

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, AUGUST 16, 2016**

Members Present: Chairman Todd Wallace
Vice Chairman Tim Kessler
James Holderfield
Tom Pretz
Tom Schuetz
Brian Doyle
Dan Frio

Members Absent: Laura Macklin-Purdy
Michelle Spruth

Also Present: Russell Colby, Planning Division Manager
Ellen Johnson, Planner
Court Reporter

1. Call to order

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

2. Roll Call

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

3. Presentation of minutes of the August 2, 2016 meeting of the Plan Commission.

Motion was made by Vice Chairman Kessler, seconded by Mr. Schuetz, and unanimously passed by voice vote to approve the minutes of the August 2, 2016 Plan Commission meeting.

PUBLIC HEARING

4. General Amendment (David and Julie Anna Lundeen)

A petition requesting an amendment to Chapter 17.14 "Business and Mixed Use Districts" to remove the minimum lot size requirement for Drive-Through Facilities in the BL Local Business District.

The attached transcript prepared by Planet Depos - Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Vice Chairman Kessler and seconded by Mr. Doyle to close the public hearing.

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Roll Call Vote:

Ayes: Kessler, Holderfield, Schuetz, Doyle, Frio, Wallace

Nays: Pretz

Absent: Macklin-Purdy, Spruth

Motion carried: 6-1

Chairman Wallace moved agenda item #6 to be discussed next.

MEETING

6. General Amendment (David and Julie Anna Lundeen)

A petition requesting an amendment to Chapter 17.14 “Business and Mixed Use Districts” to remove the minimum lot size requirement for Drive-Through Facilities in the BL Local Business District.

The attached transcript prepared by Planet Depos - Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Vice Chairman Kessler and seconded by Mr. Frio to recommend approval of a petition requesting an amendment to chapter 17.14 "Business and Mixed-Use Districts" to remove the minimum lot size requirement for Drive-Through Facilities in the BL Local Business District with an advisory comment to the Planning and Development Committee to consider removing the lot size requirement for Drive-Through Facilities in the BC, BR, and CBD-2 districts, as well.

Roll Call Vote:

Ayes: Holderfield, Schuetz, Doyle, Frio, Kessler

Nays: Pretz, Wallace

Absent: Macklin-Purdy, Spruth

Motion carried: 5-2

PUBLIC HEARING

5. Lundeen Liquors, 1315 W. Main St. (David and Julie Anna Lundeen)

Application for Special Use

The attached transcript prepared by Planet Depos - Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Mr. Doyle, seconded by Vice Chairman Kessler, and unanimously passed by voice vote to close the public hearing.

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Roll Call Vote:

Ayes: Kessler, Holderfield, Pretz, Schuetz, Doyle, Frio, Wallace

Nays:

Absent: Macklin-Purdy, Spruth

Motion carried: 7-0

MEETING

7. Lundeen Liquors, 1315 W. Main St. (David and Julie Anna Lundeen)
Application for Special Use

The attached transcript prepared by Planet Depos - Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Vice Chairman Kessler and seconded by Mr. Schuetz to recommend approval of the Application for Special Use for Lundeen Liquors, 1315 W. Main Street, conditional upon resolving the drainage issue to the satisfaction of the City engineers.

Motion was made by Chairman Wallace and seconded by Mr. Pretz to amend the motion to add a second condition that the applicant work with staff to ensure that vehicles do not cut across parking spaces and otherwise ensure pedestrian safety on the site.

Roll Call Vote on Motion to Amend:

Ayes: Holderfield, Schuetz, Doyle, Pretz, Frio, Wallace, Kessler

Nays:

Absent: Macklin-Purdy, Spruth

Motion carried: 7-0

Roll Call Vote on Main Motion:

Ayes: Holderfield, Schuetz, Doyle, Pretz, Frio, Wallace, Kessler

Nays:

Absent: Macklin-Purdy, Spruth

Motion carried: 7-0

8. Additional Business from Plan Commission Members or Staff

9. Weekly Development Report

10. Meeting Announcements

a. Plan Commission

Tuesday, September 6, 2016 at 7:00pm Century Station Training Room – Cancelled

Tuesday, September 20, 2016 at 7:00pm Council Chambers

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Tuesday, October 4, 2016 at 7:00pm Council Chambers

- b. Planning & Development Committee
 - Monday, September 12, 2016 at 7:00pm Council Chambers
 - Monday, October 10, 2016 at 7:00pm Council Chambers

11. Public Comment

12. Adjournment at 9:06pm



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Transcript of **Hearing - General Amendment to
Chapter 17.14**

Date: August 16, 2016

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

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In Re: :
General Amendment :
(David and Julie Anna Lundeen); :
Amendment to Chapter 17.14 :
"Business and Mixed-Use :
Districts" to remove the :
minimum lot size requirement :
for drive-through facilities :
in the BL Local Business :
District. :

-----x

REPORT OF PROCEEDINGS

St. Charles, Illinois 60174

Tuesday, August 16, 2016

7:00 p.m.

Job No.: 97814

Pages: 1 - 41

Reported by: Paula M. Quetsch, CSR, RPR

Hearing - General Amendment to Chapter 17.14
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Report of proceedings held at the location of:

ST. CHARLES CITY HALL
2 East Main Street
St. Charles, Illinois 60174
(630) 377-4400

Before Paula M. Quetsch, a Certified Shorthand
Reporter, Registered Professional Reporter, and a
Notary Public in and for the State of Illinois.

Hearing - General Amendment to Chapter 17.14
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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- TOM PRETZ, Member
- TOM SCHUETZ, Member

ALSO PRESENT:

- RUSS COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner

Hearing - General Amendment to Chapter 17.14
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P R O C E E D I N G S

CHAIRMAN WALLACE: This meeting of the
St. Charles Plan Commission will come to order.

VICE CHAIRMAN KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

VICE CHAIRMAN KESSLER: Schuetz.

MEMBER SCHUETZ: Here.

VICE CHAIRMAN KESSLER: Doyle.

MEMBER DOYLE: Here.

VICE CHAIRMAN KESSLER: Pretz.

MEMBER PRETZ: Here.

VICE CHAIRMAN KESSLER: Frio.

MEMBER FRIO: Here.

VICE CHAIRMAN KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

VICE CHAIRMAN KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right. Presentation
of minutes of the August 2nd, 2016, meeting. Is
there a motion to approve?

VICE CHAIRMAN KESSLER: So moved.

MEMBER SCHUETZ: Second.

CHAIRMAN WALLACE: Moved and seconded. All
in favor.

(Ayes heard.)

Hearing - General Amendment to Chapter 17.14
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1 CHAIRMAN WALLACE: Opposed.

2 (No response.)

3 CHAIRMAN WALLACE: Notion passes unanimously.

4 Items 4 and 5 are public hearings, and 6 and
5 7 are action items for the public hearing items.

6 Before we begin, I'll just say a couple of
7 words. For those of you who haven't been before us
8 before, welcome. We conduct public hearings for
9 applications that come before the City in order to
10 make recommendations to the City Council for approval
11 or denial, and that's what we're doing tonight.

12 As a part of that we'll start out by having
13 the applicant make a presentation, followed by
14 questions from Plan Commissioners, questions from
15 members of the public, and following that, if anyone
16 wishes to offer additional testimony, they can do that.

17 Do you have any questions regarding our
18 procedure?

19 (No response.)

20 CHAIRMAN WALLACE: Okay. Since this is a
21 public hearing we will be on the record, and that's
22 why the court reporter is here tonight. And so I
23 would ask that only one person speak at a time, and
24 please wait to be recognized by me before speaking.

Hearing - General Amendment to Chapter 17.14
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1 Anyone who wishes to give testimony, including
2 asking any questions, if you could raise your hand
3 and be sworn in.

4 (Whereupon, the witnesses were thereupon
5 duly sworn.)

6 CHAIRMAN WALLACE: And when you do speak, if
7 you could come up to the lectern and speak into the
8 microphone, state your full name, spell your last
9 name, and say your address for the court reporter.

10 Before we begin -- I'm sorry -- Item No. 4
11 is General Amendment (David and Julie Anna Lundeen)
12 Petition Requesting an Amendment to Chapter 17.14
13 "Business and Mixed-Use Districts" to remove the
14 minimum lot size requirement for drive-through
15 facilities in the BL Local Business District.

16 Before we begin, I just have a question or
17 clarification for staff.

18 In the event that Plan Commission recommends
19 denial of the first of these applications, does that
20 necessarily make the second one moot?

21 MR. COLBY: We would recommend that the
22 Plan Commission still hear the second application in
23 the event that the City Council reaches a different
24 conclusion on the general amendment.

Hearing - General Amendment to Chapter 17.14
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1 CHAIRMAN WALLACE: Okay. Thank you.

2 All right. Is the applicant ready? All
3 right. Go ahead.

4 MS. LUNDEEN: Julie Anna Lundeen,
5 L-u-n-d-e-e-n, 6 Greenwood Court, DeKalb, Illinois.
6 David and I are here tonight to request a general
7 amendment for our property located at 1315 West Main
8 Street to allow a drive-through at that location.

9 As a brief overview, we've owned the property
10 since the mid-'80s. It has been a long process to
11 get forward to actually develop this property to
12 more of its potential there. We have currently filed
13 our paperwork to receive a no further remediation
14 letter from the EPA which stems way back to when
15 Sunoco had the property.

16 So we have no indication that that will be
17 denied whatsoever. We should be receiving that this
18 fall. Therefore, we are moving forward, and we
19 would like to be able to obtain a drive-through at
20 this location. We moved our business in there in
21 2013 as an express location. Therefore, the use of
22 the drive-through at an express location is just
23 beneficial to our business model there.

24 MS. JOHNSON: So I'll go through a little bit

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1 of what this general amendment request is for, too.

2 CHAIRMAN WALLACE: Sure.

3 MS. JOHNSON: There's two items on the
4 agenda tonight, the general amendment and special
5 use for a drive-through.

6 The general amendment is requested by the
7 Lundeens to remove the 1-acre lot area requirement
8 for drive-through facilities in the BL, Local
9 Business District. So currently drive-through
10 facilities in that BL District require 1 acre, and
11 the request is to remove that requirement.

12 There's some information provided in the
13 staff report on lot sizes within the BL zoning
14 district. Table 2 and Table 3 -- Table 2 summarizes
15 all of the lot sizes in that district and shows there
16 are only eight parcels in the BL District that are over
17 1 acre in size. And then Table 3 shows the existing
18 drive-through facilities in the BL District, and there
19 are six existing facilities in that district. Five of
20 them are under 1 acre and one is over 1 acre.

21 And then attached to the staff report is a
22 list of all of the drive-through facilities in
23 St. Charles for all of the zoning districts to
24 compare the lot sizes of existing drive-throughs in

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1 all of the zoning districts. And a map of the BL
2 District, which is the zoning district that's
3 affected by this general amendment, is attached, as
4 well, showing locations in the BL District, which is
5 mainly along East and West Main Street.

6 CHAIRMAN WALLACE: Okay. Since we do have
7 two applications, I'd ask that we center all of our
8 questions on the first application just regarding
9 the general amendment and then focus on the
10 application for special use after we're done with
11 this one.

12 VICE CHAIRMAN KESSLER: I have a question
13 for staff, actually.

14 If this amendment, the general amendment, we
15 recommend approval and the City Council votes in
16 favor of it, does that make all of those drive-through
17 facilities that were prior to the current requirement
18 compliant?

19 MS. JOHNSON: Yes. They would be considered
20 legal nonconforming now and they would become
21 conforming.

22 VICE CHAIRMAN KESSLER: Okay. I see that there
23 are four of them that are between .27 and .44 acres,
24 and this property is -- what? -- .39 acres.

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1 MS. LUNDEEN: Yes.

2 CHAIRMAN WALLACE: I was looking at the list
3 personally, and I'm just curious if staff knows of
4 complaints that are received -- I don't know who
5 they would be received by, whether it's the police
6 department or what -- regarding stacking spilling
7 out onto adjoining streets. Because I do see --
8 well, three of the four that are in BL, I personally
9 suspect that there may have been complaints or
10 issues with those.

11 MR. COLBY: We don't have data on that.
12 However, I am aware that in the past there have been
13 complaints regarding the Dunkin' Donuts that you're
14 referencing. The one thing that I can't answer is
15 whether or not they have an adequate number of
16 stacking spaces per the ordinance requirement. It's
17 possible that those locations -- they were constructed
18 in the previous ordinance requirements. They may
19 not accommodate the total required stacking, or they
20 may have had a stacking reduction request that was
21 approved when the business was established.

22 CHAIRMAN WALLACE: Now, correct me if I'm
23 wrong, but if one of those businesses were to change
24 use, then their special use for drive-through would

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1 have to be rereviewed; correct?

2 MR. COLBY: We need to assess the business
3 that's proposed to determine if it's significantly
4 different than the business that was there in terms
5 of its drive-through demand.

6 MS. LUNDEEN: And if I may make a comment,
7 that's exactly the point is different businesses do
8 have different drive-through demands. I mean, you
9 can't really compare ours to a Starbucks or a
10 Dunkin' Donuts. While we would love to have that
11 kind of problem, generally, our drive-through -- the
12 one that we run in Sycamore now and have successfully
13 for 10 years, we may have two and three cars stacked
14 at a time. You know, we do not get 7, 10 cars at a
15 time through our drive-throughs.

16 VICE CHAIRMAN KESSLER: What's the address
17 of your Sycamore location?

18 MS. LUNDEEN: 1760 DeKalb Avenue, Sycamore,
19 Illinois. I do have a couple pictures, if you're
20 interested in looking, that we have to present to
21 City Council of the business out there.

22 We do have -- also, the configuration of
23 this lot leads -- tends to support a drive-through.
24 The way the drive-through would be configured on

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1 this lot is space sufficient. We have more than
2 adequate ingress and egress to deal with it already.

3 CHAIRMAN WALLACE: I'd like to address
4 specifics regarding that drive-through in the next
5 application.

6 Any other questions regarding this application?

7 Brian.

8 MEMBER DOYLE: So those businesses that --
9 in the BL District that are less than 1 acre, you
10 said they are currently legal nonconforming?

11 MS. JOHNSON: Yes.

12 MEMBER DOYLE: Now, business regional and
13 business commercial also have a 1-acre minimum; is
14 that correct?

15 MS. JOHNSON: Yes, for all uses.

16 MEMBER DOYLE: And Salsa Verde, which is on
17 Route 38, it's a relatively newer business; it has --
18 .561 is the lot size. I'm just curious -- I don't
19 believe that was there before 2006, so how did that
20 get -- is it the same -- does the special use, did
21 it transfer to that business?

22 MR. COLBY: That property is within a PUD.
23 So it's possible that at that location a drive-through
24 is a permitted use.

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1 MEMBER DOYLE: Okay. A couple more questions.
2 For -- is there -- the stacking requirements
3 that are part of any special use applications in
4 your analysis that you put before us, where do those
5 stacking requirements come from?

6 MR. COLBY: The information that's in the
7 ordinance is based on industry data for typical
8 standards that are used in codes in other communities,
9 and it's based on surveys of different classifications
10 of businesses.

11 MEMBER DOYLE: Can you -- do you know offhand,
12 what is the minimum requirement for any business?
13 For instance, if you took the least intensive business,
14 business type, would the minimum stacking requirement
15 be four cars, six cars, two cars?

16 MR. COLBY: I believe it's five.

17 MEMBER DOYLE: Five. So at a minimum, no
18 matter what type of business you operate, your stacking
19 requirement if you comply with those recommendations
20 is going to be five cars?

21 The reason why I ask here is that in terms
22 of considering a less than 1 acre or less than half
23 acre -- so this would -- this would reduce it to --
24 the proposal is to eliminate it completely; is that

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1 correct? So there would be no -- it would basically
2 be treated like CBD-1 at this point, no minimum
3 lot area?

4 MS. JOHNSON: Correct. But facilities would
5 still be a special use in the BL District. So each
6 one would be addressed and reviewed by the Commission
7 individually to ensure that there's enough room for
8 stacking spaces.

9 MEMBER DOYLE: And that's what we do with
10 CBD-1, so it could be as little as .2 acres?

11 MS. JOHNSON: Correct.

12 MEMBER DOYLE: Mrs. Lundeen, in drafting
13 your general amendment it's restricted to business
14 local, but the same requirement also applies to
15 business regional. Since the initial application
16 for a general amendment is general and not specific
17 to your business, did you consider binding your
18 proposal to cover BC and BR? Why did you choose --
19 did you choose BL because your parcel is BL?

20 MS. LUNDEEN: Yes. And this is the guidance
21 we were given in filling it out, to be more specific,
22 not to be broader but to be more specific to our lot.

23 MEMBER DOYLE: Okay. And one more question,
24 and this is for staff.

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1 So this parcel is business local. Do you
2 regard your business as -- so the purpose of business
3 local, as indicated in the staff document, "Provide
4 locations for small-scale service and retail uses
5 that primarily serve the convenience of St. Charles
6 neighborhoods," and I'll stop there, compared to say
7 business regional or business community.

8 Being located on Route 64, how far would you
9 say the reach is of your customers at that location?

10 MS. LUNDEEN: Well, we definitely service
11 the local neighborhood. The way our lot sits in the
12 comprehensive plan, we're right on the cusp.
13 14th Street is the cutoff between mixed-use
14 commercial/residential and then what they consider
15 all commercial to Randall Road.

16 So we're in very commercialized small area,
17 though we do have homes and apartments behind us.
18 So we do service that, but yes, we do pick up a lot
19 of our business from traffic along Route 64. But we
20 definitely service the neighborhoods that are
21 around us.

22 MEMBER DOYLE: Okay.

23 CHAIRMAN WALLACE: All right. Other questions?

24 MEMBER PRETZ: I'm not sure I necessarily

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1 have a question. Maybe it's just a thought.

2 As I take a look at the -- anything under an
3 acre, I see nine of those listed, and they're BLs
4 and BCs, BRs, et cetera. I think there's nine of
5 them that are banks, which are I'm guessing in
6 today's market a dinosaur, so I don't see they're
7 relevant. But as I take a look at the others that
8 are listed there, the other names, I see Frankie's,
9 which was a Wendy's, Wendy's, Arby's, Dunkin' Donuts,
10 Taco Bell, Brown's Chicken, Dairy Queen, which I
11 think is a disaster on their stacking, and then
12 Pizza Hut. The rest of those businesses I think for
13 the most part have been built specifically to
14 accommodate drive-throughs.

15 When I take a look at that I just -- I don't
16 know, I guess I don't have a question, but I think
17 the type of building that exists would dictate the
18 necessity to have a drive-through less than 1 acre,
19 and in this case, as I take a look at this list here,
20 I think that there are in a couple of instances on
21 there probably not the best decisions. But it's
22 more a comment than a question.

23 CHAIRMAN WALLACE: Anything else from the
24 Plan Commission?

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1 (No response.)

2 CHAIRMAN WALLACE: Any questions from the
3 audience?

4 DR. MASONCUP: Julie, could you --

5 CHAIRMAN WALLACE: You have to come up,
6 state your name, spell your last name.

7 DR. MASONCUP: My name is Michael Masoncup,
8 M-a-s-o-n-c-u-p. I'm the dentist to the east of the
9 property in question here. I've been here 36 years,
10 so I guess I'm kind of an expert about that location.

11 Should I ask her a question right now? I'd
12 kind of like to know something.

13 CHAIRMAN WALLACE: Yeah.

14 DR. MASONCUP: Could you describe how you're
15 going to improve the location in terms of -- because
16 basically --

17 CHAIRMAN WALLACE: Well, before we go into
18 that -- I'd like to do that on the next step of the
19 application because we're just talking about the
20 general amendment right now.

21 DR. MASONCUP: I didn't know the procedures.

22 CHAIRMAN WALLACE: That's okay. No problem.

23 VICE CHAIRMAN KESSLER: We're going to talk
24 about their specific application next.

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1 CHAIRMAN WALLACE: This is a general
2 amendment that would affect the entire city, so all
3 other lots that are similarly situated.

4 DR. MASONCUP: My testimony is inappropriate
5 tonight maybe.

6 CHAIRMAN WALLACE: No, no, we're considering
7 it right after this.

8 VICE CHAIRMAN KESSLER: Next on our agenda.

9 CHAIRMAN WALLACE: As soon as we're done
10 with this, it's next.

11 DR. MASONCUP: Well, anyway, the reason I'm
12 here is I've seen many, many, many businesses come and
13 go from the location. Some of them were reasonable;
14 some of them were ridiculous. It's clear to me that
15 the Lundeens are here to stay, and they've been good
16 businesspeople in the community for a long time, and
17 it seems like they have, you know, an idea and vision
18 of what they're trying to accomplish, and certainly
19 that's a positive in itself, in my opinion, because,
20 like I said, it's just been a revolving door of
21 businesses that have come and gone there.

22 One thing that's been a constant problem in
23 that location for many, many years -- and I think
24 Mr. Colby knows about this -- it's a constant magnet

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1 for water, water retention.

2 Somehow, some way over the years there wasn't
3 a proper way to get the water disseminated from that
4 spot because it's a low spot. And I'm just to the
5 east of it, as I said, and I have a crawl space in
6 my building, and during the spring my sump pump is
7 constantly running. Clearly the water that comes
8 from my building, there's only one place it goes; it
9 goes down toward the Lundeens' property.

10 As part of your deliberation or however this
11 comes out, I hope that between the City, the Lundeens,
12 and myself, we could once and for all get this
13 problem resolved. For me it's a big deal because
14 it's affected my building over the years. There's
15 no place for the water to go, literally, out of my
16 sump pump.

17 Just a real quick historical thing that maybe
18 isn't appropriate, but years ago when Main Street
19 went through, the new Main Street, they were supposed
20 to -- "they," being the people that were involved at
21 that time -- hook me into the sewer system at that
22 time by the street, and I was assured that was going
23 to happen. Well, anyway, long story short, it didn't.
24 I happened to be out of town for a week while that

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1 was all taking place, and I came back and I wasn't
2 hooked in. So, again, my water had no place to go,
3 so they said, "Well, just kind of let it seep onto
4 the other property in the back," and it just kind of
5 goes around and around.

6 I guess what I'm trying to say is that I
7 hope that we can maybe make an effort to resolve
8 that water problem because it really is -- has been
9 a bad situation for many, many years.

10 Other than that, I'm interested in seeing, I
11 guess at the next meeting what plan there is for the
12 property to beautify and make -- it has been a total
13 eyesore for so many years, and with the way Grimm's
14 looks over there, you know, it would be nice shot in
15 the arm to see something of a positive venue there.

16 I think that's about it. Anyway, those are
17 my comments. I appreciate your time.

18 CHAIRMAN WALLACE: Thank you.

19 Anything else?

20 (No response.)

21 CHAIRMAN WALLACE: Staff, is there
22 anything else?

23 (No response.)

24 CHAIRMAN WALLACE: If we feel we've heard

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1 enough testimony to make a recommendation, then a
2 motion would be in order to close the public hearing.

3 VICE CHAIRMAN KESSLER: I move we close the
4 public hearing.

5 MEMBER SCHUETZ: I second.

6 CHAIRMAN WALLACE: It's been moved and
7 seconded. Any discussion on the motion?

8 (No response.)

9 CHAIRMAN WALLACE: Tim.

10 VICE CHAIRMAN KESSLER: Holderfield.

11 MEMBER HOLDERFIELD: Yes.

12 VICE CHAIRMAN KESSLER: Schuetz.

13 MEMBER SCHUETZ: Yes.

14 VICE CHAIRMAN KESSLER: Doyle.

15 MEMBER DOYLE: Yes.

16 VICE CHAIRMAN KESSLER: Pretz.

17 MEMBER PRETZ: No.

18 VICE CHAIRMAN KESSLER: Frio.

19 MEMBER FRIO: Yes.

20 VICE CHAIRMAN KESSLER: Wallace.

21 CHAIRMAN WALLACE: Yes.

22 VICE CHAIRMAN KESSLER: Kessler, yes.

23 CHAIRMAN WALLACE: Okay. Public hearing is
24 closed. That concludes Item 4 on the agenda.

Hearing - General Amendment to Chapter 17.14
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22

1 Item 5 is --

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

3 CHAIRMAN WALLACE: Okay. Request has been
4 made to skip Item No. 5 and go on to Item No. 6,
5 General Amendment (David and Julie Anna Lundeen)
6 Petition requesting an amendment to Chapter 17.14
7 "Business and Mixed-Use Districts" to Remove the
8 Minimum Lot Size Requirement for Drive-Through
9 Facilities in the BL Local Business District.

10 Does anyone have an objection?

11 MEMBER DOYLE: Mr. Chairman, before we do
12 that, if, to your point earlier about procedural, we
13 were to vote against this recommendation, we have a
14 public hearing agenda item thereafter, it sort of
15 colors that public hearing. Are we going to conduct
16 a full public hearing on what some of us regard a
17 moot point?

18 CHAIRMAN WALLACE: I think that we do, and I
19 would imagine that there probably would be discussion
20 centering on making an assumption that the previous
21 item is either implemented or not and that our
22 recommendation would be based on either of those.

23 MEMBER DOYLE: I would favor keeping the
24 current agenda order so that we conduct both public

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23

1 hearings and receive all information since there's
2 another -- there's other questions that we specifically
3 tabled to the second public hearing so that we
4 conduct a full public hearing on that issue before
5 we vote on whether -- either application. That
6 would be my -- I don't have an objection; just that
7 would be my preference.

8 VICE CHAIRMAN KESSLER: I believe that -- I
9 think one of the things that we're attempting to do
10 here by splitting them up is to keep them separate
11 issues, and I don't think whether we recommend or
12 deny the application for the applicant's specific
13 business has bearing on -- even though they happen
14 to be the ones who brought it to us, it doesn't have
15 bearing on the general amendment.

16 MEMBER DOYLE: I agree with that. So I have
17 no objection on that point.

18 CHAIRMAN WALLACE: All right. In that case,
19 seeing no objection, we'll move on to Item 6 as I
20 just read into the record.

21 Before we entertain a motion among the
22 Commission, are there any comments from staff?

23 (No response.)

24 CHAIRMAN WALLACE: Okay. Discussion or a

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24

1 motion?

2 VICE CHAIRMAN KESSLER: I would like to make
3 a comment before I make a motion and would actually
4 like to speak, Tom, to your comments in the public
5 hearing about some of these locations that have less
6 than adequate layouts for a drive-through.

7 I believe that by putting this ordinance in
8 place that the current standards that we require for
9 drive-throughs would be in place for any new business
10 that asks us for a drive-through, and that had these
11 requirements been in place when these businesses
12 were approved, they wouldn't be that way. So I
13 think that this is actually something that's going
14 to correct the problem that existed when those
15 businesses became drive-throughs.

16 MEMBER DOYLE: How would it correct it?

17 VICE CHAIRMAN KESSLER: Because the
18 requirements in place today are different than those
19 that were in place when those were drive-throughs.

20 MEMBER DOYLE: This application proposes to
21 remove one of those requirements.

22 VICE CHAIRMAN KESSLER: It proposes to remove
23 the lot size, but today we approve layouts, and we
24 make recommendations as to how it's laid out and how

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1 the stacking spaces are, how parking is, that were
2 probably not in place or were not in place when
3 those were approved. I mean, I don't know how long
4 that drive-through at Dairy Queen has been there,
5 but it's obvious that it didn't come before a panel
6 like ours, I guess is my point.

7 MEMBER DOYLE: I have two comments before
8 Tim makes a motion.

9 One is that I think there is a precedent in
10 the fact that CBD-1, Central Business District, has
11 no minimum lot area, which implies or indicates
12 directly that there are small lots -- does CBD-1
13 itself have a bulk regulation that restricts the
14 size of a lot in CBD-1 to a particular acreage? For
15 instance, is it possible to have a lot in CBD-1 that
16 is less than 1 acre?

17 MS. JOHNSON: Yes.

18 MEMBER DOYLE: All right. So we have lots
19 in the city that are less than 1 acre today, and our
20 code as it is strongly suggests that there are
21 appropriate uses for a drive-through in CBD-1 even
22 though we have a smaller lot size.

23 So that to me -- so in terms of lot size, I
24 think we have to look at that and say, well, you

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1 know, there would be an inconsistency in our current
2 zoning standards to say a lot has to be at this
3 1 acre for it to support a drive-through because,
4 otherwise, CBD-1 doesn't conform with that.

5 So the second point then -- and this gets to
6 the question I asked about, business local, versus
7 business community, versus business regional is the
8 intended use and rationale of those different
9 districts. And the only -- from a general zoning
10 sort of perspective a concern that I have is that
11 business local to me as a contrast to say business
12 regional should be more oriented to neighborhoods
13 and, therefore, more pedestrian friendly.

14 And the findings of fact as drafted and
15 submitted by the applicant, I think the Finding of
16 Fact No. 4 actually is the most interesting one and
17 where this really comes into play. It states, "The
18 drive-through business model is one that is only
19 increasingly being utilized by consumers. The
20 customers are driving this business model by choosing
21 to conduct their purchases using a drive-through.
22 Banks, coffee shops, cleaners, drug stores, fast
23 food, et cetera, all utilize this model," which is
24 in response to the question, "The extent to which

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1 the proposed amendment would be in the public
2 interest and would not serve solely the interest of
3 the applicant."

4 So my question is, how does this relate to
5 creating pedestrian friendly streetscapes and
6 pedestrian friendly neighborhoods, and is that more
7 relevant to this zoning parcel than to a business
8 regional or business community.

9 This parcel is on Route 64. That's why I
10 asked, "Are you drawing your customers just from the
11 local neighborhood or from a larger swath" in which
12 case -- let me just finish my statement and then you
13 can respond -- in which case the Commission might
14 want to consider this relief from this restriction
15 more appropriate for business regional and business
16 community but appropriate for business local. In
17 which case if you wanted to apply for a map amendment
18 to change your parcel to business community/business
19 regional because it's on a main thoroughfare and
20 you're pulling from a larger area, that would make
21 sense to me from a planning perspective, preserve
22 the intent for business local but also meet the
23 business needs and I think sort of align with what
24 you're saying here motorists are coming from a wider

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1 area at this point.

2 So I'll stop talking and let you respond.

3 MS. LUNDEEN: Nobody ever asks what your
4 business is when they set your -- they just say
5 you're business local. And I understand we could
6 probably request to change that, but, you know, it's
7 evolved over the decades that we've been in business.
8 You know, growing up in this town myself, the end of
9 town was Randall Road. So it was probably a much more
10 local area out there by the shopping center than
11 what it is today.

12 So, you know, the type of business that we
13 draw, yes, we do service everyone around us, but
14 they do also drive cars. And like a lot of it, what
15 we have found in our other location is that we get
16 handicapped people; we get elderly people that all
17 live around us. And, yes, we have handicap spaces,
18 but they don't have to get out of their car; they
19 can drive around and get what they want -- or
20 elderly. So that, too, is a service within your
21 local community, your neighborhoods there.

22 It's just very hard. You know, I would say
23 we are 50/50 right now; we are 50 percent our
24 neighborhood, and we are 50 percent from Route 64.

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1 So we simply put down BL because that's what we are.

2 MEMBER DOYLE: Well, and to close off that
3 comment, I'm not certain -- I'm conflicted as to
4 whether or not we would want to from a policy advice
5 standpoint construe business local as having -- as
6 necessarily being more appropriate for vehicular
7 traffic and adhere to a pedestrian model, particularly
8 if we have all these BL parcels on Route 64.

9 So I'm just thinking out loud in terms of
10 some of the considerations that come to mind for me
11 as I consider this application from a broader sort
12 of planning perspective.

13 VICE CHAIRMAN KESSLER: Well, you know,
14 Brian, I have to say that earlier in this discussion
15 the thought had occurred to me, why haven't other
16 owners come to -- I mean, why are the Lundeens bringing
17 this amendment? Why isn't it something that perhaps
18 could have or should have been noticed before, maybe
19 have all of these businesses that are noncompliant.
20 I can't believe it's -- really some of these banks
21 and such came into effect after this ordinance was
22 in place.

23 But regardless, you did take me on a trip
24 that I wasn't expecting because I thought what you

1 were getting to, and it would seem to me that we
2 allow it -- there is no restriction in CBD-1, but
3 there is in every other, and now we've got an
4 application in front of us proposing that we change
5 it in BL. So for everything in between that still
6 has restrictions.

7 MEMBER DOYLE: Right.

8 VICE CHAIRMAN KESSLER: And it occurred to
9 me that perhaps rather than, you know, focusing on --
10 from a planning perspective focusing on what type of
11 district local really is would be to make a
12 recommendation that included consideration of all
13 districts. I mean, why are we just limiting it to
14 BL? I understand why you did. I mean, why wouldn't
15 you? You're BL. And maybe that was a recommendation
16 by staff.

17 But I have to ask the question of staff -- I
18 do have a question, Russ. Help me out. Can you
19 give me any historical reasoning why they would be --
20 why there is a restriction? Why is there a
21 restriction and not in CBD-1?

22 MR. COLBY: Well, I believe that when most of
23 these drive-throughs were established, particularly
24 the ones in the BL District that have smaller lot

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1 sizes, the City did not have a minimum lot size
2 standard for commercial districts. So as a result,
3 those drive-throughs were able to be established
4 with smaller lot area.

5 And I can't necessarily speak to what the
6 standards were in terms of the drive-through stacking
7 at that time or whether everything was a review as a
8 special use or not because I'm not certain depending
9 on the time frame when those each were established.
10 But the City was going through the process of
11 rewriting its zoning ordinance in 2006.

12 This was an issue that was raised primarily
13 with the -- whether it was real or perception I can't
14 say -- but issues with the existing drive-throughs
15 not being able to accommodate their customers through
16 their drive-through service lanes on the lots that
17 existed. Some of those were lots that predated the
18 requirements or may have developed different
19 requirements for stacking, or parking, or setbacks,
20 all sorts of different things. I think there was a
21 perception about the existing lots that led there to
22 be a minimum lot size standard put in for the
23 drive-through use.

24 VICE CHAIRMAN KESSLER: So then it would

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1 seem to me when I look at this list -- and it's quite
2 an extensive list -- that this amendment would be
3 helpful based on the code as it is today for
4 drive-throughs that if we were to say -- or recommend
5 approval for this that it would offer those retentions
6 to make sure that they are -- they flow and they
7 prevent stacking. I would be more inclined to head
8 that way.

9 CHAIRMAN WALLACE: All right.

10 MEMBER FRIO: I have a question.

11 When you go through the list of all the
12 noncompliant zonings right now, you have one bank that
13 is a BL, one bank almost the same size and everything
14 with the CBD, and then you have another bank same
15 size as those is a BC. And you have three or four or
16 five different banks virtually the same size, and
17 every one has a different zoning.

18 MR. COLBY: Really the zoning districts relate
19 most to location because when the new zoning districts
20 were put in place in 2006, there was an effort to
21 sort of define groups of commercial properties based
22 on geographic location.

23 So, for example, you'll see the BL properties
24 are primarily in small pockets that are near older

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1 communities, older residential areas in the outskirts
2 of downtown, as the BC and BR properties are more on
3 the periphery in areas that are more heavily traveled
4 regional commercial traffic.

5 So it really was sort of after all of those
6 properties had been developed that the City
7 reclassified all the zoning classifications. So to
8 some extent the lot sizes as they exist today, the
9 ones that predate 2006 don't really have any relation
10 to the lot size requirement that we currently propose,
11 which would explain why there's discrepancies.

12 CHAIRMAN WALLACE: Okay. All right. Any
13 other comments before we entertain a motion?

14 Tim.

15 VICE CHAIRMAN KESSLER: I'd like to make a
16 motion to recommend approval of General Amendment
17 (Dave and Julie Anna Lundeen) Petition Requesting an
18 Amendment to Chapter 17.14 "Business and Mixed-Use
19 Districts" to Remove the Minimum Lot Size Requirement
20 for Drive-Through Facilities in the BL Local
21 Business District with an advisory comment to the
22 planning and development committee to consider
23 including BC, BR, and CBD-2 into the recommendation.

24 CHAIRMAN WALLACE: Okay. Is there a second?

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1 MEMBER FRIO: Second.

2 CHAIRMAN WALLACE: It's been moved and
3 seconded. Discussion?

4 MEMBER DOYLE: I agree with the motion in
5 concept. I'll just point out the last time we had a
6 special use application for a drive-through was at
7 600 South Randall for the Starbucks, and I was in
8 the minority of the commissioners who recommended
9 against that because I felt that the application did
10 not actually meet the findings of fact and that
11 surrounding traffic to the property was not adequate
12 to support that use.

13 Now, that parcel as it turns out was a PUD,
14 and it was .991 acres. So if we were to retain this
15 restriction -- it's almost an acre. It wasn't the
16 size of the parcel that made me conclude that; it
17 was traffic at that corner.

18 So, again, I have no problem with removing
19 this restriction, but there will be cases when a
20 special use application really does create problems
21 and for various reasons the Commission, or planning
22 and development committee, or City Council, maybe
23 because a business owner is a long-time stakeholder
24 in the community and has a good reputation they look

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1 aside at some founding factors that otherwise would
2 lead you to believe no, that's not a good planning
3 decision actually.

4 So I just think that we have to be aware as
5 we move forward that it's important to be fairly
6 rigorous with the special use applications and not
7 be biased by whether we like the kind of businesses,
8 whether we don't like the kind of business that's
9 going in there, or whether we like the business
10 owner, or vice versa, which I think unfortunately is
11 sometimes what happens.

12 VICE CHAIRMAN KESSLER: Which is exactly why
13 we should keep these two issues separate.

14 MEMBER DOYLE: So it's not going to change
15 my vote; we just have to be very aware this.

16 VICE CHAIRMAN KESSLER: I understand and I
17 agree with you. One other thing, at that particular
18 place it was a PUD which wouldn't have fallen under
19 this. But you're right. I don't disagree with that.

20 MEMBER PRETZ: So just for clarification
21 here, your motion is to include all of these
22 districts, or is your motion to approve the BL and
23 just with a strong recommendation that P & D and the
24 City Council consider the others?

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1 VICE CHAIRMAN KESSLER: Well, the only
2 application we have before us is for the BL District.
3 So I'm recommending that we approve -- I'm recommending
4 that the planning and development committee approve
5 that application, but I'm also asking that they take
6 under advisement the inclusion of the BR, BC, and
7 CBD-2 districts.

8 MEMBER PRETZ: See, I would like to see it
9 just brought forth as covering all the districts here
10 and have it consistent instead of just the BL itself.

11 VICE CHAIRMAN KESSLER: Well, I think the only
12 recourse that we have because of the application
13 that's in front of us, Tom, would be to make it
14 conditional, and I'm not inclined to do that because
15 if they decide not to, then you throw the baby out
16 with the bath water.

17 CHAIRMAN WALLACE: I agree. I don't think
18 that we have an option to do that at this time because
19 we have -- we have to consider what the application
20 is. If we want to place conditions on an approval,
21 that's fine, but I think making a condition that
22 they expand it to include other things would be --

23 MEMBER PRETZ: And I'm not saying let's put
24 additional conditions on it. I would just feel more

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1 comfortable if the actual request that would be before
2 us would cover all of the districts, and it would
3 just be easier instead of piecemeal here with a strong
4 recommendation that P & D take a look at this. I don't
5 feel comfortable with that but that's just me.

6 VICE CHAIRMAN KESSLER: I understand.
7 Frankly, Tom, I'm hopeful that the City Council will
8 see the wisdom of our recommendation.

9 CHAIRMAN WALLACE: And I'll make my own
10 comment. I'm inclined to vote against the motion
11 because I do feel like there should be a minimum lot
12 size. I think the evidence that's before us regarding
13 the other nonconforming uses is evidence that when
14 we allow these uses to exist on a small parcel we
15 have issues.

16 And, certainly, we're going to consider them
17 on a case-by-case basis still as a special use. I
18 understand that but I think that a situation here
19 where a business owner has already moved into the
20 business with the understanding or the supported
21 hope that they would be able to get a drive-through,
22 my preference would be to just say, you know what,
23 if it's under a certain acreage, it's not available
24 for that type of business or for that type of use.

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1 So that's just what my feeling is. Should
2 it be less than acre? Probably. I don't know. It
3 seems like half an acre would be an appropriate number,
4 but that's not the application that's before us.

5 MEMBER DOYLE: There's one other consideration,
6 counterpoint to that. I mean, I considered that point,
7 and the other thing that is leading me towards
8 approving the recommendation and voting in support of
9 it is that many of these business local parcels are
10 relatively disadvantaged to other parcels that either
11 don't have this restriction because they're in a PUD
12 or they have more strategic locations like Mini's on
13 Route 38. We have a somewhat distressed business
14 district there on the west side of Route 64 in some
15 places.

16 Whereas, we do have the procedural hurdle of
17 a special use application to stop an inappropriate
18 business from going in, I think it's in the public
19 interest to have flexibility to consider these
20 applications in the interest of business development.
21 It doesn't serve the city at all to have a blighted
22 business district that's deteriorating and pushing
23 all of our consumers out to Randall Road, whereas,
24 the downtown and the historic local business districts

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1 are suffering.

2 So I want to support a local small business in
3 competing with larger chains that are located on those
4 big regional corridors, and that's notwithstanding my
5 interest in pedestrian friendly streetscapes and all
6 that. So there are a number of different factors.

7 CHAIRMAN WALLACE: Okay. Any further comments?

8 (No response.)

9 CHAIRMAN WALLACE: All right. We'll take a
10 vote on the motion.

11 Tim.

12 VICE CHAIRMAN KESSLER: Holderfield.

13 MEMBER HOLDERFIELD: Yes.

14 VICE CHAIRMAN KESSLER: Schuetz.

15 MEMBER SCHUETZ: Yes.

16 VICE CHAIRMAN KESSLER: Doyle.

17 MEMBER DOYLE: Yes.

18 VICE CHAIRMAN KESSLER: Pretz.

19 MEMBER PRETZ: No.

20 VICE CHAIRMAN KESSLER: Frio.

21 MEMBER FRIO: Yes.

22 VICE CHAIRMAN KESSLER: Wallace.

23 CHAIRMAN WALLACE: No.

24 VICE CHAIRMAN KESSLER: Kessler, yes.

Hearing - General Amendment to Chapter 17.14
Conducted on August 16, 2016

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CHAIRMAN WALLACE: All right. That passes
by a vote of 5 to 2, and that concludes Item No. 6 on
the agenda.

(Off the record at 7:51 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 21st day of August, 2016.

My commission expires: October 16, 2017



Notary Public in and for the
State of Illinois



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Transcript of **Hearing - Lundeen Liquors, 1315 W.
Main Street**

Date: August 16, 2016

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

-----x
In Re: :
Lundeen Liquors, 1315 West :
Main Street :
(David and Julie Anna Lundeen); :
Application for Special Use. :
-----x

REPORT OF PROCEEDINGS
St. Charles, Illinois 60174
Tuesday, August 16, 2016
7:51 p.m.

Job No.: 97814
Pages: 1 - 64
Reported by: Paula M. Quetsch, CSR, RPR

Hearing - Lundeen Liquors, 1315 W. Main Street
Conducted on August 16, 2016

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Report of proceedings held at the location of:

ST. CHARLES CITY HALL
2 East Main Street
St. Charles, Illinois 60174
(630) 377-4400

Before Paula M. Quetsch, a Certified Shorthand
Reporter, Registered Professional Reporter, and a
Notary Public in and for the State of Illinois.

Hearing - Lundeen Liquors, 1315 W. Main Street
Conducted on August 16, 2016

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Vice Chairman
- BRIAN DOYLE, Member
- DAN FRIO, Member
- JIM HOLDERFIELD, Member
- TOM PRETZ, Member
- TOM SCHUETZ, Member

ALSO PRESENT:

- RUSS COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner

Hearing - Lundeen Liquors, 1315 W. Main Street
Conducted on August 16, 2016

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P R O C E E D I N G S

CHAIRMAN WALLACE: Jumping backwards to Item 5, Lundeen Liquors, 1315 West Main Street (Dave and Julie Anna Lundeen) application for special use.

Staff, anything?

MS. JOHNSON: No. I think the Lundeens can present their application for special use.

MS. LUNDEEN: So this is our preliminary site plan for the property which would show the configuration of the drive-through entering on 14th Street, continuing along the south back edge of the property, along between Dr. Masoncup's property and ours, and then it would come straight out to Route 64.

You'll notice -- the lines are really light, but we do show that we do meet the -- and exceed, actually, the minimum requirement of five spaces which are 9 by 20. They're not just a car length; they're 9 by 20. So we show five. I think we could actually hold close to seven if we had to on this plan.

We've also proposed in talking with Mr. Colby that we have an existing entrance on 14th Street right there at the corner. We're willing to give up

Hearing - Lundeen Liquors, 1315 W. Main Street
Conducted on August 16, 2016

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1 that entrance and make it part of our green space up
2 there, which will not only improve the property, but
3 we think it will help the traffic flow of the lot
4 itself between the drive-through and parked cars.

5 CHAIRMAN WALLACE: Questions?

6 VICE CHAIRMAN KESSLER: Do you intend to
7 improve the lot?

8 MS. LUNDEEN: Oh, yes.

9 VICE CHAIRMAN KESSLER: To what extent?

10 MS. LUNDEEN: Well, the green space that you
11 see up here on 64 and 14th is now all asphalt.

12 VICE CHAIRMAN KESSLER: Are you going to
13 tear up the asphalt that's there now and replace it?

14 MS. LUNDEEN: Yes.

15 VICE CHAIRMAN KESSLER: Dr. Masoncup was
16 talking about drainage. Is there any engineering
17 that you're planning on doing?

18 MS. LUNDEEN: Well, that would be our next
19 step. This is just the preliminary site plan.

20 You'll see the green space around the
21 building there around the drive-through tucked up
22 next to the building, there is a retaining wall
23 being put in between this property and the property
24 directly south of it. And we are meeting with --

Hearing - Lundeen Liquors, 1315 W. Main Street
Conducted on August 16, 2016

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1 there's a grant committee, also, to help uplift the
2 amount of planting and that that would be done in
3 this green space area.

4 The sign is incorporated into the green
5 space there. So, in essence, that whole corner which
6 is now pretty desolate would become a much more
7 beautiful area there along Route 64.

8 Plus, we feel that the drive-through, the
9 way it's configured really presents, you know, no
10 visual difficulties along Route 64. You would not
11 see this drive-through, you know, very easily. You
12 would have to come onto 14th Street and then access
13 it from the southern end of the property and wrap
14 around.

15 MEMBER SCHUETZ: I have a question. Isn't
16 there a retaining wall between her property and yours?

17 MS. LUNDEEN: There is a partial. It starts
18 on Route 64 and it comes to the frontage of the
19 building there.

20 MEMBER SCHUETZ: Is that railroad ties now?

21 MS. LUNDEEN: No, it's cement.

22 MEMBER SCHUETZ: I knew it was high. I just
23 couldn't remember what it was. Will that remain or
24 does not need to be improved?

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1 MS. LUNDEEN: It's cement. It doesn't
2 really need --

3 VICE CHAIRMAN KESSLER: Julie, you just
4 mentioned that they're going to do a retaining wall
5 south towards the driveway there? Are you doing
6 that or is that --

7 MS. LUNDEEN: We are doing that.

8 VICE CHAIRMAN KESSLER: You would be
9 doing that?

10 MS. LUNDEEN: Uh-huh. These are all
11 improvements that we're willing to bring to this
12 property. You know, for us the drive-through isn't
13 just -- yes, it will help our business, but we want
14 to improve this entire lot.

15 VICE CHAIRMAN KESSLER: Well, this is
16 totally not germane to this, but did you own it when
17 the dry cleaners was there?

18 MS. LUNDEEN: Yes. We've owned it since the
19 mid-'80s; we bought it from Kenneth and Jane Johnson.

20 VICE CHAIRMAN KESSLER: Like Dr. Masoncup I
21 live two blocks from there, and I've been there
22 36 years and three months. So I've seen the same
23 thing.

24 MS. LUNDEEN: Part of what's held us up on

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1 this lot is the NFR letter from the EPA because you
2 can't access a loan on the property to improve it
3 unless you have that document, and while the lot
4 itself is clean and fine, it was just, you know, the
5 nuances between Sunoco, and IDOT, and the State of
6 Illinois. It's taken 13 years to get it but we're
7 getting it.

8 VICE CHAIRMAN KESSLER: Well, I have to
9 admit that what we're discussing is interesting, and
10 I'm very curious about it being a neighbor and all,
11 but I think that the application in front of us, my
12 opinion is that the application in front of us is
13 not how you're improving but allowing the special use.

14 MEMBER HOLDERFIELD: Tim, I can't hear you.

15 VICE CHAIRMAN KESSLER: Sorry.

16 The application in front of us is not about
17 improvements -- although, thank you for letting me
18 know -- but about the special use for a drive-through
19 liquor store, and that's a different -- in my
20 opinion, that's a different discussion.

21 So I spent some time, you know, reading
22 through the application and reading through the
23 findings of fact, and it would seem to me that for
24 us as the Plan Commission, our discussion should

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1 probably center around the findings of fact as opposed
2 to whether you like the idea or not.

3 MEMBER DOYLE: Which idea is that?

4 VICE CHAIRMAN KESSLER: Of having a
5 drive-through liquor store.

6 MEMBER DOYLE: So on that point I agree
7 with you. But isn't it true that in Section B here
8 of the liquor code the City Council has already
9 approved an ordinance amending the code to add a
10 liquor license category for curb drive-through
11 service? So the Council has already said that that
12 kind of use is to be contemplated as appropriate;
13 right?

14 VICE CHAIRMAN KESSLER: But they didn't say
15 at this location and that's what we're discussing.

16 CHAIRMAN WALLACE: I think that specifically
17 the finding of fact that that may center around
18 would be E, which is affect on general welfare, that
19 the establishment, maintenance, or operation of the
20 special use will not be detrimental to or endanger the
21 public health, safety, comfort, or general welfare.

22 MR. COLBY: If I can just make a point of
23 clarification to Tim's comment regarding the
24 improvements of the property. One thing to keep in

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1 mind is with the special use approval you will be
2 approving the site plan that's before you that
3 includes those changes to the circulation on the
4 site. So that relates to the special use and the
5 closure of that access point.

6 So at least in terms of the plan that is
7 shown here, that is attached to the special use
8 approval.

9 VICE CHAIRMAN KESSLER: Okay. Good.
10 Thank you.

11 CHAIRMAN WALLACE: All right. I have a few
12 questions, and it may not be immediately evident how
13 they apply to our findings of fact, but I think
14 eventually it will be.

15 What are your current hours?

16 MS. LUNDEEN: We open at 8:30 in the morning
17 and close at 10:00 at night except on Sundays, in
18 which case it would be 10:00 to 9:00 p.m.

19 CHAIRMAN WALLACE: Regarding your employees,
20 are they required to have specific training in order
21 to sell alcohol?

22 MS. LUNDEEN: Yes. They're all trained and
23 we provide that to the City.

24 CHAIRMAN WALLACE: Specifically, are they

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1 trained on being able to make a determination whether
2 or not alcohol can be sold to a specific person?

3 MS. LUNDEEN: Is that really an issue for
4 tonight?

5 CHAIRMAN WALLACE: Yes.

6 MS. LUNDEEN: Really? The question on
7 liquor is an issue on a drive-through?

8 CHAIRMAN WALLACE: It's a drive-through for
9 a liquor store, yeah.

10 MS. LUNDEEN: Okay. So -- I'm sorry -- your
11 question is what are they trained on? It's no
12 different selling liquor in a drive-through window
13 than it is across the counter. We are required and
14 our due diligence is that we card.

15 At our drive-through in Sycamore, we card
16 everyone in the car. If they are under 30, everyone
17 in the car is carded. So the due diligence still
18 lies with us that we have to make sure whomever we
19 are selling to -- it has to be the driver of the
20 car; we cannot sell to a passenger with like an
21 underage driver. We would never do that but the
22 treatment is the same.

23 CHAIRMAN WALLACE: Is the only thing that
24 you look at in determining whether or not to sell

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1 alcohol the age of the person who is buying it?

2 MS. LUNDEEN: Well, no. You look at the
3 license. Lots of times you try and -- there's fake
4 IDs or --

5 CHAIRMAN WALLACE: What I'm getting is, do
6 you look at whether the person is intoxicated when
7 they're purchasing alcohol?

8 MS. LUNDEEN: Right. But it's the same
9 across the counter.

10 CHAIRMAN WALLACE: I understand that.

11 MS. LUNDEEN: Yes, we do.

12 CHAIRMAN WALLACE: But that is something
13 that you look at?

14 MS. LUNDEEN: We not only look at -- if
15 somebody comes in intoxicated, we do not sell to
16 them. It's a policy in our company; we do not.

17 CHAIRMAN WALLACE: Do you feel it's easier
18 to make a determination regarding intoxication if
19 the person is in the store versus in a car?

20 MS. LUNDEEN: No. You are closer to that
21 person in the car than you are across the counter.

22 And, again, I could show you the pictures we
23 brought which actually show the drive-through window.
24 It will kind of give you an idea.

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1 So this is the size of our window which -- I
2 should have brought that. It's an ample -- it's not
3 a tiny window. You can see me standing in the window.
4 The red truck is -- my son is an employee. This is
5 just a picture of our portico, and then the last one
6 is a -- the last one is just to show that we have
7 cameras that are always pointed at the car and the
8 license plate.

9 CHAIRMAN WALLACE: Okay.

10 MS. LUNDEEN: So, actually, you're very close
11 when someone comes in a car. And we have been out
12 in Sycamore the past 10 years. Out of all of our
13 locations probably the least minors that try to buy
14 is through the drive-through window because we're
15 right there. We can see the entire car.

16 CHAIRMAN WALLACE: Okay. Further questions?

17 VICE CHAIRMAN KESSLER: You mentioned cameras.
18 Do you have cameras inside the store, as well?

19 MS. LUNDEEN: Oh, yes. Uh-huh.

20 VICE CHAIRMAN KESSLER: Would they be always
21 trained on the clerk at the window?

22 MS. LUNDEEN: Uh-huh. And the car.

23 VICE CHAIRMAN KESSLER: Just curious, do you
24 have other cameras in the store, then, that are

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1 trained on the counter where the transactions take
2 place?

3 MS. LUNDEEN: Oh, yes. How many? There's
4 like 10.

5 VICE CHAIRMAN KESSLER: How do those tapes --

6 MS. LUNDEEN: They don't use tapes anymore.
7 No disks, either. Now they come in and they just
8 take it right off the hard drive.

9 VICE CHAIRMAN KESSLER: Actually, in computers
10 we still use tape backups.

11 MS. LUNDEEN: They don't even use the disks
12 anymore. They just come in and copy it right off
13 your hard drive.

14 VICE CHAIRMAN KESSLER: How long?

15 MR. LUNDEEN: 30 days and then they record
16 over it. The police have been in a few times using
17 our cameras when girls were missing and all over.

18 CHAIRMAN WALLACE: Just for the record --

19 MR. LUNDEEN: Oh, my name is David Lundeen.

20 CHAIRMAN WALLACE: Okay. Thank you.

21 VICE CHAIRMAN KESSLER: I did have another
22 question.

23 You mentioned that -- I was in a liquor
24 store the other day on the other side of town, and

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1 their policy is they card everybody. They even card
2 me; it makes me feel good. But they card me. You
3 mentioned that you card all the passengers in the
4 car. Do you do that as a regular practice or just
5 if you believe somebody is not old enough?

6 MS. LUNDEEN: If I'm honest, it's generally
7 if they're not old enough, but we card almost
8 everybody now just for the use of credit cards.
9 They're probably carding you for that not so much
10 your age.

11 VICE CHAIRMAN KESSLER: Oh, thanks.

12 Just to continue this train of thought, if
13 you have a car full of people and somebody in the
14 car is intoxicated, do you sell to that car?

15 MS. LUNDEEN: No.

16 VICE CHAIRMAN KESSLER: If anybody in the
17 car is intoxicated the answer is no?

18 MS. LUNDEEN: The answer is no.

19 VICE CHAIRMAN KESSLER: Or that's the policy?

20 MS. LUNDEEN: Yeah. Like we've had parents
21 come, and their teenager is next to them and want to
22 buy. No, they have to come in. The adult has to come
23 in. They'll say, "Well, it's my daughter driving."

24 VICE CHAIRMAN KESSLER: No more selling to

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1 the kid down the street looking for a six-pack of beer.

2 CHAIRMAN WALLACE: All right. Any other
3 questions?

4 MEMBER DOYLE: I just have procedural questions
5 since we're talking about a drive-through specifically
6 for liquor. Are there any other findings of fact --
7 I mean, we talked about Finding of Fact E, general
8 welfare. Are there any other specific findings of
9 fact or procedural questions that the Commission
10 needs to answer about specifically a special use for
11 a drive-through for liquor facility as opposed to
12 any other drive-through facility?

13 You know, according to the City's new
14 ordinance on curbed drive-through service, I wasn't
15 aware that the City had amended the City code in
16 2015, so I'm just wondering if -- I'm just looking
17 at it now.

18 CHAIRMAN WALLACE: Do you mean would any
19 other considerations arise from the amendment to the
20 City code in addition to the ones that are included
21 in our special use?

22 MEMBER DOYLE: Correct. Right. The
23 ordinance doesn't -- doesn't -- so I'm just looking
24 at what the ordinance actually says. This is the

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1 first time it's come before us.

2 "Class A-1 license holders authorized to
3 sell alcoholic beverages. Drive-through structure
4 and operation shall comply with all other requirements
5 of the Municipal Code. Other curbside services or
6 methodologies are prohibited. Walk-up service
7 through the drive-through structure is prohibited.
8 The property requires a granting of the special use
9 for a drive-through facility. Such special use
10 approval must be granted prior to the establishment
11 of any drive-through service. Must specifically
12 identify that the drive-through is to be utilized
13 for the sale of alcoholic beverages. Shall only be
14 operated in conformance with the approved site plan
15 and any conditions contained in the ordinance
16 granting special use."

17 But there's no other conditions or requirements
18 that I can see or am aware of. I want to make
19 certain since the question came up. The City Council
20 has essentially -- my take is the City Council has
21 said this is an appropriate use in terms of its
22 potential impact on the public welfare, and we'd have
23 to consider it in relation to this specific parcel.

24 VICE CHAIRMAN KESSLER: That's exactly true.

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1 CHAIRMAN WALLACE: It could be an
2 appropriate use.

3 MEMBER DOYLE: Okay.

4 CHAIRMAN WALLACE: But based on the application
5 for special use, we're making a determination whether
6 it's appropriate at this site.

7 MEMBER DOYLE: Correct.

8 VICE CHAIRMAN KESSLER: Well, I'd like to
9 get back to the findings of fact. Todd brought up
10 E, general welfare. There are a couple other
11 findings of fact that I think bear some discussion,
12 two in particular -- could be three but two in
13 particular.

14 The first one that I'm going to address is
15 the "Sufficient Infrastructure" -- and only because
16 this question has already come up -- "That adequate
17 utilities, access roads, drainage, and/or necessary
18 facilities have been or are being provided." And I
19 just want to make sure that -- and we did talk a
20 little bit about it. You're taking up the asphalt,
21 there is going to be some engineering that will
22 hopefully address -- because I didn't know about
23 your condition, Dr. Masoncup, but I do know -- you
24 guys know that it's just full of water. I mean,

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1 everything from the neighborhood runs to it. Where
2 it goes -- I didn't know it went to you.

3 MS. LUNDEEN: It goes to him and then to us.

4 VICE CHAIRMAN KESSLER: Unfortunately, you're
5 the one that's doing the construction, so it becomes
6 a little bit of your problem. But I want to make
7 sure that -- this is a finding of fact we have to
8 consider, and that has to be addressed.

9 MS. LUNDEEN: But there isn't a large amount
10 of water on this lot other than on the side where his
11 sump pump and downspouts come down to our property,
12 that direction. That is the only area. I mean, this
13 is -- it's not a wet lot; it's not wet behind it.

14 VICE CHAIRMAN KESSLER: No but those really
15 bad storms and that water just gushes across there.

16 MS. LUNDEEN: Right, it does. But as
17 Dr. Masoncup has said, that's because they wouldn't
18 allow him to adequately take care of his water, so
19 then it becomes our water.

20 VICE CHAIRMAN KESSLER: Because you're doing
21 improvements on the property it also becomes your
22 problem, so that's why we have to address it here.
23 And I want to know, are you intending to do
24 something with this?

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1 MS. LUNDEEN: Well, yes, we'd like to. Of
2 course. We're not going to continue -- even putting
3 in the drive-through would help get rid of that
4 saturated soil that's there.

5 VICE CHAIRMAN KESSLER: Are there plans, in
6 your plan I'm looking at here, to add storm sewers
7 under that lot with drains that connect anywhere?

8 MS. LUNDEEN: We haven't gotten that far.
9 That is the next step. It is just the preliminary
10 site plan to show you how the actual drive-through
11 is configured, how it would function, and how we
12 have met the requirements given us so far to have a
13 drive-through, to physically have a drive-through,
14 that we are meeting all the City requirements for a
15 drive-through irregardless of liquor.

16 VICE CHAIRMAN KESSLER: We have findings of
17 fact we have to address. There's seven of them.
18 All seven have to be in the affirmative and B is
19 "Sufficient Infrastructure." That speaks specifically
20 to drainage facilities have been or are being
21 provided. But you've answered that. Thank you.

22 Then the other one that I believe -- let's
23 see. This may or may not be. I bring these up
24 because if there is going to be any discussion among

1 us about recommending or not recommending, it has to
2 be centered around these, and as a group we have to
3 decide if we agree as a group -- not just because I
4 say it or Dan says it; it has to be as a group -- we
5 have to agree that yes, that finding of fact is in
6 the affirmative.

7 So the other one I want to bring up is C,
8 "Effect on Nearby Property." This is one that comes
9 up all the time, "That the special use will not be
10 injurious to the use and enjoyment of other property
11 in the immediate vicinity for the purposes already
12 permitted nor substantially diminish or impair
13 property values within the neighborhood."

14 That's a difficult one to argue either way
15 yes, it will, or no, it won't because I don't know
16 of any evidence that could prove one way or the
17 other. But if somebody believed that because of
18 this finding of fact that it will diminish the value
19 of the property because if they're trying to sell
20 their house a block away and the new owner says,
21 "Well, there's a drive-through liquor store down the
22 street, I don't want this place" -- have you had any
23 conversation with -- I don't know if anybody has --
24 Henry Funks, whoever is handling that? There was no

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1 conversation with them about what they're doing
2 there or any neighbors behind you, the owners of the
3 apartment building behind you?

4 MS. LUNDEEN: Well, I think they were all
5 notified and they're not here. I think that speaks
6 volumes.

7 VICE CHAIRMAN KESSLER: In most cases we ask
8 if you as an applicant --

9 MS. LUNDEEN: I think we have a very good
10 rapport with all of our neighbors around us.

11 VICE CHAIRMAN KESSLER: Have you spoken to
12 any of your neighbors?

13 MS. LUNDEEN: Yes. We've spoken to many of
14 the neighbors. And like I said, lots of them walk
15 in and shop with us. Years ago when we were going
16 before the City Council we were gathering signatures
17 of our customers all around and they overwhelmingly
18 supported it.

19 VICE CHAIRMAN KESSLER: Obviously, you've
20 spoken with Dr. Masoncup. The owners of the
21 apartment complex, no response from them?

22 MS. LUNDEEN: No.

23 VICE CHAIRMAN KESSLER: So you haven't
24 spoken to them?

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1 MS. LUNDEEN: We try to run a clean -- you
2 know, we try to keep our lot clean. We run a good
3 business and I think that's all part of it.

4 I mean, we wouldn't bring this forward
5 ourselves, honestly, if we thought it was a detriment.
6 I understand your comments about people living
7 nearby and that, but we tried to show here how
8 inconspicuous this drive-through will really be
9 across Route 64, and should we be allowed to have
10 the drive-through, along with it comes improvements
11 on the lot that will uplift everyone's property
12 value around us.

13 VICE CHAIRMAN KESSLER: Well, I hope you
14 understand that I'm not weighing in one way or the
15 other and that I -- you wouldn't have brought it
16 here if you didn't think it was a good idea.

17 MS. LUNDEEN: I understand.

18 VICE CHAIRMAN KESSLER: But we have the
19 findings of fact, and I just want to be sure that
20 all of the bases have been covered and we have
21 discussed specifically those things that somebody
22 might object to so that as it does move forward
23 nobody will look back and say, "Well, they never
24 brought that up; nobody ever asked us that question."

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1 It's important that we do.

2 In this particular case, you must know that
3 it's a bit of a hot button. Otherwise, we wouldn't
4 be going through this. But it is a hot button, and
5 so I wanted to be sure that everybody is clear on
6 what it is we're dealing with here.

7 I guess I'm going to ask the rest of the
8 Plan Commission. Does anybody looking at these
9 findings of fact -- first of all, is there any
10 finding of fact that anyone feels that they can't
11 vote in the affirmative?

12 MEMBER DOYLE: Can I -- we're still in the
13 public hearing; correct?

14 VICE CHAIRMAN KESSLER: Yes.

15 MEMBER DOYLE: I have a different question
16 I'd like to ask, which is, is there any testimony or
17 information that the Plan Commission needs to see in
18 context of the public hearing to effectively
19 deliberate on that question? Because I think that's
20 a question that we should discuss in the next
21 agenda item.

22 So does anyone -- I feel -- what I feel is
23 I'm prepared -- I have the information that I need
24 to discuss that, and I'd like to move -- if there's

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1 no other testimony or information that we need to
2 receive, I would recommend that we close the public
3 hearing.

4 MEMBER PRETZ: Can I say something? As far
5 as the preliminary plan here, is everybody comfortable
6 as far as the flow, and the number of parking
7 spaces, and things like that?

8 VICE CHAIRMAN KESSLER: And they'd be
9 blocking off the corner, which now you could zip
10 right across. So it would control the traffic better.

11 CHAIRMAN WALLACE: I do have a question.
12 Staff, I do have a question regarding the movement
13 and parking. In your opinion, do you believe that
14 the space between the proposed landscaping and the
15 parking stalls is sufficient?

16 MR. COLBY: The code minimum for two-way
17 traffic is 24 feet.

18 CHAIRMAN WALLACE: So it's at the minimum?

19 MR. COLBY: It's at the minimum.

20 CHAIRMAN WALLACE: Do you see any issue --
21 the one thing that I see here, I think that if you
22 draw a line from the corner of the northwesternmost
23 parking space to that corner where the sign is, I'm
24 not sure if that would be 24 feet or not, I just

1 want to make sure that that -- where the sign juts
2 out doesn't impede the flow of traffic around the
3 parking area.

4 I can't point that high, but what I'm
5 envisioning is that there would be difficulty if
6 people are pulling out from the northwesternmost
7 spaces either coming into contact with where the
8 sign area juts out or creating an impediment to the
9 flow of traffic through the north entrance, down and
10 around the site. Do you have any thoughts on that?

11 MR. COLBY: Well, I think -- without measuring
12 the full-scale drawing I can't say for certain if
13 that 24 feet is met there, but I think it might be
14 possible to shift some of those parking stalls over
15 to maintain that 24 feet. We'd also want to check
16 the actual depth of those parking stalls because I
17 think some of the parking stalls on the original
18 site plan were deeper than required by code.

19 So there may be some distance that there
20 could be adjustments. The other alternative would
21 be for me to suggest instead of having the sign area
22 come to a point that that could be rounded so as to
23 better direct traffic in more of a curve as opposed
24 to trying to avoid that corner point.

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1 CHAIRMAN WALLACE: And the other suggestion
2 that I would make, in order to kind of encourage
3 people not to cross across the parking spaces if
4 they're empty would be somehow to direct traffic to
5 come in and turn to the west before turning south
6 instead of cutting right across the corner there.

7 I don't know if we could put in some type
8 of -- I hate to put an island right in the middle of
9 the parking lot, but possibly something in that area
10 that would direct people and force them to have to
11 drive around.

12 I'm looking at pedestrian safety, and if
13 somebody is coming in and cutting around the corner
14 to get to the drive-through, I don't want for there
15 to be a parked car or a person coming in right here.
16 If we're able to calm the traffic as they come in
17 from the north and direct them in a more orderly
18 group around, I think that would be to everybody's
19 advantage.

20 MS. LUNDEEN: Well, this configuration is
21 not much different than what exists right now as far
22 as the parking spaces around the building, and
23 that's part of the reason why we were willing to
24 give up the one entrance on 14th Street to stop

1 people -- I mean, we have a worse time now with
2 people coming in there and zipping across because
3 they don't want to go to the stop sign.

4 So that was part of our hope is by turning
5 that into a green space, part of the green space and
6 then shifting the entrance farther south that it
7 would alleviate some of that cut-through.

8 MEMBER SCHUETZ: I have a general question
9 for you on the finding of fact, I think it's C.
10 What has your experience been in Sycamore if you
11 have to turn down a customer that's inside walking,
12 let's say, versus a customer that's driving through?
13 How is that handled differently?

14 MS. LUNDEEN: Well, it's actually easier
15 through the window because you just shut the window
16 and they drive on. You don't have to physically get
17 them out of your store.

18 MEMBER SCHUETZ: I guess where I'm going
19 with you is, do they get irate?

20 MS. LUNDEEN: No. I don't think we've ever
21 had anybody get really irate over it. We just
22 simply explain to them this is the way it is; this
23 is the procedure. They're always welcome to park
24 and come in. If someone is in the car that we don't

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1 want to serve, then you can park and come in yourself
2 and give your ID.

3 CHAIRMAN WALLACE: Then you could turn them
4 down again?

5 MS. LUNDEEN: You could. You know, really
6 the issue of alcohol -- and I understand how
7 sensitive it is, but it's also the same as if you go
8 through the Osco drive-through and get Vicodin.
9 It's their due diligence to make sure who they are
10 giving this to. It is our due diligence to make
11 sure whom we are serving to. And, I mean, our
12 liquor license is utmost -- it's our livelihood so
13 we take it extremely seriously.

14 MEMBER SCHUETZ: All right. Thank you.

15 VICE CHAIRMAN KESSLER: I just have one
16 other thing that I want to mention, and that is the
17 sidewalk. Typically we encourage that the sidewalk --
18 you'd continue that sidewalk. I see that the
19 neighbors --

20 MS. LUNDEEN: The sidewalk on 14th Street?

21 VICE CHAIRMAN KESSLER: Right. Because it
22 comes into your property.

23 MS. LUNDEEN: We did address that issue, but
24 it creates a world of problems.

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1 VICE CHAIRMAN KESSLER: Why is that?

2 MS. LUNDEEN: Well, part of it is the
3 sloping of the land down the entire lot. Then you
4 have handicap parking at the corner, and once you
5 get to the corner you're involving IDOT.

6 VICE CHAIRMAN KESSLER: There is a handicap
7 right there at the corner now.

8 MS. LUNDEEN: We brought it up with our
9 engineers, and they said it would be an exorbitant
10 cost to put a sidewalk along that lot. We did
11 entertain it and I even went as far as we met with
12 the grant committee for the Route 64 corridor --
13 which they've never actually helped with a sidewalk,
14 but we did try and bring it up with them, too.

15 CHAIRMAN WALLACE: What about extending the
16 sidewalk to the pavement?

17 MS. LUNDEEN: The sidewalk to the driveway?
18 I don't know. I mean, we could look into that. We
19 just hadn't entertained that.

20 VICE CHAIRMAN KESSLER: Well, you're on
21 14th Street there, so from where the sidewalk is now
22 to the south -- or to the -- yeah, south, that would
23 involve IDOT.

24 MS. LUNDEEN: It would be at the corner.

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1 VICE CHAIRMAN KESSLER: From the corner
2 where the sidewalk ends, that's IDOT, and then from
3 that point to the driveway is not, that's City.
4 What is that? Where that sidewalk ends -- I'm trying
5 to remember. It drops right away, doesn't it?

6 MS. LUNDEEN: Yes.

7 VICE CHAIRMAN KESSLER: It goes down.

8 MS. LUNDEEN: And then you come into the
9 problem of handicap -- you can't put steps because
10 that's not handicap accessible. So that's a lot of
11 where the difficulty comes in, and our understanding
12 was that the sidewalk was not a requirement for this
13 project. We have entertained it, but what we were
14 told by our engineers it would take a great expense
15 to extend that sidewalk.

16 VICE CHAIRMAN KESSLER: I can see where it
17 would in front of 14th Street. You know, there's a
18 condition on 13th Street and Indiana where there's a
19 corner, and both sidewalks coming to the corner are
20 steps going down to the street. That was from the
21 improvement on 13th Street back several years ago.
22 That was 25 years ago.

23 MS. LUNDEEN: That's why there's steps.

24 VICE CHAIRMAN KESSLER: But they allowed

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1 it there.

2 CHAIRMAN WALLACE: I do have one other
3 question. Besides alcoholic beverages, what other
4 products do you sell? Are there any products that
5 you don't sell through the drive-up window that they
6 would have to come inside for?

7 MS. LUNDEEN: No.

8 CHAIRMAN WALLACE: So what other products do
9 you sell?

10 MS. LUNDEEN: Lottery tickets, chips, pop,
11 juice, water mostly.

12 CHAIRMAN WALLACE: And I'm assuming that you
13 have similar ID requirements for age-restricted
14 lottery tickets, tobacco products.

15 MS. LUNDEEN: Oh, yes. All the laws would
16 be the same irregardless of whether you're in the
17 drive-through window or you walk in.

18 MEMBER PRETZ: So can I just ask, are you
19 okay with the flow and everything as explained?

20 CHAIRMAN WALLACE: Well, except for what I
21 mentioned with the --

22 MEMBER PRETZ: The sign?

23 CHAIRMAN WALLACE: Well, yeah, with that
24 area. I don't like it when there's the, I'm going

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1 to say probability that people are going to cut
2 across parking spaces. Because it's not natural to
3 make an extreme turn and another extreme turn to go
4 where they're supposed to go. So that would be the
5 main problem that I have with the flow, and if
6 there's something that can be done to address that,
7 that's what I would -- that's the problem that I
8 would have.

9 MEMBER HOLDERFIELD: Well, I think as I'm
10 hearing you, there could easily be an island put in
11 that corner where the north/south parking lot meets
12 the east/west. And then instead of that jutting out
13 that curve on the northwest corner, that leads you
14 right to that pathway. I think all those are
15 resolvable.

16 MS. LUNDEEN: Or we can keep the existing
17 driveway there if you want with less of a green space.

18 CHAIRMAN WALLACE: No, I like what you've
19 done. What is the minimum required parking spaces?
20 Is it five?

21 MS. LUNDEEN: In the drive-through?

22 CHAIRMAN WALLACE: Parking.

23 MS. JOHNSON: The parking requirement for
24 this site is eight.

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1 CHAIRMAN WALLACE: Eight. So we're at --

2 MS. JOHNSON: They're at eight.

3 CHAIRMAN WALLACE: Okay. So they're at
4 eight. Okay.

5 All right. I don't have any other questions.
6 Any other Plan Commissioners have anything?

7 (No response.)

8 CHAIRMAN WALLACE: Okay.

9 DR. MASONCUP: That's the part that I was
10 interested in. Obviously, I'm the most affected by
11 the activity of the cars going by there. In terms
12 of the buffering, in terms of bushes and trees or
13 whatever, I'd like to be able to sign off on what --
14 how it buffers to my property because, obviously,
15 there's for my patients and my building there.

16 One question, on that side as it goes to the
17 street, is there any parking right there right next
18 to the retaining wall?

19 MS. LUNDEEN: No.

20 DR. MASONCUP: Will there be any consideration
21 of extending that green area just down that line by
22 that -- you know, when you take out the blacktop to
23 soften that up a little bit along that wall and kind
24 of turn it into -- do you know what I'm trying to say?

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1 MS. LUNDEEN: We meet the overall space for
2 the drive-through coming out of that.

3 DR. MASONCUP: No, no.

4 MS. LUNDEEN: I know what you're talking
5 about, extending it to Route 64.

6 DR. MASONCUP: Well, not necessarily all of
7 it, maybe just part of the way so you don't sit
8 there and stare at that wall. Cars can just go
9 straight to the street anyway. Right?

10 MS. LUNDEEN: Right.

11 DR. MASONCUP: When I look at it, it just
12 seems like it would be a nice -- from the visual
13 from the street, also. Do you guys know what I'm
14 trying to say there?

15 CHAIRMAN WALLACE: I'm sorry?

16 VICE CHAIRMAN KESSLER: Kind of I do. So
17 the trees that are shown there, those are on your
18 property, I take it.

19 DR. MASONCUP: Actually, it's right on the lot
20 line. We're never quite sure. That was before me.

21 VICE CHAIRMAN KESSLER: Well, when I look at
22 this, I see the green space that's shown to the south
23 and the east of the building. That's not really
24 planted now, is it?

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1 MS. LUNDEEN: No. It's grass.

2 DR. MASONCUP: It's just mud basically.

3 VICE CHAIRMAN KESSLER: Right. It's not
4 even grass.

5 DR. MASONCUP: It's a tough area. There's a
6 lot of water that goes down there. Within half an
7 hour of a half-inch rain it's full. It's just the
8 way it is. When you put a lane of concrete there,
9 you know, I get percolation into my building;
10 there's no question about it. There's going to be
11 less soil there.

12 It's no different when Dr. Baginski's
13 building to the east of me, when the street came
14 through, they allowed him to do a parking lot to the
15 west of his building because he had no parking when
16 the street came through. And that took away a lot
17 of the perc availability, also. So, basically
18 there's parking lots on both sides that didn't used
19 to be there.

20 All I'm trying to get at is -- you know, I'm
21 sure that they're going to do their best to resolve
22 the drainage. That's why I came tonight. I just
23 thought that maybe that might be something else that
24 could be considered to make the site a little bit

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1 more -- because I'm excited about the fact that
2 something is going to be done as opposed to the way
3 it's been for 36 years, and I just hope that we do
4 it the right way as opposed to doing it on a minimal
5 basis. I'd be willing to, you know, help out a
6 little bit there just to -- it's right next to my
7 property, too.

8 VICE CHAIRMAN KESSLER: To do what, though?

9 DR. MASONCUP: I'm just thinking right there
10 along this little corridor if we just extend that
11 green out toward North Avenue a little bit, that
12 little lane there.

13 I understand what Julie says. She's got to
14 have room for the cars to get out, but if we just
15 went out there a little bit and just kind of
16 softened up that wall and that whole area.

17 VICE CHAIRMAN KESSLER: Well, your property
18 is 25 feet off of 64.

19 MS. LUNDEEN: That's Dr. Masoncup's parking
20 area that's along the retaining wall on the east.
21 To the east of the retaining wall that's his
22 parking area.

23 VICE CHAIRMAN KESSLER: And you believe
24 that -- but all of it?

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1 MS. LUNDEEN: Yes.

2 VICE CHAIRMAN KESSLER: So part of the --

3 DR. MASONCUP: The retaining wall is almost
4 right on our lot line, I believe.

5 VICE CHAIRMAN KESSLER: Where you've got that
6 turn to go back east, is that exactly the end of his
7 parking, or is his parking farther up?

8 DR. MASONCUP: My parking actually starts at
9 that point. Where the green stops, you go to the
10 east, and that's where my parking starts.

11 MS. LUNDEEN: Right. But the problem is if
12 we continue this forward, it impedes part of the --

13 DR. MASONCUP: Isn't it flowing that way?

14 MS. LUNDEEN: It is. But then they're going
15 to go this way and jog to turn right.

16 VICE CHAIRMAN KESSLER: So I don't see any
17 problem if you were to extend this.

18 DR. MASONCUP: I mean, I'm a dentist, you
19 know; I just thought that possibly that would make
20 sense.

21 MS. LUNDEEN: We stopped because of the
22 width of the driveway that is on Route 64. If we
23 were to go forward, then you kind of impede on that
24 width.

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1 MEMBER DOYLE: The curb cut?

2 DR. MASONCUP: I'm not talking about going
3 all the way to the curb. Maybe half the distance of
4 the street. I don't know. It's just an idea.

5 VICE CHAIRMAN KESSLER: I guess I don't
6 understand why moving that 10 feet up is going to
7 have anything to do with the driveway and the
8 entrance, but I don't know if that's -- and I guess
9 I would respond to that I don't know if that's the
10 problem, but I do have the issue -- I do have an
11 issue about the drainage there.

12 And I understand it's what you got; it's
13 what you bought; it's the way it is and that sort of
14 thing. But we've had many applications in front of
15 us where there have been drainage problems that
16 somebody in a surrounding property wants to improve,
17 and, unfortunately or fortunately depending on which
18 side you're on, whoever doing the improvements has
19 some responsibility for fixing it.

20 MS. LUNDEEN: Yes, has some responsibility
21 and we are willing to acknowledge that. We don't
22 want a swamp along our drive-through, either. So, I
23 mean, we are going to have to address the issue.
24 It's not really one of choice; it's one that we will

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1 have to address.

2 VICE CHAIRMAN KESSLER: Do you get water in
3 the building?

4 MS. LUNDEEN: Pardon?

5 VICE CHAIRMAN KESSLER: Do you get water in
6 the building?

7 MS. LUNDEEN: No. Not right now.

8 DR. MASONCUP: You said you had water --

9 MS. LUNDEEN: Well, that might be --

10 MR. LUNDEEN: But those --

11 CHAIRMAN WALLACE: Wait, wait. Hold on.
12 Everything is on the record. We have to speak only
13 one at a time, please.

14 DR. MASONCUP: Excuse me. I'm so sorry.

15 CHAIRMAN WALLACE: Let me entertain a
16 question up here.

17 Go ahead, Brian.

18 MEMBER DOYLE: I guess this really is a point
19 of order. So for Finding of Fact C about the -- I'm
20 sorry -- B, "Sufficient Infrastructure" including
21 drainage, is that finding of fact to be considered
22 solely in the context of the special use, which is
23 the drive-through, or is it to be considered in a
24 broader context which is is there sufficient drainage

1 on the property in general?

2 My question is, is the drainage on the
3 property in any way impacted by the drive-through?

4 VICE CHAIRMAN KESSLER: Well, I think the
5 fact that it is a finding of fact that's relative to
6 a special use says that yes, it is. Otherwise, it
7 wouldn't be a finding of fact; it wouldn't be one of
8 our considerations.

9 MEMBER DOYLE: Well, the last time we looked
10 at this in the context of Starbucks on Prairie and
11 Randall I argued that this finding of fact failed
12 because there wasn't sufficient infrastructure in
13 terms of access roads and traffic considerations to
14 support a drive-through.

15 So I'm just trying to understand whether we
16 need to -- to what degree we need to substantiate
17 that we can find this in the affirmative as pertains
18 to drainage for the purposes of this application.
19 Because, you know, if we spend much more time on
20 this question, then it sort of raises the bigger
21 question to me of can we find this in the
22 affirmative, is there sufficient infrastructure in
23 relation to drainage because we have to find in the
24 affirmative.

1 VICE CHAIRMAN KESSLER: The reason I keep
2 asking the question is because in our findings of
3 fact it says are the facilities adequate, utilities,
4 access roads, or necessary -- "have been or are
5 being provided," and that's why I'm asking is it
6 being done.

7 Because, first of all, the applicant has
8 acknowledged that there's a drainage problem on the
9 property, and the neighbor directly to the east has
10 acknowledged that the drainage problem is shared by
11 him. So I don't see how we can't address this, and
12 if the applicant says to us that they intend and it
13 is going to be corrected, then I think that helps
14 mitigate the question.

15 That's why I keep asking, you know, is it
16 going to be done because it's not sufficient now.

17 MS. LUNDEEN: Well, it's really a threefold
18 problem where Dr. Masoncup has said the City was
19 supposed to alleviate his water problem and for
20 whatever reason didn't get done. So it's sort of a
21 house of cards. The commitment to him was not
22 fulfilled. Therefore, he and I deal with the
23 ramifications of that.

24 But, yes, we will address the drainage issue

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1 on this side of the lot because I simply feel we would
2 have to to have a decent facility for people to use.

3 MEMBER HOLDERFIELD: I just want to say that,
4 you know, we're not looking at an engineering plan
5 here; we're looking at a traffic flow for this
6 drive-through liquor.

7 One thing that concerns me -- although you've
8 said -- you brought up, Tim, about storm drains
9 underneath the pavement in the parking lot, but I
10 don't know for a fact that the infrastructure for
11 the City that runs along 14th Street would be able
12 to take care of any flow of water that they would
13 expel out onto that street.

14 So we're getting into some engineering
15 problems here that I think are out of the scope that
16 we're at. I don't know what kind of drainage there
17 is along that curb at 14th Street. There could be
18 some issues there that need to be taken care of by
19 the City as they move forward with this, drops in
20 grade as we go towards 14th Street.

21 VICE CHAIRMAN KESSLER: Well, and I think
22 that -- and I can't say for certain without an
23 engineer, but the likelihood that the facilities,
24 the infrastructure that's in place right now is not

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1 capable are very slim.

2 MEMBER HOLDERFIELD: The City's?

3 VICE CHAIRMAN KESSLER: 14th Street is
4 brand-new relatively. Main Street is relatively
5 new. They completely redid the infrastructure on
6 14th Street. I mean, they went all the way down,
7 storm water, everything.

8 But regardless of that, I don't think that --
9 I'm just going to say I don't think we have enough
10 information about this particular finding of fact to
11 close the public hearing, and I would like to get
12 some more information from the City on what it is
13 that -- the City was supposed to do it for
14 Dr. Masoncup and didn't do it. I mean, I don't know
15 what more information we have to satisfy this
16 particular finding of fact but to me --

17 MS. LUNDEEN: Tonight we were told that we
18 did not have to require the next level of design for
19 this site which would then include answers to all
20 your questions. Tonight was simply about the
21 preliminary drawing with the flow, with the
22 drive-through, with the adequate spaces and that.

23 VICE CHAIRMAN KESSLER: And you filled out
24 the findings of fact, and we are required to find

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1 all seven findings of fact.

2 MS. LUNDEEN: I understand. But I can't
3 answer your question until we --

4 VICE CHAIRMAN KESSLER: I understand.

5 MR. COLBY: If I can offer the Plan
6 Commission -- there's really a couple options.

7 If you're going to continue the public hearing,
8 you want to direct the applicant as to what you're
9 requesting. So if you're looking for some type of
10 engineering plan that demonstrates that the finding
11 is being met, you can request that, and the
12 applicant would have the option to submit that or
13 not submit that. But that's not a requirement of
14 the special use application that's before you, which
15 is why I think, as the applicant stated, it was not
16 submitted.

17 The other option is for the Plan Commission
18 to attach a condition to a recommendation that this
19 information be provided as part of the building
20 permit application that would need to be submitted
21 to the City, at which time there will be engineering
22 plans required demonstrating that the site will be
23 adequately drained and that the existing issues that
24 are there would be mitigated to the extent they need

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1 to for this to be a functional drive-through.

2 VICE CHAIRMAN KESSLER: But I want to go
3 back to the first one you said about directing the
4 applicant to bring information. You said that it's
5 not germane this application?

6 MR. COLBY: No, that's not what I said.
7 It's not a requirement of the application form as
8 it's written to provide engineering plans.

9 VICE CHAIRMAN KESSLER: But because of the
10 finding of fact --

11 MR. COLBY: But if the Plan Commission
12 determined that information is necessary to
13 demonstrate that the finding is being met, you can
14 request that information.

15 MEMBER DOYLE: Russ, hypothetically, if
16 there's a preexisting condition on the site such as
17 a drainage issue the severity of which is to be
18 determined, does that -- I mean, do we have to
19 associate the drive-through to either exacerbating
20 that issue, or does the issue need to be mitigated
21 before the drive-through can go in in terms of how
22 the special use application -- I mean, is there any
23 guidance in the zoning ordinance on how we are to
24 consider that preexisting issue in relation to this

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1 specific application and this specific use?

2 MR. COLBY: There's no guidance other than
3 the way that the finding is written, and it uses the
4 terminology "facilities have been or are being
5 provided." So that would imply that either it's
6 been addressed or will be addressed in some way
7 based on what's been presented as part of the
8 application and testimony for the public hearing.
9 There really isn't any further clarification on that.

10 MEMBER DOYLE: And what is the standard just
11 in terms of drainage? What is the standard for
12 adequacy? Is there a certain amount of standing
13 water that needs to be present?

14 MR. COLBY: Well, there's different
15 requirements depending on the scope of what's being
16 done on a given site. With large development sites
17 you have storm water detention as a requirement that
18 a certain amount of water be retained on the site
19 and it only be released at a certain rate.

20 When you're dealing with an existing site,
21 the standard really is that the site needs to drain
22 effectively so that there's not standing water on
23 the area that's being paved, and, also, the release
24 of water from the site should not be increased based

1 on the construction that's taking place on the site.
2 So there has to be some consideration given to not
3 allowing the water to exit the site at a much faster
4 rate than had existed previously.

5 So there's different ways to address that
6 either through use of storm sewer systems, which
7 there are storm sewers that exist around the site
8 that could be connected to, or it could be drained
9 along the surface to reach a storm sewer catch
10 basin, or it can drain into the street. So there's
11 different mechanisms to accomplish that.

12 I think the unique situation here is that
13 the site is mostly developed already, and it's
14 primarily paved except for this area that's in
15 question where we know the water is collecting. So
16 that's an existing condition that the engineer for
17 the applicant is going to need to address through
18 their engineering design, and I think -- we know
19 there's ways to accomplish that.

20 So I think at a staff level we would be
21 comfortable with a condition being placed on something
22 like this. It's not that unusual of a situation
23 where, you know, we think it's too complicated to be
24 solved. We think there are solutions to correct that.

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1 MEMBER DOYLE: So it could be remedied?

2 There are ways to remedy it?

3 MR. COLBY: Yes. We believe so.

4 MEMBER DOYLE: Okay. So the -- okay. The
5 finding of fact, Tim, is that draining or necessary
6 facilities have been or are being provided?

7 You know, I want to cross all of our T's and
8 dot all of our I's in terms of our finding of fact
9 in the affirmative. Whether we continue or close
10 the public hearing, is the Commission satisfied to
11 utilize a condition of -- as we move forward to
12 considering the special use application itself to
13 use a condition to satisfy this finding of fact?

14 VICE CHAIRMAN KESSLER: Well, given the
15 information we've just gotten from Russ, I am.

16 That's where I'm headed this entire time.
17 Just saying we'll be able to take care of it is not
18 something that Dr. Masoncup can hang his hat on.
19 You wouldn't hang your hat on it and we can't, either.
20 So to have some sort of recourse to say this is
21 going to be addressed -- because it is an admitted
22 issue by you and your neighbor. I'm satisfied with
23 what Russ has described as a method by which we can
24 get past this.

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1 MEMBER DOYLE: Then, Mr. Chairman, I would
2 move that we close the public hearing.

3 VICE CHAIRMAN KESSLER: Second.

4 CHAIRMAN WALLACE: It's been moved and
5 seconded. Any discussion on the motion?

6 (No response.)

7 CHAIRMAN WALLACE: Tim.

8 VICE CHAIRMAN KESSLER: Holderfield.

9 MEMBER HOLDERFIELD: Yes.

10 VICE CHAIRMAN KESSLER: Schuetz.

11 MEMBER SCHUETZ: Yes.

12 VICE CHAIRMAN KESSLER: Doyle.

13 MEMBER DOYLE: Yes.

14 VICE CHAIRMAN KESSLER: Pretz.

15 MEMBER PRETZ: Yes.

16 VICE CHAIRMAN KESSLER: Frio.

17 MEMBER FRIO: Yes.

18 VICE CHAIRMAN KESSLER: Wallace.

19 CHAIRMAN WALLACE: Yes.

20 VICE CHAIRMAN KESSLER: Kessler, yes.

21 CHAIRMAN WALLACE: All right. That concludes
22 Item 5 on the agenda.

23 Item 7 is Lundeen Liquors, 1315 West Main
24 Street (David and Julie Anna Lundeen) Application

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1 for Special Use.

2 Is there a motion?

3 VICE CHAIRMAN KESSLER: Sure. I would make
4 a motion to recommend approval of the application
5 for special use at 1315 West Main Street (David and
6 Julie Anna Lundeen) conditional upon resolving the
7 drainage issue to the satisfaction of the City
8 engineers.

9 CHAIRMAN WALLACE: Is there a second?

10 MEMBER SCHUETZ: Second.

11 MEMBER PRETZ: I was just going to say, is
12 there anything that we need to have in there as far
13 as the traffic flow based on that part of our
14 discussion or no? We have a second.

15 CHAIRMAN WALLACE: Well, let's discuss it
16 and if anyone wants to amend the motion, we can
17 do that.

18 VICE CHAIRMAN KESSLER: I would say I
19 wouldn't be inclined on making that conditional but
20 I would -- another advisory.

21 MEMBER PRETZ: Well, an advisory is just you're
22 advising. There's really no teeth to it because we're
23 approving a site plan. That would be my concern.
24 I mean, I go along with the advisory because it

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1 makes common sense that you would --

2 VICE CHAIRMAN KESSLER: What would you have
3 them do? What is it that you're --

4 MEMBER PRETZ: I just want to make sure
5 that -- because my eyes aren't as good to see as far
6 as the minimums and that. But when staff has
7 indicated that maybe it's not meeting the 24-foot
8 clearance between the sign area and the -- you know,
9 the normal flow driveway as well as the pedestrian
10 concern maybe to direct that traffic a little more
11 appropriately.

12 CHAIRMAN WALLACE: Here. Let me see if I
13 can facilitate. I'll make a motion to amend the
14 main motion to add a condition that the applicant
15 address the traffic flow issues on the northeast
16 portion of the property as raised during the public
17 hearing.

18 MEMBER HOLDERFIELD: Is it the northeast or
19 northwest?

20 CHAIRMAN WALLACE: I'm sorry -- northwest.
21 You're correct -- I'm sorry. And you seconded that
22 motion to amend.

23 THE COURT REPORTER: Who did?

24 CHAIRMAN WALLACE: Tom.

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1 VICE CHAIRMAN KESSLER: We're discussing that.

2 CHAIRMAN WALLACE: We're discussing the
3 motion to amend.

4 VICE CHAIRMAN KESSLER: Wouldn't that -- those
5 issues that Tom just raised about the distances
6 between the parking and the pedestrian area, wouldn't
7 those be resolved naturally through staff --

8 CHAIRMAN WALLACE: I think we went beyond
9 just the distances. We also discussed the traffic
10 flow where the pattern would not cross parking spaces.

11 VICE CHAIRMAN KESSLER: So I kind of
12 understand what you say but I think it's a little
13 vague. It seems vague to me. As discussed? Do we
14 expect staff then to say the condition is based on
15 this, this, and this?

16 CHAIRMAN WALLACE: No, I expect them to attach
17 the transcript from the public hearing.

18 VICE CHAIRMAN KESSLER: Okay. Fine.

19 MEMBER HOLDERFIELD: I think it's difficult
20 to say what you -- to do it verbally. I know what
21 you're talking about. You don't want them coming
22 across there and then to the corner, and all you can
23 do is put a curb island in there. So I don't know
24 if you want to go into that depth and say that.

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1 MEMBER PRETZ: But you just did.

2 CHAIRMAN WALLACE: I think we addressed what
3 the issues were in our discussion in the public
4 hearing, you know, what the concerns were.

5 MEMBER HOLDERFIELD: Yes.

6 CHAIRMAN WALLACE: And my objective with my
7 motion to amend and add that condition is to make
8 the City Council aware the Plan Commission sees it
9 as an issue that should be addressed.

10 MEMBER DOYLE: May I suggest that the motion
11 be -- you know, that the applicant work with staff
12 to look at the traffic pattern to ensure that
13 vehicles do not cut across parking spaces and
14 otherwise ensure pedestrian safety on the site? I
15 think what we want to say is we want to say what are
16 we trying to accomplish. We want to make certain
17 that there's pedestrian safety.

18 CHAIRMAN WALLACE: I think that's an
19 appropriate way to do it. I would accept that as a
20 friendly amendment to my motion to amend.

21 MEMBER PRETZ: And I agree.

22 CHAIRMAN WALLACE: Okay. So that would be
23 the present motion, which is the motion to amend.

24 VICE CHAIRMAN KESSLER: Okay. Can you tell

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1 me what that is?

2 CHAIRMAN WALLACE: So do you want to restate
3 it, Brian?

4 MEMBER DOYLE: So you moved to amend that we
5 add a condition that the applicant work with staff
6 on traffic flow in the site to ensure that cars do
7 not cut across parking spaces and otherwise to
8 ensure pedestrian safety on the parcel.

9 MEMBER HOLDERFIELD: Pedestrian safety.

10 CHAIRMAN WALLACE: Okay. Any further
11 discussion on the motion to amend? And we're just
12 going to vote on the motion to amend and add that
13 condition to the main motion.

14 Tim.

15 VICE CHAIRMAN KESSLER: Holderfield.

16 MEMBER HOLDERFIELD: Yes.

17 VICE CHAIRMAN KESSLER: Schuetz.

18 MEMBER SCHUETZ: Yes.

19 VICE CHAIRMAN KESSLER: Doyle.

20 MEMBER DOYLE: Yes.

21 VICE CHAIRMAN KESSLER: Pretz.

22 MEMBER PRETZ: Yes.

23 VICE CHAIRMAN KESSLER: Frio.

24 MEMBER FRIO: Yes.

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1 VICE CHAIRMAN KESSLER: Wallace.

2 CHAIRMAN WALLACE: Yes.

3 VICE CHAIRMAN KESSLER: Kessler, yes.

4 CHAIRMAN WALLACE: All right. So that is
5 now a part of the main motion. Is there any further
6 discussion on that motion?

7 MEMBER DOYLE: On the main motion?

8 VICE CHAIRMAN KESSLER: I've already made
9 the motion.

10 CHAIRMAN WALLACE: Discussion.

11 VICE CHAIRMAN KESSLER: Oh, I thought you
12 said --

13 MEMBER DOYLE: I just want to comment on
14 "effect surrounding property and general welfare."

15 Again, as I said in the last agenda item,
16 this is a business district that is historical; it's
17 off of Randall Road and off what have emerged as
18 sort of the predominant commercial corridors in
19 St. Charles. I think that we have an applicant who
20 is looking to make improvements to their business,
21 and I think that the detrimental impact on surrounding
22 neighborhoods and on the area would be worse with
23 another failed business than it would be with a
24 successful drive-through at their store.

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1 Unless someone can substantiate how that use
2 is injurious to the surrounding neighborhood, I'm
3 inclined to support and recommend for approval this
4 motion.

5 CHAIRMAN WALLACE: Well, and I'll make a
6 comment to draw from my line of questioning during
7 the public hearing regarding the procedures for the
8 sale of liquor. That affected -- that was relating
9 to Finding of Fact E, which is affect on general
10 welfare and whether it would be detrimental to or
11 endanger the public health, safety, comfort, or
12 general welfare.

13 And I have to say that I was not predisposed
14 one way or another, but I truly wanted to know whether
15 there is a difference. You know, the concern for me
16 as a -- as a father, as a person driving on the road
17 is whether it makes it more likely to put alcohol
18 into the hands of people who are impaired, and I
19 think that that does go towards our finding of fact.

20 And I was satisfied with the explanation
21 that was given to us by the applicant personally. I
22 think they are not going to risk their certification,
23 and they aren't going to risk their liquor license
24 and their livelihood to sell to someone who may be

1 intoxicated or otherwise inappropriate to purchase
2 alcohol. And, you know, I was happy to hear that
3 they do examine the qualifications of all the people
4 that are in the car before selling alcohol.

5 So that was the basis behind my line of
6 questioning and that's my opinion.

7 VICE CHAIRMAN KESSLER: And I'd like to
8 speak to something along those same lines.

9 My line of questioning is I came in -- I
10 wasn't predisposed, either, as to whether or not a
11 drive-through liquor store was appropriate for it.
12 I live two blocks away and I live in the neighborhood,
13 and particularly in my neighborhood there's a lot of
14 little kids. Thinking about that I'm -- frankly,
15 I'm more concerned about how that property is
16 improved.

17 I think that, Brian, speaking to what you
18 said, whatever you think about the moral issue of
19 having a liquor store there or a drive-through
20 liquor store there is secondary. If it's an
21 improved property and if it's attractive, it's going
22 to do nothing but help the neighborhood, and it's
23 going to do nothing about draw that same type of
24 clientele and neighbors.

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1 So that's why my focus has been primarily on
2 improvement of the lot. I know. I've lived there
3 for 36 years. I've seen it; it needs to be improved.
4 Knowing that somebody is there and willing to do it,
5 and we're able to put a condition on the property
6 that it is addressed and taken care of -- I know you
7 said you didn't have it but somebody -- if it's going
8 to get taken care of, then I'm satisfied with it.

9 That's why I made the recommendation to
10 approve the special use application.

11 CHAIRMAN WALLACE: Okay.

12 MEMBER PRETZ: I'm going to say, as I took a
13 look at the general amendment and then the request
14 by the applicant, my thought and how I take a look
15 at it is the general amendment was addressing one
16 requirement. Taking alcoholic beverages out of the
17 equation, as I -- and I voted one way for the
18 general amendment -- as I take a look at the one
19 that is before us, the request that's before us
20 right now, I take a look at that as the property,
21 not the type of business that is necessarily in
22 there and what improvements that can be made there.

23 So I'm inclined based on the future of the
24 improvements, eliminating the type of product that's

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1 being sold, I'm inclined to support the improvement
2 and the request for this.

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

5 (No response.)

6 CHAIRMAN WALLACE: All right. We'll vote on
7 the motion.

8 Tim.

9 VICE CHAIRMAN KESSLER: Holderfield.

10 MEMBER HOLDERFIELD: Yes.

11 VICE CHAIRMAN KESSLER: Schuetz.

12 MEMBER SCHUETZ: Yes.

13 VICE CHAIRMAN KESSLER: Doyle.

14 MEMBER DOYLE: Yes.

15 VICE CHAIRMAN KESSLER: Pretz.

16 MEMBER PRETZ: Yes.

17 VICE CHAIRMAN KESSLER: Frio.

18 MEMBER FRIO: Yes.

19 VICE CHAIRMAN KESSLER: Wallace.

20 CHAIRMAN WALLACE: Yes.

21 VICE CHAIRMAN KESSLER: Kessler, yes.

22 CHAIRMAN WALLACE: All right. That
23 concludes Item No. 7. Thank you.

24 Item 8, additional business from Plan

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1 Commissioners? Staff?

2 (No response.)

3 CHAIRMAN WALLACE: Weekly development report
4 was with the Plan Commission materials.

5 As far as the meeting announcements go, the
6 next meeting is canceled.

7 MR. COLBY: Yes. The meeting on the 6th is
8 canceled.

9 CHAIRMAN WALLACE: Then our next one is over
10 a month from now.

11 MEMBER PRETZ: And I will not be here for
12 the 20th.

13 CHAIRMAN WALLACE: Okay. And that will be
14 our only one in September. Are there any agenda
15 items as of now or expected agenda items?

16 MR. COLBY: At this point we don't have
17 anything set for that agenda. We have a couple of
18 projects pending, but I'm not certain what the
19 timeline will be.

20 VICE CHAIRMAN KESSLER: There's a strong
21 likelihood that I won't be here, but I don't know
22 for sure.

23 CHAIRMAN WALLACE: Is there a -- I noticed
24 in the development report the notes on Prairie Center.

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1 Is there any indication yet of when that would come
2 back before Plan Commission?

3 MR. COLBY: The earliest date we would
4 project that to be would be October, the first
5 meeting in October.

6 CHAIRMAN WALLACE: All right.

7 MR. COLBY: At this point we're just
8 reviewing the applications now for completeness, so
9 it's not ready to be scheduled for Plan Commission
10 review.

11 CHAIRMAN WALLACE: All right. Any public
12 comment?

13 VICE CHAIRMAN KESSLER: When is the next
14 planning and development?

15 CHAIRMAN WALLACE: Planning and development
16 is September 12th.

17 Is there a motion to adjourn?

18 VICE CHAIRMAN KESSLER: I move we adjourn.

19 MEMBER SCHUETZ: Second.

20 CHAIRMAN WALLACE: It's been moved and
21 seconded. All in favor.

22 (Ayes heard.)

23 CHAIRMAN WALLACE: Opposed.

24 (No response.)

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CHAIRMAN WALLACE: This Plan Commission is
adjourned at 9:06 p.m.

(Off the record at 9:06 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 22nd day of August, 2016.

My commission expires: October 16, 2017



Notary Public in and for the
State of Illinois