

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, AUGUST 7, 2018**

Members Present: Chairman Wallace (7:03pm)
Vice Chairman Kessler
James Holderfield
Tom Pretz
Peter Vargulich
Laura Macklin-Purdy
Jeff Funke (7:06pm)
David Pietryla
Tom Schuetz

Members Absent: None

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

1. Call to order

Vice Chairman Kessler 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 July 17, 2018 meeting of the Plan Commission.

Motion was made by Mr. Kessler, seconded by Ms. Purdy, and unanimously passed by voice vote to approve the minutes of the July 17, 2018 Plan Commission meeting.

PUBLIC HEARING

5. Smith Road Estates (V&M Investment and Remodeling Group LLC)

Application for Map Amendment
Application for Special Use
Application for PUD Preliminary Plan
Application for Final Plat of 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. Schuetz to close the public hearing.

Roll Call Vote:

Ayes: Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz, Funke, Purdy
Nays:
Absent:
Motion carried: 9-0

MEETING

- 7. Smith Road Estates (V&M Investment and Remodeling Group LLC)**
Application for Map Amendment
Application for Special Use
Application for PUD Preliminary Plan
Application for Final Plat of 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 of the Smith Road Estates Applications for Map Amendment, Special Use, PUD Preliminary Plan and Final Plat of Subdivision, subject to the following: 1) provide a landscape plan showing compliance with the minimum landscape buffer planting requirements; 2) easement conditions included in the HOA covenants requiring the HOA to maintain the landscape buffer; and 3) resolution of outstanding staff comments.

Roll Call Vote:
Ayes: Holderfield, Kessler, Wallace, Pietryla, Schuetz Funke, Purdy
Nays: Pretz, Vargulich
Absent:
Motion carried: 7-2

PUBLIC HEARING

- 6. Small Cell Wireless Facilities (City of St. Charles)**
Application for General Amendment

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. Purdy to close the public hearing.

Roll Call Vote:
Ayes: Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz, Funke, Purdy
Nays:
Absent:
Motion carried: 9-0

MEETING

**8. Small Cell Wireless Facilities (City of St. Charles)
Application for General Amendment**

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. Purdy to recommend approval of Small Cell Wireless Facilities (City of St. Charles), Application for General Amendment, subject to resolution of outstanding staff comments.

Roll Call Vote:

Ayes: Holderfield, Pretz, Vargulich, Kessler, Wallace, Pietryla, Schuetz, Funke, Purdy

Nays:

Absent:

Motion carried: 9-0

4. Election of Officers

Motion was made by Mr. Kessler and seconded by Mr. Schuetz to nominate Todd Wallace as Plan Commission Chairman.

Roll Call Vote:

Ayes: Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy, Pietryla, Schuetz

Nays: 0

Abstain: Wallace

Absent: None

Motion carried: 8-0

Motion was made by Mr. Schuetz and seconded by Ms. Purdy to nominate Tim Kessler as Plan Commission Vice Chairman.

Roll Call Vote:

Ayes: Holderfield, Pretz, Vargulich, Funke, Purdy, Wallace, Pietryla, Schuetz

Nays: 0

Abstain: Kessler

Absent: None

Motion carried: 8-0

Motion was made by Mr. Kessler and seconded by Chairman Wallace to nominate David Pietryla as the Plan Commissions Parliamentarian.

Roll Call Vote:

Ayes: Wallace, Holderfield, Pretz, Vargulich, Funke, Purdy, Wallace, Schuetz

Nays: 0

Minutes – St. Charles Plan Commission
Tuesday, August 7, 2018
Page 4

Abstain: Pietryla
Absent: None
Motion carried: 8-0

- 9. Additional Business from Plan Commission Members or Staff**
- 10. Weekly Development Report**
- 11. Meeting Announcements**
 - a. Plan Commission
 - Tuesday, August 21, 2018 at 7:00pm Council Chambers
 - Tuesday, September 4, 2018 at 7:00pm Century Station Training Room
 - Tuesday, September 18, 2018 at 7:00pm Council Chambers
 - b. Planning & Development Committee
 - Monday, August 13, 2018 at 7:00pm Council Chambers
 - Monday, September 10, 2018 at 7:00pm Council Chambers
- 12. Public Comment**
- 13. Adjournment at 8:21pm.**

ADA Compliance

Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the ADA Coordinator, Jennifer McMahon, at least 48 hours in advance of the scheduled meeting. The ADA Coordinator can be reached in person at 2 East Main Street, St. Charles, IL, via telephone at (630) 377 4446 or 800 526 0844 (TDD), or via e-mail at jmcmahon@stcharlesil.gov. Every effort will be made to allow for meeting participation. Notices of this meeting were posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).



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Transcript of Smith Road Estates

Date: August 7, 2018

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

----- x
In Re: :
Smith Road Estates, :
Application for Map :
Amendment, Special Use, :
PUD Preliminary Plan, and :
Final Plat of Subdivision. :
----- x

HEARING, VOLUME II
St. Charles, Illinois 60174
Tuesday, August 7, 2018
7:03 p.m.

Job No.: 168452A
Pages: 57 - 104
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

1 HEARING, VOLUME II, held at the location of:

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4 ST. CHARLES CITY HALL

5 2 East Main Street

6 St. Charles, Illinois 60174

7 (630) 377-4400

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

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Transcript of Smith Road Estates
Conducted on August 7, 2018

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JEFFREY FUNKE, Member

5 JIM HOLDERFIELD, Member

6 LAURA MACKLIN-PURDY, Member

7 DAVID PIETRYLA, Member

8 TOM PRETZ, Member

9 TOM SCHUETZ, Member

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSS COLBY, Community & Economic

14 Development Manager

15 ELLEN JOHNSON, Planner

16 MONICA HAWK, Development Engineer

17 RACHEL HITZEMANN, Planner

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Transcript of Smith Road Estates
Conducted on August 7, 2018

60

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P R O C E E D I N G S

CHAIRMAN WALLACE: The City of St. Charles
Planning 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: Funke.

MEMBER FUNKE: 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: Purdy.

MEMBER MACKLIN-PURDY: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: No. 3 on your agenda is
presentation of minutes of the July 17th, 2018,
meeting of the Plan Commission.

Transcript of Smith Road Estates
Conducted on August 7, 2018

61

1 Is there a motion to approve?

2 VICE CHAIRMAN KESSLER: So moved.

3 MEMBER MACKLIN-PURDY: Second.

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

6 All in favor?

7 (Ayes heard.)

8 CHAIRMAN WALLACE: Opposed?

9 (No response.)

10 CHAIRMAN WALLACE: That passes
11 unanimously.

12 It's been requested that Item No. 4 be
13 moved to be heard after Item No. 8. Are there any
14 objections?

15 MEMBER VARGULICH: No.

16 CHAIRMAN WALLACE: All right. Then we'll
17 move on to Item 5.

18 This is the public hearing portion of the
19 meeting, Smith Road Estates, V & M Investment and
20 Remodeling Group, LLC, application for a map
21 amendment, application for special use,
22 application for PUD preliminary plan, and
23 application for final plat of subdivision.

24 Welcome, everyone. The St. Charles

1 Planning Commission is appointed by the City
2 Council to conduct public hearings for certain
3 applications that come before it, and that's what
4 we're doing tonight.

5 This is a fact-finding body, and we take
6 evidence from the Applicant. We also take any
7 evidence or testimony from anyone else. And once
8 the Plan Commission feels they have enough
9 information to make a recommendation to the City
10 Council, then we will close the public hearing,
11 and this is on our agenda as No. 7 for action
12 tonight.

13 So the way that we will proceed here is,
14 first, the Applicant will make their presentation,
15 then Plan Commission members will ask any
16 questions, followed by any questions from members
17 of the audience, and at the end the Applicant will
18 have a chance to provide any rebuttal testimony.

19 Any questions regarding that procedure?

20 (No response.)

21 CHAIRMAN WALLACE: Okay. I just ask that,
22 when you speak, you wait to be recognized by me
23 and speak up here at the lectern, stating your
24 name, spelling your last name, and stating your

1 address for the record.

2 Okay. And at this time, anyone who wishes
3 to offer any testimony, including asking any
4 questions, I'll ask you to be sworn in. If you'll
5 raise your hand -- nobody's raising -- okay.

6 (Four witnesses duly sworn.)

7 CHAIRMAN WALLACE: All right. Thank you.

8 And before we begin, Russ, did you have
9 anything on this?

10 MR. COLBY: Yes. I wanted to provide
11 clarification to the Plan Commission --

12 CHAIRMAN WALLACE: Your mic isn't on.

13 MR. COLBY: Can you hear me?

14 Okay. Thank you.

15 I wanted to provide clarification to the
16 Plan Commission regarding the comments from the
17 City of West Chicago.

18 You may recall at the previous hearing
19 that there was a letter provided from
20 West Chicago's planner stating that they thought
21 perhaps the landscape buffer yard requirement
22 would not make sense based on the type of project
23 that was being proposed.

24 Following the hearing we contacted

Transcript of Smith Road Estates
Conducted on August 7, 2018

64

1 West Chicago for clarification to determine if
2 they had an interest in amending the boundary
3 agreement to remove the landscape buffer yard
4 requirement, and they informed the City that they
5 were not interested in amending the agreement,
6 they would like the buffer yard requirement to
7 remain and to apply to this project.

8 CHAIRMAN WALLACE: All right.

9 MEMBER VARGULICH: Thank you.

10 CHAIRMAN WALLACE: All right.

11 All right. Is the Applicant here?

12 Go ahead.

13 MR. HELFRICH: Okay. My name is Cole
14 Helfrich, C-o-l-e H-e-l-f-r-i-c-h.

15 Beautiful. Thank you.

16 I'm with Knoche & Associates, engineers,
17 surveyors. I am here with Mr. Vito Muilli, who is
18 the owner; Mr. Steve Kudwa, who is the design
19 engineer; Mike Muilli, Pat Muilli.

20 Is this on? No.

21 Oh, my goodness. Well, my mother taught
22 to me to project, so I guess I do. I'm good.

23 So now everybody can hear me?

24 All right. I have already -- this is a

1 tabled matter from the July 17th meeting. But for
2 the benefit of all, what we're doing, as you can
3 see shown on the plat up there that Ellen was kind
4 enough to turn on, is we are proposing a 16-lot
5 residential subdivision for this rather oddly
6 shaped piece of land along Smith Road.

7 The line across the north end, as you can
8 see, is the famous landscape buffer that Mr. Colby
9 just referred to.

10 We have three detention areas, a stub
11 street, and, obviously, some slightly smaller lots
12 than are usually specified for the zoning
13 district, so we are, as you know, going for a PUD
14 to amend some of the requirements so that we can
15 fit this specific enclave-style development, the
16 point being that this is going to be smaller
17 residences of high quality designed for, let's
18 just say, empty nesters, people that would like a
19 smaller house with a smaller yard, require a
20 smaller lawn mower and less shoveling of snow, but
21 still provide privacy of a single-family residence
22 in a private enclave that is not going to be
23 subject to traffic noise or anything else. And
24 that's what we've been striving for from Day One

1 and here we are.

2 So I am here to entertain questions from
3 the Commission or from any other members of the
4 public. We had some members of the public address
5 this matter at the previous session, I guess of
6 which this is a continuation. But, obviously,
7 there is a chance that there is other testimony.
8 The public hearing portion never got closed.

9 And thank you, by the way, Mr. Vice
10 Chairman, for allowing us to table this and return
11 in this case because we are -- we've done a lot of
12 work since then. So thank you.

13 All right. Questions?

14 VICE CHAIRMAN KESSLER: Go ahead, Tom.

15 MEMBER SCHUETZ: Kind of a general
16 question is going through the -- there's a -- the
17 responses that you provided in red, and all of
18 them say -- not all of them -- many of them say
19 "To be revised."

20 MR. HELFRICH: Correct.

21 MEMBER SCHUETZ: I wasn't going to pull
22 out anything special because there's so many.

23 MR. HELFRICH: Right.

24 MEMBER SCHUETZ: So were you going to go

1 through those or how --

2 MR. HELFRICH: Well, I can.

3 MEMBER SCHUETZ: I don't know -- what are
4 you going to --

5 MR. HELFRICH: I think that might be
6 counterproductive.

7 MEMBER SCHUETZ: Too long?

8 MR. HELFRICH: Well, too long and, quite
9 frankly, the great bulk of comments were staff
10 comments based on, for lack of a better term --
11 and my apologies to Steve -- engineering
12 esoterica, like are we going to put a gasket
13 around the storm sewer pipe leading to a manhole
14 and such like that.

15 MEMBER SCHUETZ: Yeah.

16 MR. HELFRICH: No, we have not revised all
17 the drawings. If you'll recall on the 17th meeting,
18 which was a Tuesday night, we had received the
19 staff comments the preceding Friday at 4:30 in the
20 afternoon, so there was no way that we could have
21 written our responses to that letter by Tuesday
22 night. It just wasn't going to happen.

23 In the interim we have done so, and there
24 is a response to every single comment in here.

1 Now, many of them say, as you point out, "To be
2 revised."

3 No, we have not completed the drawings,
4 but we know -- and I believe I said that night --
5 80 percent of the stuff is engineering esoterica.
6 Yeah. Okay. We'll put a gasket on the pipe.
7 We'll do this; we'll do that; we'll do the other
8 stuff. 10 percent, 15 percent is, "Well, we've
9 got to think about how we're going to do that."
10 And then the last 5 percent is, "No, you're wrong;
11 we're not doing that" or whatever.

12 So, yes, we can go through them with a
13 magnifying glass and tweezers, but I don't know
14 that we need to do that, where it's our mission to
15 work that out with staff, and we've already
16 started that process. This letter has been
17 resubmitted to staff, and so we're going back
18 through that process, and at the same time we are
19 revising the drawings.

20 Mr. Kudwa and our other associate,
21 Matt Erwin, who's done a lot of the heavy lifting
22 on the engineering side, has been working on this
23 steadily for several days, and so we -- we have
24 issued this letter. In the very near future --

Transcript of Smith Road Estates
Conducted on August 7, 2018

69

1 I don't have a date. Steve, do you have a date?

2 In the next couple of weeks, probably, we
3 should be able to do a formal resubmittal of all
4 our drawings.

5 MEMBER SCHUETZ: Thank you. That's fine.
6 I was just curious if they were addressed and
7 you're in the process so thank you.

8 MR. HELFRICH: Yes. And if there is, you
9 know, anything that -- I assume that everybody has
10 this and our responses. If there's anything
11 that's sticking in anybody's craw, you know, now
12 is a good time to get at it.

13 MEMBER HOLDERFIELD: I have a question.

14 MR. HELFRICH: Yes, sir.

15 MEMBER HOLDERFIELD: If you could -- I'd
16 like to elicit -- this is on page 10 and it's in
17 regard to the landscape buffer, the north side of
18 the property.

19 MR. HELFRICH: Uh-huh.

20 MEMBER HOLDERFIELD: And you state here,
21 "An easement condition is in preparation, which
22 may or may not be included in the HOA."

23 I guess two points there.

24 MR. HELFRICH: Uh-huh.

1 MEMBER HOLDERFIELD: What's your
2 interpretation of the easement condition? And
3 then what does it mean, "which may or may not be
4 included" -- "may be included"?

5 MR. HELFRICH: Okay. Fair question.
6 That's a fair question.

7 CHAIRMAN WALLACE: Where are we looking?

8 MEMBER PRETZ: Page 10.

9 MEMBER HOLDERFIELD: Page 10.

10 CHAIRMAN WALLACE: Oh, I see.

11 MR. HELFRICH: Regardless of what -- now,
12 we're still working with staff to determine
13 whether this landscape buffer -- and this is,
14 obviously, a major feature of the whole thing, is
15 the landscape buffer. As you know, we talked
16 about this three or four times now.

17 Staff recommends that it be included in
18 its own lot. The owner prefers that it not be
19 included in its own lot. The alternative to that
20 is twofold: One is to grant a conservation or
21 landscape buffer or whatever you want to call
22 it -- an easement across the north line, as you
23 can see on the drawing, where the buffer is.

24 It could be written out in detail and

1 printed on the face of the plat, which works fine
2 except it causes potential for other trouble down
3 the road if it should need to be amended or
4 adjusted or improved or eliminated for whatever
5 reason. Maybe West Chicago changes their mind or
6 whatever. If it's on a plat, it's kind of like
7 carving it in stone.

8 The same language can be written and
9 included in the HOA covenants, which is in
10 preparation, also. Obviously, this subdivision
11 will have a homeowners association; it will have
12 rights and obligations for all homeowners that
13 live there, including the maintenance of the
14 detention areas, the fixing of the street, the --
15 you know, everything goes into an HOA, including
16 this landscape language could very easily go into
17 the HOA covenant.

18 Then -- and that's kind of the way
19 I personally am leaning, the way John
20 Antonopoulos, the attorney, is leaning, the owner
21 is leaning, to produce the document that would
22 have the same net effect of providing this
23 protection for the owners and the City but have it
24 be in a separate document, the covenants, that is

1 recorded with the same force and effect of a plat
2 but it could then be amended, as happens
3 sometimes. So that's -- we're kind of leaning
4 that way.

5 And, again, that is something that we're
6 going to work out with staff prior to final
7 approval of this thing. That's a thing that we
8 have to work out.

9 And then some of these decisions haven't
10 been made yet. The City has provided us with
11 desired language. It's not dissimilar to a
12 detention area. We're drafting the stormwater
13 management easement language to cover the
14 detention ponds, and that would wrest the
15 obligation for maintenance and the conditions
16 under which it shall be maintained and such --
17 like for all the detention areas in the homeowners
18 association -- but would then give the City of
19 St. Charles the right but not the obligation to go
20 in and maintain the pond or, in this case, the
21 landscape buffer should the HOA fail.

22 Now, that's a point that was made
23 somewhere in the letter, you know, "Well, this is
24 all well and good but what if they don't do it?"

1 MEMBER HOLDERFIELD: But you're saying the
2 HOA would be responsible for making homeowners
3 maintain that?

4 MR. HELFRICH: Yes. Oh, yes. That goes
5 without saying. We have to do that, obviously, or
6 else, as was pointed out in this letter, "What if,
7 you know, Lot 11 says, 'Well, I'm not doing
8 anything'?"

9 "Well, actually, Mr. Lot 11, yeah, you
10 are, because it says right here."

11 So we have to have that, and we understand
12 that, and that has been our intent from Day One.
13 So the nuts and bolts of it are something that we
14 still have to work out with staff. That's all.

15 So if I used a little bit of flowery
16 language, I apologize.

17 MEMBER HOLDERFIELD: No, it was the "may
18 be" that --

19 MR. HELFRICH: Well, it may be but we
20 haven't come to that point yet. That's my only
21 point.

22 MEMBER HOLDERFIELD: Okay.

23 CHAIRMAN WALLACE: Peter?

24 MEMBER VARGULICH: I just had a quick --

1 at the last meeting there was a request to put all
2 these in an outlot, including an outlot with a
3 20-foot easement -- or not easement; excuse me --
4 20-foot outlot along Smith Road.

5 I didn't see anything in the submittal or
6 in any of your narrative that said you were going
7 to do that.

8 MR. HELFRICH: No. There was never --
9 there was no comment from staff about any sort of
10 a separate lot along Smith Road at all.

11 MEMBER VARGULICH: That was a request from
12 this body.

13 MR. HELFRICH: Pardon?

14 MEMBER VARGULICH: That was a request from
15 this body.

16 MR. HELFRICH: Okay. Well, that was not
17 addressed, and I don't know that we can do that.

18 What we were planning on doing is -- as
19 has been discussed in this letter -- we suggested
20 placing a fence on the property line. It's been
21 suggested further that that fence be moved to the
22 northwest to give more space along Smith Road.

23 At present we're dedicating 7 feet of
24 right-of-way and we're going to be installing a

1 bike path along there, and then it is our intent
2 to do a fence screen along those -- one, two,
3 three, four -- five lots along Smith Road in order
4 to screen it, and then we're going to do some
5 plantings between the fence and the bike path to
6 enhance the screening of that.

7 But as far as producing another lot there,
8 we really can't because the buildable area,
9 especially in light of the corner two lots and the
10 situation we're working with on the water main
11 there -- we're going to -- that's going to squeeze
12 us too much.

13 It's sort of like the same thing that
14 we're facing were we to place the strip along the
15 north in its own lot. That starts to render the
16 proposed buildable lots unbuildable, and we're --

17 MEMBER MACKLIN-PURDY: Can I just ask a
18 question?

19 MR. HELFRICH: Yes. I'm sorry.

20 MEMBER MACKLIN-PURDY: What would be the
21 purpose of that, of creating another lot along
22 Smith Road?

23 MEMBER VARGULICH: Well, the nature of
24 creating outlots for the detention pond, as an

1 example -- okay?

2 MEMBER MACKLIN-PURDY: But we're talking
3 about Smith Road.

4 MEMBER VARGULICH: Just --

5 MEMBER MACKLIN-PURDY: Okay.

6 MEMBER VARGULICH: The nature of creating
7 outlots for the detention pond is so that they're
8 under common ownership -- okay? -- and common
9 responsibility. So the HOA has that
10 responsibility. They hire somebody to do the
11 maintenance.

12 In the case of the detention pond, it's
13 always put in a separate lot because then it -- if
14 for some reason the HOA cannot or does not perform
15 their duties, it impacts all of the value and all
16 of the lots because the detention ponds don't
17 work.

18 So then the City would have, through these
19 agreements, the ability to come in, do the work,
20 and then they might have to do an SSA or, you
21 know, something else to tax those people --
22 okay? -- to reimburse the City for the work they
23 had to do that the HOA didn't do in the first
24 place.

1 MR. HELFRICH: Right.

2 MEMBER VARGULICH: Putting all of the
3 landscape buffers in a separate lot
4 accomplishes -- it's one level of the same thing.
5 It allows there to be common maintenance and --

6 MEMBER MACKLIN-PURDY: Separate parkways?

7 MEMBER VARGULICH: -- and based on our
8 ordinance, the landscape buffer asks for a fence,
9 and it asks for plantings.

10 They have barely offered any plantings.
11 They're saying "some plantings" but they haven't
12 even shown a sketch of what that "some plantings"
13 would be between the right-of-way line and the
14 5-foot setback to the fence. But the ordinance
15 clearly asks for a lot more than that, and they
16 don't want to do that.

17 And so -- and the same thing with the
18 buffer along the north. It should be in an outlot
19 so that then the maintenance is consistent
20 throughout.

21 You're going to get into -- you have
22 16 lots. You have an HOA. HOA documents can be
23 amended by a vote of all of those parties. That
24 is usually in all of their bylaws; they're usually

1 set up to do that. So then they decide they want
2 to take a different tack on how they handle that
3 on the individual lots or one homeowner. By
4 putting them all in outlots, you simplify that and
5 you give them a uniform maintenance.

6 The other issue that you run into is
7 fencing along thoroughfares. You can go
8 through -- all over the suburban Chicagoland area,
9 and many communities have allowed single-family
10 homes to abut thoroughfares. And what you end up
11 with is fencing that isn't maintained consistently
12 because it gets passed off, as well -- "They're
13 not doing their part, they're not doing their
14 part" -- and then it gets maintained differently,
15 and the whole thing becomes an eyesore. And you
16 can drive all over Chicago and see that. All
17 right?

18 And so by having a landscape buffer --
19 and, to some degree, eliminating the fence or by
20 putting it in an outlot -- you can put the fence
21 at the back and off the right-of-way line. So now
22 you have the plantings between the fence, and then
23 now, if people want to add fencing for their own
24 purposes -- because of kids, because of pets --

1 then there are new fences that come down the
2 parallel lot lines, about the common fence that's
3 owned by the POA.

4 And so now the only differential fences or
5 those kind of things are only in lots that you
6 don't see as you pass by. And that's why you
7 do it.

8 MEMBER MACKLIN-PURDY: Okay.

9 MEMBER VARGULICH: And that's, I think, an
10 important thing --

11 MEMBER MACKLIN-PURDY: Okay.

12 MEMBER VARGULICH: -- as a community,
13 especially on a major thoroughfare.

14 And that's what I'm asking. I don't
15 understand why, if you're willing to request a PUD
16 of us so that you can accomplish 16 lots, that
17 adhering to only one part of our ordinance is
18 becoming such a problem.

19 MR. HELFRICH: Because lots are small to
20 begin with.

21 Now, I understand your point completely.
22 The mechanism of creating a separate deeded lot we
23 feel is unnecessary. The mechanism that you're
24 describing is the same mechanism that is part of

1 the HOA covenants. It is just as -- the covenants
2 that we propose are just as binding whether the
3 lot is owned by a different homeowner or whether
4 it's owned by the HOA. That part is immaterial.

5 What is material is what is mandated, the
6 easement condition, as I talked to you about,
7 regarding the specific landscape buffer along the
8 north line. That has the same force and effect as
9 if it were on private -- or a separate lot.

10 Leaving the lots the way they are obviates
11 any problems that we may have going for further
12 amendments of setbacks because right now we're --
13 we're already asking for relief on setbacks, and
14 we don't desire to ask for any more relief because
15 then we start getting some awful strange-looking
16 stuff out there.

17 We are as worried as you are about the
18 future and about how this will look in 30 years,
19 and it is our intent and it will -- we will
20 demonstrate the results of that intent in our
21 covenants, which again, will have to pass through
22 staff review before we ever approach City Council
23 for any of this, that your concerns -- which
24 I hear loud and clear -- I get it.

1 And Vito can -- this is his name on this
2 thing, and he does not want something that looks
3 bad. What we want is a little jewel, and that's
4 what we're trying to do. And there is nothing
5 that will stop us from ensuring that this thing
6 will continue to be a valuable addition to the
7 City of St. Charles and not an eyesore.

8 Nobody wants an eyesore. None of the
9 homeowners in here are going to want an eyesore.
10 We've got people knocking down the door to buy
11 into this thing. They think it's a great idea.
12 They want to live there. They're not going to let
13 it happen. They don't want a slum.

14 If you bought a house there, would you let
15 it go? Would you be happy if the homeowners
16 association let it go? Not one bit. Nobody
17 would.

18 I understand your concern and I've seen
19 some of the subdivisions that you're talking
20 about, not so many in DuPage but, you know, go
21 up into Cook County not far from here and you'll
22 see it.

23 And I have no idea what their paperwork
24 looks like to allow something like that to happen,

1 but I can tell you that our paperwork ain't going
2 to look that way. That's not what we're doing
3 here. There's no point in that, and we're --
4 we're not going to do it. It's very simple.

5 That's all -- that's all I can tell you.

6 Yes, there will be plantings. The
7 landscape plan is in the review. The original of
8 the landscape plan did not show plantings along
9 Smith Road other than stuff that was out on this
10 other side of the bike path.

11 We have since moved all of that stuff
12 inside the bike path for your aesthetic reasoning,
13 to screen the fence, which screens the houses,
14 and, also, for traffic safety, for line of sight.
15 For somebody that's going to turn out of there on
16 Smith Road, we felt that trees that were shown on
17 the original landscape plan might be a problem, so
18 we're moving them inside.

19 MEMBER VARGULICH: So there won't be any
20 street trees? Is that what you're saying?

21 MR. HELFRICH: No, not as many. There
22 will be some, yes.

23 But we have a line -- the landscape
24 architect put a line of trees all down there on

1 the street side of the bike path.

2 MEMBER VARGULICH: You've got to meet the
3 ordinance.

4 MR. HELFRICH: Pardon me?

5 MEMBER VARGULICH: You've got to meet the
6 ordinance, if it's 40 foot on center or 50 foot on
7 center or whatever we require.

8 MR. HELFRICH: I think it was more than
9 that. And the traffic engineer -- it was brought
10 up, I think, at the last meeting about line of
11 sight, and I consulted with a traffic engineer --
12 or the landscape architect; excuse me -- and the
13 traffic engineer, both -- on that question, and it
14 was suggested that we adjust the landscape plan to
15 provide more trees along the fence and less trees
16 along the road.

17 Now, I will yield to them as far as
18 compliance with the ordinance and the planting
19 requirements, but they're trying to be more
20 practical in terms of line of sight, and I think
21 that that's a consideration that we need to
22 maintain. I mean, I'm not -- I haven't driven on
23 that street yet. I don't know what it looks like.
24 Nobody has.

1 MEMBER VARGULICH: I don't know, either.

2 MR. HELFRICH: But that's Gewalt's thing,
3 and they agreed with me that they might want to
4 revisit that. So there will be a revised
5 landscape plan that is also submitted to staff as
6 part of our new submittal, and staff will
7 determine whether it meets the ordinance or not or
8 meets their satisfaction.

9 But, yes, that is -- we're planting down
10 Smith Road. We just are. There's going to be
11 trees out there and there's going to be fence out
12 there. We're still working out exactly where.

13 But the intent is to have a good-looking
14 aspect for Smith Road. Nobody wants to see, you
15 know, a bare fence with rundown conditions. It's
16 not going to happen. And I think that, when this
17 all comes -- when staff gets the submittal and you
18 want to take a look at it, I think you'll like
19 what you see.

20 And I think you'll like what you see if
21 you start reading the covenants, which will be
22 public. So if -- just because something has been
23 done badly elsewhere is no mandate that we're
24 going to do it badly here.

1 MEMBER VARGULICH: I didn't say that.

2 MR. HELFRICH: Okay.

3 MEMBER VARGULICH: I said that when you
4 have things like fencing and landscaping that is
5 managed by individual homeowners, independent of a
6 covenant, you're going to have varying ability on
7 how that is handled.

8 MR. HELFRICH: Understood. These will not
9 be independently managed, by the way.
10 Homeowners --

11 MEMBER VARGULICH: When it's in an outlot,
12 then you get a landscape contractor hired that
13 comes in and maintains it in a consistent way.

14 MR. HELFRICH: Yes, that's what will
15 happen. Regardless of who owns the fee title to
16 the land, that is what will happen. Period. Done
17 deal.

18 MEMBER VARGULICH: Okay.

19 CHAIRMAN WALLACE: Tom.

20 MEMBER SCHUETZ: I just have a comment on
21 the canopy of trees along Smith Road there.

22 Instead of removing all of them, if they
23 can give some consideration -- I mean, if the
24 canopy's high enough -- you know, the lowest part

1 of the canopy is high enough --

2 MR. HELFRICH: Right. Agreed.

3 MEMBER SCHUETZ: -- it's not going to be a
4 problem.

5 MR. HELFRICH: That's why we have McCallum
6 Associates working on this, because they are the
7 best in the business, and they know more about
8 this stuff than all of us put together. Trust me.
9 They're very good.

10 MEMBER SCHUETZ: Okay.

11 MR. HELFRICH: They know how to do this.

12 MEMBER VARGULICH: Russ or Ellen, do you
13 know, does the City have guidelines or
14 requirements related to the sight-line triangles
15 for the intersection?

16 MR. COLBY: Yes, we do.

17 MEMBER VARGULICH: And would they apply
18 where a minor street meets an arterial street or
19 are there variations?

20 MR. COLBY: They would apply here.

21 I think the distances are not very far for
22 a typical sight triangle. I think this unique
23 configuration is probably something that might
24 require a larger sight triangle because of the

1 angle of the intersections, so that's something
2 we'd review with the revised landscape plan.

3 MEMBER VARGULICH: I think probably the
4 County also has some based on line of sight and
5 speed and geometry. The County probably has sight
6 triangles that they also -- might prove helpful.

7 MR. HELFRICH: And that is -- again, to
8 brag about our subcontractors, that is why we've
9 hired Gewalt Hamilton Associates to do this,
10 because they are -- in their business they're the
11 best at that so I will trust them.

12 You guys have worked with Gewalt before,
13 I'm sure. Right?

14 MR. COLBY: (No verbal response.)

15 MR. HELFRICH: So they'll do fine.

16 VICE CHAIRMAN KESSLER: I have a couple
17 comments.

18 First of all, I'm happy to hear that
19 you're leaning towards including the conditions --
20 the easement conditions of maintenance of the
21 buffer, particularly -- to the HOA so you keep the
22 responsibility for the maintenance, responsibility
23 for it, with the HOA, not the City.

24 MR. HELFRICH: Right.

1 VICE CHAIRMAN KESSLER: It's a difficult
2 thing for the City to enforce --

3 MR. HELFRICH: Oh, of course it is. Of
4 course it is.

5 VICE CHAIRMAN KESSLER: -- as you can
6 understand, so I'm glad to hear you're doing that.

7 That brings me to my next point. You talk
8 about the landscape plan and providing a landscape
9 plan for the subdivision.

10 But is there a landscape plan or have you
11 done a survey -- I don't think there's a tree
12 survey for the buffer, and I don't think there's a
13 landscape plan for the buffer.

14 And -- am I incorrect?

15 MR. HELFRICH: No. You are correct.

16 VICE CHAIRMAN KESSLER: So I guess it begs
17 the question. When there is this -- these
18 conditions in the HOA to maintain the buffer, what
19 do they maintain it to? There's nothing in
20 writing that says that this even meets the minimum
21 requirements, the landscape requirements, of the
22 buffer.

23 And I suspect -- and correct me if I'm
24 wrong but -- you're asking for relief from

1 providing that plan because there's a bunch of
2 trees there and there's stuff growing in there.

3 MR. HELFRICH: Uh-huh.

4 VICE CHAIRMAN KESSLER: But I'm wondering,
5 when the HOA has to go in and maintain the buffer,
6 what are they to do? Plant more weeds?

7 MR. HELFRICH: One would hope not.

8 VICE CHAIRMAN KESSLER: You need something
9 in writing.

10 MR. HELFRICH: Of course. Of course. And
11 McCallum is working on that, as well.

12 VICE CHAIRMAN KESSLER: So is he -- I'm
13 sorry -- working on a landscape plan for the
14 buffer?

15 MR. HELFRICH: There will -- yes. There
16 will have to be, obviously --

17 VICE CHAIRMAN KESSLER: There will be a
18 landscape buffer?

19 MR. HELFRICH: There will have to be
20 specifications for the easement conditions we've
21 been talking about for that landscape buffer.
22 That is all tied in together with the first part
23 of your question, which was, "Did you do a tree
24 survey?" No, we didn't.

1 VICE CHAIRMAN KESSLER: I see.

2 MR. HELFRICH: Did we ask for
3 dispensation? Yes, we have.

4 VICE CHAIRMAN KESSLER: From a tree
5 survey?

6 MR. HELFRICH: Yes, from Day One. We went
7 out there. This entire site was scrub trees,
8 weeds, some larger trees in horrible condition.
9 There was a collapsed willow; there was all kinds
10 of really ugly growth around the west line, around
11 Smith Road. It was really pretty bad.

12 And then along the north line there was
13 thick brush from the property line between us and
14 West Chicago that went south 40, 50, 60 feet in
15 some areas.

16 We -- knowing up-front that we're going to
17 have to address the landscape buffer question, we
18 went and carved a line at 30 feet from the north
19 line, and the site was professionally cleared to
20 that paint stripe on the ground. Everything
21 between that paint stripe, the last 30 feet, was
22 left alone.

23 Now, I don't know if any of us other than
24 myself and Vito and a few of us have been in the

1 backyards of the houses in West Chicago. I have.
2 All those houses look out their back porches,
3 their back decks, their pools or whatever, a wall
4 of green, and I doubt seriously that any of them
5 care that they're buckthorns or walnut trees.
6 They're just green.

7 And they can't see through it -- even in
8 wintertime you can't see through it -- which
9 struck us, at the very outset, "Well, that's
10 probably the very best way to keep them happy"
11 because the point is so that they don't see it.
12 They don't want to see it. This has been, to
13 their eyes, a wild space.

14 And, yeah, there are signs -- I mean,
15 people dump grass back there and garbage, and
16 there's signs that people have been bicycling and
17 playing around back there. They've been using the
18 land, but they don't want to see it.

19 VICE CHAIRMAN KESSLER: That's --
20 I understand that.

21 MR. HELFRICH: So let me finish. It will
22 just take a second.

23 VICE CHAIRMAN KESSLER: Sure.

24 MR. HELFRICH: The idea was that, were we

1 to go in there and clear all that and try to
2 replant it, it would be 5 to 10 years before the
3 opacity would even approach the level where it is
4 now, so we decided the smartest thing for us to do
5 is leave it the heck alone.

6 So that's my answer. Go ahead.
7 I'm sorry.

8 VICE CHAIRMAN KESSLER: I understand why
9 you did.

10 But I -- again, I come back to -- and
11 you've made this point yourself and it's a good
12 point -- that in the future when there has to be
13 maintenance done in that buffer, to what standard
14 is the maintenance done?

15 MR. HELFRICH: Right. That is in
16 preparation.

17 VICE CHAIRMAN KESSLER: So tell me what's
18 in preparation. A plan? Is there going to be
19 like a drawing, a blueprint plan of the --

20 MR. HELFRICH: Yeah.

21 VICE CHAIRMAN KESSLER: There's going to
22 be a landscape plan of the buffer?

23 MR. HELFRICH: Of what can be done there
24 in the future should it become necessary.

1 Obviously, we would not have any intent to go in
2 there and plant more buckthorns.

3 VICE CHAIRMAN KESSLER: Well, I understand
4 that, but there has to be something someplace that
5 says what you can do.

6 MR. HELFRICH: Personally, I lean toward
7 coniferous trees. I think that's the best bet.
8 They grow faster and they're more opaque.

9 VICE CHAIRMAN KESSLER: Excuse me one sec.
10 Could I ask staff a question?

11 Did I understand that there was no
12 landscape plan for the buffer? Did I
13 misunderstand something?

14 Is there? Are you expecting a landscape
15 plan for the buffer?

16 MS. JOHNSON: We haven't received a
17 landscape plan for the buffer.

18 MR. HELFRICH: No. It is --

19 VICE CHAIRMAN KESSLER: You have not?
20 Okay.

21 But they're going to?

22 MR. HELFRICH: Well, at present it is
23 existing vegetation, but the covenants will
24 specify what may be planted in there going forward

1 in the portion of the covenants that address the
2 maintenance of that area.

3 VICE CHAIRMAN KESSLER: I guess where I'm
4 going -- I'm trying to be specific.

5 MR. HELFRICH: Right.

6 VICE CHAIRMAN KESSLER: There's a
7 requirement for a landscape plan for a buffer --

8 MR. HELFRICH: Okay.

9 VICE CHAIRMAN KESSLER: -- by our
10 ordinance.

11 MR. HELFRICH: Right. And that would
12 require us to hack down everything and replant
13 it all.

14 VICE CHAIRMAN KESSLER: No, I -- but a
15 landscape plan. So are you going to provide a
16 landscape plan for the buffer?

17 MR. HELFRICH: Ultimately, yes, when we
18 determine the terms and conditions of the
19 maintenance of that buffer. It is still our
20 desire, our intent -- and we've talked about this
21 with staff from Day One, as I've spoken to you
22 people all before --

23 VICE CHAIRMAN KESSLER: Okay.

24 MR. HELFRICH: -- that the desired plan

1 for right now is to leave it the heck alone.

2 But, obviously, as you point out, that's
3 not going to last forever, and we may need to
4 clear it at some time. You know, one of the
5 buckthorns may die and fall over. What are we
6 going to replace it with?

7 VICE CHAIRMAN KESSLER: Would you be
8 willing to make that a condition of approval, that
9 you provide a landscape plan for the buffer?

10 MR. HELFRICH: Of course.

11 VICE CHAIRMAN KESSLER: Okay.

12 MR. HELFRICH: I'm not the one that
13 decides the conditions. It's you. But, yes, we
14 would comply with that --

15 VICE CHAIRMAN KESSLER: Okay. Great.

16 MR. HELFRICH: -- and we'll work it out to
17 the satisfaction of staff.

18 VICE CHAIRMAN KESSLER: Very good.

19 Thank you.

20 You answered my question. Thank you.

21 MR. HELFRICH: Okay.

22 CHAIRMAN WALLACE: Other questions?

23 (No response.)

24 CHAIRMAN WALLACE: All right. Any

1 questions from anyone in the audience?

2 (No response.)

3 CHAIRMAN WALLACE: Or comments?

4 MEMBER HOLDERFIELD: I have one more
5 question.

6 CHAIRMAN WALLACE: Yeah.

7 MEMBER HOLDERFIELD: Excuse me. I'm
8 fighting a sinus infection.

9 In the maintenance of that buffer, how is
10 that going to be accessed? I mean, are -- is that
11 going to be in the plan, that you're going to have
12 some way to get back to that?

13 MR. HELFRICH: Yes. As this gentleman
14 suggested, you're going to have to have
15 professional people to maintain all this stuff --

16 MEMBER HOLDERFIELD: Right.

17 MR. HELFRICH: -- and they will be
18 officers and agents of the HOA, and, as such, you
19 will have rights under the covenants to enter upon
20 those premises --

21 MEMBER HOLDERFIELD: I just --

22 MR. HELFRICH: -- per the covenants, just
23 the same way they would have the right to enter
24 upon the detention area and clean the weeds out of

1 the outflow.

2 MEMBER HOLDERFIELD: That would be part of
3 the covenant?

4 MR. HELFRICH: Oh, yeah. It would have to
5 be, just like a utility easement's going to have
6 the rights for the agents and employees of the,
7 you know, City electric department to go there.

8 MEMBER HOLDERFIELD: Would that be
9 reflected on the landscape plan, as well? Would
10 you see that easement?

11 MR. HELFRICH: No. It would be part of
12 the maintenance obligations in the covenants, the
13 thing that creates what I described earlier as an
14 easement condition for that -- the right to enter
15 onto --

16 MEMBER HOLDERFIELD: I guess I don't
17 understand where that would be.

18 MR. HELFRICH: The language would be in
19 the covenants along with --

20 MEMBER HOLDERFIELD: Where the retention
21 pond is, it would submit it to that area to be
22 maintained?

23 MR. HELFRICH: They could easily, yes.
24 Or -- but they should have the right and will have

1 the right to enter -- as you can see, the
2 detention areas are abutted by building lots. And
3 so the officers, agents, and employees of the
4 homeowners association will obviously have the
5 right to enter across private lots to effect any
6 and all work to be performed under the grants of
7 easement rights, be they stormwater management or
8 landscape buffer.

9 That's a given. I'm -- trust me. I draft
10 easement declarations for a living, so I can do
11 that.

12 So we've got that. But, yeah, good
13 question.

14 CHAIRMAN WALLACE: All right. Anything
15 else?

16 (No response.)

17 CHAIRMAN WALLACE: Okay.

18 MR. HELFRICH: Thank you for your
19 attention.

20 CHAIRMAN WALLACE: Thank you.

21 Is there a motion to close the public
22 hearing?

23 VICE CHAIRMAN KESSLER: So moved.

24 MEMBER SCHUETZ: Second.

Transcript of Smith Road Estates
Conducted on August 7, 2018

99

1 CHAIRMAN WALLACE: All right. It's been
2 moved and seconded.
3 Any discussion on the motion?
4 (No response.)
5 CHAIRMAN WALLACE: All right. Tim.
6 VICE CHAIRMAN KESSLER: Holderfield.
7 MEMBER HOLDERFIELD: Yes.
8 VICE CHAIRMAN KESSLER: Schuetz.
9 MEMBER SCHUETZ: Yes.
10 VICE CHAIRMAN KESSLER: Funke.
11 MEMBER FUNKE: Yes.
12 VICE CHAIRMAN KESSLER: Pretz.
13 MEMBER PRETZ: Yes.
14 VICE CHAIRMAN KESSLER: Vargulich.
15 MEMBER VARGULICH: Yes.
16 VICE CHAIRMAN KESSLER: Pietryla.
17 MEMBER PIETRYLA: Yes.
18 VICE CHAIRMAN KESSLER: Purdy.
19 MEMBER MACKLIN-PURDY: Yes.
20 VICE CHAIRMAN KESSLER: Wallace.
21 CHAIRMAN WALLACE: Yes.
22 VICE CHAIRMAN KESSLER: Kessler, yes.
23 CHAIRMAN WALLACE: All right. And we're
24 going to, unless there's an objection, hear No. 7

1 next, which is Smith Road Estates, V & M
2 Investment and Remodeling Group, LLC, applications
3 for map amendment, special use, PUD preliminary
4 plan, and final plat of subdivision.

5 I guess I'll start off by asking for a
6 motion.

7 VICE CHAIRMAN KESSLER: I would make a
8 motion to recommend approval of the Smith Road
9 Estates, V & M Investment and Remodeling Group,
10 LLC, application for map amendment, application
11 for special use, application for PUD preliminary
12 plan, application for final plat of subdivision,
13 conditioned on providing a landscape plan showing
14 that they meet the minimum landscape buffer
15 planting requirements and another condition that
16 the easement conditions and compliance conditions
17 are included in the HOA covenants, as you
18 suggested -- and the purpose, of course, of that
19 is so the responsibility for compliance falls to
20 the HOA, not the City -- and then, finally,
21 subject to any outstanding staff amendments.

22 MEMBER PRETZ: I will second that.

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

1 Discussion on the motion?

2 (No response.)

3 CHAIRMAN WALLACE: Okay. Before we vote,
4 staff, is there anything else?

5 MS. JOHNSON: No.

6 CHAIRMAN WALLACE: No.

7 MEMBER SCHUETZ: Can I ask a question on
8 one thing?

9 CHAIRMAN WALLACE: Yeah.

10 MEMBER SCHUETZ: So on the landscape plan,
11 you mentioned the buffer. Does that landscape
12 plan include the trees along Smith Road?

13 VICE CHAIRMAN KESSLER: I'm specifically
14 referring to the buffer --

15 MEMBER SCHUETZ: Right.

16 VICE CHAIRMAN KESSLER: -- but that's not
17 the trees on Smith Road.

18 But that may have a landscape plan --
19 there is a landscape plan, as I understand it, for
20 the subdivision, but there was not a landscape
21 plan included for the buffer. So this is just
22 requiring that they provide a landscape plan for
23 the buffer in addition to.

24 MEMBER SCHUETZ: Okay.

Transcript of Smith Road Estates
Conducted on August 7, 2018

102

1 MEMBER PIETRYLA: I have a question.

2 When you say "minimum," referring to the
3 language in the ordinance so it meets that
4 minimally?

5 VICE CHAIRMAN KESSLER: Right.

6 MEMBER PIETRYLA: Okay.

7 CHAIRMAN WALLACE: All right.
8 Anything else?

9 (No response.)

10 CHAIRMAN WALLACE: Tim.

11 VICE CHAIRMAN KESSLER: Holderfield.

12 MEMBER HOLDERFIELD: Yes.

13 VICE CHAIRMAN KESSLER: Schuetz.

14 MEMBER SCHUETZ: Yes.

15 VICE CHAIRMAN KESSLER: Funke.

16 MEMBER FUNKE: Yes.

17 VICE CHAIRMAN KESSLER: Pretz.

18 MEMBER PRETZ: No.

19 VICE CHAIRMAN KESSLER: Vargulich.

20 MEMBER VARGULICH: No.

21 VICE CHAIRMAN KESSLER: Pietryla.

22 MEMBER PIETRYLA: Yes.

23 VICE CHAIRMAN KESSLER: Purdy.

24 MEMBER MACKLIN-PURDY: Yes.

Transcript of Smith Road Estates
Conducted on August 7, 2018

1 VICE CHAIRMAN KESSLER: Wallace.

2 CHAIRMAN WALLACE: Yes.

3 VICE CHAIRMAN KESSLER: Kessler, yes.

4 CHAIRMAN WALLACE: All right. That passes
5 by a vote of 7 to 2, and that concludes Item 7 on
6 our agenda.

7 MR. HELFRICH: Thank you.

8 CHAIRMAN WALLACE: Thank you, gentlemen.

9 (Off the record at 7:46 p.m.)

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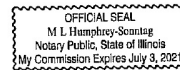
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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me 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 13th day of August, 2018.

My commission expires July 3, 2021.



MELANIE L. HUMPHREY-SONNTAG
NOTARY PUBLIC IN AND FOR ILLINOIS



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Transcript of Small Cell Wireless

Date: August 7, 2018

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

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In Re: :
Small Cell Wireless :
Facilities, City of :
St. Charles, Application :
for General Amendment. :
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HEARING
St. Charles, Illinois 60174
Tuesday, August 7, 2018
7:46 p.m.

Job No.: 168452B
Pages: 1 - 39
Reported by: Melanie L. Humphrey-Sonntag,
CSR, RDR, CRR, CRC, FAPR

1 HEARING, held at the location of:

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ST. CHARLES CITY HALL

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2 East Main Street

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St. Charles, Illinois 60174

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(630) 377-4400

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

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Transcript of Small Cell Wireless
Conducted on August 7, 2018

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JEFFREY FUNKE, Member

5 JIM HOLDERFIELD, Member

6 LAURA MACKLIN-PURDY, Member

7 DAVID PIETRYLA, Member

8 TOM PRETZ, Member

9 TOM SCHUETZ, Member

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSS COLBY, Community & Economic

14 Development Manager

15 ELLEN JOHNSON, Planner

16 MONICA HAWK, Development Engineer

17 RACHEL HITZEMANN, Planner

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

2 CHAIRMAN WALLACE: Now we're going to go
3 back to Item No. 6. This is a public hearing for
4 small cell wireless facilities, City of
5 St. Charles, application for general amendment.

6 Is the Applicant here?

7 MR. COLBY: Good evening.

8 So the impetus for this general amendment
9 application was some legislation that was passed
10 at the State level that addresses the installation
11 of 5G wireless antennas, also known as small cell
12 antennas, and this legislation that was passed
13 requires that municipalities accommodate small
14 cell antennas in our right-of-way and places
15 limitations on how the City can regulate the
16 antennas.

17 But, essentially, it requires the City to
18 allow for them and adopt some reasonable
19 regulations for them to be permitted, and we have
20 some ability to control the location and, also,
21 the appearance of it within the parameters
22 established by the State statute. But what it
23 does do is it preempts the City from regulating
24 these types of antennas through zoning, as we

1 typically would for most land uses. We do have
2 some ability to regulate them, which I'll walk
3 through, but it's greatly limited.

4 So for a little background, some pictures.

5 The City has existing antennas along the
6 right-of-way that are similar to these types of
7 5G small cell antennas.

8 This is a picture of one that's on
9 13th Avenue, just south of East Main Street. And
10 what these are are essentially their 4G antennas,
11 their current level of antenna mobile technology
12 that are used in locations where there's sort of
13 the limited service zones between larger cell
14 towers. So there's a number of these that are
15 sort of randomly placed, primarily in older
16 neighborhoods, and you'll see them attached to
17 wooden utility poles like this. Like I said, this
18 one's on 13th Avenue.

19 Here's one that's on Fifth and Oak. You
20 can see there's the antenna element up at the top,
21 and there's some equipment that's attached to the
22 side of the pole that's servicing the antenna.

23 MEMBER SCHUETZ: Who maintains these?

24 MR. COLBY: So the ones that are currently

1 installed, the ones I'm showing you photos of, the
2 City has agreements with the mobile wireless
3 providers to install these and maintain them, and
4 they pay a -- they essentially lease them from the
5 City, so the City is, per an agreement, receiving
6 payment and also requiring maintenance be done on
7 them by the provider.

8 MEMBER VARGULICH: So, Russ, is it the --
9 the lease really is for them to kind of use the
10 pole or the structure that's there?

11 MR. COLBY: Yes. And in some cases, they
12 may have been required to place a new structure or
13 upgrade a structure to accommodate the antenna.

14 MEMBER VARGULICH: Okay.

15 MR. COLBY: Now, based on this legislation
16 that was passed by the State, the City can no
17 longer enter these types of agreements with mobile
18 providers, so, going forward, we're limited in how
19 we can work with the providers. Typically what
20 the City has done historically and most cities do
21 is enter into franchise agreements with utility
22 providers to access our rights-of-way and be able
23 to place these types of service facilities.

24 In this case, the State statute has

1 preempted our ability to do that and will also
2 require these existing agreements to essentially
3 be terminated, and we will need to provide access
4 to all providers equally and/or -- we must do so
5 within the parameters of the State statutes, which
6 means we can only charge a certain amount for
7 leasing and that we can't enter into an agreement
8 with one provider and not another. It's sort of
9 all of them will be treated equally.

10 Here's an example of another that's right
11 outside on Cedar Avenue.

12 So for this 5G level speed technology,
13 you're going to need a lot more of these small
14 antennas to be placed at a spacing of somewhere
15 between 500 and a thousand feet between the
16 antennas.

17 So what that would mean is, in most
18 neighborhoods, you could see these types of
19 antennas by one service provider maybe on each
20 intersection of every block, so there would be a
21 lot more of these that would be installed,
22 potentially, if a service provider was going to
23 expand a network into St. Charles.

24 To be able to accommodate these, they

1 could be placed on existing structures like
2 streetlights, they could be on utility poles like
3 some that we saw, or there may be instances where
4 there's going to be independent small cell towers
5 placed where the only purpose of the structure is
6 to provide this type of antenna installation.

7 MEMBER PRETZ: Hey, Russ, on a single
8 pole -- so looking at examples, there's a single
9 pole, single antenna. Is that a single provider?
10 Or is it open to multiple providers? Or on a
11 single pole is it possible you can have 10?

12 MR. COLBY: You could have -- so there's a
13 limitation on the size of the antenna and the size
14 of the equipment that would be attached to a
15 single pole. But I understand -- my understanding
16 is that there's technology for certain types of
17 poles to accommodate multiple providers if they
18 are a certain specification of pole.

19 So what the City has done is, because
20 there is a -- the act was adopted by the State in
21 April, and there's a deadline of August to adopt
22 regulations for permanent placement, so the City's
23 already done that. And one of the things
24 that's encouraged in those guidelines is to

1 install facilities that would allow for multiple
2 carriers to be able to use the same infrastructure
3 where possible.

4 MEMBER PRETZ: And the reason I was asking
5 is because your larger providers, they've been
6 selling their towers. They've been getting rid of
7 them, selling the assets away, reusing the
8 capacity, but they're not taking ownership.

9 So what I was wondering is, are third
10 parties coming in, antenna providers, and then how
11 they would go about being able to provide that to
12 the -- to the providers themselves.

13 MR. COLBY: Yes. So we were aware that
14 there are a number of third-party providers who
15 are serving the individual carriers, and they are
16 taking on the responsibility of installing a
17 network in a given area.

18 And so it wouldn't necessarily be working
19 directly with the providers. It may be a service
20 that's trying to install these networks and either
21 selling them or leasing them back to a provider.

22 MEMBER PRETZ: Do they -- I had one last
23 question.

24 MEMBER FUNKE: Sorry.

1 MEMBER PRETZ: Is it only on poles? Or
2 are they going to put them on buildings, also?

3 MR. COLBY: So you would have the ability
4 to place these types of antennas on buildings.
5 The thought is, because of the number of them and
6 the density of them that would need to be
7 installed in a given area, that it would be more
8 practical for these providers to work with cities
9 where they can receive consistent access to
10 right-of-way and infrastructure to be able to put
11 in a network all at once. There's likely to be
12 locations where they may not find a location in
13 the street that works that they may want to put
14 one on a building.

15 But because of the way the statute is set
16 up, the City is really required to find a way to
17 accommodate them in the right-of-way, one way or
18 another, so we -- and we also have limitations on
19 how much we can charge for leasing the sites for
20 these, so we're -- the City's really more likely
21 to be the target of placement locations,
22 City-owned right-of-way, versus buildings. But it
23 could be for both, I guess.

24 MEMBER FUNKE: Is there a way to -- you

1 know, I -- honestly, I think these things are
2 going to look atrocious all over the City.

3 Is there a way to come up with a
4 prototype, a standard, a design standard, that
5 maybe we design a streetlamp and then attach this
6 to the streetlamp, that we cover it in some way
7 where it's more of an elegant, you know,
8 structure?

9 And then, you know, maybe there's an
10 opportunity here where we're getting all these
11 streetlamps around the city that are nice, elegant
12 streetlamps or even, you know, graphic banners
13 with things that we can install. Is there a
14 possibility of that?

15 MR. COLBY: Yes.

16 So we -- some of that we have under
17 development right now. We're putting together a
18 design guidelines document that will specify the
19 type of fixtures that have to be used to install
20 these where there is existing infrastructure.

21 The issue we run into with the State
22 statute is that you can't necessarily require
23 the -- a different, more enhanced type of
24 streetlamp or pole than exists in an area, but

1 what you can do is require them to provide
2 something that blends in with what's in a given
3 area.

4 Here's a couple of examples: So if you
5 have sort of decorative pedestrian poles, you can
6 require that the design essentially follow the
7 same design of the -- of whatever decorative
8 lighting you have and incorporate one of these
9 slim antennas that's attached to the top. Or in
10 an area where you have overhead lighting, you can
11 require that the fixture be replaced with the type
12 where the antenna's integrated into the fixture.

13 So we have the ability to do that, to sort
14 of extend but not to necessarily require
15 enhancements of the lighting infrastructure over
16 what's already in a given area.

17 Now, what we have in -- you know, the
18 older neighborhoods of St. Charles, we have
19 overhead electric lines. You already have a lot
20 of equipment on poles. This becomes more of an
21 issue in newer areas where there's -- you know,
22 the utility services are all underground and
23 really the only infrastructure that's up are sort
24 of stand-alone lights that may be overhead

1 streetlights or decorative lantern lights, and
2 those are probably going to be more the situations
3 where we're going to need to find some type of
4 design that follows that same adopted standard but
5 incorporates the antenna.

6 Or we also may have situations where,
7 because there's not a lot of locations available
8 in some of the newer neighborhoods on poles, there
9 may be situations where there needs to be one put
10 up that's essentially just an antenna, but we'd
11 want to design it to fit, you know, the type of
12 designs that are there.

13 We do have a little more flexibility in
14 the Historic District, so within the downtown
15 we're able to impose more stringent requirements
16 on the type of replacement fixtures. In those
17 situations we may be able to require that it be an
18 upgraded style provided that it's compliant with
19 what's elsewhere. But that will be a little more
20 challenging outside of the Historic Districts.

21 MEMBER SCHUETZ: So two questions: Is the
22 City or the State or -- who's going to control
23 where these -- not how they're done but where they
24 go? Like -- I'll just be selfish. Our

1 neighborhood, we have like gas-lit -- gas lights,
2 and their poles are concrete. And they're carved.
3 And they're like this big. And I can't see any of
4 these things working.

5 MR. COLBY: Yes. Those type of -- the
6 decorative-style lights will probably need to be
7 replaced with something that can accommodate the
8 antenna. So those are likely -- if there was one
9 to be placed there, it would probably be replaced
10 with different designs. But the intent would be
11 to require something that follows the same
12 aesthetic guidelines as what is there.

13 MEMBER SCHUETZ: So they'd rip out the
14 pole and everything -- these are 20, 30 feet
15 poles -- whatever they are?

16 MR. COLBY: Yeah. They'd probably take
17 down the pole and replace it with a different type
18 pole.

19 MEMBER SCHUETZ: That's going to be
20 overwhelming. Oh, my God.

21 MEMBER MACKLIN-PURDY: That's costly.

22 MR. COLBY: Here are some other examples
23 where -- I mean, some are more integrated in the
24 fixture and some are just sort of attached in a

1 way that is less offensive aesthetically.

2 MEMBER SCHUETZ: Do you think that looks
3 good?

4 CHAIRMAN WALLACE: He said "less
5 offensive."

6 MEMBER SCHUETZ: "Less offensive"? Okay.

7 MR. COLBY: You know, it sort of depends
8 on the style of fixture you have, if it's easy to
9 integrate the infrastructure into it or not.

10 MEMBER SCHUETZ: How many states have done
11 this?

12 MR. COLBY: I'm not sure of the exact
13 number but I think quite a few.

14 You know, it's something that's pursued by
15 the telecom companies, convincing the State
16 legislatures to adopt --

17 CHAIRMAN WALLACE: So this places a
18 restriction on the City to lease space to the
19 telecom companies --

20 MR. COLBY: Yes.

21 CHAIRMAN WALLACE: -- to grant these?

22 MR. COLBY: Yes.

23 MEMBER SCHUETZ: Sounds like a nightmare.

24 CHAIRMAN WALLACE: Is there any penalty to

1 the municipality for not putting this into place?

2 MR. COLBY: Well, the alternative would
3 have been for us to not adopt any kind of
4 guidelines or permitting process, in which case we
5 wouldn't have a basis to require them to submit
6 certain types of information at the outset in
7 their proposal to install these, and we'd have a
8 limited time frame to grant them a permit. And if
9 we didn't grant them a permit, they would
10 automatically be given the right to build.

11 CHAIRMAN WALLACE: After 90 days or
12 something?

13 MR. COLBY: Yeah. Yeah. So the City's
14 done what we can within the law to be able to
15 create a process and some design guidelines.

16 And so all of that -- the City's already
17 adopted the update to our Code that deals with
18 right-of-way, and we're in the process of drafting
19 a design guidelines document.

20 Really, what we're here doing tonight is
21 sort of more of a cleanup item for the Zoning
22 Ordinance because we -- under the statute we have
23 to allow for -- here's what a stand-alone antenna
24 would look like.

1 Under the statute we have to allow for
2 these types of antennas by zoning. The statute
3 does specify a maximum size and height for the
4 antennas. If it's above 45 feet, it's considered
5 to be a normal type of antenna tower and it would
6 qualify as a small cell antenna. There's also a
7 square footage limit on the size of the
8 transmitter and other equipment that's attached to
9 the pole.

10 But we do have to identify it as a
11 permitted use in all rights-of-way, and "all
12 rights-of-way" also includes utility easements
13 that the City may have infrastructure in. So if
14 it's a utility easement where there's an electric
15 service or electric line, it would be considered
16 to be a right-of-way so -- what that does mean is
17 potentially there could be equipment placed on
18 private property within an easement.

19 It's more likely that the interest will be
20 in placing -- wherever -- that antenna in the
21 right-of-way where there's street access to it and
22 the ability to maintain it and submit -- typically
23 that would be preferred over a location that's on
24 a lot in an easement. So while that right does

1 exist, we think it's probably unlikely that it
2 will happen often.

3 But outside of right-of-way use, they are
4 required to be permitted uses in any exclusively
5 nonresidential commercial district. So what we're
6 proposing to do is clarify that in these
7 districts -- BL, BC, BR, OR, and Industrial
8 Districts -- that they are permitted uses from a
9 zoning standpoint outside of right-of-way, but
10 then in all other districts they'd be subject to
11 the City's normal review and approval process.

12 And so this would really include
13 residential districts and the downtown districts
14 because there's residential uses permitted in the
15 downtown districts.

16 MEMBER FUNKE: Can we impose design
17 guidelines on this? I think you explained --

18 MR. COLBY: Yes.

19 MEMBER FUNKE: So we can?

20 MR. COLBY: Yes. Now, there's limitations
21 how far you can go with the design guidelines, but
22 we're in the process of drafting some that will be
23 within the parameters of what we do.

24 MEMBER FUNKE: So what are those

1 limitations now? What are the limitations?

2 I mean, why can't we make them more strict than --

3 MR. COLBY: So we have to allow a certain
4 size, so that's specified. And we have to require
5 that when they're -- the area that they're
6 installed. So, for example, if there's already
7 overhead electric lines there and there's
8 equipment attached to them, we have to give them
9 the ability to attach to those in the same way
10 that those antennas are -- or that equipment is
11 already arranged.

12 So we can require them to blend in with
13 what's there, but in situations where there's
14 already that overhead electrical structure and
15 there's attachments to it, we don't have basis,
16 necessarily, to tell them to do something
17 different.

18 But if they're replacing something
19 existing that's more decorative, we can require
20 them to do something that's consistent with what's
21 there.

22 MEMBER FUNKE: So we have to? Is that a
23 law that was passed that --

24 MR. COLBY: Yeah. It's part of the State

1 statute.

2 MEMBER FUNKE: All right.

3 MEMBER SCHUETZ: Are you talking to any
4 other cities, such as -- I'll just use Naperville
5 as an example. I mean, what are they -- are they
6 doing this?

7 MR. COLBY: Yes. Most municipalities in
8 the Chicago area have adopted very similar
9 ordinances for regulating the placement. The
10 actual design guidelines are a little more locally
11 based, depending on what kind of structure you
12 have.

13 So we're drafting one that's based on the
14 type of equipment that we have and the type of
15 lighting, the type of poles, so that it fits with
16 what we would expect.

17 MEMBER SCHUETZ: So is there a survey
18 going around to all the various neighborhoods to
19 see what's out there?

20 MR. COLBY: Well, we have to work within
21 the parameters of what we have existing for
22 decorative light poles, for overhead light poles,
23 so we have to work with what's there.

24 MEMBER SCHUETZ: Meaning that's already

1 installed or --

2 MR. COLBY: Yes, yes --

3 MEMBER SCHUETZ: That's what I'm saying.

4 MR. COLBY: -- what our standards are. So
5 we can require in the design guidelines that
6 whatever is being installed would follow those
7 standards in an area where it's being installed.

8 MEMBER FUNKE: What happens if we upgrade
9 those areas? Do they have to upgrade their --
10 like if there's an existing telephone pole that
11 has one of these transmitters on it -- or cell
12 towers -- can we put a new light pole in, you
13 know, and change it or --

14 MR. COLBY: I think that we can. If we
15 replace the pole that it's on, we can incorporate
16 it into a new pole. I don't think we have the
17 ability to require it to be upgraded just because
18 the City -- because once the equipment is removed,
19 I think the statute says once -- if the City were
20 to remove our equipment from it and it was doing
21 nothing but supporting the antenna, they have the
22 right to even utilize the antenna themselves.

23 So what's really being done here is --
24 this is a little explanation of the zoning use

1 categories.

2 So we have a category called communication
3 antenna, and these are sort of the transmitter
4 element or receiver element of a tower. So you
5 have a tower and you have the antenna that's
6 attached to it.

7 We allow the antennas as permitted or
8 accessory uses in all zoning districts because
9 it's just the transmitter or receiver portion, and
10 the intent of that was so that these things could
11 be attached to things like parking lot light poles
12 or buildings so you wouldn't need to have a lot of
13 larger cell towers back when we were talking about
14 large cell towers.

15 The actual tower -- so a freestanding cell
16 tower is only a permitted use in certain districts
17 and a special use in some others. It's not
18 permitted in the downtown districts.

19 So what we propose to do with this
20 amendment is we've taken the approach that we're
21 doing the minimal amount that's necessary to
22 accommodate what the State law requires. So we'll
23 identify a small cell wireless facility as a type
24 of communication antenna, so this would enable

1 them to be placed in the same locations as the
2 other types of antennas and attached to
3 structures.

4 And we've created an exception for
5 communication towers that are specifically for
6 small cell wireless facilities to be permitted
7 uses in commercial districts, where we're required
8 to by the State statute, but this wouldn't expand
9 the ability to have any other type of
10 communication towers, like a full cell tower, in
11 those areas. It would be specific to these small
12 cell towers as defined in the statute and in our
13 Code, and so this would essentially make our
14 zoning districts comply with what the State act
15 requires.

16 And then all locations that are located in
17 right-of-way or City easements would be subject to
18 our design review process that's being established
19 right now to enable the City to require that
20 antennas blend in with the area where they would
21 be installed.

22 MEMBER PIETRYLA: Russ, the design -- what
23 you said your -- the staff is working on right
24 now -- so different areas in the zoning districts,

1 will we see that, the draft, or is it -- it's
2 across districts?

3 MR. COLBY: It's something that's going to
4 be adopted as a standard for utility
5 installations, so it's not something that's
6 typically a question of zoning. Actually -- it
7 would actually be part of and referenced in the
8 utility chapter.

9 MEMBER PIETRYLA: I see.

10 But it will -- the language is, again,
11 going to be sensitive to the different districts?
12 Like a Historic District, obviously, that's -- the
13 Historic Preservation Commission will be involved.
14 But if it's a traditional residential area, the
15 language will be sensitive to that, that area?

16 MR. COLBY: Yes. We can regulate the
17 Historic Districts differently. But then other
18 locations and right-of-way, this is the only
19 distinction we can make in the type of
20 infrastructure that's already there.

21 MEMBER SCHUETZ: So if they come in and
22 have to rip out all the lights that are existing
23 in a neighborhood, such as mine, who's paying for
24 that?

1 MR. COLBY: They would pay for it.

2 MEMBER MACKLIN-PURDY: The --

3 MEMBER PIETRYLA: The provider.

4 MR. COLBY: Whoever the provider is that's
5 installing the antennas.

6 So what the design guidelines can require
7 is that they replace the light pole to attach to
8 it. They may replace the whole network of poles
9 in the neighborhood, depending on how their
10 spacing and what their service needs are. It's
11 possible.

12 MEMBER MACKLIN-PURDY: But wait a minute.

13 So let's say there's 50 light poles in his
14 neighborhood. They really only need to utilize
15 10 of them.

16 MEMBER SCHUETZ: So they're not going to
17 match.

18 MEMBER MACKLIN-PURDY: How does that work?

19 MR. COLBY: So we would attempt, through
20 these design guidelines, to find the design that
21 matched the other ones that were existing in the
22 neighborhood, so do it as close as you can get.
23 And in some cases, it may be a little -- a little
24 bit different.

1 But I think if these are installed
2 extensively, it will almost become like a
3 different standard design over time than what
4 we're used to looking at. But we can't guarantee
5 that it will all be upgraded in a given area at
6 the same time because they may not need to replace
7 every pole.

8 MEMBER MACKLIN-PURDY: Right.

9 VICE CHAIRMAN KESSLER: I'd love to be on
10 the Plan Commission when we try to defend historic
11 small cell wireless facility poles. Someday we
12 will.

13 CHAIRMAN WALLACE: Anything further?

14 VICE CHAIRMAN KESSLER: All right.

15 CHAIRMAN WALLACE: Any questions or
16 comments from the audience?

17 (No response.)

18 CHAIRMAN WALLACE: No?

19 You know, I love the -- I love how the
20 State passes laws requiring municipalities to do
21 certain things, and you can always tell how they
22 get votes of all the Chicago representatives. In
23 the law itself it says "Applicability. This act
24 does not apply to a municipality with a population

Transcript of Small Cell Wireless
Conducted on August 7, 2018

27

1 of 1 million or more." Yeah. So it implies to
2 the entire state except for Chicago. So yeah.

3 Anyway -- oh, yeah. Did you have a
4 question?

5 UNIDENTIFIED MALE: No. Thank you.

6 CHAIRMAN WALLACE: All right. Any --

7 MEMBER PIETRYLA: And when are the
8 guidelines due? Before the deadline I assume.

9 Would those have to be submitted to the --

10 MR. COLBY: So we updated our Codes
11 requirement, the permitting process, before the
12 deadline, which was really the most --

13 MEMBER PIETRYLA: Right, the most
14 important.

15 MR. COLBY: -- important thing to do
16 because that -- we wouldn't have the ability to
17 impose any guidelines.

18 But what it says, essentially, is that any
19 of the installations that are submitted for permit
20 have to comply with the guidelines --

21 MEMBER PIETRYLA: Okay.

22 MR. COLBY: -- so we need to get them
23 adopted soon.

24 MEMBER PIETRYLA: Before you see a permit?

Transcript of Small Cell Wireless
Conducted on August 7, 2018

28

1 MR. COLBY: Right. Before --

2 MEMBER PIETRYLA: Or permit application?

3 MR. COLBY: -- someone comes in and starts
4 requesting a permit, right.

5 MEMBER PIETRYLA: Exactly.

6 CHAIRMAN WALLACE: All right.

7 Anything else?

8 (No response.)

9 CHAIRMAN WALLACE: All right. Is there a
10 motion to close the public hearing?

11 VICE CHAIRMAN KESSLER: So moved.

12 MEMBER MACKLIN-PURDY: Second.

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

15 Discussion on the motion?

16 (No response.)

17 CHAIRMAN WALLACE: Tim.

18 VICE CHAIRMAN KESSLER: Holderfield.

19 MEMBER HOLDERFIELD: Yes.

20 VICE CHAIRMAN KESSLER: Schuetz.

21 MEMBER SCHUETZ: Yes.

22 VICE CHAIRMAN KESSLER: Funke.

23 MEMBER FUNKE: Yes.

24 VICE CHAIRMAN KESSLER: Pretz.

Transcript of Small Cell Wireless
Conducted on August 7, 2018

29

1 MEMBER PRETZ: Yes.

2 VICE CHAIRMAN KESSLER: Vargulich.

3 MEMBER VARGULICH: Yes.

4 VICE CHAIRMAN KESSLER: Pietryla.

5 MEMBER PIETRYLA: Yes.

6 VICE CHAIRMAN KESSLER: Purdy.

7 MEMBER MACKLIN-PURDY: Yes.

8 VICE CHAIRMAN KESSLER: Wallace.

9 CHAIRMAN WALLACE: Yes.

10 VICE CHAIRMAN KESSLER: Kessler, yes.

11 CHAIRMAN WALLACE: All right.

12 Item 8 on your agenda, small cell wireless
13 facilities, City of St. Charles, application for
14 general amendment, is there a motion?

15 VICE CHAIRMAN KESSLER: I would like to
16 make a motion to recommend approval of the small
17 cell wireless facilities, City of St. Charles,
18 application for general amendment, conditioned on
19 satisfaction of all staff -- outstanding staff
20 comments.

21 CHAIRMAN WALLACE: Is there a second?

22 MEMBER MACKLIN-PURDY: I'll second.

23 CHAIRMAN WALLACE: Sorry. Was there a
24 second?

Transcript of Small Cell Wireless
Conducted on August 7, 2018

30

1 MEMBER MACKLIN-PURDY: Yes. I seconded.
2 CHAIRMAN WALLACE: Okay.
3 Any discussion on the motion?
4 (No response.)
5 CHAIRMAN WALLACE: Tim.
6 VICE CHAIRMAN KESSLER: Holderfield.
7 MEMBER HOLDERFIELD: Yes.
8 VICE CHAIRMAN KESSLER: Schuetz.
9 MEMBER SCHUETZ: Yes.
10 VICE CHAIRMAN KESSLER: Funke.
11 MEMBER FUNKE: Yes.
12 VICE CHAIRMAN KESSLER: Pretz.
13 MEMBER PRETZ: Yes.
14 VICE CHAIRMAN KESSLER: Vargulich.
15 MEMBER VARGULICH: Yes.
16 VICE CHAIRMAN KESSLER: Pietryla.
17 MEMBER PIETRYLA: Yes.
18 VICE CHAIRMAN KESSLER: Purdy.
19 MEMBER MACKLIN-PURDY: Yes.
20 VICE CHAIRMAN KESSLER: Wallace.
21 CHAIRMAN WALLACE: Yes.
22 VICE CHAIRMAN KESSLER: Kessler, yes.
23 CHAIRMAN WALLACE: All right. That
24 concludes Item No. 8.

1 Now we will revert back to Item 4, which
2 is election of officers.

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

4 CHAIRMAN WALLACE: Well, I guess for --
5 what we've done in the past is to recognize -- or
6 to have a motion. But I believe that the Chairman
7 and the Vice Chairman would preside over that
8 portion of it. Isn't that what we've done in the
9 past?

10 MEMBER SCHUETZ: I think you -- both of
11 you did like each other -- you couldn't vote; you
12 couldn't vote --

13 VICE CHAIRMAN KESSLER: Right.

14 MEMBER SCHUETZ: -- you know, for --

15 VICE CHAIRMAN KESSLER: Right.

16 CHAIRMAN WALLACE: I guess that I'll open
17 up for any nominations for --

18 VICE CHAIRMAN KESSLER: Is that a motion
19 or a nomination?

20 CHAIRMAN WALLACE: I think it would be a
21 nomination.

22 VICE CHAIRMAN KESSLER: All right. Well,
23 I nominate Todd for Chairman.

24 MEMBER SCHUETZ: I'll second.

Transcript of Small Cell Wireless
Conducted on August 7, 2018

32

1 CHAIRMAN WALLACE: Does that require a
2 second?

3 I don't know if it does.

4 MEMBER SCHUETZ: I just did.

5 CHAIRMAN WALLACE: Are there any other
6 nominations?

7 MEMBER VARGULICH: Russ, what's the right
8 procedure here?

9 MR. COLBY: It would be preferred to treat
10 it as a motion so that you're following the proper
11 procedure.

12 VICE CHAIRMAN KESSLER: A motion.

13 CHAIRMAN WALLACE: Any discussion on the
14 motion?

15 MEMBER SCHUETZ: Just be on time.

16 CHAIRMAN WALLACE: On time? I've been on
17 time.

18 MEMBER SCHUETZ: Yes, you have, lately.

19 VICE CHAIRMAN KESSLER: Oh, man. Tough
20 crowd.

21 CHAIRMAN WALLACE: Hey, if you would like
22 to --

23 MEMBER SCHUETZ: No, I wouldn't.

24 CHAIRMAN WALLACE: I told you, if anyone

Transcript of Small Cell Wireless
Conducted on August 7, 2018

33

1 else has interest, just, you know --

2 MEMBER MACKLIN-PURDY: Bring your peanut
3 all the time.

4 CHAIRMAN WALLACE: All right.
5 Tim.

6 VICE CHAIRMAN KESSLER: Holderfield.

7 MEMBER HOLDERFIELD: Yes.

8 VICE CHAIRMAN KESSLER: Schuetz.

9 MEMBER SCHUETZ: Yes.

10 VICE CHAIRMAN KESSLER: Funke.

11 MEMBER FUNKE: Yes.

12 VICE CHAIRMAN KESSLER: Pretz.

13 MEMBER PRETZ: Yes.

14 VICE CHAIRMAN KESSLER: Vargulich.

15 MEMBER VARGULICH: Yes.

16 VICE CHAIRMAN KESSLER: Pietryla.

17 MEMBER PIETRYLA: Yes.

18 VICE CHAIRMAN KESSLER: Purdy.

19 MEMBER MACKLIN-PURDY: Yes.

20 VICE CHAIRMAN KESSLER: Wallace.

21 CHAIRMAN WALLACE: Abstain.

22 VICE CHAIRMAN KESSLER: Kessler, yes.

23 CHAIRMAN WALLACE: All right. That
24 passes.

Transcript of Small Cell Wireless
Conducted on August 7, 2018

34

1 And thank you for trusting me once again.

2 And at this time I'll entertain a motion
3 for the position of Vice Chairman -- Chairperson.
4 I'm sorry.

5 MEMBER SCHUETZ: I'm nominate Timothy
6 Kessler again.

7 MEMBER MACKLIN-PURDY: I'll second.

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

10 Any discussion?

11 (No response.)

12 CHAIRMAN WALLACE: No?

13 I think you can still call roll.

14 VICE CHAIRMAN KESSLER: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 VICE CHAIRMAN KESSLER: Schuetz.

17 MEMBER SCHUETZ: Yes.

18 VICE CHAIRMAN KESSLER: Funke.

19 MEMBER FUNKE: Yes.

20 VICE CHAIRMAN KESSLER: Pretz.

21 MEMBER PRETZ: Yes.

22 VICE CHAIRMAN KESSLER: Vargulich.

23 MEMBER VARGULICH: Yes.

24 VICE CHAIRMAN KESSLER: Pietryla.

Transcript of Small Cell Wireless
Conducted on August 7, 2018

35

1 MEMBER PIETRYLA: Yes.

2 VICE CHAIRMAN KESSLER: Purdy.

3 MEMBER MACKLIN-PURDY: Yes.

4 VICE CHAIRMAN KESSLER: Wallace.

5 CHAIRMAN WALLACE: Yes.

6 VICE CHAIRMAN KESSLER: Kessler, abstain.

7 CHAIRMAN WALLACE: All right.

8 Should we have a sergeant at arms? Is
9 there a parliamentarian?

10 We can't have a treasurer because we don't
11 have any money so -- sorry. All right.

12 MEMBER PIETRYLA: I'll do it.

13 CHAIRMAN WALLACE: What was that?

14 MEMBER PIETRYLA: I'll be a
15 parliamentarian.

16 CHAIRMAN WALLACE: We used to have one.

17 VICE CHAIRMAN KESSLER: We always had.

18 MEMBER PIETRYLA: That sounds cool.

19 VICE CHAIRMAN KESSLER: Do you want it?

20 MEMBER PIETRYLA: Sure.

21 VICE CHAIRMAN KESSLER: I would
22 nominate --

23 MEMBER PIETRYLA: Make sure that we
24 follow --

Transcript of Small Cell Wireless
Conducted on August 7, 2018

36

1 VICE CHAIRMAN KESSLER: I would nominate
2 David Pietryla to be our parliamentarian.

3 CHAIRMAN WALLACE: I'll second.

4 MEMBER PIETRYLA: Don't all second at
5 once.

6 CHAIRMAN WALLACE: Any discussion?

7 (No response.)

8 CHAIRMAN WALLACE: Tim.

9 VICE CHAIRMAN KESSLER: Holderfield.

10 MEMBER HOLDERFIELD: Yes.

11 VICE CHAIRMAN KESSLER: Schuetz.

12 MEMBER SCHUETZ: Yes.

13 VICE CHAIRMAN KESSLER: Funke.

14 MEMBER FUNKE: Yes.

15 VICE CHAIRMAN KESSLER: Pretz.

16 MEMBER PRETZ: Yes.

17 VICE CHAIRMAN KESSLER: Vargulich.

18 MEMBER VARGULICH: Yes.

19 VICE CHAIRMAN KESSLER: Pietryla.

20 MEMBER PIETRYLA: Abstain.

21 VICE CHAIRMAN KESSLER: Purdy.

22 MEMBER MACKLIN-PURDY: Yes.

23 VICE CHAIRMAN KESSLER: Wallace.

24 CHAIRMAN WALLACE: Yes.

Transcript of Small Cell Wireless
Conducted on August 7, 2018

37

1 VICE CHAIRMAN KESSLER: Kessler, yes.

2 CHAIRMAN WALLACE: Does anybody else want
3 any positions?

4 MEMBER SCHUETZ: I just want to ask,
5 what's David's responsibility? What's David's
6 responsibility now?

7 MEMBER PIETRYLA: Robert's Rules of Order.

8 CHAIRMAN WALLACE: Okay. I think that
9 finishes Item 4.

10 Are there any -- is there any additional
11 business to come before the Planning Commission
12 members or staff?

13 (No response.)

14 CHAIRMAN WALLACE: No?

15 The meeting announcements. We have our
16 meetings upcoming -- oh, I got it. There is a
17 meeting the day after Labor Day that if -- unless
18 it's canceled, it will be across the street in the
19 training room.

20 MR. COLBY: Correct.

21 CHAIRMAN WALLACE: But other than that,
22 we're here in Council chambers.

23 Do we have anything on the agenda for the
24 next meeting?

Transcript of Small Cell Wireless
Conducted on August 7, 2018

38

1 MR. COLBY: We do not. We're anticipating
2 we'll cancel it.

3 CHAIRMAN WALLACE: Good.

4 MEMBER SCHUETZ: Good. Because I won't be
5 here -- I'm kidding.

6 VICE CHAIRMAN KESSLER: Good.

7 CHAIRMAN WALLACE: Any public -- we lost
8 our public.

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

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

12 VICE CHAIRMAN KESSLER: So moved.

13 MEMBER PIETRYLA: Second.

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

16 All in favor?

17 (Ayes heard.)

18 CHAIRMAN WALLACE: Opposed?

19 (No response.)

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

23 (Off the record at 8:21 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Melanie L. Humphrey-Sonntag, Certified Shorthand Reporter No. 084-004299, CSR, RDR, CRR, CRC, FAPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me 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 13th day of August, 2018.

My commission expires July 3, 2021.



MELANIE L. HUMPHREY-SONNTAG
NOTARY PUBLIC IN AND FOR ILLINOIS