

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, JULY 17, 2018**

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

Members Absent: Chairman Wallace  
David Pietryla  
Tom Schuetz

Also Present: Russell Colby, Community & Economic Development Manager  
Ellen Johnson, Planner  
Rita Tungare, Director of Community & Economic Development  
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 June 19, 2018 meeting of the Plan Commission.**

**Motion made by Mr. Holderfield, seconded by Ms. Purdy, and unanimously passed by voice vote to approve the minutes of the July 19, 2018 Plan Commission meeting.**

**4. Election of Officers-Tabled**

**Motion made by Mr. Holderfield, seconded by Ms. Purdy, and unanimously passed by voice vote to table item #4 - Election of Officers, to a future meeting.**

**PUBLIC HEARING**

**5. Fiore Salon Suites (Tyler & 64 Business Park PUD) (Vincent Fiore)  
Application for Special Use (PUD Amendment)**

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

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

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy**

**Nays:**

**Absent: Wallace, Pietryla, Schuetz**

**Motion carried: 6-0**

**MEETING**

- 9. Fiore Salon Suites (Tyler & 64 Business Park PUD) (Vincent Fiore)**  
Application for Special Use (PUD Amendment)

**Motion made by Mr. Pretz and seconded by Mr. Vargulich to recommend approval of the application for Special Use (PUD Amendment) for Fiore Salon Suites, Tyler & 64 Business Park PUD (Vincent Fiore), subject to resolution of staff comments prior to City Council action.**

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy**

**Nays:**

**Absent: Wallace, Pietryla, Schuetz**

**Motion carried: 6-0**

**PUBLIC HEARING**

- 6. Health/Fitness Clubs in BL District (Michael Saracco)**  
Application for General Amendment

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

**Motion made by Ms. Purdy and seconded by Mr. Holderfield to close the public hearing.**

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy**

**Nays:**

**Absent: Wallace, Pietryla, Schuetz**

**Motion carried: 6-0**

**MEETING**

- 10. Health/Fitness Clubs in BL District (Michael Saracco)**  
Application for General Amendment

**Motion made by Mr. Pretz and seconded by Ms. Purdy to recommend approval of the application for General Amendment for Health/Fitness Clubs in BL District (Michael Saracco), subject to resolution of staff comments prior to City Council action.**

**Roll Call Vote:**

**Ayes:** Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy

**Nays:**

**Absent:** Wallace, Pietryla, Schuetz

**Motion carried: 6-0**

**PUBLIC HEARING**

**7. Main Street Commons PUD- Signs (Phillip Ramming)**

Application for Special Use (PUD Amendment)

Application for Minor Change to PUD Preliminary Plan

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

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

**Roll Call Vote:**

**Ayes:** Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy

**Nays:**

**Absent:** Wallace, Pietryla, Schuetz

**Motion carried: 6-0**

**MEETING**

**11. Main Street Commons PUD- Signs (Phillip Ramming)**

Application for Special Use (PUD Amendment)

Application for Minor Change to PUD Preliminary Plan

**Motion made by Mr. Pretz and seconded by Ms. Purdy to recommend approval of the application for Special Use (PUD Amendment) and Minor Change to PUD Preliminary Plat for Main Street Commons PUD-Signs (Phillip Ramming), subject to resolution of staff comments prior to City Council action.**

**Roll Call Vote:**

**Ayes:** Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy

**Nays:**

**Absent:** Wallace, Pietryla, Schuetz

**Motion carried: 6-0**

**PUBLIC HEARING**

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

Application for Map Amendment

Application for Special Use

**Minutes – St. Charles Plan Commission**  
**Tuesday, July 17, 2018**  
**Page 4**

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. Pretz and seconded by Mr. Funke to continue the public hearing to the August 7, 2018 Plan Commission meeting, held in the Council Chambers at 7:00pm.**

**Roll Call Vote:**

**Ayes: Holderfield, Pretz, Vargulich, Kessler, Funke, Purdy**

**Nays:**

**Absent: Wallace, Pietryla, Schuetz**

**Motion carried: 6-0**

**13. Additional Business from Plan Commission Members or Staff**

**14. Weekly Development Report**

**15. Meeting Announcements**

a. Plan Commission

Tuesday, August 7, 2018 at 7:00pm Council Chambers

Tuesday, August 21, 2018 at 7:00pm Council Chambers

Tuesday, September 4, 2018 at 7:00pm Century Station Training Room

b. Planning & Development Committee

Monday, August 13, 2018 at 7:00pm Council Chambers

Monday, September 10, 2018 at 7:00pm Council Chambers

**16. Public Comment**

**17. Adjournment at 8:32pm.**



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# Transcript of 7:00 Hearing

**Date:** July 17, 2018

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: Fiore Salon Suites :  
Application for Special :  
Use (PUD Amendment), Tyler :  
& 64 Business Park. :  
-----x

HEARING  
St. Charles, Illinois 60174  
Tuesday, July 17, 2018  
7:00 p.m.

Job No.: 168451A  
Pages: 1 - 15  
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, held at the location of:

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3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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13 Before Joanne E. Ely, a Certified Shorthand  
14 Reporter, and a Notary Public in and for the State  
15 of Illinois.

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1 PRESENT:

2 TIM KESSLER, Vice Chairman

3 JEFFREY FUNKE, Member

4 JAMES HOLDERFIELD, Member

5 LAURA MACKLIN-PURDY, Member

6 TOM PRETZ, Member

7 PETER VARGULICH, Member

8 ALSO PRESENT:

9 RUSSELL COLBY, Community & Economic  
10 Development Manager

11 ELLEN JOHNSON, Planner

12 RITA TUNGARE, Director of Community and  
13 Economic Development

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner.

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P R O C E E D I N G S

VICE CHAIRMAN KESSLER: Good evening.  
This meeting of the St. Charles Plan Commission  
will come to order.

Roll call.

MEMBER PRETZ: Macklin-Purdy.

MEMBER MACKLIN-PURDY: Here.

MEMBER PRETZ: Vargulich.

MEMBER VARGULICH: Here.

MEMBER PRETZ: Holderfield.

MEMBER HOLDERFIELD: Here.

MEMBER PRETZ: Kessler.

VICE CHAIRMAN KESSLER: Here.

MEMBER PRETZ: Pretz. Here.

VICE CHAIRMAN KESSLER: All right. Item 3  
on our agenda is presentation of minutes of the  
June 19th, 2018, meeting of the Plan Commission.

Is there a motion to approve?

MEMBER HOLDERFIELD: So moved.

MEMBER MACKLIN-PURDY: Second.

VICE CHAIRMAN KESSLER: All in favor.

(Ayes heard.)

VICE CHAIRMAN KESSLER: That passes.

Item No. 4 on the agenda is election of

1 officers. I suppose we could pull a coup, but  
2 there's not enough of us here. So I'm going to  
3 suggest that we table it.

4 Is there a motion to table it?

5 MEMBER HOLDERFIELD: So moved.

6 MEMBER MACKLIN-PURDY: Second.

7 VICE CHAIRMAN KESSLER: All in favor.

8 (Ayes heard.)

9 VICE CHAIRMAN KESSLER: All right. The  
10 item is tabled.

11 And then we come to Items 5, 6, 7, and 8  
12 on the agenda, which are public hearings.

13 So I'd like to review our procedure for  
14 public hearings for everybody here.

15 So first, the applicant for the public  
16 hearing will come forward and present the  
17 application.

18 Next the audience -- the Plan Commission  
19 will be able to ask any questions of the applicant  
20 based on the information in their presentation,  
21 and then we'll ask the members of the audience  
22 as well if they have questions.

23 The applicant will then have a chance to  
24 make a final statement, if they wish.

1           If the Plan Commission determines we have  
2 enough evidence to make a recommendation to the  
3 City Council, we'll close the public hearing.

4           Are there any questions on how we handle  
5 public hearings?

6           (No response.)

7           VICE CHAIRMAN KESSLER: Anyone who wishes  
8 to offer testimony now, ask questions or make  
9 comments, I would like to ask you to raise your  
10 right hands. For any of the public hearings, if  
11 you expect to speak, raise your right hand.

12           Okay. So then anybody who does come and  
13 speak, including the applicant, please come up to  
14 the podium, state your name and your address. We  
15 have a court reporter here. So that means that  
16 while she is very good, she can only take down one  
17 person's testimony at a time. So try not to talk  
18 over each other.

19           All right. Let's start with the first  
20 agenda item. That's Fiore Salon Suites, Tyler and  
21 64 Business Park PUD, Vincent Fiore, and an  
22 application for a special use, PUD amendment.

23           MS. WATTS: My name is Mary Watts,  
24 W-a-t-t-s. Do you need my home address?

1 VICE CHAIRMAN KESSLER: Yes.

2

3 MS. WATTS: Okay. It's 310 Tower Hill  
4 Drive, and that's St. Charles 60175.

5 Again, my name is Mary, and I am helping  
6 Fiore Salon Suites with sales and marketing.  
7 Fiore Salon Suites is located at 157 South Tyler  
8 Road, which is the southwest corner of Route 64  
9 and Tyler Road. It is behind the dealership, and  
10 it's adjacent to Children of America.

11 The building is 5,300 square feet. There  
12 are two entrances located at the south and west  
13 sides of the building. The building does have a  
14 basement and accommodations for a future elevator  
15 and a future additional staircase. At this time,  
16 the basement is to remain unfinished.

17 The building is being built to provide  
18 services for many aspects of the beauty and salon  
19 industries. The flexible design will be able to  
20 accommodate businesses such as massage therapy,  
21 hair salon, tanning, nail services, or Botox.

22 Several months ago we sent out a mass  
23 mailing to local and surrounding neighborhoods  
24 describing these services, and the response was

1 positive and encouraging.

2 The building includes 16 total units, 11  
3 double and five single suites. Each double suite  
4 will have at least one operator window. The  
5 single suites are located near the interior of the  
6 building.

7 Each suite will be equipped with a shampoo  
8 bowl, and furniture will be the responsibility of  
9 the tenant but can be negotiated at the time of  
10 the lease. There is to be an onsite laundry for a  
11 towel service which will be a complimentary  
12 service to the tenants.

13 The building is considered a 24-hour  
14 facility, but the entrances are to be  
15 electronically locked at a designated time, which  
16 is to be determined. A surveillance system will  
17 be located at both the interior and exterior of  
18 the building.

19 Rents are starting at \$1,500 for a double  
20 suite and 900 for a single suite per month.  
21 Utilities are included in the rent.

22 The projected completion date for this  
23 project is mid September.

24 If there are any questions, the owner and

1 general contractor Vince Fiore is here to answer  
2 them.

3 VICE CHAIRMAN KESSLER: Okay. We would  
4 note that Jeff Funke is here.

5 Any questions from the Plan Commission?  
6 Laura.

7 MEMBER MACKLIN-PURDY: You mentioned  
8 massage therapy as a possibility, and I don't  
9 know, I think it's my understanding that this type  
10 of business isn't allowed in this zoning area.

11 MS. WATTS: Okay. Okay. Well, that would  
12 be something we wouldn't rent to them. You know,  
13 we would follow up on the rules and who can and  
14 cannot be there.

15 MEMBER MACKLIN-PURDY: Okay.

16 VICE CHAIRMAN KESSLER: Just to follow up  
17 on that, Russ or Ellen, this is a different sort  
18 of use than -- did we talk about this? Massage  
19 therapy is not allowed under the --

20 MS. JOHNSON: Right. So their request is  
21 to add the use category called "personal services,  
22 limited," as a permitted use on the property, and  
23 that use category definition does not include  
24 massage therapy.

1 MS. WATTS: Okay.

2 VICE CHAIRMAN KESSLER: So you would  
3 follow that.

4 MS. WATT: Oh, absolutely, yes.

5 VICE CHAIRMAN KESSLER: Any other  
6 questions?

7 (No response.)

8 VICE CHAIRMAN KESSLER: Any questions from  
9 the audience? I'm guessing no.

10 (No response.)

11 VICE CHAIRMAN KESSLER: Okay. We're going  
12 to break with the agenda, if we don't have any  
13 objection, and move to the meeting portion.

14 Before that for this item, I want to ask  
15 the Commissioners if you have any other questions;  
16 and if we feel we have enough information to make  
17 a recommendation, we want to close the public  
18 hearing.

19 We need a motion to close the public  
20 hearing.

21 MEMBER MACKLIN-PURDY: I have another  
22 question. Parking.

23 MS. WATTS: Yes.

24 MEMBER MACKLIN-PURDY: It just seems -- I

1 know there's a real estate office adjacent to  
2 there, and with Children of America, I'm just  
3 wondering where all -- are there any parking  
4 spaces being added to this?

5 MS. WATTS: I will to defer to Vince.

6 MR. FIORE: Good evening. I'm Vince  
7 Fiore. I'm the owner and general contractor. My  
8 address is PO Box 193, Barrington, Illinois 60011.

9 In answer to your question, there are 24  
10 spaces allocated for this use. It was determined  
11 by the planning department that they're sufficient  
12 for this use, but I will tell you that on this  
13 property, there is accommodations for an  
14 additional 24 spaces that I can build another  
15 parking lot. I'm hoping I have that problem.

16 MEMBER MACKLIN-PURDY: Okay.

17 VICE CHAIRMAN KESSLER: Anything else from  
18 the Plan Commission?

19 (No response.)

20 VICE CHAIRMAN KESSLER: Audience?

21 (No response.)

22 VICE CHAIRMAN KESSLER: Do we have a  
23 motion to close the public hearing?

24 MEMBER PRETZ: I'll make a motion to close



1 the public hearing.

2 MEMBER MACKLIN-PURDY: I'll second.

3 VICE CHAIRMAN KESSLER: Okay. Roll call.

4 MEMBER PRETZ: Macklin-Purdy.

5 MEMBER MACKLIN-PURDY: Yes.

6 MEMBER PRETZ: Vargulich.

7 MEMBER VARGULICH: Yes.

8 MEMBER PRETZ: Holderfield.

9 MEMBER HOLDERFIELD: Yes.

10 MEMBER PRETZ: Funke.

11 MEMBER FUNKE: Yes.

12 MEMBER PRETZ: Kessler.

13 VICE CHAIRMAN KESSLER: Yes.

14 MEMBER PRETZ: Pretz. Yes.

15 VICE CHAIRMAN KESSLER: All right. Now if  
16 there's no objection, I'd like to jump to the  
17 meeting portion for this particular item.

18 MR. FIORE: Oh, we're done?

19 VICE CHAIRMAN KESSLER: We're done with  
20 the public hearing. You can be seated. Now,  
21 we're going to talk about the recommendation.

22 MR. FIORE: Oh, thank you.

23 MS. WATTS: Thank you.

24 VICE CHAIRMAN KESSLER: All right. Item

1 No. 9 on the agenda, Fiore Salon Suites, Tyler and  
2 64 Business Park, PUD, Vincent Fiore.

3 At this time we would make a  
4 recommendation after any discussion or questions  
5 that the Plan Commission or the public have.

6 Anything from Plan Commission?

7 (No response.)

8 VICE CHAIRMAN KESSLER: If not, I'll take  
9 a recommendation.

10 MEMBER PRETZ: I'd like to make a motion  
11 to recommend approval of Fiore Salon Suites, Tyler  
12 and 64 Business Park, PUD, Vincent Fiore,  
13 application for special use, PUD amendment,  
14 subject to resolution of all staff comments prior  
15 to City Council action.

16 VICE CHAIRMAN KESSLER: Okay. We have a  
17 motion.

18 MEMBER VARGULICH: Second.

19 VICE CHAIRMAN KESSLER: And a second.

20 Any discussion on the motion?

21 (No response.)

22 VICE CHAIRMAN KESSLER: Okay.

23 MEMBER PRETZ: Macklin-Purdy.

24 MEMBER MACKLIN-PURDY: Yes.

1 MEMBER PRETZ: Vargulich.  
2 MEMBER VARGULICH: Yes.  
3 MEMBER PRETZ: Holderfield.  
4 MEMBER HOLDERFIELD: Yes.  
5 MEMBER PRETZ: Funke.  
6 MEMBER FUNKE: Yes.  
7 MEMBER PRETZ: Kessler.  
8 VICE CHAIRMAN KESSLER: Yes.  
9 MEMBER PRETZ: Pretz. Yes.  
10 VICE CHAIRMAN KESSLER: Okay. Recommend  
11 for approval. Thank you.

12 (Off the record at 7:11 p.m.)  
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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of July, 2018.

My commission expires: May 16, 2020

*Joanne E. Ely* 

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



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# Transcript of 7:11 Hearing

**Date:** July 17, 2018

**Case:** St. Charles Plan Commission

**Planet Depos**

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: Health/Fitness :  
Clubs in BL District, :  
Application for General :  
Amendment, 1450 West Main :  
Street. :  
-----x

HEARING  
St. Charles, Illinois 60174  
Tuesday, July 17, 2018  
7:11 p.m.

Job No.: 168451B  
Pages: 1 - 12  
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, held at the location of:

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3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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13 Before Joanne E. Ely, a Certified Shorthand  
14 Reporter, and a Notary Public in and for the State  
15 of Illinois.

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1 PRESENT:

2 TIM KESSLER, Vice Chairman

3 JEFFREY FUNKE, Member

4 JAMES HOLDERFIELD, Member

5 LAURA MACKLIN-PURDY, Member

6 TOM PRETZ, Member

7 PETER VARGULICH, Member

8 ALSO PRESENT:

9 RUSSELL COLBY, Community & Economic  
10 Development Manager

11 ELLEN JOHNSON, Planner

12 RITA TUNGARE, Director of Community and  
13 Economic Development

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner

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

2 VICE CHAIRMAN KESSLER: We're going to go  
3 back to Item 6 on the agenda, health/fitness clubs  
4 in BL District, Michael Saracco, application for  
5 general amendment.

6 Are you ready?

7 MR. SARACCO: Good evening. My name is  
8 Michael Saracco. These are my business partners  
9 Daniela Saracco and John Daum.

10 We are here and we currently own Benefit  
11 Health and Fitness at 1450 West Main. We have a  
12 corner unit. We're seeking to open what's called  
13 a basement gym underneath that building. So from  
14 what's visible from the street are the units up  
15 top. We're looking to open underneath that a  
16 basement gym.

17 We are here seeking an amendment to the BL  
18 zoning to allow health/fitness clubs to be  
19 included in that zoning for St. Charles.

20 VICE CHAIRMAN KESSLER: Okay.

21 MEMBER MACKLIN-PURDY: So will that be in  
22 the space where Keller Williams was?

23 MR. SARACCO: Right. Yes. They left  
24 several months back.

1 MEMBER MACKLIN-PURDY: In addition to  
2 where you are?

3 MR. SARACCO: Yes. We're upstairs on the  
4 corner.

5 MEMBER MACKLIN-PURDY: Right.

6 MR. SARACCO: So the first kind of bigger  
7 unit right now, and then we're taking the entire  
8 downstairs. So it's 7700 square feet.

9 VICE CHAIRMAN KESSLER: In addition to  
10 what you have.

11 MR. SARACCO: Yes. We want to maintain  
12 the lease upstairs and then also acquiring  
13 downstairs.

14 MEMBER MACKLIN-PURDY: So are there going  
15 to be interior stairs to get in there?

16 MR. SARACCO: There's a sidewalk that goes  
17 across, but there's no direct connection between  
18 the upstairs and downstairs other than walking.

19 So currently, upstairs, we're providing a  
20 training facility where we do appointment only,  
21 you know, private training. And downstairs is  
22 more of a membership kind of feel. We are working  
23 on a business model to include some private  
24 services there as well. We'll do some massage.

1 We'll do some personal training downstairs  
2 as well.

3 MEMBER HOLDERFIELD: Just I'm clear on  
4 this, the addition is going to be in the basement  
5 as you said. Will that be accessible from that  
6 parking lot on the north side, coming that way?

7 MR. SARACCO: Yes, sir. Each level has  
8 its own parking lot. There's about 36 or 40 spots  
9 for each section. So upstairs has a shared  
10 parking, and downstairs can have its own parking.  
11 I believe we have adequate parking. We're working  
12 with Ellen on that. We should be covered.

13 I think the zoning is -- you know, there's  
14 going to be a little bit of shared parking spaces,  
15 potentially to be included, but we're extremely  
16 close on parking.

17 VICE CHAIRMAN KESSLER: I remember the  
18 Plan Commission used to ask this question of  
19 applicants almost every time they came up.

20 Do you have any tenant neighbors? Have  
21 you spoken with them --

22 MR. SARACCO: Yeah. Other people in the  
23 building, yes.

24 VICE CHAIRMAN KESSLER: -- to tell them

1 what you're doing?

2 MR. SARACCO: We do. Actually, we have a  
3 chiropractor here on the corner.

4 We've been about five years upstairs. I  
5 think Dr. Stephanie has been seven years.

6 VICE CHAIRMAN KESSLER: Okay. Anyway it's  
7 just a good thing to do.

8 Okay. Any questions? Any other questions  
9 from the Plan Commission?

10 (No response.)

11 VICECHAIRMAN KESSLER: Any questions from  
12 the audience?

13 (No response.)

14 VICECHAIRMAN KESSLER: All right.

15 MEMBER MACKLIN-PURDY: What are your hours  
16 going to be?

17 MR. SARACCO: Private training upstairs is  
18 by appointment. Generally, 5:00 to 6:00 a.m. to  
19 maybe 5:00 or 6:00 p.m. Downstairs we're looking  
20 at a 5:00 a.m. start and perhaps a 10:00 p.m.  
21 close. So it will be staffed the whole time.

22 MEMBER MACKLIN-PURDY: So it's not going  
23 to be 24 hours.

24 MR. SARACCO: Correct. Correct.

1           It's more of a boutique kind of family  
2 nice gym as opposed to like an Anytime or even  
3 like an XSport Express. It's a little more  
4 upscale, family friendly. We have child care on  
5 premises, components like that.

6           MEMBER HOLDERFIELD: So 10:00 p.m. would  
7 be the closing time.

8           MR. SARACCO: We may go a little bit later  
9 if we have requests, but right now we're pretty  
10 sure it's going to be 10:00.

11          MEMBER HOLDERFIELD: I think that's  
12 important because you've got apartments right  
13 behind you.

14          MR. SARACCO: Yes, sir, we do. We do.  
15 Yeah. If there's an issue, we could consider  
16 being flexible on that. 11:00 is the latest we've  
17 been stopped, but we're kind of going between  
18 there. Again, if there's any issue, we're willing  
19 to be flexible on that. I don't think we need to  
20 be open much later. You know, between midnight  
21 and 3:00 is not going to be of much use.

22          VICE CHAIRMAN KESSLER: Okay. Plan  
23 Commission any other questions?

24           (No response.)

1 VICE CHAIRMAN KESSLER: I'd entertain a  
2 motion to close the public hearing.

3 MEMBER MACKLIN-PURDY: I entertain a  
4 motion to close the public hearing.

5 VICECHAIRMAN KESSLER: You would so move.  
6 Do we have a second?

7 MEMBER HOLDERFIELD: Second.

8 VICE CHAIRMAN KESSLER: All right.  
9 Roll call.

10 MEMBER PRETZ: Macklin-Purdy.

11 MEMBER MACKLIN-PURDY: Yes.

12 MEMBER PRETZ: Vargulich.

13 MEMBER VARGULICH: Yes.

14 MEMBER PRETZ: Holderfield.

15 MEMBER HOLDERFIELD: Yes.

16 MEMBER PRETZ: Funke.

17 MEMBER FUNKE: Yes.

18 MEMBER PRETZ: Kessler.

19 VICECHAIRMAN KESSLER: Yes.

20 MEMBER PRETZ: Pretz. Yes.

21 VICE CHAIRMAN KESSLER: All right. Again,  
22 we're going to jump the agenda to Item No. 10, and  
23 it is the meeting portion of the health/fitness  
24 clubs in BL District, Michael Saracco, application

1 for a general amendment.

2 Is there any discussion from the Plan  
3 Commission?

4 (No response.)

5 VICECHAIRMAN KESSLER: Any questions from  
6 the audience?

7 (No response.)

8 VICECHAIRMAN KESSLER: All right. I'd  
9 entertain a motion.

10 MEMBER PRETZ: I'd like to make a motion  
11 to recommend approval for health/fitness clubs in  
12 BL District, Michael Saracco, application for  
13 general amendment, and, again, subject to  
14 resolution of all staff comments prior to City  
15 Council action.

16 MEMBER MACKLIN-PURDY: I'll second.

17 VICE CHAIRMAN KESSLER: Moved and  
18 seconded.

19 Any discussion on the motion?

20 (No response.)

21 VICECHAIRMAN KESSLER: All right. Roll.

22 MEMBER PRETZ: Macklin-Purdy.

23 MEMBER MACKLIN-PURDY: Yes.

24 MEMBER PRETZ: Vargulich.

1 MEMBER VARGULICH: Yes.  
2 MEMBER PRETZ: Holderfield.  
3 MEMBER HOLDERFIELD: Yes.  
4 MEMBER PRETZ: Funke.  
5 MEMBER FUNKE: Yes.  
6 MEMBER PRETZ: Kessler.  
7 VICE CHAIRMAN KESSLER: Yes.  
8 MEMBER PRETZ: Pretz. Yes.  
9 VICECHAIRMAN KESSLER: All right. That  
10 concludes that item.  
11 MR. SARACCO: Thank you very much. We  
12 appreciate your time.  
13 (Off the record at 7:17 p.m.)  
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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of July, 2018.

My commission expires: May 16, 2020

*Joanne E. Ely* 

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



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# Transcript of 7:17 Hearing

**Date:** July 17, 2018

**Case:** St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

-----x  
In Re: Main Street :  
Commons PUD - Signs, :  
Application for Special :  
Use and Minor Change to :  
PUD Preliminary Plan. :  
-----x

HEARING  
St. Charles, Illinois 60174  
Tuesday, July 17, 2018  
7:17 p.m.

Job No.: 168451C  
Pages: 1 - 23  
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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13 Before Joanne E. Ely, a Certified Shorthand  
14 Reporter, and a Notary Public in and for the State  
15 of Illinois.

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1 PRESENT:

2 TIM KESSLER, Vice Chairman

3 JEFFREY FUNKE, Member

4 JAMES HOLDERFIELD, Member

5 LAURA MACKLIN-PURDY, Member

6 TOM PRETZ, Member

7 PETER VARGULICH, Member

8 ALSO PRESENT:

9 RUSSELL COLBY, Community & Economic  
10 Development Manager

11 ELLEN JOHNSON, Planner

12 RITA TUNGARE, Director of Community and  
13 Economic Development

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner

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

2 VICE CHAIRMAN KESSLER: We'll jump back to  
3 No. 7, Agenda Item No. 7, Main Street Commons PUD,  
4 signs, Phillip Ramming, application for special  
5 use PUD amendment and application for minor change  
6 to PUD preliminary plan.

7 The applicant is ready?

8 MR. RAMMING: I'm here. Thank you. Thank  
9 you Commissioners. I appreciate your time.

10 And thank you, Mr. Colby, for working with  
11 us so closely.

12 My name is Phil Ramming. It's  
13 R-a-m-m-i-n-g, and I'm with Sabal Financial Group,  
14 and we're the management entity of the ownership  
15 group which is headed by Oaktree Capital, the fund  
16 out of LA.

17 In February of 2014, we purchased Main  
18 Street Commons with a portfolio from a special  
19 holder. Oaktree was very, very active in the  
20 distress that -- after what we call the great  
21 downturn, the great depression.

22 Main Street at the time we purchased it  
23 had already lost the Boulders -- Borders, sorry.  
24 The Office Depot was hanging on, and the other two

1 majors hung in with us. We had to renegotiate  
2 both those contracts, and we greatly appreciate  
3 what Steinmart and World Market did for us.

4 For 18 months we couldn't get a date at  
5 the ICSC. We couldn't -- no tenants would talk to  
6 us. We had the hardest time creating interest  
7 down there. We were talking to third --  
8 second- and third-level gyms, trampoline houses  
9 trying to fill the boxes down there.

10 And then actually at the ICSC here in  
11 Chicago, we met with Ross. Ross expressed an  
12 interest, and we pursued that real hard. The next  
13 May, we entered in to contract negotiations, and  
14 that took an entire year to get done. It was  
15 very, very difficult.

16 And then as miracles happen in real  
17 estate, one of the conditions that Ross gave us  
18 was you had to have a TJ Maxx as a co-tenant.

19 And I said we don't have TJ Maxx. I can't  
20 control that decision.

21 They said, Don't worry, Phil. In six  
22 weeks you'll have them.

23 And sure enough TJ Maxx came, Ulta came,  
24 and Five Below came. And during this last two

1 years, we've been working real close with staff on  
2 a number of facade changes, numerous building plan  
3 submittals, and everything has gone really well.

4 TJ Maxx opened last fall and has been  
5 doing quite well. The Ulta is open. There was  
6 great public response to the Ulta. Ross we turned  
7 over to them July 18th, and we expect them to open  
8 soon; and then we'll have the Five Below opening  
9 by mid-August sometime. So we're greatly  
10 appreciative of how that turned out.

11 The things we fought back, we always had  
12 to deal with in negotiating with these was the  
13 center, as you know, is quite a ways set back from  
14 Main Street. This building is a little bit  
15 difficult and the signage.

16 And so all the way through these, we've  
17 been trying to negotiate the signs. We explain  
18 that some day -- there have been plans that we've  
19 looked at for that corner to be developed, and  
20 that will help with visibility as well.

21 And so we come before you tonight asking  
22 for relief from our PUD conditions for both the  
23 major sign and for thinning out a bit of the  
24 landscape, particularly along Main Street.



1           And, Mr. Colby, I don't know how to do the  
2 exhibits here.

3           Thank you very much.

4           The primary signs -- we have sign type A  
5 out on Main Street, one over on Kirk. They  
6 currently are 25 feet. They have -- they're  
7 limited to six panels. And what we're asking for  
8 is to go to 33 feet, 33 1/2 feet and add two more  
9 panels, go to eight panels total. So the two are  
10 here, and then over here.

11           With this we've added three additional  
12 signs that are replacing our other signs in this  
13 location and this location, and this one down here  
14 at Illinois will be a new sign.

15           So you can see these are the replacements.  
16 This is a new one. This is an important view for  
17 us because as people move up Kirk, there's no  
18 signage currently at this corner. By the time you  
19 get to the major sign here, you're through the one  
20 ingress we have to the center. So we're asking  
21 for this additional sign.

22           These are the existing signs, and this is  
23 what we're asking for. The four major panels are  
24 enlarged and four additional panels that we would

1 have Ultra, Five Below, a tenant we're negotiating  
2 with currently, and the hair cutting group.

3 This is the proposed sign type B.  
4 Currently, it's about twice as tall as what we  
5 have. We're going from two panels to four panels.  
6 You can see the existing ones.

7 And then the landscape was put in at a  
8 time when the center had a different sort of  
9 criteria for it. It's very, very thick. The  
10 visibility that far back is difficult for the  
11 tenants.

12 We're suggesting around the sign a major  
13 planting bed. We understand the staff's comments  
14 that those aren't worked out to the staff's  
15 satisfaction. We'd like to keep working with you  
16 on that to get them correct.

17 And down here we have the tree -- sorry --  
18 along Main Street the proposal is to remove three  
19 or four trees and replace with a planting bed. Up  
20 across from the Jared, there is quite a group of  
21 city trees in the City right-of-way that we're  
22 requesting removal of, a group of the ornamental  
23 trees down in the City right-of-way.

24 In the detention area around the detention

1 pond, just a thinning of the trees; and then along  
2 Kirk Road, the repositioning and the thinning down  
3 here where we're suggesting.

4 VICE CHAIRMAN KESSLER: What you have  
5 marked in red are the removal? I can't read it.

6 MR. RAMMING: Yeah. Red are the removal.

7 MEMBER PRETZ: Each of those trees are  
8 very mature; correct? Then you have extensive  
9 growth pushing against them.

10 MR. RAMMING: They were certainly planted  
11 in 2000, 2001. Our most mature trees throughout  
12 the whole site -- we went through the Ash problem.  
13 We lost over 60 Ash trees that we worked, again,  
14 with staff to replace over the last few years. So  
15 they are somewhat mature, you're correct, not  
16 stately old Oak trees.

17 MEMBER PRETZ: Is your arborist -- other  
18 than the view, is your arborist suggesting that  
19 the thinning of some of those trees may be  
20 beneficial to the remaining trees?

21 MR. RAMMING: Well, I'd be lying to say  
22 that was his suggestion.

23 MEMBER PRETZ: Okay.

24 MR. RAMMING: It certainly allows the ones

1 next to them to get bigger. Frankly, our concept  
2 was visibility to the center.

3 MEMBER PRETZ: Okay.

4 MEMBER FUNKE: Do you know what the  
5 materials are for the signage?

6 MR. RAMMING: I'm sorry?

7 MEMBER FUNKE: The materials are for the  
8 signage. I mean, right now it doesn't say what  
9 the materials are. Is it a stucco? Is it  
10 concrete block and the base?

11 MR. RAMMING: We were planning similar  
12 signs -- let me go to the sign. You're correct.  
13 Concrete to here. These -- the architectural  
14 features are stucco or Dryvit, I believe, on  
15 the -- just the panels. The panels we're  
16 suggesting --

17 MEMBER FUNKE: Are they going to be back  
18 lit?

19 MR. RAMMING: Back lit. Yes.

20 MEMBER FUNKE: You know, my only concern  
21 is that I always see -- you know, the sign is a  
22 very important feature of the retail development,  
23 and sometimes a sign can be very poorly detailed,  
24 and over time it starts to fall apart.

1           My concern is, you know, I think being  
2           that this is the face of the development or the  
3           retail -- I appreciate you, you know, retail  
4           being -- there's nothing worse than an empty  
5           building, but, you know, signage is important.  
6           But a good sign, a great sign is also important,  
7           and I think it's something that should last.

8           I appreciate the landscaping, but I just  
9           worry about the architectural detailing and making  
10          sure that it lasts and that, you know, it  
11          becomes -- you know, it's going to be a prominent  
12          feature on Main Street, and I think it should be  
13          thought about architecturally, detailed  
14          architecturally.

15          MR. RAMMING: I appreciate that comment.  
16          I'm sure you've been by there recently. I think  
17          we've tried to do everything at the top level.

18          MEMBER FUNKE: Right.

19          MR. RAMMING: We're repaving the  
20          construction. We try to hit the high standards,  
21          carry it through to this. I don't have any  
22          problem working to get it to the City's  
23          satisfaction in that manner.

24          The concept is somewhat simple. We're

1 certainly featuring the tenants and trying to not  
2 to do too much other than that. But we do believe  
3 in high quality and high quality signs.

4 MEMBER PRETZ: Is your question to him the  
5 choice of material or the sign?

6 MEMBER FUNKE: Well, I think, you know,  
7 it's kind of vague. When I think of concrete  
8 block, I see, you know, concrete block is very  
9 porous, and, you know, it deteriorates over time.

10 And, you know, frankly, it's a small area.  
11 Why wouldn't you use a nice stone or something  
12 just to, you know, give it a nice base. You know,  
13 it's a big sign, so use very rich elements.

14 I mean, you're not spending a lot of money  
15 on -- it's not a big area. So I don't think the  
16 expense is much, you know, but a concrete block in  
17 my mind is a cheap material. I think that, you  
18 know, this is a prominent feature, and you're  
19 making it larger, and it should be.

20 MR. RAMMING: No question what you're  
21 saying. We're happy for a quality base. I was  
22 going with a nice concrete block as a quality  
23 element, but happy to enhance it, I really am, to  
24 get it right.

1           VICE CHAIRMAN KESSLER: Just to piggyback  
2 on that, there are standards in the ordinance that  
3 tell us what kind of material minimum that we can  
4 use.

5           MR. COLBY: Well, with a PUD plan like  
6 this, the Plan Commission specifies the specific  
7 type of material. So the ordinance will refer to  
8 it as a concrete block, like a rock face block as  
9 a masonry material. I think what's being  
10 discussed is maybe a higher grade masonry  
11 material. So that would need to be specified.

12           MEMBER HOLDERFIELD: I just have a  
13 comment.

14           VICE CHAIRMAN KESSLER: Go ahead.

15           MEMBER HOLDERFIELD: To piggyback on what  
16 Jeff was talking about, this is a suggestion.  
17 Because I looked at the proportions of the sign --  
18 and I'm all for it because I think we've got to do  
19 something. It's kind of dense, though, back in  
20 there, but it says nothing about the width of the  
21 sign. They're very tall.

22           I would just suggest that you widen it a  
23 bit, the proportions off Main, but I'm not talking  
24 about a great enlargement. We talked about

1 height, but there's no mention of the width in  
2 your proposal. So I'm just concerned, and I  
3 noticed that. Maybe you ought to think about  
4 that.

5 MR. RAMMING: Understood. I apologize for  
6 the lack of detail in the plans, and we would  
7 certainly agree they need to be a correct  
8 proportion all the way around.

9 MEMBER HOLDERFIELD: You're going to have  
10 a lot of brackets there anyway with stacking all  
11 these signs.

12 VICE CHAIRMAN KESSLER: Let's come back to  
13 this. Because from what you and Jeff are  
14 describing is if you have a specific  
15 recommendation, that we would entertain that. And  
16 so keep that thought because if we're going to  
17 give him -- we have the dimensions. We know how  
18 many square feet they can be. We have the  
19 dimensions here of what they are.

20 And if we want to be specific, I suppose  
21 we can. But if we're just offering a suggestion,  
22 that's one thing. Otherwise, we can say what they  
23 want to use.

24 You had one other comment, Laura.



1           MEMBER MACKLIN-PURDY: Yeah. I just drove  
2 over there and took a look at all the different  
3 signs, and I agree there needs to be something  
4 done to make them more visible.

5           One suggestion, I'm looking at the orange  
6 area on Panda Express. It's the same color as the  
7 building behind it.

8           MR. RAMMING: Right.

9           MEMBER MACKLIN-PURDY: So it doesn't stand  
10 out at all. And you need visibility obviously.  
11 So I mean my recommendation would be to do  
12 something that would make it stand out, maybe  
13 change the color, so it's not the same color as  
14 the building.

15           But also I have a question in terms of the  
16 main sign on 64. Currently -- and I don't know if  
17 I can show Exhibit A, but right now it's Ross,  
18 TJ Maxx, Steinmart, World Market and Ulta, and on  
19 the side it has Spotted Fox and then a little  
20 plastic sign that says Great Clips with an arrow.  
21 I'm hoping that that's not going to be how it is  
22 going forward.

23           MR. RAMMING: Right. Agreed. The bootleg  
24 on the side unfortunately has been there a long

1 time. We were trying to help Spotted Fox, and we  
2 were hopeful this whole sign was coming down; but  
3 frankly, standing here now, we should have been  
4 more diligent in enforcing. It's obviously just a  
5 bootleg thing the tenant put up without our  
6 permission.

7 MEMBER MACKLIN-PURDY: Okay.

8 MR. RAMMING: You know, we were not -- our  
9 complacency is not getting it removed.

10 MEMBER MACKLIN-PURDY: I mean, I do agree,  
11 though, some of the trees do need to be thinned  
12 out. There's no way you're going to get  
13 visibility from the north and the -- from the east  
14 and the west, if you don't. If someone is driving  
15 from the east, west you don't see that main sign  
16 very well at all.

17 MR. RAMMING: You're by it before you  
18 see it --

19 MEMBER MACKLIN-PURDY: Exactly.

20 MR. RAMMING: -- before you see the  
21 entrance.

22 MEMBER MACKLIN-PURDY: Yes.

23 MR. RAMMING: When the mall was very  
24 active and we were this classic power center

1 across the street, it wasn't as important as it is  
2 in today's day and age with retail. It was a  
3 different time.

4 MEMBER MACKLIN-PURDY: Yeah.

5 VICE CHAIRMAN KESSLER: Just to speak to  
6 all of whatever everybody has said, there is -- in  
7 the PUD there is a section on signs, and it says,  
8 "All freestanding signs shall be monument type  
9 structures with masonry unit finish and shall  
10 contain materials substantially similar to the  
11 buildings to which they are accessory."

12 So we do have some guidance on what  
13 they're using.

14 MR. RAMMING: Which was our idea to move  
15 forward that way.

16 VICE CHAIRMAN KESSLER: Right. But I'm  
17 going to agree with Commissioner Funke that  
18 improving the quality of the materials will  
19 improve the look of the sign and will sustain the  
20 life of that sign in those locations. So I think  
21 that's really important.

22 There is some conversation too about the  
23 size of the signs, and actually they talk about  
24 the width of the signs in here, Jim.

1 MEMBER HOLDERFIELD: Well, I see the width  
2 of the features of the sign --

3 VICE CHAIRMAN KESSLER: Right.

4 MEMBER HOLDERFIELD: -- on the side.

5 VICE CHAIRMAN KESSLER: Right.

6 MEMBER HOLDERFIELD: My concern was the  
7 total width of the sign.

8 VICE CHAIRMAN KESSLER: Which would drop  
9 the height because they can only have a certain  
10 square footage. No, no, I'm just saying.

11 MEMBER HOLDERFIELD: That was just a  
12 suggestion in talking proportions.

13 VICE CHAIRMAN KESSLER: Okay. Because I  
14 think it's going along with what Jim was talking  
15 about -- or what Jeff was talking about in  
16 improving the look, and I agree with both of those  
17 comments.

18 And to speak to your comment, Laura, in  
19 here one of the changes is that with a 2 foot  
20 width of architectural features with no  
21 advertising surrounding the sign face on all  
22 sides.

23 MR. RAMMING: Right.

24 VICE CHAIRMAN KESSLER: Which we could

1 actually remove that Spotted Fox advertisement on  
2 the edge of the sign.

3 MR. RAMMING: It should have been removed  
4 before.

5 VICE CHAIRMAN KESSLER: Okay. Any  
6 comments or questions from the audience?

7 (No response.)

8 VICE CHAIRMAN KESSLER: Okay. Any other  
9 comments, questions from Plan Commission?

10 (No response.)

11 VICE CHAIRMAN KESSLER: All right. Then I  
12 would entertain a motion to close the public  
13 hearing.

14 MEMBER MACKLIN-PURDY: I'll make a motion  
15 to close the public hearing.

16 MEMBER PRETZ: Second.

17 VICE CHAIRMAN KESSLER: Okay. It's moved  
18 and seconded.

19 Any discussion on the motion?

20 (No response.)

21 VICE CHAIRMAN KESSLER: Roll call.

22 MEMBER PRETZ: Macklin-Purdy.

23 MEMBER MACKLIN-PURDY: Yes.

24 MEMBER PRETZ: Vargulich.

1 MEMBER VARGULICH: Yes.

2 MEMBER PRETZ: Holderfield.

3 MEMBER HOLDERFIELD: Yes.

4 MEMBER PRETZ: Kessler.

5 VICE CHAIRMAN KESSLER: Yes.

6 MEMBER PRETZ: Funke.

7 MEMBER FUNKE: Yes.

8 MEMBER PRETZ: Pretz. Yes.

9 VICE CHAIRMAN KESSLER: Okay. That closes  
10 the public hearing for Main Street Commons, and,  
11 again, we're going to jump ahead to Item No. 11 on  
12 our agenda, Main Street Commons PUD, signs,  
13 Phillip Ramming, the meeting portion.

14 Does the applicant have anything else to  
15 add?

16 MR. RAMMING: No.

17 VICE CHAIRMAN KESSLER: Any discussion  
18 from the Plan Commission? Questions?

19 (No response.)

20 VICE CHAIRMAN KESSLER: Anything from the  
21 audience?

22 (No response.)

23 VICE CHAIRMAN KESSLER: Then I would  
24 entertain a motion for approval.

1 MEMBER PRETZ: I would just like to ask  
2 before we do the motion if there was any  
3 additional discussion from Commissioner -- pardon  
4 me?

5 VICE CHAIRMAN KESSLER: I did.

6 MEMBER PRETZ: You did?

7 VICE CHAIRMAN KESSLER: Yes.

8 MEMBER PRETZ: Oh, okay. Then never mind.  
9 Would you like me to make the motion?

10 I'd like to make a motion to recommend for  
11 approval of Main Street Commons, PUD, signs,  
12 Phillip Ramming, application for special use, PUD  
13 amendment, application for minor change to PUD  
14 preliminary plan, subject to resolution of all  
15 staff comments prior to City Council action.

16 MEMBER MACKLIN-PURDY: Second.

17 VICE CHAIRMAN KESSLER: Okay. It's been  
18 moved and seconded.

19 Any discussion on the motion?

20 (No response.)

21 VICE CHAIRMAN KESSLER: Okay. Roll.

22 MEMBER PRETZ: Macklin-Purdy.

23 MEMBER MACKLIN-PURDY: Yes.

24 MEMBER PRETZ: Vargulich.

1 MEMBER VARGULICH: Yes.  
2 MEMBER PRETZ: Holderfield.  
3 MEMBER HOLDERFIELD: Yes.  
4 MEMBER PRETZ: Funke.  
5 MEMBER FUNKE: Yes.  
6 MEMBER PRETZ: Kessler.  
7 VICE CHAIRMAN KESSLER: Yes.  
8 MEMBER PRETZ: Pretz. Yes.  
9 VICE CHAIRMAN KESSLER: All right. That  
10 concludes Item No. 11. Thank you very much.  
11 MR. RAMMING: Thank you very much.  
12 (Off the record at 7:39 p.m.)  
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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of July, 2018.

My commission expires: May 16, 2020

*Joanne E. Ely* 

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



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# Transcript of 7:39 Hearing

**Date:** July 17, 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  
St. Charles, Illinois 60174  
Tuesday, July 17, 2018  
7:39 p.m.

Job No.: 168451D  
Pages: 1 - 56  
Reported by: Joanne E. Ely, CSR, RPR

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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13 Before Joanne E. Ely, a Certified Shorthand  
14 Reporter, and a Notary Public in and for the State  
15 of Illinois.

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1 PRESENT:

2 TIM KESSLER, Vice Chairman

3 JEFFREY FUNKE, Member

4 JAMES HOLDERFIELD, Member

5 LAURA MACKLIN-PURDY, Member

6 TOM PRETZ, Member

7 PETER VARGULICH, Member

8 ALSO PRESENT:

9 RUSSELL COLBY, Community & Economic  
10 Development Manager

11 ELLEN JOHNSON, Planner

12 RITA TUNGARE, Director of Community and  
13 Economic Development

14 MONICA HAWK, Development Engineer

15 RACHEL HITZEMANN, Planner

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

2 VICE CHAIRMAN KESSLER: And finally, last  
3 but not least, we come to Item No. 8 on our public  
4 hearing for Smith Road Estates, V & M Investment  
5 and Remodeling Group, LLC, application for map  
6 amendment, application for special use,  
7 application for PUD preliminary plan, and  
8 application for final plat of subdivision.

9 MR. ANTONOPOULOS: Good evening. My name  
10 is John Antonopoulos, A-n-t-o-n-o-p-o-u-l-o-s.  
11 I'm an attorney representing Mr. Muilli, who is  
12 the principal owner of the development company who  
13 wants to move forward with this project.

14 We appeared in front of you probably five  
15 or six months ago to tell you about this 4.4  
16 unusually shaped parcel of real estate that has  
17 really created a lot of imagination with our land  
18 planner who is here tonight.

19 We have a 30-foot buffer in back. It's a  
20 triangular piece of property. We're trying to  
21 attract the empty nester. We're not interested in  
22 the mega mansions. We have a target market of  
23 people who want smaller lots, smaller houses.  
24 People who have had three or four kids, but

1 they're like myself, Mom and Dad are still around,  
2 and they want to live in a comfort area where  
3 there's not a lot of grass to cut.

4 The planners have reviewed this and  
5 engineers have reviewed this. The concept has  
6 been approved. There's a little bit of a debate  
7 about some of the setbacks with respect to  
8 easements or utilities, and I'm going to leave  
9 those questions up to our land planner who is here  
10 tonight.

11 Two major issues -- one is we talked about  
12 this, and we talked about this with City Council,  
13 moving the houses back further would create a  
14 smaller back yard. Moving the houses too close  
15 would create a short yard, where cars would be  
16 parking, and they'd be hanging into the street or  
17 hanging into the walkway.

18 And we're trying to work a compromise. I  
19 mean, I don't know if there's any right or wrong  
20 answer to this, but, you know, these are planning  
21 issues that I'm not an expert on and that's why I  
22 brought Mr. -- I can't remember Cole's last  
23 name -- Helfrich, who is here tonight to kind of  
24 go over some of those planning issues.

1           So, Cole, do you want to kind of walk  
2 through the plan and talk about some of the  
3 engineering issues.

4           MR. HELFRICH: Well, done, John.

5           MR. ANTONOPOULOS: I'm sorry. I couldn't  
6 remember.

7           MR. HELFRICH: My name is Cole Helfrich,  
8 H-e-l-f-r-i-c-h. I'm with Knoche & Associates,  
9 K-n-o-c-h-e, 24 North Bennett, Geneva. Thank you.

10           First of all, yes, I'd like to thank Russ  
11 and Ellen both. We've been working like this for  
12 a while; and as John points out, this starts off  
13 to be a really unusual piece of land that is  
14 fundamentally undeveloped. But we're developing  
15 it. Imagine that.

16           I think maybe you guys will recall us  
17 being here in November, December with our concept  
18 discussion, and since then we've made quite a bit  
19 of progress, and now it looks like that, 16 lots  
20 all buildable.

21           We've received concept approval from  
22 pretty much everybody, and then on Friday, we did  
23 our final submittal. On Friday we got staff  
24 comments.



1           Now, we have spent some time in the  
2 interim working through the staff comments. Fill  
3 me in. Are you guys in receipt of the staff  
4 comments as well? Okay. So you know what we're  
5 dealing with here. And there are several  
6 unanswered questions. But the basic thrust,  
7 again, as John points out, is that we've taken the  
8 proverbial sow's ear, and we have a rather nice  
9 looking little silk purse going here.

10           So I guess what I would probably be best  
11 served to do would be to open this up. I mean, we  
12 all know who we are and what we're doing. What do  
13 you or you have to say about this, and what can I  
14 do to help?

15           VICE CHAIRMAN KESSLER: All right. I  
16 would like to kick it off by acknowledging the  
17 letter that you received from West Chicago very  
18 recently.

19           MR. HELFRICH: It's very, very recently,  
20 and that's something that --

21           VICE CHAIRMAN KESSLER: What would you --

22           MR. HELFRICH: -- we're going to get to  
23 that in the -- I was hoping to get to that in the  
24 second portion of this. That's a bomb. That's a

1 bombshell.

2 VICE CHAIRMAN KESSLER: Yeah.

3 MR. HELFRICH: So since it's on the table,  
4 we'll say so. The City of West Chicago has said  
5 why are you guys doing a landscape buffer? You  
6 don't need it. The purpose of the landscape  
7 buffer is to buffer the West Chicago -- the houses  
8 along the north, along here. All of these  
9 residences are in the City of West Chicago.

10 There is an intergovernmental boundary  
11 agreement between the two governments that  
12 specified a landscape buffer. The planner for the  
13 City of West Chicago chimed in and said, Hey, that  
14 intent was to buffer West Chicago from commercial  
15 or industrial development that was at one time  
16 contemplated along Smith Road. Since these are  
17 single-family homes abutting single-family homes,  
18 we don't care.

19 Well, I have to say, as the person  
20 primarily responsible for the design of this  
21 thing, that that landscape buffer has been and is  
22 right up until this moment the elephant in the  
23 room. This is a very small site, a very difficult  
24 site, and we have crunched and squeezed and

1 twisted and shoved and used a trowel and used an  
2 exacto knife, and we've done everything we can to  
3 put this together around that 30-foot buffer.

4 And I will say categorically that the  
5 elimination of the 30-foot landscape buffer makes  
6 so many different facets of this development and  
7 so many comments in this letter irrelevant that I  
8 can't even begin to start with that.

9 VICE CHAIRMAN KESSLER: So I'm just going  
10 to suggest or ask something. Do you want to  
11 address this? Do you want some time? You know we  
12 have another Plan Commission meeting before the  
13 next Planning and Development. If you wanted some  
14 time just to --

15 MR. HELFRICH: Well --

16 VICE CHAIRMAN KESSLER: -- because I don't  
17 know what we're going to do, but it is an issue.

18 MR. HELFRICH: Of course, it is.

19 VICE CHAIRMAN KESSLER: Buffering is still  
20 an issue, and I know you're doing the right thing  
21 in following the intergovernmental agreement  
22 because that's what the plan said.

23 MR. HELFRICH: Right.

24 VICE CHAIRMAN KESSLER: You'll have to

1 figure out how to get around West Chicago.

2 MR. HELFRICH: Well, I don't think -- the  
3 planner for the City says you don't have to do it  
4 for us.

5 VICE CHAIRMAN KESSLER: Yeah.

6 MR. HELFRICH: So, okay, if we do that,  
7 I'm just -- let me free associate for a second  
8 here. May I? Just for a second. That would  
9 change so many different things about the  
10 easements, about setbacks, about right-of-way  
11 width, about sidewalk width, about pavement width,  
12 about everything to do with this development, that  
13 we have to consider that completely. Yes.

14 MEMBER VARGULICH: I just have a question  
15 for Russ. Understanding that the planner has sent  
16 over that idea, but he doesn't speak for, you  
17 know, the City Council. He's suggesting that from  
18 his professional perspective.

19 How do you guys follow up with him or, you  
20 know, kind of turn that into something better than  
21 just an idea in an e-mail.

22 MR. COLBY: Yes. So we have a boundary  
23 agreement which has been signed by both cities  
24 that specifies the landscape buffer. So that is

1 on record as an agreed-to condition on the  
2 development of this parcel.

3 So we received -- we previously  
4 corresponded with West Chicago in regard to this  
5 development. This is the first we've heard that  
6 they were interested in offering some flexibility  
7 on a landscape buffer. We just received this  
8 information yesterday.

9 So we haven't had an opportunity to  
10 communicate with them to clarify if their intent  
11 is to interpret the boundary agreement differently  
12 or if they would suggest the boundary agreement  
13 would require an amendment prior to both cities  
14 agreeing to allow the development to proceed,  
15 recognizing that the buffer part is still stated.  
16 So it's something that we would need to  
17 communicate with West Chicago.

18 MEMBER VARGULICH: Okay.

19 MR. HELFRICH: Well, that Russell -- that  
20 answers your question --

21 VICE CHAIRMAN KESSLER: Part of it.

22 MR. HELFRICH: -- is that we --

23 MEMBER VARGULICH: Yes.

24 MR. HELFRICH: And I agree that we need

1 something a little more specific than a letter  
2 from the planner, but I'd take the letter from the  
3 planner to the bank myself. I think that's a  
4 pretty good start to this question.

5 VICE CHAIRMAN KESSLER: So I guess then  
6 for my purposes, and I don't want to short circuit  
7 what we're trying do here or what you're trying to  
8 present to us. I think that this has great  
9 bearing on what your plans are for the buffer.

10 I mean, if you're coming to us now and  
11 saying this is what we're planning to do with this  
12 buffer without taking this into consideration,  
13 then that's how we would frame our recommendation.

14 MR. HELFRICH: Of course, understood.

15 VICE CHAIRMAN KESSLER: If you were to say  
16 we want to take this into consideration before we  
17 come for your recommendation, that would be an  
18 option too.

19 MR. HELFRICH: Well, as I said, this --  
20 the presence or absence of the buffer, you can see  
21 it clearly on the drawing.

22 VICE CHAIRMAN KESSLER: Right.

23 MR. HELFRICH: That's a large chunk of  
24 this development, and that affects all those

1 houses, lots 9 through 15, lot 16. It affects the  
2 depth of those lots. It affects the width of the  
3 right-of-way, which then affects the width of the  
4 pavement.

5 It affects the amount of space we have to  
6 run gas, electric, and water down the  
7 right-of-way. It affects whether or not the  
8 people along that northern tier of lots can have a  
9 deck behind their house. It affects -- again,  
10 it's the elephant in the room.

11 VICE CHAIRMAN KESSLER: Well, so I  
12 guess -- I don't know what your intent here is  
13 but --

14 MR. HELFRICH: Well, my intent --

15 VICE CHAIRMAN KESSLER: -- tell me then  
16 what -- since this is your presentation, do you  
17 want a recommendation?

18 MR. HELFRICH: Well, obviously, we're  
19 reacting instead of acting at this point --

20 VICE CHAIRMAN KESSLER: Right.

21 MR. HELFRICH: -- because this letter  
22 appeared; and if there is a Plan Commission  
23 meeting prior to our scheduled --

24 VICE CHAIRMAN KESSLER: There is.

1 MR. HELFRICH: -- other meeting --

2 VICE CHAIRMAN KESSLER: There is.

3 MR. HELFRICH: -- I will ask my client.

4 Everybody this is Vito Muilli. Stand up, Vito.

5 VICE CHAIRMAN KESSLER: Hello, Vito.

6 MR. HELFRICH: He's the boss.

7 Are we going to try to work this out  
8 before the next Plan Commission meeting and try to  
9 come back with a better proposal?

10 MR. MUIILLI: No. I don't want to go any  
11 further than this layout. I have to stick to what  
12 I'm doing right now, and the thing is it's been so  
13 long that it's been carried on and carried on. We  
14 don't want to go through any more changes, to be  
15 honest with you. It's getting to the point where  
16 I don't want to give up on this. I want to stick  
17 to it.

18 As far as the trees in the back over there  
19 and you're talking about the buffer and Smith Road  
20 also?

21 MR. HELFRICH: No. There's no buffer on  
22 Smith Road. There's a fence.

23 MR. MUIILLI: We wouldn't want to go  
24 through that again. I don't want to make any more



1 changes. It's costly. It's very costly.

2 MR. HELFRICH: All right. Tell you what,  
3 may we take counsel together and contact who, the  
4 Planning Department, and get on the next agenda,  
5 or do we want to proceed right now with this  
6 presentation?

7 MR. MUIILLI: I want to keep going with the  
8 presentation.

9 MR. HELFRICH: Okay. Very good. So in  
10 which case, I'll turn it over to any other  
11 questions.

12 VICE CHAIRMAN KESSLER: Well, my next  
13 question is -- well, go ahead.

14 MR. ANTONOPOULOS: I would just like to  
15 make sure we conclude the public hearing so we  
16 don't have to reconvene the public hearing and  
17 just come back maybe for a workshop, if that's  
18 necessary.

19 VICE CHAIRMAN KESSLER: Well, we're still  
20 in the public hearing.

21 MR. ANTONOPOULOS: I'm just saying though  
22 to move on to the next step, I would like to have  
23 you close the public hearing and then --

24 VICE CHAIRMAN KESSLER: We don't have

1 enough information to close the public hearing.

2 MR. HELFRICH: Well, we haven't heard  
3 anything from the public yet.

4 MR. ANTONOPOULOS: Just a procedural step.

5 VICE CHAIRMAN KESSLER: I understand that.  
6 As soon as we have enough information, we will  
7 close the public hearing and move to the next  
8 item, but provided we have all the information.

9 MR. HELFRICH: Right.

10 VICE CHAIRMAN KESSLER: So my next  
11 question then is what is your intent with the  
12 buffer, with that property and the buffer? How is  
13 that going to be treated in the subdivision?

14 MR. HELFRICH: Well, our intent to date,  
15 and I guess we will proceed with that intent, is  
16 to leave it untouched. When we stripped this site  
17 of vegetation -- it was full of junk trees and  
18 grasses and stuff, and then a thick green barrier  
19 along the north line.

20 We left the green barrier alone. We went  
21 out and marked 30 feet from the property line, and  
22 the tree people went down that line and cut  
23 everything south of it and left everything north  
24 of it.

1           And there are admittedly buckthorn and  
2 mulberries and box elders. There's also a few  
3 pine trees in there, nothing of any great value.  
4 And as we -- Ellen and I went back and forth over  
5 the tree survey. The point is that there are no  
6 trees anywhere on the site except in that strip,  
7 and in that strip we intend to touch nothing. And  
8 that would then become a landscape buffer,  
9 maintenance for which would become incumbent upon  
10 the homeowner's association.

11           VICE CHAIRMAN KESSLER: So is that going  
12 to be one parcel then that would be covered by the  
13 HOA?

14           MR. HELFRICH: It's going to be in a  
15 buffer area that we show on the plat here, and  
16 that's going to serve the plat -- it's going to be  
17 drawn to the plat, and that will serve to  
18 delineate the affected portion as described in the  
19 covenants.

20           VICE CHAIRMAN KESSLER: I'm confused  
21 because it appears to me that each one of those --  
22 while the back portion of those lots are going --

23           MR. ANTONOPOULOS: There would be a  
24 conservation easement recorded on the back 30 feet

1 of those lots.

2 VICE CHAIRMAN KESSLER: For each lot.

3 MR. ANTONOPOULOS: For each lot, yeah.

4 It's just a blanket conservation easement running  
5 30 feet on the back of each one of those lots.

6 VICE CHAIRMAN KESSLER: Okay. So they  
7 would be at each lot instead of one. So one  
8 homeowner --

9 MEMBER VARGULICH: It's not an outlot.

10 VICE CHAIRMAN KESSLER: Yeah.

11 MR. HELFRICH: Each owner would take  
12 subject to that easement.

13 VICE CHAIRMAN KESSLER: Yeah. Each  
14 homeowner would be --

15 MR. HELFRICH: Would buy subject to that  
16 easement. Now, whether we include it in the  
17 covenants, whether we create a separate  
18 instrument, the nuts and bolts, it would still be  
19 a recorded run with the land sort of a deal.

20 MR. ANTONOPOULOS: It's typical easements  
21 that I create for landscape easements or  
22 preservation easements. They can't put, for  
23 example, play yards in there. They can't  
24 construct outbuildings or playhouses or anything.

1 It has to stay in this natural vegetation state.  
2 They can't put any fences in there, and it  
3 accomplishes the open space concept that both  
4 communities wanted.

5 VICE CHAIRMAN KESSLER: I think it creates  
6 one problem, though, by doing that and not  
7 creating one parcel, and that is each one of those  
8 lots, those conservation lots have to be dealt  
9 with individually.

10 MR. ANTONOPOULOS: No. When we record the  
11 plat of subdivision, just like you have an utility  
12 easement, you would just have a conservation  
13 easement; and each owner would know that you're  
14 not supposed to do any construction in that. It's  
15 a permanent record that runs with the -- -

16 VICE CHAIRMAN KESSLER: No. I understand  
17 that part.

18 MR. ANTONOPOULOS: Okay.

19 VICE CHAIRMAN KESSLER: Can they trim  
20 their own bushes or can they --

21 MR. ANTONOPOULOS: No.

22 MR. HELFRICH: Not within the easement.  
23 Not within the easement.

24 VICE CHAIRMAN KESSLER: -- and you're

1 going to have this change.

2 MR. HELFRICH: No, not within the  
3 easement.

4 MEMBER FUNKE: So they can't do anything  
5 within the easement.

6 MR. HELFRICH: No.

7 MR. ANTONOPOULOS: It's a natural buffer.  
8 Unless you, in your wisdom, say we'll allow them  
9 to do A, B, and C; but it kind of defeats the  
10 purpose of a natural buffer.

11 MEMBER FUNKE: So there will be covenants  
12 that are --

13 MR. HELFRICH: Yeah.

14 MEMBER FUNKE: -- per the HOA.

15 MR. ANTONOPOULOS: Yes.

16 MEMBER PRETZ: Is there a particular  
17 reason on why it's not a single parcel versus you  
18 dividing it out to each of those individual  
19 homeowners?

20 MR. ANTONOPOULOS: Again, the easement is  
21 like a public utility easement. Each property  
22 owner has that area of his lot that -- and it's  
23 all going to be different. Some of it's going to  
24 be -- you know some of these lots are a little bit

1 longer than others.

2 So I mean, we'll do it any way you want,  
3 but it's just in my experience, I've represented  
4 many municipalities in the past, and we always  
5 record conservation easements along the back  
6 portion of lots 30 feet. It's recorded on the  
7 plat. A homeowner knows exactly what his  
8 responsibilities are. He can see it on his survey  
9 when he buys the lot.

10 VICE CHAIRMAN KESSLER: I think at the  
11 outset that makes sense; but as time goes on, you  
12 know, it doesn't. It's difficult for the City to  
13 even monitor it behind all those properties.

14 MR. ANTONOPOULOS: We would have a  
15 homeowner's association --

16 MR. HELFRICH: The HOA would monitor it.

17 MR. ANTONOPOULOS: -- and a covenant in  
18 there that says that the homeowner's association  
19 has the duty and the responsibility to enforce the  
20 covenants that are set forth in the declarations.

21 VICE CHAIRMAN KESSLER: So you said you  
22 would do it any way we wanted. So it wouldn't be  
23 a problem to make it one parcel; right?

24 MR. HELFRICH: Well, it does present

1 zoning questions. If we take 33 -- 30 feet off of  
2 those lots, then we end up with some oddly shaped  
3 pretty small lots, and then we run into setback  
4 issues.

5 VICE CHAIRMAN KESSLER: Is that an issue,  
6 Russ?

7 MR. COLBY: I think the zoning standards  
8 in the PUD could be written based on the different  
9 lot configuration. There would be greater setback  
10 deviations, so that would be based on the presence  
11 of there being an outlot there. So that's  
12 something that could be accommodated through --  
13 since this is a PUD.

14 MR. HELFRICH: Well, that's not something  
15 that we have considered to this point. That was  
16 what popped into my head as an objection or as a  
17 concern. Let's put it that way.

18 VICE CHAIRMAN KESSLER: But it sounds  
19 like it's --

20 MR. HELFRICH: If it's not an issue, then  
21 it's not an issue. And if that's going to help  
22 this project move forward, we'll turn it into one  
23 other lot. It will be lot 20, and it will be  
24 deeded to the homeowner's association.



1 MR. ANTONOPOULOS: It's just -- I mean, to  
2 me it doesn't make any difference.

3 MR. HELFRICH: Really fundamentally it  
4 doesn't matter. Our goal with much of what we're  
5 trying to do with this in terms of the easements,  
6 the covenants, the HOA, and all this stuff that  
7 we're doing is to remove burden from the City of  
8 St. Charles. We're not trying to put things on  
9 you. We're trying to take things on our ourselves  
10 and make the HOA bear responsibility for this, not  
11 the City. The City has got enough to worry about  
12 as far as we can see.

13 VICE CHAIRMAN KESSLER: And that's typical  
14 in new developments. As time goes on, they turn  
15 over and over and over, and that becomes less and  
16 less of a concern.

17 Okay. I have a question for staff. If  
18 they go back to St. Charles and check -- or West  
19 Chicago and check with West Chicago and that, yes,  
20 they can -- you know, they can eliminate the  
21 buffer, and they decide that that's what they're  
22 going to do, would they have to bring that back to  
23 us if we are out of the public hearing; or does  
24 that go directly to Planning and Development

1 without ever coming past us.

2 MR. COLBY: Well, it would depend on  
3 whether or not the determination was made that we  
4 can interpret the agreement to state that it does  
5 not apply because of the land use, or if it would  
6 require an actual amendment to the agreement to  
7 change the text to specify that it's not required  
8 for this parcel if it was developed as a  
9 single-family use.

10 So if we were to continue the hearing, in  
11 the time between the next hearing, we would try  
12 and obtain that direction to see what type of  
13 action would be required.

14 VICE CHAIRMAN KESSLER: Okay. In my mind  
15 that makes the most sense. Because to me that's a  
16 huge piece of information sitting out there that  
17 we, none of us, have an answer to at this point.

18 MR. HELFRICH: No, we don't.

19 VICE CHAIRMAN KESSLER: It's not going to  
20 affect your ability to go in front of the Planning  
21 and Development at their next meeting.

22 MR. HELFRICH: Okay. Well, first of all,  
23 that's Mr. Muilli's prime concern is what we've --

24 VICE CHAIRMAN KESSLER: You've continued

1 to move the process forward.

2 MR. HELFRICH: If we move the process a  
3 pace, then yes.

4 VICE CHAIRMAN KESSLER: And I agree.

5 MR. ANTONOPOULOS: The other mechanical  
6 problem we have is that you've got a municipality  
7 who has to agree to that. I mean, they're going  
8 to have to be bring it in front of their City  
9 Council. I mean, it can't be up to a planner to  
10 say, oh, yeah, we'll just forget about the buffer  
11 zone.

12 VICE CHAIRMAN KESSLER: I understand that.  
13 I guess what I'm saying is if we find that there  
14 is nothing we can do about it then we just --  
15 we've gone through this process, and we close the  
16 public hearing, and we make our recommendation  
17 before the next Planning and Development.

18 MR. ANTONOPOULOS: So you can make it in  
19 the alternative, so that if West Chicago decides  
20 to concede the fact that they want that buffer  
21 zone or whether they want it in there, your  
22 recommendation could be done in the alternative so  
23 we don't have to come back.

24 VICE CHAIRMAN KESSLER: That's exactly

1 what I'm saying.

2 MR. ANTONOPOULOS: We'd appreciate that.

3 It's just --

4 VICE CHAIRMAN KESSLER: I understand you  
5 want to keep it moving.

6 MR. HELFRICH: Yes, we have to.

7 VICE CHAIRMAN KESSLER: Believe me, I'm in  
8 the same area.

9 MR. HELFRICH: That being said, I would  
10 assure the Commission that as far as we are  
11 concerned professionally, should this take place,  
12 we can -- a redesign of this -- we've already done  
13 the heavy lifting. Redesign would be a simple  
14 process. We move some storm sewer. We, you know,  
15 do a couple of things, and we're done. It's not a  
16 huge thing to tweak this development to compensate  
17 for that. So we can turn it around quickly should  
18 that happen.

19 VICE CHAIRMAN KESSLER: And our intent is  
20 not to slow this process down --

21 MR. HELFRICH: Okay.

22 VICE CHAIRMAN KESSLER: -- but to give you  
23 the opportunity in the same time period to  
24 investigate something that came up just yesterday.

1 MR. HELFRICH: Right.

2 MR. ANTONOPOULOS: It's in everybody's  
3 best interest -- the homeowners, the City, our  
4 client. Everybody would be -- it would be ideal.

5 MR. HELFRICH: Right. Well, we appreciate  
6 that for certain, and we'll take the best  
7 advantage of it, I think.

8 VICE CHAIRMAN KESSLER: Then I guess I'm  
9 going to open it up to the public in case anybody  
10 has anything to say. I'm sorry.

11 MR. BANIEWICZ: I just have one question.

12 VICE CHAIRMAN KESSLER: Excuse me. We're  
13 in a public hearing. You've got to come on up and  
14 raise your right hand.

15 (Witness duly sworn.)

16 VICE CHAIRMAN KESSLER: Come on up. State  
17 your name and address for our court reporter.

18 MR. BANIEWICZ: My name is James  
19 Baniewicz. That's B-a-n-i-e-w-i-c-z. I live at  
20 2701 Sudbury Court in West Chicago. We live right  
21 behind, connected to lot 17 in this.

22 Right now it is a complete and utter mess,  
23 a lot of garbage, the weeds are 6, 7 feet high,  
24 and nothing has been done. They took away some of

1 the trees that we had planted on our part of the  
2 property, and they were cut down. They were  
3 marked to be left there, but it all came down. So  
4 now we've got weeds that we just would like  
5 cleaned up. I think that's fair.

6 VICE CHAIRMAN KESSLER: Okay. All right.  
7 Thank you.

8 MR. HELFRICH: Well, sir, obviously,  
9 that's entirely fair. We did not physically cut  
10 down the trees. We had a crew out there. And if  
11 they went on to your property and cut down trees,  
12 first of all, that was not our intent. And we're  
13 sorry about that, and we will try to make that  
14 right.

15 B, we have frankly left it alone since we  
16 cleared it. We have not had a crew out there  
17 since. I was out there earlier this spring  
18 looking at it and thought it looked kind of tacky.  
19 Evidently, it's now July, and it looks really  
20 tacky.

21 So all I can say to you is that we'll take  
22 a look at it and try to get it cleaned up. Can we  
23 do that Vito?

24 MR. MUIILLI: I know what he's talking

1 about. I was over there, and I seen the trees cut  
2 down. We did make an effort to cut some of those  
3 trees out, the dead trees that you had back there.  
4 Those have been there for years.

5 MR. BANIEWICZ: No. There were live  
6 trees, some we put in. We talked with the people  
7 there --

8 VICE CHAIRMAN KESSLER: We do have a court  
9 reporter here. I'm sorry.

10 MR. BANIEWICZ: All right.

11 VICE CHAIRMAN KESSLER: I have to follow  
12 our protocol.

13 MR. BANIEWICZ: And I appreciate that.

14 We actually had talked to the gentlemen  
15 while they were over there marking the trees. We  
16 went out to my property and pointed out which  
17 trees were ours, and they agreed to leave them  
18 there.

19 MR. MUIILLI: Okay.

20 MR. BANIEWICZ: And then the crew came in  
21 and just went (inaudible) to everything.

22 MR. MUIILLI: Well, most that we cut  
23 down -- it was mostly all dead trees. I don't  
24 want to cut the good trees.

1 MR. BANIEWICZ: Well, that's the thing.  
2 The crew that came in there --

3 MR. MUIILLI: So we are going to clean it  
4 up upon this approval, if it ever comes to that  
5 point.

6 VICE CHAIRMAN KESSLER: All right. Thank  
7 you. Do you know what, I think that it would be  
8 in the best interest of both parties --

9 MR. HELFRICH: We continue this amongst  
10 ourselves.

11 VICE CHAIRMAN KESSLER: -- to discuss this  
12 and see if you can come to some resolution on  
13 that.

14 MR. HELFRICH: We're not adverse to try to  
15 make it right.

16 VICE CHAIRMAN KESSLER: I would encourage  
17 you to meet with them and talk with them.

18 MR. HELFRICH: Thank you. We'd be very  
19 happy to.

20 VICE CHAIRMAN KESSLER: Thank you.

21 Yes, sir. All right. First of all, you  
22 have to raise your right hand.

23 (Witness duly sworn.)

24 VICE CHAIRMAN KESSLER: Your name, sir.



1 MR. SCIACCOTTA: Tony, last name is  
2 spelled S-c-i-a-c-c-o-t-t-a, 4083 Pheasant Court.

3 VICE CHAIRMAN KESSLER: All right.

4 MR. SCIACCOTTA: I live in Pheasant Trials  
5 right across from Smith Road. And on the diagram  
6 that I have back there, it says there will be a  
7 fence.

8 MR. MUIILLI: I'm sorry. I can't  
9 understand half of what --

10 MR. HELFRICH: First of all, talk into  
11 here.

12 MR. SCIACCOTTA: Okay.

13 MEMBER HOLDERFIELD: Talk in the  
14 microphone.

15 MR. HELFRICH: Let me see if I have that  
16 picture here. I suspect I do.

17 VICE CHAIRMAN KESSLER: Gentlemen, one at  
18 a time, but please talk into the microphone, so we  
19 can hear you.

20 MR. HELFRICH: Here we go.

21 MR. SCIACCOTTA: Yes. I want to know if  
22 that says there will be a fence on the new  
23 development side.

24 MR. HELFRICH: Yes.

1 MR. SCIACCOTTA: What type of fence?

2 MR. HELFRICH: That evidently is one of  
3 the comments that we have here, and it's still  
4 under discussion. It was -- we had suggested an  
5 8-foot fence, and the City comes back and says  
6 6.4. Now, the material of the fence is --

7 MR. MUIILLI: 6 feet.

8 MR. HELFRICH: On the 6.4 inches, I  
9 believe we're looking at plastic at this point.

10 MR. SCIACCOTTA: I agree with that. My  
11 comment is right now all I'm looking across is a  
12 pile of weeds. I wish this development would get  
13 going and get them houses going. Thank you.

14 VICE CHAIRMAN KESSLER: Great. Thank you.

15 MR. HELFRICH: Sir, we'd like nothing  
16 better.

17 VICE CHAIRMAN KESSLER: All right.

18 Anything else from the public?

19 (No response.)

20 VICE CHAIRMAN KESSLER: All right. We are  
21 going to --

22 MEMBER VARGULICH: There was a lot of  
23 comments from staff, and there were a number of  
24 recommendations and requests made during the

1 concept meeting --

2 MR. HELFRICH: Uh-huh.

3 MEMBER VARGULICH: -- back in late  
4 November.

5 MR. HELFRICH: Right.

6 MEMBER VARGULICH: And it doesn't appear  
7 that any of those have been addressed. Landscape  
8 buffer along Smith Road.

9 MR. HELFRICH: Right.

10 MEMBER VARGULICH: Just to kind of start  
11 the ball rolling, can I ask why?

12 MR. HELFRICH: I'm sorry. The landscape  
13 buffer on Smith Road and what?

14 MEMBER VARGULICH: Well, just to get the  
15 ball rolling, I started with that.

16 MR. HELFRICH: All right. Grades  
17 precluded us doing what we had originally  
18 considered, which was perhaps to build this area  
19 up along here a little bit. That's not going to  
20 happen. The engineering exigencies prevent us  
21 from doing that.

22 We do, however, have some plantings  
23 proposed, and I'm trying to get to the landscape  
24 plan here. Come on. Your commuter is slower than

1 mine.

2 Here we go. Come on. Come on. All  
3 right. Here we have the landscape plan which I  
4 hope you can see. It does call for significant  
5 plantings the entire length of the site.

6 MEMBER VARGULICH: That's not a  
7 significant planting.

8 MR. HELFRICH: That's not? Planting --

9 MEMBER VARGULICH: No.

10 MR. HELFRICH: -- 1, 2, 3, 4, 5, 6, 7, 8,  
11 9, 10, 11, 12, 13, whatever, 17 trees is not  
12 significant. It's significant to us. That costs  
13 a lot of money.

14 MEMBER VARGULICH: It's not a landscape  
15 buffer.

16 MR. HELFRICH: No.

17 MEMBER VARGULICH: There you go.

18 MR. HELFRICH: Our intent was to design  
19 something that would screen this development to a  
20 reasonable extent from Smith Road and vice versa.  
21 We are also putting in, as has been discussed, at  
22 least a 6 1/3-foot high fence along there.

23 As I said there is no grading possibility  
24 to build a berm and put a bunch of trees on top of

1 it. It can't happen that way.

2 MEMBER VARGULICH: Well, a landscape  
3 buffer doesn't necessarily have to include a berm.

4 MR. HELFRICH: No.

5 MEMBER VARGULICH: Wouldn't you agree?

6 MR. HELFRICH: No, I don't. Well, that  
7 was what we had in our heads. We were here. I  
8 remember the conversation. We had a bunch of  
9 people from Pheasant Ridge -- Pheasant Trails,  
10 Sorry -- who expressed concerns about this.

11 And we did a fair amount of free  
12 association saying that we would do something to  
13 screen this off. We had landscape buffer in  
14 our -- first of all, we cannot plant a buffer of  
15 greenery like we have on the north side along  
16 Smith Road. We can't do it.

17 MEMBER VARGULICH: Why so? Can you  
18 explain why?

19 MR. HELFRICH: Because those are mature  
20 trees up there. It would take a long time to grow  
21 something like that.

22 This is what the landscape architect has  
23 come up with based on our admonitions to him. If  
24 there is an objection from you or the rest of the

1 Plan Commission to this and you would like a  
2 redesign, then, obviously, we will do that.

3 We're not trying to get away with anything  
4 here. We're trying to do what we feel and what  
5 our professional consultant feels is the right  
6 thing to do, and we feel that fencing this for the  
7 length and planting these parkway trees will  
8 disguise, if you will, what we feel nonetheless is  
9 a thing that does not need disguising. This is a  
10 nice looking development. It will be a nice  
11 looking development. That's why we're here.

12 That being said, as John said, we'll do  
13 what you want. So at the risk of quoting Mayor  
14 Daley, what trees do you plant? What would you  
15 like to see?

16 MEMBER VARGULICH: Well, I think that  
17 there's landscape buffers that are defined in our  
18 ordinances, and I think you guys should start  
19 looking at those.

20 MR. HELFRICH: Okay. So we shall.

21 MEMBER VARGULICH: I would eliminate the  
22 fence.

23 MR. HELFRICH: Pardon me?

24 MEMBER VARGULICH: I would eliminate the

1 fence and then have a landscape buffer the entire  
2 length of Smith Road.

3 MR. HELFRICH: Okay.

4 MEMBER VARGULICH: And preferably connect  
5 it to the detention pond in the back.

6 MR. HELFRICH: Okay. Obviously --

7 MEMBER VARGULICH: Is there an issue with  
8 the comment from staff related to reserving part  
9 of lots -- it looks like 4 and 5 for a future  
10 connection into the back of this property? That  
11 was a request of staff.

12 MR. HELFRICH: We cannot -- reserving lots  
13 4 and 5 throws us out completely. We're done.  
14 We're done.

15 MEMBER VARGULICH: I didn't ask to reserve  
16 a lot. I asked to reserve a portion of the back  
17 of the lots for that connection into the back of  
18 this property.

19 MR. HELFRICH: That still would -- it  
20 would render them unbuildable.

21 MEMBER VARGULICH: Really.

22 MR. HELFRICH: That is our position, yes,  
23 and we're not -- we can't give up any more lots.  
24 We've shrunk this to the maximum economic

1 feasibility of this site.

2 MEMBER VARGULICH: Well, I would say that  
3 you haven't really looked at it, if you can't trim  
4 the back portion of lots 4 and 5 to allow for a  
5 right-of-way, future right-of-way connection.

6 MR. HELFRICH: Any trimming, as you say,  
7 would be a minimum of 30 feet; and if we move that  
8 and the setbacks and everything else over 30 feet,  
9 we're done on those two lots. We are not going to  
10 be able to build on those.

11 We've already -- and, yes, we have, as a  
12 matter of fact, looked at every molecule of this  
13 site from end to end and from top to bottom a  
14 hundred times, and, yes, we have considered that.  
15 And it does not work financially. We would lose  
16 those two lots.

17 I appreciate what you're saying. I  
18 understand that the initial desire was to have a  
19 street that coincides with the street across the  
20 way. We covered this at the first meeting. We do  
21 not own the other land. We cannot spare the  
22 30 feet on our side that would then become or  
23 would not become a street at some point in the  
24 future at the expense of two buildable sites in a



1 16-lot subdivision. It doesn't work.

2 MEMBER VARGULICH: Okay.

3 MR. HELFRICH: I'm sorry. I don't mean to  
4 be a hard guy, but that's what we've figured out.

5 MR. ANTONOPOULOS: And just one other  
6 comment, this is a quaint little subdivision. The  
7 adjoining parcel -- I mean, we've seen some of the  
8 plans, what they want to do there with high  
9 density. And to comingle those two parcels would  
10 really destroy our development. It really would.  
11 Because people would be coming from that  
12 development into this development and create a lot  
13 of traffic.

14 I understand your question, and we've got  
15 the preliminary approval, the concept approval.  
16 We spent all this money on engineering, and now to  
17 redesign it to put another street there, it could  
18 kill the project. It really could.

19 MR. HELFRICH: And it would.

20 And John's point is well taken; and if I  
21 remember correctly, when I first took the floor  
22 here, the point that we were trying to make is  
23 that this is an enclave. It's not a main street.  
24 It's not a through street. It does not connect

1 with anything. It's a bubble, and we are  
2 marketing this toward people, as John said  
3 earlier, who are maybe empty nesters, maybe a  
4 little on in years, so to speak, that want a  
5 smaller lot, that want a quieter world. And  
6 that's what we're trying to give them here is a  
7 quiet world, is a cul-de-sac, is an enclave.

8 And we felt from square one -- because  
9 that was one of the first things that we talked  
10 about was the City's anxiety, desire, whatever you  
11 want to call it to put an intersection there. And  
12 we said that's going to kind of change the whole  
13 tenor of our project, A; and A, we don't own the  
14 land. We can't put a street there. That's not  
15 going to work.

16 So that's where we were with this at the  
17 end of November, and we're still there, in my  
18 humble opinion, and I request your consideration  
19 of our position on that matter.

20 MEMBER VARGULICH: The new island that  
21 you're installing at the entry, is that going to  
22 be paved, or what's going to happen there?

23 MR. HELFRICH: The island?

24 MEMBER VARGULICH: That hasn't been

1 defined on the landscape plan or the engineering  
2 plans.

3 MR. HELFRICH: I noticed that, and that  
4 was a comment that turned up here, and I'm not  
5 really sure. That's going to require me to clean  
6 a little egg off my face because I didn't  
7 bust McCallum on his landscape plan for not saying  
8 anything about the island. He didn't ask me. He  
9 just produced the landscape plan. I looked at it  
10 and said, that's beautiful, Dave. Cool.

11 Obviously, we're going to address that  
12 because, as you note, that is a staff comment.  
13 What are we doing with that? We're landscaping  
14 it. We're going to plant stuff there. It just  
15 hasn't -- it isn't on this plan yet.

16 MEMBER VARGULICH: All right. And then  
17 with respect to the buffer adjacent to the West  
18 Chicago single-family lots, assuming that that  
19 stays, still resolving, you know, which government  
20 bodies are going to agree or disagree or take that  
21 out or not take it out, but at this point --

22 MR. HELFRICH: Right.

23 MEMBER VARGULICH: -- in theory it's just  
24 going to go along, and it stays.

1 MR. HELFRICH: Yeah. Assuming it stays.

2 MEMBER VARGULICH: That was nice of the  
3 planner, but the two cities aren't going to --

4 MR. HELFRICH: Which is entirely possible.

5 MEMBER VARGULICH: -- take the time to do  
6 an amended boundary agreement.

7 MR. HELFRICH: Right. It may not work.

8 MEMBER VARGULICH: So I would request that  
9 the staff does not waive the preservation, the  
10 tree preservation plan, and that you should take  
11 the time, and you should have taken the time when  
12 you surveyed the property, to preserve the trees  
13 in there so that everyone else who you're saying  
14 can't have an easement, understand which trees are  
15 on their property that they could identify.

16 Those are the kind of things that get  
17 lost. As Mr. Kessler has already pointed out and  
18 others have voiced concern that after the second  
19 homeowner buys it and then the HOA turns over a  
20 couple of times, people get kind of complacent  
21 about whether an easement recorded is really  
22 important. Then all that stuff goes away, and you  
23 have people's fences, play yards, and everything  
24 else where it shouldn't be.

1           Then it becomes a headache on enforcement  
2           for the City and an intergovernmental agreement  
3           that's now being violated, and the City isn't  
4           doing its due diligence to make sure that it's  
5           preserved.

6           So I would suggest that you survey and  
7           have an outlot so that there is no way for a  
8           homeowner to be off their property in an outlot.

9           MR. HELFRICH: Okay.

10          MEMBER VARGULICH: So they can have a  
11          fence if they want to, but it stops at the  
12          property line and into somebody's -- not in an  
13          outlot that's supposed to be a conservation area.

14          MR. HELFRICH: Well, that would -- point  
15          taken. That would be solved if we did change that  
16          buffer area into a 20th lot, and then the  
17          homeowner would not be entitled to go back there  
18          and do anything.

19          MEMBER VARGULICH: Right. Exactly.

20          MR. HELFRICH: Whether the trees were  
21          surveyed, whether they were buckthorn, or whether  
22          they were a walnut, it would make no difference  
23          anymore than I would come over onto your property  
24          and hack down your nice buckthorn that's at the

1 back corner of your house.

2 VICE CHAIRMAN KESSLER: Which I believe  
3 you agreed you could do.

4 MEMBER VARGULICH: And I would offer that  
5 any buffer yard is designed to meet our standards.  
6 And so having your trees surveyed then can become  
7 part of that record that these are being counted  
8 towards it; and whatever needs to be supplemented  
9 to meet our buffer requirements is done so, and  
10 that the existing conditions are not just  
11 sufficient enough.

12 MR. HELFRICH: Okay. Well, point taken.  
13 Request noted. We'll talk about this, obviously.

14 MEMBER FUNKE: We talked about the fence.  
15 I mean, I agree with Mr. Vargulich about his point  
16 of -- you know, I don't know if you have to get  
17 rid of the fence, but I like the staff comments of  
18 moving the fence back and creating the landscape  
19 buffer.

20 My concern I brought up in, was it  
21 November? -- that I'm concerned about the cars  
22 coming out of here. You don't really have a --  
23 you know, stacking now is very -- it's very short.  
24 It's perpendicular now to Smith Road, which is

1 nice, but you've created this row of trees which  
2 is going to block vision from a driver looking  
3 down to see the cars coming.

4 So I'm just concerned that maybe you take  
5 those trees and you move them into that landscape  
6 buffer that's closer on the other side of the  
7 sidewalk, maybe some idea about --

8 MR. HELFRICH: That is a possibility, yes.

9 MEMBER FUNKE: So you have all those trees  
10 on Smith Road. Maybe reduce some of those, and  
11 you create more of a landscape buffer on the north  
12 side of the sidewalk, and, you know, move that  
13 fence back and maybe reduce the height of the  
14 fence. So it becomes more inviting, and you don't  
15 see this long straight, you know, linear fence  
16 that's very close to the sidewalk and no  
17 landscaping in front of it, so.

18 MR. HELFRICH: All right. Now, you're  
19 right. One of the comments -- there's a couple  
20 comments in there --

21 MEMBER FUNKE: Right.

22 MR. HELFRICH: -- about moving the fence,  
23 about doing this to the fence, that to the fence.  
24 That's a good point.

1           And if we do end up moving the fence --  
2 now, as you can see, there's one lot in particular  
3 that that would severely affect. And so we have  
4 to very careful with what we do.

5           As I pointed out at the outset and as we  
6 talked about last fall, I mean, shoehorn doesn't  
7 even work in this subdivision. It's more than a  
8 shoehorn job. It's very, very snug and every --  
9 you know, every -- have you ever played pick-up  
10 sticks?

11           MEMBER FUNKE: Yes.

12           MR. HELFRICH: Okay. Every stick, you  
13 know --

14           MEMBER FUNKE: I understand that. You  
15 know the landscape buffer on the north, I mean, I  
16 actually like the natural look. I mean, once you  
17 start going in there and weeding everything, then,  
18 you know, you're exposing things that you might  
19 not otherwise have seen.

20           MR. HELFRICH: Right.

21           MEMBER FUNKE: Sometimes it's nice to  
22 leave the natural look, and, you know, around the  
23 perimeter of the property. You know, it's nice to  
24 look at from your backyard too as opposed to the



1 neighbor across the way, so.

2 MR. HELFRICH: I'm with you on that, and I  
3 think that we've all been -- have we all seen  
4 this? Okay. It's not the prettiest thing in the  
5 world, but it is the thickest thing in the world,  
6 and it is green. If I was a homeowner that lived  
7 in one of those houses back there, I would be kind  
8 of glad to have it there.

9 Now, I would -- if it turns out we don't  
10 need it and we cut all that stuff down, I'd say,  
11 Oh, well. But, again, I'm going to be looking at  
12 houses and people's back yards and their own  
13 landscaping. So it's not the end of the world;  
14 but if we're going to leave that there, that's our  
15 take is let's just leave it there.

16 You know, or we could spend a bazillion  
17 dollars, and we could cut everything down and  
18 plant a whole bunch of dingle trees or whatever.  
19 But that seems a little wasteful, and it would  
20 take years to achieve the blocking that we have  
21 today without lifting a finger or trimming a leaf.

22 VICE CHAIRMAN KESSLER: Okay. Anything  
23 else from -- we have talked about continuing this  
24 public hearing to the next meeting, which, again,

1 would not preclude you from going before the  
2 Planning and Development Committee.

3 MR. HELFRICH: Okay. All right.

4 VICE CHAIRMAN KESSLER: You'll be in line  
5 for that. To give you an opportunity to explore  
6 the letter from West Chicago, to discuss what  
7 we've discussed tonight about that buffer zone, if  
8 it has to stay. It's a moot point, obviously, if  
9 something can be done quickly with West Chicago  
10 and you can eliminate a buffer.

11 There is one other thing based on  
12 Commissioner Vargulich's comments and some  
13 comments from other commissioners, and that would  
14 be it would be helpful if you would go through the  
15 staff report and pull out each of the staff  
16 comments and respond to them, so that we know that  
17 there has been some answer to the report that you  
18 received from staff. And rather than --

19 MR. HELFRICH: You mean right now?

20 VICE CHAIRMAN KESSLER: No. I mean for  
21 our next meeting. That's information that we're  
22 requesting to come for the next meeting. Because  
23 I think you need some time. I think you need some  
24 time to look at it.

1 MR. HELFRICH: Yes, I mean, we had --  
2 we've had two meetings on it to date.

3 VICE CHAIRMAN KESSLER: Yes.

4 MR. HELFRICH: We spent some time on it  
5 yesterday. I read through the thing on the  
6 weekend. What was it? About, I don't know,  
7 4:00 o'clock Friday or something that this came  
8 up, something like that.

9 VICE CHAIRMAN KESSLER: It would be  
10 helpful for us if you had enough time to respond  
11 to them.

12 MR. HELFRICH: Well, of course, obviously,  
13 we need to write a response letter; and I will say  
14 that of the pages and pages of stuff that I have  
15 here, let's say 75, 80 percent are going to be  
16 fine. No problem. Fine, we'll do it. Fine, we  
17 think you're wrong, but we'll do it anyway.

18 The parts of this that are going to  
19 require some maneuvering and some pushback are,  
20 say, 20 percent.

21 VICE CHAIRMAN KESSLER: Okay.

22 MR. HELFRICH: But I'm with you. I  
23 understand. We'll try to develop a response  
24 comment letter. Okay. How much time we got?

1 When is this other meeting? I didn't catch that.

2 VICE CHAIRMAN KESSLER: The next meeting,  
3 which I believe would be on the agenda would be  
4 August 7th.

5 MR. HELFRICH: Okay. 8/7.

6 VICE CHAIRMAN KESSLER: And this is for  
7 everybody. Do we have a lot for that meeting, on  
8 the agenda for that meeting?

9 MR. COLBY: No. That agenda is open right  
10 now.

11 VICE CHAIRMAN KESSLER: Can I request that  
12 we put this first on the agenda for public  
13 hearings, if we have other public hearings?

14 MR. COLBY: Yes. The continued hearings  
15 are typically listed first.

16 VICE CHAIRMAN KESSLER: Okay. All right.  
17 Very good. Thank you gentlemen.

18 And do we need a motion to continue the  
19 public hearing?

20 MR. COLBY: Yes. You need a motion that  
21 specifies date, time, and location.

22 VICE CHAIRMAN KESSLER: Okay.

23 MR. HELFRICH: It will be an entertaining  
24 motion.

1           MEMBER PRETZ: I'd like to make a motion  
2 that we continue this public hearing until the  
3 next Plan Commission meeting, which is August 7th  
4 at 7:00 p.m., in the exact council chambers.

5           MEMBER FUNKE: I'll second.

6           VICE CHAIRMAN KESSLER: Okay. It's been  
7 moved and seconded.

8           Discussion on the motion?

9           (No response.)

10          VICE CHAIRMAN KESSLER: Roll call.

11          MEMBER PRETZ: Mackin-Purdy.

12          MEMBER MACKLIN-PURDY: Yes.

13          MEMBER PRETZ: Vargulich.

14          MEMBER VARGULICH: Yes.

15          MEMBER PRETZ: Holderfield.

16          MEMBER HOLDERFIELD: Yes.

17          MEMBER PRETZ: Funke.

18          MEMBER FUNKE: Yes.

19          MEMBER PRETZ: Kessler.

20          VICE CHAIRMAN KESSLER: Yes.

21          MEMBER PRETZ: Pretz. Yes.

22          VICE CHAIRMAN KESSLER: All right. That  
23 concludes Item No. 8. Thank you, gentlemen.

24          MR. HELFRICH: Thank you.

1           VICE CHAIRMAN KESSLER: And because we  
2 continued the public hearing, we're going to pass  
3 on Item No. 12 on the agenda, which would have  
4 been the meeting portion of that application.

5           Moving on to No. 13 on our agenda,  
6 additional business from Plan Commission members  
7 or staff.

8           I'm going to do one thing. I'm going to  
9 request that we talk and direct staff to come to  
10 us with a recommendation to change our rules on  
11 how our agenda is written, and specifically to go  
12 from all public hearings and then the meeting. We  
13 should try to have an application public hearing  
14 and application meeting portion side by side.

15           Is there something we can do to create  
16 that? Can we have a recommendation to change  
17 that?

18           MR. COLBY: Yes. It would involve  
19 changing the Plan Commission rules of procedure,  
20 which would just require a review and a vote by  
21 the Plan Commission to revise the rules. So we  
22 can prepare a draft.

23           VICE CHAIRMAN KESSLER: Perfect.

24           MEMBER PRETZ: In addition to that, will

1 you review -- I can't remember. Is there a set  
2 rule upon an application as far as how they appear  
3 on the agenda? Where I'm going is that if some of  
4 the applications are quick as far as their  
5 presentation, you know, that maybe those could be  
6 put first and then --

7 MR. COLBY: Yes. We can include that as a  
8 proposed change. Right now the public hearings  
9 are held first because those are typically longer  
10 items. And if there's meeting items that don't  
11 require a public hearing such as a subdivision  
12 plat, those currently are at the end of the agenda  
13 based on the agenda order specified in the rules.  
14 So we can suggest a revision to that as well.

15 MEMBER PRETZ: Thank you.

16 VICE CHAIRMAN KESSLER: Okay. Great.  
17 Thanks very much.

18 Any other additional business? Weekly  
19 development reports are very helpful. Thank you.  
20 We will continue to prepare that. It really is.  
21 At a glance you can see what's going on.

22 Meeting announcements, Plan Commission, we  
23 talked about our meeting on Tuesday, August 7th.  
24 Tuesday, August 21st, and Tuesday,

1 September 4th, anything that might make you think  
2 we might not have any of those?

3 MR. COLBY: On August 7th?

4 VICE CHAIRMAN KESSLER: No. On August 21st.

5 MR. COLBY: On August 21st we don't have  
6 any items tentatively scheduled yet for that date,  
7 but we won't know until the meeting on the 7th.

8 VICE CHAIRMAN KESSLER: All right.  
9 Planning and Development Committee on August 13th  
10 and September 10th, Monday nights.

11 And then 16 on the agenda is public  
12 comment. Anything?

13 Yes, ma'am. Would you come up and state  
14 your name. We're not in a public hearing any  
15 longer, so you don't have to be sworn in.

16 MS. SCIACCOTTA: Mary Beth Sciacotta,  
17 S-c-i-a-c-c-o-t-t-a. I'm at 4083 Pheasant Court  
18 in St. Charles.

19 Are you councilmen aware of how busy Smith  
20 Road is. I back up to Smith Road. I cannot open  
21 my patio door because of the traffic and the  
22 fumes, and they want to put another development  
23 across the street from me. There's a lot of  
24 traffic and a lot of speeding traffic. The speed



1 limit is 45. It should be dropped down to 30.

2 I've called the police department a couple  
3 of times. They have my name, address, and phone  
4 number. The young people just like to speed down  
5 Smith Road. You put 16 more homes out there, and  
6 that's 32 more cars plus visitors.

7 That's all I have to say.

8 VICE CHAIRMAN KESSLER: Thank you very  
9 much.

10 And just to clear one thing up, we're  
11 commissioners. We're not councilmen.

12 Okay. Anything else from the public? Do  
13 you have your hand up, sir?

14 Okay. No. 17 on our agenda is  
15 adjournment. Do we have a motion?

16 MEMBER MACKLIN-PURDY: Motion to adjourn.

17 MEMBER FUNKE: Second.

18 VICE CHAIRMAN KESSLER: All in favor.

19 (Ayes heard.)

20 VICE CHAIRMAN KESSLER: This meeting of  
21 the St. Charles Plan Commission is over at 8:32  
22 p.m.

23 (Off the record at 8:34 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Joanne E. Ely, Certified Shorthand Reporter No. 84-4169, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of July, 2018.

My commission expires: May 16, 2020

*Joanne E. Ely* 

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