't need a lot of people making a bad decision before you have an accident; he's had accidents and seen them there, as well as his own son almost having a fatal accident there and for Walgreens to come in this late into the game, they are not thinking through it. He said he and Mr. Dueff have both had traffic engineers out to come to the point of working together to have safety and this has gone on too long, and yes he eats donuts and also uses Walgreens pharmacy by coming in on the east side to go to the stoplight to be directed in/out even faster, he doesn't even go back to his own property to sneak out the back. He said as far as bollards, go to Shell gas station and see how much red paint is on the yellow bollards, people cut back through a few more times especially with an SUV, they forget the rear quarter panel. He said the person that really wants to come that way will come in the top section and come directly in there, he is not trying to shoo people away, they might even want to buy a car, he just doesn't want to see it blocked.

Aldr Silkaitis said there have been a lot of discussions and here we are over a year later; why has it taken that long for Walgreens to realize this? He said the last conversation had everyone in agreement and he has a problem changing it because people are going to turn right to get out; its human nature no matter what sign is there. He's not in favor of granting the minor change.

Chairman Bancroft clarified that this is an access agreement between 2 private land owners, and the reason the 2-directional request is being made again is because Walgreens is not giving consent to a change the agreement between the 2 private landowners. What's before us right now is a request to make the change so they can get their permit, and if Council doesn't make the change they do not get their permit and no building will happen anytime soon.

Mr. Duerr said he can put up as many different signs as the city wants but if a person is not going to obey a sign, they are not going to obey it. Aldr. Silkaitis said but the curb area that makes it harder to turn has also been eliminated. Mr. Duerr said that's why he has no problem putting up bollards, adding the 3.8 ft. or even putting a large rock there. He said he's not so worried about somebody damaging their car because it will only happen once and it won't happen again.

Mr. Alf said he is astounded that somebody who hasn't come to the party for 2 years could delay this business from coming in. Chairman Bancroft said what's before the committee right now is a request for a minor change to make this a 2 way street and the reason for the request is because Walgreens will not consent to that being made a 1 way street. Mr. Alf said they want the 3.8ft., we are not saying we can't, we are trying to make it optically not favorable. Mr. Duerr said Walgreens has always had the access so by shrinking it down we are changing the access. Chairman Bancroft said to be blunt, this is a private party problem that city staff was trying to fix by making this change and he doesn't get the sense that anyone here wants to change the way it currently is; the access agreements needs to be dealt with.

Aldr. Stellato asked if anyone has had a conversation with Walgreens and he wondered if reaching out to them would be a good idea. Mr. Duerr said there was an agreement with Walgreens and they have seen the plans and were fine with it. Aldr. Stellato suggested a different angle in telling them this needs to be done for safety reasons. He said Walgreens is a good company and he feels that if a convincing case is given to them they will listen to staff, the police dept., fire dept. to get them to help resolve this.

Mr. Duerr asked if there could be a vote tonight approving this subject to Walgreens signing off. Aldr. Silkaitis said there's no vote needed if the status quo is being kept. Mr. Duerr added that he had also made some engineering design changes that Mr. Alf would like.

Aldr. Payleitner said in reading the fine print, Walgreens gripe was that their customers were going to have to make a loop around the building. She wondered how many customers is that because they would still have access to the road, it's not like they are being denied access. Chairman Bancroft said there is nothing we can do about it, they have approval rights over their access agreement and he doesn't think anybody here has reviewed the access agreement between the 2 parties; therefore we cannot just make a pronouncement as to what that means or entails.

Aldr. Stellato said his twist would be to state that the city feels safer if we do this and to please work with us to make some headway. Chairman Bancroft asked if staff had a problem making that communication. Ms. Tungare said staff does not necessarily have a contact with Walgreens but they could contact the store manager with a letter from staff and the Fire dept. making a request to work cooperatively with the city for safety purposes, but the city does not necessarily have strong leverage because this is an issue between 2 private properties. Chairman Bancroft said if Walgreens says it okay and leave it the way it was then there is nothing left for the city to do; the permit would then be issued. Ms. Tungare said that's correct.

Aldr. Lewis asked if we know the owner of the Dunkin Donuts building. Mr. Duerr said he deals with the owner all the time and the owner had the conversation with Walgreens which is how we got to this point, but Walgreens has gone through a whole re-org for their real estate dept. with a lot of layoffs and you cannot get callbacks from them. Aldr. Lewis asked if Walgreens owns their building. Chairman Bancroft said typically that would not be the case, the 2 building owners are the parties to that agreement and his guess is that the 1 building owner is just going to espouse what Walgreens tells them to do because that's what's required by the lease.

Aldr. Lemke said in reading this, it's a description of a proposed change adjusting the drive through island to allow for 2 way traffic and as far as he is concerned he doesn't see any need for doing that tonight. Aldr. Turner asked if they could still pull a permit if this is not done. Mr. Colby said he believes they are entitled to a building permit for what's previously been approved, he would have to verify that, but obviously there is a private party issue that exists between the 2 adjacent property owners. Ms. Tungare said from a legal standpoint we would need to verify with legal counsel. Mr. Colby clarified that the minor change being proposed is just the change to the site plan and if the committee does not support that, it would be appropriate to either table the request or make a recommendation to deny it. He suggested maybe tabling it to give staff the opportunity to communicate with Walgreens as suggested by Aldr. Stellato.

Mr. Duerr said if we agree to put the 3.8 ft. in right now could we have an affirmative vote. He said he would agree to put that 3.8 ft. in and then it would be the responsibility of his landlord and Walgreens to work that out. Chairman Bancroft said at that point, unless he is missing something, they already have everything approved then. Mr. Duerr said he did put in some extra parking. Mr. Alf said if we go back to 3.8 ft. then we have to resubmit all of our drawings. Mr. Duerr said never mind then. Mr. Alf said we could do it though.

**Aldr. Lemke made a motion to table this item. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 9-0**

Mr. Alf asked to return to the previous item because he doesn't think it's fair Mr. Duerr get pushed back; what do we have to do to let a business man go ahead and do business. Chairman Bancroft offered to stay back after the meeting to talk, but that he doesn't perceive how this issue is resolved by the city when it's an agreement between 2 private parties.

- c. Historic Preservation Recommendation to approve historic landmark designation for 522 W. Main St., Darwin Millington Homestead.

Mr. Colby said the property was nominated by Steve Smunt of the Historic Comm. with the consent of Eric Larson-the property owner. The house dates from 1843 with the national style with Greek revival influences and it one of the earliest brick structures in St. Charles. Darwin Millington and family were early settlers and landowners in the city and played a significant role establishing their first industries to really start the town. A public hearing was held by Historic Commission and approval is recommended.

**Aldr. Stellato made a motion to approve historic landmark designation for 522 W. Main St., Darwin Millington Homestead. Seconded by Aldr. Krieger. Approved unanimously by voice vote. Motion carried. 9-0**

- d. Consideration of a request to rename the portion of Equity Drive south of Legacy Boulevard.

Mr. Colby said AJR Filtration is constructing a new building on Kirk Rd. south of the Legacy Business Park with the site being accessed and also addressed off of Equity Dr. The owners of AJR are requesting the name change for the portion of Equity Dr. south of Legacy Blvd. to Rukel Way. No other properties are addressed off this segment of road so the name change only affects the AJR property, and AJR has agreed to reimburse the city for any costs associated with the name change. Staff has reviewed the request and has no objection to the proposed name change.

Aldr Lewis asked if there were significance to Rukel. Mr. Colby said it's the family name of the business owner.

**Aldr. Stellato made a motion to approve a request to rename the portion of Equity Drive south of Legacy Boulevard. Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried. 9-0**

- e. Corridor Improvement Commission Recommendation to approve a Four Season Grant for 311 N. 2<sup>nd</sup> Street.

Mr. O'Rourke said a Four Season Grant is a smaller grant with a maximum of \$1,000 to add full year round color to areas that are under landscaped or underutilized and what they would be doing would supplement their small planting beds in front of the tenant space. He said there is currently a mix of evergreen shrubs and this would just add some perennials and year round color and the Corridor Improvement Commission has reviewed this on 6/8/16 and recommends approval.

Aldr. Lewis said the estimated cost is \$750 but we are giving them \$1,000. Mr. O'Rourke said the maximum for this program is \$1,000 and the Corridor Commission was thinking they would leave a small buffer there in case some species weren't available at that time of year since they are not planning to plant until the fall; it's too hot now to do that. Aldr. Lewis asked if we normally give people more money than what the project costs. Mr. O'Rourke said the Corridor Commission has done this in the past where they think there's a chance the project may need a little extra wiggle room based on the types of plants available that time of year.

Aldr. Payleitner was thankful for the explanation of the Four Season Grant but she wondered what type of perennial is available for 4 seasons. Mr. O'Rourke said you basically create color through

all 4 seasons by providing a mix of plants that bloom at different times of the year; the evergreen is winter; sedum for the spring/summer and day lilies are a little later; just to create a pop of color more during the year than just the spring.

Aldr. Lewis said she thinks they should only be given the cost, not above and beyond. Aldr. Silkaitis agreed and said any other grant has to have a specific to the penny. Aldr. Krieger agreed.

Aldr. Silkaitis made a motion to approve Corridor Improvement Commission Recommendation to approve a Four Season Grant for 311 N. 2<sup>nd</sup> Street not to exceed \$750. Aldr. Gaugel clarified that the cost was actually \$760.

**Aldr. Silkaitis amended his motion to approve Corridor Improvement Commission Recommendation to approve a Four Season Grant for 311 N. 2<sup>nd</sup> Street not to exceed \$760. Seconded by Aldr. Krieger. Approved unanimously by voice vote. Motion carried. 9-0**

**Roll was called:**

**Ayes: Silkaitis, Payleitner, Lemke, Turner, Krieger, Gaugel, Bessner, Lewis, Stellato**

**Absent:**

**Nays:**

**Abstain:**

**Motion Carried 9-0**

**4. ADDITIONAL BUSINESS-None.**

**5. EXECUTIVE SESSION-None.**

- Personnel – 5 ILCS 120/2(c)(1)
- Pending Litigation – 5 ILCS 120/2(c)(11)
- Probable or Imminent Litigation – 5 ILCS 120/2(c)(11)
- Property Acquisition – 5 ILCS 120/2(c)(5)
- Collective Bargaining – 5 ILCS 120/2(c)(2)
- Review of Executive Session Minutes – 5 ILCS 120/2(c)(21)

**6. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS.**

Aldr. Krieger asked that all the computers be working for the next meeting.

**7. ADJOURNMENT- Aldr. Stellato made a motion to adjourn at 7:30pm. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion Carried. 9-0**