

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, AUGUST 4, 2020**

Members Present:

Chairman Wallace
Vice Chairman Kessler
Tom Pretz
James Holderfield
Jeffrey Funke
Laura Macklin-Purdy
Peter Vargulich
Suzanne Melton
Jennifer Becker

Members Absent:

None

Also Present:

Russell Colby, Asst. Director of Community & Economic Dev.
Ellen Johnson, Planner
Rachel Hitzemann, Planner
Monica Hawk, Dev. Engineer
Court Reporter

1. Call to order

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

2. Roll Call

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

3. Pledge of Allegiance

4. Presentation of minutes of the July 21, 2020 meeting of the Plan Commission.

Motion was made by Mr. Kessler, seconded by Ms. Melton and unanimously passed by voice vote to approve the minutes of the July 21, 2020 Plan Commission meeting.

5. 1001 N. 5th Ave. (Jeffery Johnson)

Application for Zoning Map Amendment

a. Public Hearing (*continued from 7/21/2020*)

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

Motion was made by Mr. Kessler and seconded by Mr. Funke to close the public hearing.

Roll call vote:

Ayes: Holderfield, Funke, Vargulich, Melton, Purdy, Kessler, Becker, Wallace

Nays:

Did not Vote/Inaudible Response: Pretz

Absent: None

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Motion carried 8-0

b. Discussion & Recommendation

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

Motion was made by Mr. Kessler and seconded by Mr. Funke to recommend approval of the Map Amendment with a condition that a 25 ft. setback be provided from the west lot line of the vacant parcel.

Roll call vote:

Ayes: Holderfield, Funke, Melton, Purdy, Pretz, Kessler, Wallace

Nays: Becker, Vargulich

Absent: None

Motion carried 7-2

6. Pride of Kane County, Southeast corner of Kirk Rd. and E. Main St. (CIMA Developers, LP)

Application for Map Amendment

Application for Special Use for PUD

Application for PUD Preliminary Plan

a. Public Hearing (*continued from 7/21/2020*)

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

Motion was made by Mr. Kessler and seconded by Mr. Funke to close the public hearing.

Roll call vote:

Ayes: Holderfield, Funke, Becker, Vargulich, Melton, Purdy, Pretz, Kessler, Wallace

Nays: None

Absent: None

Motion carried 9-0

a. Discussion & Recommendation

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

Motion was made by Mr. Kessler and seconded by Ms. Purdy to recommend approval of the applications for Map Amendment, Special Use for PUD and PUD Preliminary Plan, subject to resolution of outstanding staff comments prior to City Council action.

Roll call vote:

Ayes: Holderfield, Funke, Becker, Melton, Purdy, Pretz, Kessler, Wallace

Nays: Vargulich

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Absent: None

Motion carried 8-1

7. Pheasant Run Resort Subdivision (Saint Charles Resort LLC)

Application for Preliminary/Final Plat of Subdivision

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

Motion was made by Mr. Kessler and seconded by Mr. Vargulich to recommend approval of the Preliminary/Final Plat of Subdivision, subject to resolution of outstanding staff comments prior to City Council action.

8. Additional Business from Plan Commission Members or Staff - None

9. Weekly Development Report

10. Meeting Announcements

a. Plan Commission

Tuesday, August 18, 2020 at 7:00pm Council Chambers

Tuesday, September 8, 2020 at 7:00pm Century Station Training Room – **To be rescheduled to 9/9/2020 at 7:00pm Council Chambers**

Tuesday, September 22, 2020 at 7:00pm Council Chambers

b. Planning & Development Committee

Monday, August 10, 2020 at 7:00pm Council Chambers

Monday September 14, 2020 at 7:00pm Council Chambers

11. Public Comment

12. Adjournment at 8:32 p.m.



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Transcript of 1001 North 5th Avenue

Date: August 4, 2020

Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re: 1001 North 5th
Avenue, Application for
Zoning Map Amendment

HEARING

St. Charles, Illinois 60174

Tuesday, August 4, 2020

7:00 p.m.

Job No.: 271903A

Pages: 1 - 55

Reported by: Joanne E. Ely, CSR, RPR

Transcript of 1001 North 5th Avenue
Conducted on August 4, 2020

2

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4

2 East Main Street

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St. Charles, Illinois 60174

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(630) 377-4400

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

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Transcript of 1001 North 5th Avenue
Conducted on August 4, 2020

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1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFF FUNKE, Member

6 JAMES HOLDERFIELD, Member

7 LAURA MACKLIN-PURDY, Member

8 SUZANNE MELTON, Member

9 TOM PRETZ, Member, via Zoom

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSSELL COLBY, Assistant Director of

14 Community & Economic Development

15 ELLEN JOHNSON, Planner

16 RACHEL HITZEMANN, Planner

17 MONICA HAWK, Development Engineer

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Transcript of 1001 North 5th Avenue

Conducted on August 4, 2020

4

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

2 CHAIRMAN WALLACE: The City of St. Charles
3 Plan Commission will come to order.

4 Tim, roll call.

5 VICE CHAIRMAN KESSLER: Becker.

6 MEMBER BECKER: Here.

7 VICE CHAIRMAN KESSLER: Funke.

8 MEMBER FUNKE: Here.

9 VICE CHAIRMAN KESSLER: Holderfield.

10 MEMBER HOLDERFIELD: Here.

11 VICE CHAIRMAN KESSLER: Vargulich.

12 MEMBER VARGULICH: Here.

13 VICE CHAIRMAN KESSLER: Purdy.

14 MEMBER MACKLIN-PURDY: Here.

15 VICE CHAIRMAN KESSLER: Melton.

16 MEMBER MELTON: Here.

17 VICE CHAIRMAN KESSLER: Wallace.

18 CHAIRMAN WALLACE: Here.

19 VICE CHAIRMAN KESSLER: Kessler, here.

20 MS. JOHNSON: I think Tom Pretz --

21 CHAIRMAN WALLACE: Is present also.

22 VICE CHAIRMAN KESSLER: Pretz.

23 MS. HITZEMANN: Hold on a second. Just
24 trying to figure out how to unmute. Tom, are you

1 there?

2 MS. JOHNSON: Tom, can you hear us?

3 VICE CHAIRMAN KESSLER: Unmute it, Tom.

4 CHAIRMAN WALLACE: Hey, Tom, are you
5 there?

6 All right. Pretz is here.

7 Please rise for the Pledge of Allegiance.

8 (The Pledge of Allegiance was recited.)

9 CHAIRMAN WALLACE: No. 4 is presentation
10 of the minutes of the July 21st, 2020, meeting of
11 the Plan Commission.

12 Is there a motion to approve?

13 VICE CHAIRMAN KESSLER: So moved.

14 MEMBER MELTON: Second.

15 CHAIRMAN WALLACE: It's been moved and
16 seconded. All in favor.

17 (Ayes heard.)

18 CHAIRMAN WALLACE: Opposed.

19 (No response.)

20 CHAIRMAN WALLACE: Item 5 is 1001
21 North 5th Avenue, Jeffrey Johnson, an application
22 for a zoning map amendment. This is a public
23 hearing continued from July 21st, 2020.

24 Before we start, just to let everyone know

1 this is a continued public hearing. The role of
2 the Plan Commission is to take evidence for and
3 against an application and to make a
4 recommendation to the City Council for action.

5 I think this was continued from a previous
6 public hearing also in July, July 7th, I believe.
7 So we're going to continue to take evidence here
8 tonight. If we feel that we have enough evidence
9 to make a decision, then we'll close the public
10 hearing, and we'll vote, and the recommendation
11 will be sent to the Planning and Development
12 Committee of the City Council.

13 Any questions regarding that?

14 All right. Anyone who wishes to give
15 testimony, including any questions or providing
16 comments, I will ask that you be sworn in.

17 Raise your hand.

18 (Witnesses sworn.)

19 CHAIRMAN WALLACE: Thank you.

20 Are you the applicant?

21 MR. JOHNSON: I'm Jeff Johnson, yes.

22 CHAIRMAN WALLACE: Okay. All right.

23 MR. JOHNSON: I'd like to introduce
24 Mr. Rich Spaniol, who will be presenting for us.

1 He's one of the partners, and I will answer any
2 questions.

3 CHAIRMAN WALLACE: Okay. Thank you.

4 MR. JOHNSON: Thank you.

5 CHAIRMAN WALLACE: Anyone who speaks, if
6 you could just be sure to say your name, spell
7 your last name, give your address for the court
8 reporter; and also especially when we have people
9 online, please wait to be recognized by me before
10 speaking.

11 To those people who are online, if you
12 wish to speak, I believe -- is there an option to
13 raise your hand? Okay. We'll be monitoring that.

14 MR. SPANIOL: Okay. My name is Rich
15 Spaniol, and you spell my last name S-p-a-n-i-o-l,
16 and I live at 93 Whittington Course in
17 St. Charles. Good?

18 CHAIRMAN WALLACE: Yep.

19 Staff, is there anything before we start
20 with the applicant? Okay.

21 All right. Go ahead.

22 MR. SPANIOL: So this is a continuation.
23 We've asked for an adjustment or an update to the
24 zoning on properties located at 1001 North 5th

1 Avenue. When I say properties, there's actually
2 two properties located there. In the spirit and
3 respect of your time, I know we went through this
4 presentation last time. I'm just going to go
5 through it very quickly and then show you what
6 we've done in the interim from the time that we
7 last presented to now.

8 All right. So who we are is Jeff is the
9 contractor and part of the partnership, and then
10 Chad and myself are the main investors in the
11 project.

12 So what are we doing? We're trying to
13 seek a zoning amendment, and what we've identified
14 is a property at 1001 North 5th Avenue. If you
15 kind of see the background of our slide, that's
16 the property where there's an existing home on one
17 of the lots. The challenge of this property is
18 there's two lots at this property.

19 So the existing home is in pretty
20 disrepair. So our initial objective is to restore
21 that property as close to architecturally correct
22 as we can in line with what happens in the
23 Pottawatomie district and bringing it up to all
24 the codes relevant to the City.

1 And then on top of that, the second
2 property, which is also zoned R-S1, is not
3 buildable based on the current size limits. So
4 we're asking for an amendment to change that to an
5 RS-2 for an adjustment, an application for
6 adjustment.

7 By changing both to RS-2, we'll have the
8 opportunity to support our effort to restore the
9 existing home as well as create the potential for
10 another St. Charles family home being built in the
11 historic neighborhood.

12 If we get the adjustment, the existing
13 house will become a conforming structure, and it
14 will allow the construction of a new home on the
15 vacant lot which is currently unbuildable based on
16 the current guidelines on an RS-1. There are many
17 houses in the neighborhood that are nonconforming
18 to the RS-1 zoning, so RS-2 will not stick out,
19 and I think we've seen this in the last
20 presentation.

21 The benefits we see to the zoning change
22 is in alliance to the City's 2013 comprehensive
23 plan to improve conditions of all residential
24 neighborhoods by offering incentives to develop

1 vacant properties. So again what we have here are
2 one property has a structure on it, and the second
3 one does not.

4 This will create additional tax revenues
5 for the City by putting another residential home
6 in the area. It financially allows us to restore
7 the existing home, removing the eyesore that
8 currently exists on the property, bring in new
9 families to the neighborhood, and will give a feel
10 of a more comprehensive, cohesive neighborhood.

11 Here's what we did for updates. We met
12 with the neighbor who was protesting what we've
13 actually asked to do, and we proposed a setback
14 change to the western lot line of the new RS-2 lot
15 to 25 feet from the existing of 6 feet.

16 So we basically are taking an existing lot
17 line, if we go to an RS-2 setup, and we'll get a 6
18 foot on each side lot line, and we're asking to
19 move -- we're going to ask to move the one on the
20 western side to 25 feet allowing for more land
21 space in between their property and the new
22 property we'd be building.

23 It impacts our lot that we would be
24 purchasing by about 2500 square feet or

1 2,500 square feet. 2,500 square feet which is --
2 if you look at what it costs per lot, per square
3 foot lot, it's \$6.47, which by itself doesn't mean
4 too much; but you take that times 2500, it means
5 \$16,000 of potential lost revenues that we would
6 have if we did this.

7 We would also, if we did this, increase
8 the additional design limitations to the new house
9 construction by affecting the eastern orientation
10 of the house as it relates to the existing home
11 and garage. And I know that you're probably
12 looking at this, and I have a couple photos or a
13 couple of schematics that I can show you what it
14 would look like.

15 This is what the new house would look
16 like, the site concept plan. As you see, to my
17 left is the western orientation, which would be
18 the 25-foot setback from the lot line; but what we
19 do by doing that, we move it to the east and
20 reduce that lot line by 15 -- by 10 feet and
21 basically pushing it closer to the existing
22 structure.

23 So, I mean, there is some concessions that
24 we're willing to make, and we're willing to make

1 that concession to make this work for both the
2 neighbor and for ourselves.

3 This is what we originally had positioned
4 to you; and as you can see in this one, we
5 basically had set a 20-foot lot line on each side
6 and created that scenario.

7 So therefore, that's our updates to our
8 application. We're really trying to just work
9 with the neighborhood and try to address, you
10 know, what they considered to be a visual impact
11 here to the current property.

12 MEMBER MACKLIN-PURDY: I have a question.

13 MR. SPANIOL: Yes.

14 MEMBER MACKLIN-PURDY: To the west of this
15 proposed property it's pretty heavily wooded;
16 isn't it?

17 MR. SPANIOL: To the west of both
18 properties?

19 MEMBER MACKLIN-PURDY: Of what you've
20 proposed.

21 MR. SPANIOL: You mean, on our property is
22 pretty heavily wooded? Yeah, it's pretty heavily
23 wooded.

24 MEMBER MACKLIN-PURDY: Is there a fence

1 there between the proposed property and the
2 opposing people's property.

3 MR. SPANIOL: Yes.

4 MEMBER MACKLIN-PURDY: It's a pretty high
5 fence, isn't it?

6 MR. SPANIOL: 6 foot.

7 MEMBER MACKLIN-PURDY: 6 foot. Okay.

8 CHAIRMAN WALLACE: Any other questions?

9 VICE CHAIRMAN KESSLER: Yes. Have you had
10 a conversation with the neighbor about this
11 proposed change?

12 MR. SPANIOL: Yes.

13 VICE CHAIRMAN KESSLER: And I won't ask
14 you. I assume the neighbor is here.

15 MR. SPANIOL: The neighbor is here, yep.

16 If you want to ask me, yes, we haven't
17 agreed to this. He has countered with a 30-foot
18 proposal on his side which would then impact the
19 other side by another 5 feet. So then I have to
20 be responsible for the home existing and then the
21 new home.

22 So if I gave that to him, then what we
23 would be solving over there, we would be creating
24 on the other side of the property. So I'm trying

1 to answer both to you to provide another property
2 that provides tax revenue to the City, clean up a
3 vacant lot which is what we're trying to do in the
4 City, and center this property, that both the
5 neighbor, the new, and the rehab all get a fair
6 shake on a good property value and lot lines.

7 MEMBER FUNKE: I have a question. Right
8 now you're showing 20 feet. That's going to be
9 25 feet; correct?

10 MR. SPANIOL: Yes. Yeah, that's the one
11 we put up last time.

12 MEMBER FUNKE: Right.

13 CHAIRMAN WALLACE: Other questions, Plan
14 Commission?

15 MEMBER MELTON: You've probably talked
16 about this, but they're being sold as -- the two
17 parcels are being sold together; right?

18 MR. SPANIOL: Yes, it is, and I also
19 wanted to mention too if we did -- I mentioned
20 this last time, and I think it's worth mentioning
21 again.

22 We're trying to address what we consider a
23 safety concern over on that property, and the
24 entrance to that property that we're looking to

1 purchase, which is contingent right now, the
2 entrance is where you see that gravel driveway.
3 What we wanted to do is bring the entrance to the
4 property around on to Delnor Avenue basically
5 straight off from that concrete block garage.

6 MEMBER MACKLIN-PURDY: Is there already a
7 curb cut there?

8 MR. SPANIOL: Yes. But because the
9 concrete block garage is going to have to be
10 removed -- because of this disrepair, we're going
11 to have to move that a little bit closer. We plan
12 on moving it a little bit closer to the house, and
13 we wanted to actually have a third-car garage
14 somehow, some way. In order to do that, we're
15 going to need as much on their orientation on the
16 west side to accomplish that.

17 So again, we feel that we've conceded
18 19 feet on the western side and basically taken
19 away some property on the eastern side and the
20 western side of the existing properties.

21 VICE CHAIRMAN KESSLER: Just to clarify,
22 is there a curb cut on --

23 MR. SPANIOL: On Delnor.

24 MEMBER MACKLIN-PURDY: Delnor.

1 VICE CHAIRMAN KESSLER: Delnor before.

2 MR. SPANIOL: That would lead right into
3 that property.

4 VICE CHAIRMAN KESSLER: For Lot 1.

5 MR. SPANIOL: Yes. There's no curb cut
6 for the one -- the new property.

7 VICE CHAIRMAN KESSLER: Okay. Only for
8 that Lot 2, Parcel 2.

9 MR. SPANIOL: Yes. Parcel No. 2. Yeah.

10 MEMBER BECKER: I have a question. Could
11 staff maybe clarify when we're talking about
12 Parcel No. 1 and Parcel No. 2, these are not lots
13 of record. This is currently one lot of record
14 that they're trying to subdivide into two lots.

15 MS. JOHNSON: No. They are two tax
16 parcels that were established prior to our current
17 subdivision code. So we recognized them as two
18 buildable lots if the zoning is appropriate to
19 allow construction of the home based on the lot
20 area.

21 MEMBER BECKER: Okay.

22 CHAIRMAN WALLACE: Other questions?

23 I just have one question. I'm looking at
24 the zoning map, and I'm having trouble trying to

1 decipher where the closest RS-2 is to this
2 property.

3 MR. SPANIOL: I think -- Ellen, can you
4 come up and show me how to get to that zoning map?

5 MS. JOHNSON: Well, the zoning map shown
6 in the staff report, I don't think any other RS-2
7 was shown in the vicinity. It's all RS-1 to the
8 north, east, and west of the property.

9 CHAIRMAN WALLACE: And none of it abuts
10 the property.

11 MS. JOHNSON: Correct.

12 CHAIRMAN WALLACE: Correct. All right.

13 Any questions or comments from members of
14 the public? Sir?

15 MR. SNODGRASS: Thank you. My name is Bob
16 Snodgrass, S-n-o-d-g-r-a-s-s, and my wife Kristen.

17 We've been -- we're the property on the
18 west side of this proposed Parcel No. 1, I think,
19 it is, the unbuilt lot right now.

20 The last time we were here was on the 7th,
21 and the applicant was instructed to meet with us
22 and talk about what kind of arrangements could be
23 made to make us happy with this situation that
24 we're looking at right now.

1 Currently, as an RS-1, with the current
2 house, there's a 50-foot setback on our lot
3 because that's actually the back of that lot.

4 MS. SNODGRASS: The two backs butt up to
5 each other.

6 MR. SNODGRASS: The two backs butt each
7 other. This other parcel that's in the middle
8 that is unbuildable right now because of the
9 zoning is actually oriented so that the back would
10 be toward our neighbor to the north and our side
11 will be at that property line, which essentially
12 sets it at a 6-foot minimum as far as the setback
13 is concerned to our back lot line, and that,
14 obviously, is not a good situation for us.

15 When we got the first communication from
16 the building group, they had proposed a setback of
17 35-ish feet. When we met with them the following
18 Saturday, they gave us a little drawing that has a
19 setback of 32 feet. And when we met with them
20 again last Saturday, they were proposing to move
21 that 32-foot setback to a 28-foot setback.

22 So you can see that that negotiation is
23 not necessarily going in our favor. They kept
24 focusing on that particular item, and there are

1 more concerns that we have beyond that that we
2 never really got to discussing.

3 I got a call from Rich on Monday, and he
4 was proposing at that time a 24-foot setback and
5 took off the previously mentioned in our
6 conversations landscape screening, and there are
7 still other concerns that we have with this. We
8 have not really been able to complete the
9 conversation with them.

10 So at this point in time, I'm feeling
11 we're going kind of the wrong way. I think we
12 should have another independent facilitator
13 involved in these conversations if we're going to
14 come to an amenable situation as far as we're
15 concerned.

16 Got anything else to add?

17 MS. SNODGRASS: Just we'd like to -- I'm
18 sorry.

19 CHAIRMAN WALLACE: Could you just state
20 your name first.

21 MS. SNODGRASS: My name is Kirsten
22 Snodgrass. I'm the resident here, grew up, went
23 to school here, and worked here for many years,
24 51 years. We have lived at this location for

1 17 years.

2 The house is about 64 years old, and so
3 for that entire time and the 100 years of the
4 house behind us, there has always been this large
5 lot. If you look down the whole length of the
6 block, they're all that depth from Route 25 to the
7 middle of the block. So this is changing that one
8 lot into a much smaller lot.

9 Our house is a 1950s ranch house, and the
10 back of it is all glass. It's a mid-century
11 house. So you don't see as much from the front,
12 but basically our living room, dining room,
13 kitchen has glass along the whole eastern edge.
14 So we're losing a lot of privacy by changing this.
15 Our backyard is not very deep, and so this is
16 really changing our living conditions.

17 MEMBER MACKLIN-PURDY: Can I just ask a
18 question. Isn't there -- I'm just trying to
19 clarify because I did go over there, and I did
20 look at this. There is a 6-foot fence that that
21 whole eastern side looks out to; right?

22 MR. SNODGRASS: That's correct. Yep.

23 MS. SNODGRASS: A two-story house is going
24 to look right in our back yard, and you can see

1 the entire length of our house.

2 MEMBER MACKLIN-PURDY: But there are a lot
3 of full mature trees back there.

4 MS. SNODGRASS: They will be most likely
5 taken down.

6 MR. SNODGRASS: That's kind of one of our
7 concerns. As we began to think about this really
8 strongly, and, you know, we are all in favor of
9 this happening as long as we have adequate
10 covenants set up so that it's not going to impact
11 us negatively.

12 The landscape screening is an important
13 one because that really needs to grow up taller
14 than the fence. The lot itself is higher than our
15 lot by a couple feet; and so when you're standing
16 in the middle, you can actually look over that
17 fence very nicely into the living area.

18 The other thing that I have a concern
19 about is the large trees that are on the lot.
20 There's a lot of trees there. Some of them are
21 really, really nice trees. And some of them will
22 have to be removed and cut down, obviously, if
23 there's going to be a house put over there.

24 Two of them, a large cottonwood and a

1 large oak tree, a bur oak tree are on the lot
2 line. I'm not even really sure whose trees they
3 are. They are right on the lot line and right in
4 the easement.

5 So over the years, these things have grown
6 and grown and grown, and I'm a little concerned
7 about what's going on with that, as far as another
8 house going in there. If it remained an RS-1,
9 those can stay there, and it's not a big deal.
10 They can wait until they're damaged and need to be
11 taken down regardless of who has the
12 responsibility of doing that.

13 But if the lot changes to an RS-2, I
14 really don't feel like I should be shelling out
15 the dollars, if they're my trees, to cut those
16 trees down. So that's another concern. That to
17 me would be a big pocketbook item, and we haven't
18 even gotten to the point of talking about them
19 because they have been focusing on the distance.

20 My understanding also is they talk about
21 the possibilities of building on that second lot.
22 Their intention is to put a for sale sign on that
23 right away as they're building this other lot, and
24 I don't think that they really intend to build it.

1 That's the indication that they have given me,
2 and, you know, staff --

3 MS. SNODGRASS: So we would be concerned
4 that these things would be put into a legal
5 document to protect us. If they sold this
6 property, that these setbacks would be honored
7 that we're negotiating.

8 MR. SNODGRASS: Restrictive covenants. So
9 I can provide copies of these to anyone who is
10 interested. It's kind of a conversation that
11 we've been having. There's been a bit of it. The
12 first meeting we had, two of the people were
13 there. Jeff Johnson and Chad were both there.

14 And the third meeting that we had -- the
15 second meeting, I should say, all three of them
16 were there. So we haven't had a lot of
17 conversation, quite honestly.

18 CHAIRMAN WALLACE: Any other questions?

19 MEMBER FUNKE: I've got a question for
20 staff. So they're proposing 25 foot of setback on
21 the west lot line. Would there be a restrictive
22 covenant then included in the proposal?

23 MS. JOHNSON: Yes. There would have to be
24 some sort of document recorded against the

1 property, a restrictive covenant or an easement
2 agreement or something of that sort.

3 MEMBER FUNKE: Is that included in this
4 zoning change?

5 MS. JOHNSON: No. If the Plan Commission
6 wanted to impose an increased setback such as
7 25 feet, there would need to be a commission based
8 on approval of the MAP amendment or a restrictive
9 covenant or similar document be prepared
10 documenting the additional setback requirement,
11 and that would have to be provided prior to
12 Planning and Development Committee review.

13 MEMBER FUNKE: All right. Thank you.

14 VICE CHAIRMAN KESSLER: I have a question
15 for staff.

16 So this is an unbuildable lot, and the
17 request is for a zoning change. Is there any
18 other mechanism that the applicant could use to
19 make this lot buildable?

20 MS. JOHNSON: In order to allow the second
21 home on these properties with the current zoning,
22 given the lot area, there would not be another
23 option except rezoning because there's just not
24 sufficient lot area to allow a second home under

1 the current zoning.

2 VICE CHAIRMAN KESSLER: That's
3 specifically to that lot.

4 MS. JOHNSON: Right.

5 VICE CHAIRMAN KESSLER: They could make a
6 PUD application for both lots, difficult. Thank
7 you.

8 CHAIRMAN WALLACE: All right. Any other
9 questions?

10 (No response.)

11 CHAIRMAN WALLACE: All right. Thank you.

12 Anything else, members of the public?

13 Yes, ma'am.

14 MS. BARRETTE: Hello. My name is Kerstin
15 Barrette. It's K-e-r-s-t-i-n, and the last name
16 is spelled B, as in boy, a-r-r-e-t-t-e. And I
17 might have the award for coming the farthest
18 tonight. I do live out of state, and the property
19 at 1001 North 5th Avenue was my childhood home.

20 MEMBER HOLDERFIELD: Excuse me.

21 MS. BARRETTE: Yes.

22 MEMBER HOLDERFIELD: Could you speak into
23 the microphone.

24 MS. BARRETTE: Sure. I'm sorry. Can you

1 hear me better? Okay. So you heard my spelling
2 my name; right?

3 Okay. So what I said is my name is
4 Kerstin, and I am representing my mother tonight.
5 That's my childhood home. There were three girls
6 that grew up there; and like I was saying, I have
7 traveled the furthest, and we're here across
8 state.

9 But anyway, I've lived all over the
10 Midwest, and I've bought and sold properties about
11 eight times. And I feel a little empathy here for
12 the Snodgrasses because we had a situation just
13 like this.

14 I lived in Cincinnati, and we had a home,
15 and behind us -- I'm tall. Behind us we -- behind
16 us we also had a lot, and I loved it; and even
17 though my husband isn't an anthologist (phonetic),
18 we had all types of wildlife there, and he's the
19 type that can name a butterfly, whether it's a
20 male or a female, and then we had some friends
21 that we were watching. It was just great.

22 And then, you know, there was a for sale
23 sign for it, and I was a little sad when I saw
24 that because I thought, Hey, that was my lot, but

1 it really wasn't, and I'm not a child, but I could
2 have purchased it, but we didn't. And so a house
3 went up and, you know, our privacy was a little
4 diminished, and so I get that. I understand.
5 I've been there.

6 So anyway, I'm a product of the
7 neighborhood. I did ride my trike down the blocks
8 and hung out at the cemetery. I brought home
9 flowers for my mom that said "mother" because I
10 dumpster dive, and I grew up here.

11 In fact, I think -- is your son Greg
12 Holderfield? Are you related to a Greg
13 Holderfield?

14 MEMBER HOLDERFIELD: To who?

15 MS. BARRETTE: A Greg Holderfield.

16 MEMBER HOLDERFIELD: Yes.

17 MS. BARRETTE: Okay. I went to school
18 with him.

19 MEMBER HOLDERFIELD: My son.

20 MS. BARRETTE: 1985, class of '85.

21 So I'm here tonight to represent my
22 mother, and my mother actually lives next door.
23 You might know it's the -- if you've been around
24 here for awhile, it's the old Delnor hospital.

1 And she has been in assisted living for a decade,
2 plus five-and-a-half years. She's in declining
3 health. She has Parkinson's but she -- her room
4 used to be at the end so she could overlook the
5 lot.

6 And since my father passed away in '09,
7 the house was in disrepair, and things were not
8 updated. If you look really close at the house,
9 there is a window on the left, actually there's an
10 orange metal plate on top of it because there were
11 raccoons in it. So nobody was taking care of it.

12 But anyway -- did I just -- is this
13 critical?

14 Okay. So anyway, she is at -- they call
15 it River Glen. It's gone through a couple of
16 acquisitions, I think.

17 So even though our family will not be
18 residing in that house anymore, Mom decided to
19 sell it because, of course, when you're 83 and
20 your health is declining and you've fallen 14
21 times in a year, you need -- you've got health
22 care costs.

23 And so this lot, according to her
24 financial advisor, is her future; and my mom and

1 dad bought this -- let's see, they've been there
2 for 67 years, and they bought it in 1965. So I
3 want to say it was, like, six decades.

4 And when my father -- I loved it because I
5 spent a lot of time on that back lot. I don't
6 remember a hill. I don't remember that. But
7 anyway -- so yes, 67 years, two lots, my father
8 owned. So that's your yard, but it's actually the
9 future for our golden years.

10 And so we would like to sell it in the
11 future at some point and pay for us living out the
12 rest of our life. So for 67 years, Mom and Dad
13 paid property taxes on it; and as their POA, I pay
14 them now. So I know how much they are. They're,
15 you know, twice as much as a regular lot.

16 And right now we have three exemptions on
17 it. We've got a senior exemption, a homestead,
18 and I don't know what it is. So once these lots
19 are developed, it will have more revenue for the
20 City. It will actually revitalize. We have a
21 very talented person that -- yeah. He did the
22 Judson house. Anyway, so he's going to be doing
23 some restoration to it. So what it will do is it
24 will revitalize the neighborhood.

1 So my mom's house was an asset that turned
2 into a liability. It's not pretty. And this is
3 great because it will update that and revitalize
4 the neighborhood and I'm sure help the property
5 values with a new house.

6 So, you know, I mean, I'm thinking of with
7 my real estate friends, they talk about things
8 that affect the value of a house. Like a sex
9 offender living nearby, there might be a sink
10 hole. There's a lot of things that can happen. I
11 haven't seen this on the list of the top 15.

12 But basically, our goal is to provide for
13 Mom's exponentially rising health care costs as
14 her health declines. And the sale of this
15 property, we have a contract right now, and it's
16 contingent upon the approval of the zoning.

17 So Mom is very interested and upset about
18 all the hubbub because there's plenty of room back
19 there, and it's very similar to the size of the
20 other lots across the street and actually at the
21 end of the lot.

22 So we just want to satisfy Mom's need to
23 sell the house so that she can pay for the
24 continuing costs for her health care. And over

1 the many years of that existing house -- it's
2 actually 1910, not 1925. Just like I mentioned,
3 it has deteriorated to the point that a buyer
4 could decide to raze the structure which would be
5 a historical loss.

6 So the current situation was caused by a
7 health care -- by health care issues because she
8 had to move into the assisted living. So in its
9 present state of disrepair, that house has a
10 detrimental effect on the surrounding property
11 values. Once it's renovated, it can only help the
12 property values. The proposed new home on the
13 vacant lot will also help to stimulate the
14 neighborhood property values.

15 So today's zoning approval will set the
16 neighborhood up for continued success,
17 restoration, and beautification. As my girlfriend
18 said -- she is in development, and she said,
19 you've done such a good job on updating this
20 building that now my taxes went up 450 percent.

21 So that's -- those are my thoughts. Does
22 anybody have any questions?

23 CHAIRMAN WALLACE: Any questions?

24 VICE CHAIRMAN KESSLER: No. Thank you.

1 MS. BARRETTE: You're welcome. Thanks for
2 having me.

3 CHAIRMAN WALLACE: All right. Any other
4 questions or comments?

5 (No response.)

6 CHAIRMAN WALLACE: Okay. If the Plan
7 Commission feels that we have enough information
8 to be able to make a recommendation to the
9 Planning and Development Committee, then a motion
10 to close the public hearing would be in order.

11 VICE CHAIRMAN KESSLER: So moved.

12 MEMBER FUNKE: Second.

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

15 (No response.)

16 CHAIRMAN WALLACE: Tim, roll call.

17 VICE CHAIRMAN KESSLER: Becker.

18 MEMBER BECKER: Yes.

19 VICE CHAIRMAN KESSLER: Funke.

20 MEMBER FUNKE: Yes.

21 VICE CHAIRMAN KESSLER: Holderfield.

22 MEMBER HOLDERFIELD: Yes.

23 VICE CHAIRMAN KESSLER: Pretz.

24 MEMBER PRETZ: (Nonverbal response.)

1 VICE CHAIRMAN KESSLER: Vargulich.

2 MEMBER VARGULICH: Yes.

3 VICE CHAIRMAN KESSLER: Purdy.

4 MEMBER MACKLIN-PURDY: Yes.

5 VICE CHAIRMAN KESSLER: Melton.

6 MEMBER MELTON: Yes.

7 VICE CHAIRMAN KESSLER: Wallace.

8 CHAIRMAN WALLACE: Yes.

9 VICE CHAIRMAN KESSLER: Kessler, yes.

10 CHAIRMAN WALLACE: All right. The public
11 hearing is closed and now on to discussion and
12 recommendation.

13 Is there a motion?

14 VICE CHAIRMAN KESSLER: I have some
15 discussion.

16 CHAIRMAN WALLACE: Yeah. I did receive an
17 e-mail from Tom, who is one of our plan
18 commissioners. He's on Zoom. We weren't quite
19 sure how he would be able to -- whether everything
20 would come through clearly.

21 So, Tom, would you like for me to read the
22 e-mail?

23 MEMBER PRETZ: Yes, if you can.

24 CHAIRMAN WALLACE: Okay. All right. He

1 just had a few thoughts on this. Okay.

2 "I support the lot split saving the
3 current structure with restoration on its existing
4 parcel, not required, and allowing the second new
5 structure be built on the parcel. Zoning should
6 remain RS-1 to keep consistency with the other
7 neighboring area nonconforming, yet legal RS-1
8 lots and structures.

9 "The second lot should be required to
10 apply all current setbacks under today's RS-1
11 zoning. The structure should not exceed
12 20 percent versus 25 percent for RS-2 maximum
13 footprint of the parcel, as is in the RS-1 zoning.
14 All other typical City code requirements remain in
15 place, no variance."

16 All right. Any other discussion?

17 VICE CHAIRMAN KESSLER: Well, I have a
18 couple of concerns. Well, a concern and then
19 wondering why this hasn't been considered.

20 One of the issues that we have is rezoning
21 this particular lot, and it does set a precedent
22 that is something that could open the floodgate in
23 that neighborhood as well as others, just rezoning
24 for a specific lot for a specific builder.

1 But on the other hand, this is a lot in
2 the neighborhood that could be updated with a
3 building on it, and I know that there has been
4 discussion between the applicant and Mr. and Mrs.
5 Snodgrass regarding setbacks.

6 I have to say that -- and I apologize.

7 Your name --

8 MS. BARRETTE: Kerstin.

9 VICE CHAIRMAN KESSLER: Kerstin. Kerstin
10 brought up a very good point, and that is the fact
11 that you've enjoyed the benefit of this open lot
12 for all of these years is a benefit and a blessing
13 because it's not your lot.

14 So if something was going to be built
15 here, it would be built regardless of that; and
16 then on the other hand, the discussion that the
17 two parties have had regarding the setbacks from
18 east to west, I don't know why we couldn't -- why
19 that lot -- why that building couldn't be moved to
20 30 feet.

21 I mean, it sounds like there's a line in
22 the sand here -- when I'm finished either of you
23 can respond. It seems there's a line in the sand
24 you offered. You know, you went to 25 feet. It

1 was 35 feet. They're willing to settle for 30.

2 It doesn't seem to me that that would have
3 a significant impact on the pro forma for this
4 property to do that. So maybe you could explain
5 it to us.

6 MR. SPANIOL: Sure. I think the best way
7 to do it would be to go back to that plat of
8 survey and look at it because if we went to
9 30 feet, that again takes away from the lot line
10 on the eastern side of the property; and the same
11 issues that exist currently on the western side
12 would now exist on the eastern side of the
13 property.

14 Because again there now would be two
15 houses affected that way because the house that
16 exists and then we had -- I told you we were going
17 to have to reorient that garage in order to make
18 it work for our development and we would be -- and
19 then the person in the house that we built would
20 be like right next to that garage structure. So
21 the same thing that we would be correcting for on
22 the other side would exist on the east side.

23 VICE CHAIRMAN KESSLER: But explain to me,
24 though, you're going to reorient that concrete

1 block garage; correct?

2 MR. SPANIOL: Yeah.

3 VICE CHAIRMAN KESSLER: Do you intend to
4 do that?

5 MR. SPANIOL: You know, if cost allows us
6 to do it. We -- actually my suggestion that I
7 worked with my two partners is -- my suggestion is
8 keep it where it is, but there is, because of the
9 way that it's set up and maybe the condition of
10 it, we may have to take it down.

11 But either way, whether it exists there,
12 we're putting a driveway over there, and you're
13 going to have a personal residence right next to
14 that driveway and closer to that driveway than
15 what's on the other side.

16 VICE CHAIRMAN KESSLER: Well, with all due
17 respect, I don't see the same condition from one
18 side to the other, with the 5 feet. You're going
19 to be much farther away from that house. There's
20 a driveway. The driveway is just a common feature
21 in both neighborhoods, but I mean that's your
22 call.

23 MR. SPANIOL: Sir, but you're saying if I
24 have 30 feet on one side, then I'm going with 10

1 feet on the other side, and the house wouldn't be
2 oriented in the middle of the property. So what
3 we gave up on the west side lot line, you're
4 taking away from the east side.

5 VICE CHAIRMAN KESSLER: My only point is
6 that the house, the Snodgrass's home is much
7 closer to the western lot line than the house on
8 Parcel 2 is to the eastern lot line. There is
9 not -- you're not talking the same distances, but
10 again it's your call.

11 I just think that you could orient that
12 house differently to accommodate -- you know, come
13 closer to an accommodation. I don't object to
14 building a house. I think this is a good idea,
15 but I think that there really is an accommodation
16 that could be made to reorient the house on Parcel
17 No. 1 to accommodate -- better accommodate, maybe
18 not completely, but to better accommodate the
19 Snodgrasses without having the same affect on the
20 house on Parcel No. 1.

21 I mean the distance between the lot line
22 and the house on Parcel 2, I can't read it here,
23 but it's got to be -- if that's 20 feet, it's
24 40 feet away. Their house is how far? 10 feet

1 away from the lot line?

2 MR. SPANIOL: No, no, no. From the back
3 of their house to the lot line?

4 VICE CHAIRMAN KESSLER: Yeah.

5 MR. SPANIOL: Because you're talking about
6 the back of their house. So you'd have to look at
7 what the back of their house is to the lot line --

8 VICE CHAIRMAN KESSLER: Right.

9 MR. SPANIOL: -- versus the back of that
10 house to the lot line.

11 VICE CHAIRMAN KESSLER: That's what I'm
12 saying.

13 MR. SPANIOL: But that's not what you see
14 right there, the back of their house. Their house
15 is further in to their lot line.

16 VICE CHAIRMAN KESSLER: But the lot
17 line -- well, it appears to be and without having
18 surveyed the lot line, that corner of their house
19 is closer to the western lot line of these two
20 properties than the house in Parcel 1 is to the
21 western lot line of that property. So moving it
22 over a little more, I think, could help
23 accommodate.

24 MR. SPANIOL: And I'm offering to move it

1 over 19 more feet.

2 MR. JOHNSON: Can I speak to this from a
3 different standpoint?

4 CHAIRMAN WALLACE: Sure.

5 MR. JOHNSON: You know, interference with
6 the garage and being close to the lot line on the
7 east side. My main concern with creating a
8 covenant that's a full 30 feet into the lot is
9 that you're running out of buildable width to
10 build a house where you don't look at the house
11 and the entire front of the house and garage.

12 Right now the house we have drawn there is
13 about 50 feet wide, which is about the narrowest
14 that you could realistically go on a house with a
15 garage on the front.

16 We may not build on that lot ourselves,
17 depending on what situation we're in. We may try
18 and market that lot and sell it. So we're
19 concerned that if we shrink down the buildable
20 width of the lot any further by coming into a full
21 30-foot setback, that it's going to drastically
22 reduce the value of that lot. Because prospective
23 buyers may not be able to build what they'd like
24 to build on it because of the width.

1 That's my main concern with going to a
2 full 30-foot setback on the western side.

3 MS. BARRETTE: So we talked a lot about
4 this -- I'm sorry. Excuse me if this was
5 answered, but we've talked a lot about the setback
6 plan right now and the property to the west,
7 neighbors, and the builders.

8 I would just -- I think it's great that
9 you guys are talking and working this out. What
10 I'd like to know, I don't know if you guys know
11 this figure, is how far back is your house from
12 the fence, the 6-foot privacy fence? How far -- I
13 know you guys have a very large deck. It's
14 beautiful.

15 But I remember most of your yard is the
16 front. You've got a big U driveway, right. For
17 some reason, someone set it pretty far back,
18 giving you the situation you have now. So my
19 question is how far is your house from the lot
20 line?

21 CHAIRMAN WALLACE: Hold on. Let me just
22 stop you for a second.

23 MS. BARRETTE: Okay.

24 CHAIRMAN WALLACE: We've already closed

1 the public hearing. We've already taken all the
2 evidence. So really we're just discussing what
3 evidence was already presented.

4 MS. BARRETTE: Okay.

5 CHAIRMAN WALLACE: I mean, if there are
6 questions any plan commissioners have, that's
7 fine, if they feel they need any more, you know,
8 clarification or anything like that.

9 MS. BARRETTE: Sure.

10 CHAIRMAN WALLACE: But for right now, I'd
11 like to just stick to, you know, discussion of the
12 evidence we already have.

13 MS. BARRETTE: Okay.

14 CHAIRMAN WALLACE: Okay. All right.

15 MS. BARRETTE: So you guys have the
16 minutes then?

17 CHAIRMAN WALLACE: Yes.

18 MS. BARRETTE: Yes. I missed that. Thank
19 you.

20 CHAIRMAN WALLACE: Okay. Thank you.

21 All right. Any further discussion?

22 MEMBER MELTON: I have a comment. Maybe
23 it's a question back to Tim. We're talking about
24 25 feet to 30 feet. Is there a magic number that

1 will allow them not to see what's in the backyard?

2 Do we know that? Right. So, you know, I'm not
3 sure that that 5 feet would make a difference in
4 that matter.

5 I also would agree that it's been a vacant
6 lot. You know, it could be a buildable lot, but,
7 in particular, and so while it's been enjoyed as a
8 vacant lot, I'm not sure moving forward that it
9 should continue to be a vacant lot.

10 MEMBER FUNKE: I have a question. What is
11 the setback of the house? I know we asked this --
12 at the last Plan Commission meeting, I asked that
13 question. Do you guys know what the distance is
14 approximately?

15 MR. SNODGRASS: To our lot?

16 MEMBER FUNKE: To your house.

17 MR. SNODGRASS: To the corner?

18 MEMBER FUNKE: Side-yard setback.

19 MR. SNODGRASS: I don't know offhand.

20 MEMBER FUNKE: I mean, can you guess? I
21 mean, is it 20 feet?

22 MR. SNODGRASS: I'd guess that it's about
23 20 feet, yeah. I don't know that for sure.

24 MS. SNODGRASS: It's not a set amount

1 either because our house is at an angle. So we
2 have kind of a pie shape back there.

3 MEMBER FUNKE: Yeah. The median, the
4 average setback.

5 MR. SNODGRASS: I would say the median
6 would probably be about 25 feet.

7 MEMBER FUNKE: Okay.

8 MR. SNODGRASS: Approximately.

9 CHAIRMAN WALLACE: All right. Any other
10 questions?

11 I have a question. Maybe, Ellen, you can
12 answer this. This is from the standpoint of
13 creating precedence. Have we had another
14 situation in a residential area where we have
15 rezoned property to a zoning district that it does
16 not abut? I can't remember any.

17 MS. JOHNSON: Yeah. Not that we can
18 recall in recent memory.

19 CHAIRMAN WALLACE: Okay. And if the
20 zoning were not changed, what would need to be
21 done in order to -- I mean, in order to make this
22 buildable, what action would have to be taken,
23 short of changing the zoning?

24 MS. JOHNSON: Well, the action for a

1 variance, a lot area variance would not apply in
2 this situation because the code only allows a lot
3 to be -- doesn't allow lots to be reduced to less
4 than 90 percent of the required lot area. So in
5 this case, it would be more reduction than
6 allowed. So it's not eligible for a variance.

7 You mentioned earlier, a PUD application,
8 which I think would be the only route to take. We
9 tend to try to avoid PUDs as solely a means to
10 allow construction of a single-family home on an
11 undersized lot.

12 CHAIRMAN WALLACE: Yep.

13 MS. JOHNSON: Typically, we want a PUD to
14 have more of a public benefit, but that would be a
15 remaining option.

16 CHAIRMAN WALLACE: Okay.

17 VICE CHAIRMAN KESSLER: We have one lot
18 that's 15 -- what is it? Parcel 2 is 15,000 feet
19 and Parcel 1 is 11,000 feet. Why couldn't one
20 parcel acquire a piece of the other to increase
21 the lot size?

22 MS. JOHNSON: Well, it could, but both
23 parcels have to be 18,000 square feet.

24 VICE CHAIRMAN KESSLER: Well, you've

1 already got one nonconforming. Why couldn't you
2 take some of the lot and do a map amendment on the
3 15,000.

4 MS. JOHNSON: Well, they're both proposed
5 for a map amendment.

6 VICE CHAIRMAN KESSLER: Pardon me?

7 MS. JOHNSON: They're both proposed for a
8 map amendment to RS-2, so that both would become
9 compliant. Because the minimum lot area for RS-2
10 is 11,000; but for RS-1, it's 18,000.

11 VICE CHAIRMAN KESSLER: Well, does this
12 Parcel 2 have to have a map amendment? It's
13 already got a house on it. Why does it need a map
14 amendment?

15 MS. JOHNSON: Not technically but --

16 VICE CHAIRMAN KESSLER: If it doesn't need
17 one, why couldn't they take some of that lot for
18 Parcel 1 and make it -- get it within 90 percent.

19 MEMBER MACKLIN-PURDY: Change the lot
20 line?

21 VICE CHAIRMAN KESSLER: Yeah.

22 MS. JOHNSON: Well, I don't think they
23 would want to create more nonconforming than what
24 already exists.

1 CHAIRMAN WALLACE: Yeah. You would make
2 Parcel 2 more nonconforming because it's already
3 nonconforming.

4 VICE CHAIRMAN KESSLER: But you would also
5 make Parcel 1 buildable.

6 CHAIRMAN WALLACE: Possibly. I don't know
7 if it increases that much.

8 VICE CHAIRMAN KESSLER: You only have to
9 have 90 percent of the 18,000.

10 MS. JOHNSON: Yeah. I don't think we
11 would allow a subdivision to create greater
12 nonconforming.

13 VICE CHAIRMAN KESSLER: It's not big
14 enough to do that anyways.

15 MEMBER FUNKE: I have one more question.
16 You've got six lots across the street that are
17 nonconforming, and you've got two to the north.
18 So how did these lots become nonconforming? Was
19 there a zoning change where the lot area for RS-1
20 was -- when it went to 18,000 square feet?

21 MS. JOHNSON: That may have happened. I
22 haven't dug into the history of the zoning prior
23 to 2006 in this area. So it's possible that when
24 those homes were constructed, they may have met

1 the lot area of the zoning at the time, but I'm
2 not sure.

3 CHAIRMAN WALLACE: Okay. Any other
4 discussion?

5 VICE CHAIRMAN KESSLER: Why don't we make
6 all of this RS-2? Then you'd solve the problem.

7 CHAIRMAN WALLACE: What was that?

8 VICE CHAIRMAN KESSLER: You would solve
9 the problem in the neighborhood by making a map
10 amendment for all of them.

11 CHAIRMAN WALLACE: All right. Any further
12 discussion?

13 (No response.)

14 CHAIRMAN WALLACE: Is there a motion?

15 VICE CHAIRMAN KESSLER: We had talked
16 about some conditions, and I think, Ellen, you
17 suggested that we could make a recommendation with
18 conditions and make it conditional on setbacks; is
19 that right?

20 MS. JOHNSON: If you wish to impose a
21 restricted setback than currently allowed under
22 the RS-2 zoning, you would make a recommendation
23 contingent on that a deed restriction or similar
24 document be prepared imposing a certain setback.

1 VICE CHAIRMAN KESSLER: I have a question.
2 I'd like to -- I'm sorry.

3 MR. SPANIOL: Rich.

4 VICE CHAIRMAN KESSLER: Rich, you said
5 there was discussion with Mr. and Mrs. Snodgrass
6 regarding --

7 MEMBER HOLDERFIELD: Tim, I'm having
8 trouble hearing you.

9 VICE CHAIRMAN KESSLER: -- regarding the
10 setback, and that I think it was you were
11 describing to us how they -- you said you would do
12 20, and they thought they had agreed to 25; is
13 that correct?

14 MR. SPANIOL: Well, as Bob indicated, the
15 first time that the team met, I wasn't there when
16 they met; and they just put down a proposal and
17 just said -- let's say, the house was here. So
18 they measured it and said it was 32 feet away.

19 Well, I mean, obviously 32 feet away from
20 that lot line makes it that much closer to the
21 other lot line. So I said we can't afford to do
22 that, quite frankly, because again we're solving a
23 problem here but creating a bigger problem here
24 because the exist -- the house we would be

1 building and the existing home that we're going to
2 rehab are now going to be that much closer. So
3 what we were trying to do is get to a common
4 ground, and the common ground actually favors the
5 western lot line.

6 So that's why, if you look at this picture
7 right here, that the 25 feet on their lot line
8 versus the 15 feet on the eastern lot line;
9 therefore, they get satisfied with their space.
10 We have to be more creative with what we do with
11 the home that we would build there as well as the
12 garage that we would have to try to reset on the
13 existing lot.

14 VICE CHAIRMAN KESSLER: And I'm going to
15 ask Mr. Snodgrass. You talked about a discussion
16 starting out at 35 and then 32 and then --

17 MR. SNODGRASS: I thought I was -- the
18 strategy for the negotiation on this was a bit of
19 a mystery to me because usually you don't go from
20 35-ish to 32 to less, you know. That doesn't
21 really make a lot of sense.

22 VICE CHAIRMAN KESSLER: I do --

23 MR. SNODGRASS: So that explains -- you
24 know, that explains to me what happened is that

1 they didn't communicate, which is a bit of an
2 issue, I think.

3 VICE CHAIRMAN KESSLER: But my question is
4 this -- let me ask a question. My question is
5 this: You have had a discussion now. They're at
6 the 20 feet, were at 35 feet. Did you agree that
7 another 5 feet would satisfy --

8 MR. SNODGRASS: I did not. I did not. I
9 told them I would agree to 30 and that we had
10 other conditions that we still needed to talk
11 about because I was told that they were taking the
12 landscape screening off of the property as well.

13 So there's a number of conditions here.
14 There's a number of conditions that I think need
15 to be considered and thought about. Because it's
16 not just the setback that gives us a concern. The
17 privacy of them being able to look in to our
18 backyard and down the hallway, for instance, and
19 the costs of what happens with those trees.
20 That's even bigger.

21 VICE CHAIRMAN KESSLER: Well, I understand
22 that. Unfortunately, that's not under our
23 purview. What is are setbacks and mass and lot
24 size and building size. Those are under our

1 purview.

2 MR. SNODGRASS: I see. So landscape
3 screening and those kinds of covenants aren't part
4 of this whole discussion?

5 VICE CHAIRMAN KESSLER: No. We don't do
6 covenants.

7 MR. SNODGRASS: Okay.

8 VICE CHAIRMAN KESSLER: We can put certain
9 conditions on it, but they have to be relative to
10 the zoning.

11 MR. SNODGRASS: Okay. I wasn't aware of
12 that. Sorry.

13 VICE CHAIRMAN KESSLER: That's okay. And
14 those are discussions you can continue to have.
15 My specific question was about the setback issue.

16 MR. SNODGRASS: Okay.

17 VICE CHAIRMAN KESSLER: So you agreed to
18 30. They're at 20. Okay. Thank you.

19 MR. SNODGRASS: Thank you.

20 MR. JOHNSON: Sorry. If I can just
21 clarify.

22 CHAIRMAN WALLACE: Sure.

23 MR. JOHNSON: I think you mentioned we're
24 at 20. We're actually at 25 feet is where we're

1 at.

2 VICE CHAIRMAN KESSLER: Oh, I'm sorry.

3 Correct. All right.

4 CHAIRMAN WALLACE: All right. Well, any
5 discussion or motion?

6 VICE CHAIRMAN KESSLER: I would make a
7 motion to recommend approval of the application
8 for zoning map amendment for 1001 North 5th
9 Avenue, Jeffrey Johnson, on the condition that it
10 would maintain a minimum of a 25-foot setback on
11 the -- from the western lot line of Parcel No. 1.

12 MEMBER FUNKE: I'll second.

13 CHAIRMAN WALLACE: All right. Is there a
14 second?

15 MEMBER FUNKE: I'll second.

16 CHAIRMAN WALLACE: Okay. All right. Any
17 discussion on the motion?

18 Yeah, Tom.

19 MEMBER PRETZ: I actually just had a
20 question. The motion is to change the zoning to
21 RS-2; correct?

22 CHAIRMAN WALLACE: That's correct.

23 MEMBER PRETZ: Okay. Thank you.

24 CHAIRMAN WALLACE: All right. Any further

1 discussion?

2 (No response.)

3 CHAIRMAN WALLACE: Tim, roll call.

4 Becker.

5 MEMBER BECKER: No.

6 VICE CHAIRMAN KESSLER: Funke.

7 MEMBER FUNKE: Yes.

8 VICE CHAIRMAN KESSLER: Holderfield.

9 MEMBER HOLDERFIELD: Yes.

10 VICE CHAIRMAN KESSLER: Pretz.

11 MEMBER PRETZ: Yes.

12 VICE CHAIRMAN KESSLER: Vargulich.

13 MEMBER VARGULICH: No.

14 VICE CHAIRMAN KESSLER: Purdy.

15 MEMBER MACKLIN-PURDY: Yes.

16 VICE CHAIRMAN KESSLER: Melton.

17 MEMBER MELTON: Yes.

18 VICE CHAIRMAN KESSLER: Wallace.

19 CHAIRMAN WALLACE: Yes.

20 VICE CHAIRMAN KESSLER: Kessler, yes.

21 CHAIRMAN WALLACE: All right. That passes
22 by a vote of 7 to 2, and that concludes Item 5 on
23 the agenda.

24 (Off the record at 8:01 p.m.)

1 CERTIFICATE OF SHORTHAND REPORTER

2

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

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 10th day of
18 August, 2020. My commission expires: May 16, 2024

19

20 
21

22

23 _____
24 Notary Public in and for the
State of Illinois



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Transcript of Pride of Kane County

Date: August 4, 2020
Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re: Pride of Kane
County, Southeast Corner
of Kirk Road and East Main
Street, Applications for
Map Amendment, Special Use
for PUD, and PUD Preliminary :

----- X

HEARING

St. Charles, Illinois 60174

Tuesday, August 4, 2020

8:01 p.m.

22 | Job No.: 271903B

23 | Pages: 1 - 17

24 | Reported by: Joanne E. Ely, CSR, RPR

Transcript of Pride of Kane County
Conducted on August 4, 2020

2

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4

2 East Main Street

5

St. Charles, Illinois 60174

6

(630) 377-4400

7

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11

12

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

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Transcript of Pride of Kane County
Conducted on August 4, 2020

3

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFF FUNKE, Member

6 JAMES HOLDERFIELD, Member

7 LAURA MACKLIN-PURDY, Member

8 SUZANNE MELTON, Member

9 TOM PRETZ, Member, via Zoom

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSSELL COLBY, Assistant Director of

14 Community & Economic Development

15 ELLEN JOHNSON, Planner

16 RACHEL HITZEMANN, Planner

17 MONICA HAWK, Development Engineer

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Transcript of Pride of Kane County

Conducted on August 4, 2020

4

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

2 CHAIRMAN WALLACE: Next, Item 6 is Pride
3 of Kane County, southeast corner of Kirk Road and
4 East Main Street, CIMA Developers, LP, application
5 for map amendment, application for special use for
6 PUD, application for PUD preliminary plan.

7 Once again, this is a continued public
8 hearing and I'll just -- I don't think you were
9 sworn.

10 Anyone who wishes to give any testimony or
11 ask any questions -- oh, yeah.

12 Mr. Snodgrass, just to let you know before
13 you leave, this does go to the Planning and
14 Development Committee and there is -- our
15 recommendation goes there, but that's when a
16 decision will be made by the committee of the City
17 Council. So there's an opportunity to speak there
18 also. All right.

19 Sorry. This is Act 2, Pride of Kane
20 County.

21 (Witnesses sworn.)

22 CHAIRMAN WALLACE: Thank you. Again, if
23 you wish to speak, at the lectern, please state
24 your name, spell your last name for the record.

Transcript of Pride of Kane County
Conducted on August 4, 2020

5

1 Before we start, do you --

2 MS. JOHNSON: No, I'm just bringing it up.

3 CHAIRMAN WALLACE: Okay. All right. Is
4 the applicant ready?

5 MR. ABRAMS: Good evening, everyone. My
6 name is Todd Abrams. I'm the civil engineer on
7 the project presenting on behalf CIMA Developers,
8 the CIMA development group. My name is Todd,
9 T-o-d-d, Abrams, A-b-r-a-m-s, address is 2675
10 Pratum Avenue, Hoffman Estates, Illinois.

11 Again, good evening. As was previously
12 mentioned, this is a continuation from a hearing,
13 generally, it was approximately two weeks ago in
14 which we decided to continue to take a look at
15 some of the other -- some of the comments that
16 were brought up during the last presentation.

17 So what we've got is some site plans, some
18 exhibits to show the site plan changes that we
19 made as well as to help depict some of the little
20 bit more difficult design elements associated with
21 the project.

22 So what we are looking at here, a couple
23 of the comments that came up previously in the
24 presentation were regarding the -- some of the

Transcript of Pride of Kane County

Conducted on August 4, 2020

6

1 details of the site plans or site plan.

2 One comment was to add a stop line or stop
3 sign south -- on the ingress and egress access to
4 the property to the south. We did add that stop
5 line and that stop sign to help with the safety
6 and volume of the traffic to the south of the
7 property.

8 There was another question about safety
9 regarding some parking on the east side of the
10 development. There was a question or a comment on
11 the location of the trash enclosure. We did move
12 the trash enclosure back approximately 10 feet to
13 provide a little bit more visibility for a vehicle
14 parked on this western-most spot for the car wash.

15 Additionally, we did do a small shift to
16 the parking lot on the west side of the
17 development barely visible. We're basically
18 shifting the northerly curb line an additional 6
19 inches to the south to provide the required
20 landscape setback along Route 64.

21 Some other comments that did come up on
22 the whole landscape design, there were some
23 questions on the look and the design of the
24 guardrail which is being proposed along the

Transcript of Pride of Kane County

Conducted on August 4, 2020

7

1 detention pond. Just north of that detention
2 pond, south of the new curb line, south of the
3 power wash facility, if you can see on here, but
4 it's a little bit just north of that northern-most
5 retaining wall adjacent to the pond.

6 To our left, my left, we do have a picture
7 of the type of guardrail we're looking to put in.
8 There's a little bit more of, I guess, a natural
9 look to the guardrail rather than a standard IDOT
10 heavy duty guardrail. We proposed a pretreated,
11 you know, timber.

12 Some of the other changes, some of the
13 other additions we did make to the landscape plan
14 include some additional grasses along the south
15 side of our curb line, north side of the retaining
16 wall. You can see we put in several groupings
17 of -- essentially, it's a reed grass, so it grows
18 to be approximately 4 to 5 feet tall. So it will
19 help with some of the screening between the
20 parking lot and our property to the south. We do
21 have some pictures of that material too that I
22 will pull up here momentarily. Close-up picture
23 of the guardrail.

24 There was other -- a couple other

Transcript of Pride of Kane County

Conducted on August 4, 2020

8

1 questions on what the retaining wall would look
2 like. So we worked with a retaining wall
3 representative to find something similar. This is
4 a similar type product, perhaps even the product
5 that we would use.

6 If you look at the retaining wall adjacent
7 to the pond, it will look quite a bit like this.
8 It will have a natural landscape block. It will
9 have similar spacing. There will be a similar
10 height to this, and then as well, similar to what
11 we're proposing, a portion of the wall does abut
12 to the retention portion of the pond, which is the
13 wet area of the pond, and then also dry portions
14 of the pond. So this is about the closest example
15 we can find to what our system will look like.

16 And then also I did want to -- can I just
17 put the stick in the machine somewhere? I want to
18 show all the pictures. Thank you.

19 All right. These are some of the
20 landscape plantings we're proposing on the north
21 side of the retaining wall, south side of the
22 property. So this is a shrub that -- we're
23 proposing several spirea shrubs in between the
24 retaining walls. And then also this is the reed

Transcript of Pride of Kane County

Conducted on August 4, 2020

9

1 grass that's being proposed, essentially, along
2 the entire length of the retaining wall on the
3 south side of the property. Sorry. This is that
4 grass that will provide that buffer along the
5 south side. Again it grows to about 4 to 5 feet,
6 4 to 5 feet in height.

7 Another item that did come up at the
8 previous public hearing was the site layout. We
9 did receive a very nice color rendering from
10 staff, and I did take a look at it.

11 We did talk it over with ownership.
12 Essentially, it's not part of this model for our
13 gas station to put a building on the corner of an
14 intersection. Really the reasoning for that is
15 the canopy is the building for a gas station. The
16 canopy is what brings in people from the roadways,
17 essentially.

18 Unlike a quick serve restaurant or a bank,
19 a gas station is a site they use. So vehicles
20 don't go to the site because they know there's a
21 gas station there. They go there because they're
22 driving by, and they want to get gas. A big part
23 of a gas station model is making sure you've got
24 that canopy very visible for the vehicles that

Transcript of Pride of Kane County
Conducted on August 4, 2020

10

1 drive past the site.

2 And I did previously mention at the prior
3 meeting that I've designed approximately 125 gas
4 stations and never done a gas station with a
5 building --

6 THE REPORTER: I didn't hear.

7 MR. ABRAMS: Where there's a building
8 facing the intersection versus having a canopy
9 facing the intersection.

10 So, essentially, I believe that is what we
11 would like to cover and open it up for
12 questioning.

13 CHAIRMAN WALLACE: All right. Members of
14 the Plan Commission any questions?

15 (No response.)

16 CHAIRMAN WALLACE: All right. Anything
17 from the audience?

18 Okay. Seeing -- oh, sir.

19 MR. SOLTIS: Do you mind if I make a quick
20 comment?

21 CHAIRMAN WALLACE: Sure.

22 MR. SOLTIS: I'm Dan Soltis. I'm with
23 CIMA Developers, 30W180 Butterfield Road,
24 Warrenville, Illinois.

Transcript of Pride of Kane County
Conducted on August 4, 2020

11

1 You know, just a reminder, we purchased
2 this site -- well, we were under contract on this
3 site probably about three years ago, and it was a
4 long and difficult due diligence period. We had
5 to extend the contract three, four, five times.
6 Mr. Regole was getting impatient.

7 We made a decision to purchase the
8 property, so we do own this property, and we
9 worked off the information that we had in front of
10 us. We worked off a lot of feedback we received
11 last year during the proceedings, and we felt
12 confident moving forward with it.

13 The property -- and I had to call the
14 broker to find out, the property was marketed for
15 about 15 years off and on, pretty heavily for the
16 last six years.

17 So due to the access, due to IDOT, KDOT,
18 cross-access agreements that had to be worked out,
19 we felt comfortable moving forward on this project
20 without direct access off of Kirk Road. So we got
21 the cross access through Main Street Commons, felt
22 comfortable moving forward. We needed to make it
23 economically feasible and to get what we have
24 shown here on the site.

Transcript of Pride of Kane County

Conducted on August 4, 2020

12

1 The site is a convenience corner. We see
2 this as a convenience corner. Kirk Road traffic
3 northbound is very important to us. Hence the
4 reasoning for not moving the canopy.

5 We've called St. Charles home for
6 35 years. We have multiple developments in the
7 City. We have a longstanding relationship. We're
8 continuing to build, and we would do this no
9 different than what we will build in Naperville
10 and Palatine later this year as well.

11 And we're asking for your support tonight.

12 MEMBER FUNKE: I've got a question
13 regarding the existing barns on the site. Do you
14 have any plans on recycling the timber from the
15 old barns?

16 MR. SOLTIS: We have gotten calls, and
17 we're in contact with everybody that I have
18 contact information for. So we do have some ideas
19 to utilize some of the wood in the interior
20 as well.

21 Some folks have called us. They want to
22 do metal detecting. They're interested. So we're
23 getting calls, so yes. The answer to your
24 question is yes.

Transcript of Pride of Kane County

Conducted on August 4, 2020

13

1 MEMBER FUNKE: It might be nice if you can
2 incorporate some of the timber into the existing
3 structure since you guys -- or the proposed
4 structure since you guys have barns as a design
5 motif.

6 MR. SOLTIS: Okay. I'll make note of
7 that. Okay. Thank you.

8 MEMBER MACKLIN-PURDY: I just want to say
9 also I did have a conversation with the Spotted
10 Fox, who is right behind you, and he asked when
11 you're going to start building because he's very
12 excited and he is -- he feels like it's going to
13 open up the visibility of the entire shopping
14 center of his restaurant, and he's very excited.

15 MR. SOLTIS: We're looking at moving on
16 this quickly. If we were in position to build in
17 2021, we would love to be in position to do that.
18 We would start working on plans immediately and
19 then proceed from there.

20 CHAIRMAN WALLACE: All right. Any other
21 questions?

22 (No response.)

23 CHAIRMAN WALLACE: Okay. If the Plan
24 Commission feels they have enough information to

Transcript of Pride of Kane County

Conducted on August 4, 2020

14

1 make a recommendation to the City Council Planning
2 and Development Committee, then a motion to close
3 the public hearing is in order.

4 VICE CHAIRMAN KESSLER: So moved.

5 MEMBER FUNKE: Second.

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

8 (No response.)

9 CHAIRMAN WALLACE: Tim, roll call.

10 VICE CHAIRMAN KESSLER: Becker.

11 MEMBER BECKER: Yes.

12 VICE CHAIRMAN KESSLER: Funke.

13 MEMBER FUNKE: Yes.

14 VICE CHAIRMAN KESSLER: Pretz.

15 MEMBER PRETZ: Yes.

16 VICE CHAIRMAN KESSLER: Holderfield.

17 MEMBER HOLDERFIELD: Yes.

18 VICE CHAIRMAN KESSLER: Vargulich.

19 MEMBER VARGULICH: Yes.

20 VICE CHAIRMAN KESSLER: Purdy.

21 MEMBER MACKLIN-PURDY: Yes.

22 VICE CHAIRMAN KESSLER: Melton.

23 MEMBER MELTON: Yes.

24 VICE CHAIRMAN KESSLER: Wallace.

Transcript of Pride of Kane County

Conducted on August 4, 2020

15

1 CHAIRMAN WALLACE: Yes.

2 VICE CHAIRMAN KESSLER: Kessler, yes.

3 CHAIRMAN WALLACE: All right. And now,
4 for discussion and recommendation.

5 VICE CHAIRMAN KESSLER: I'd like to make a
6 motion to recommend approval to the Planning and
7 Development Committee of the City Council for the
8 Pride of Kane County, southeast corner of Kirk
9 Road and East Main Street, CIMA Developers, LP,
10 application for map amendment, application for
11 special use for PUD, application for PUD
12 preliminary plan subject to resolution of all
13 outstanding staff comments.

14 MEMBER MACKLIN-PURDY: I'll second that.

15 CHAIRMAN WALLACE: Okay. It's been a
16 moved and seconded.

17 MEMBER HOLDERFIELD: I want to make sure
18 we're staying with the proposal with the canopy on
19 the western edge?

20 VICE CHAIRMAN KESSLER: Yes. Correct.

21 CHAIRMAN WALLACE: All right. Any
22 discussion?

23 (No response.)

24 CHAIRMAN WALLACE: Seeing none, Tim.

Transcript of Pride of Kane County
Conducted on August 4, 2020

16

1 VICE CHAIRMAN KESSLER: Becker.

2 MEMBER BECKER: Yes.

3 VICE CHAIRMAN KESSLER: Funke.

4 MEMBER FUNKE: Yes.

5 VICE CHAIRMAN KESSLER: Pretz.

6 MEMBER PRETZ: Yes.

7 VICE CHAIRMAN KESSLER: Holderfield.

8 MEMBER HOLDERFIELD: Yes.

9 VICE CHAIRMAN KESSLER: Vargulich.

10 MEMBER VARGULICH: No.

11 VICE CHAIRMAN KESSLER: Purdy.

12 MEMBER MACKLIN-PURDY: Yes.

13 VICE CHAIRMAN KESSLER: Melton.

14 MEMBER MELTON: Yes.

15 VICE CHAIRMAN KESSLER: Wallace.

16 CHAIRMAN WALLACE: Yes.

17 VICE CHAIRMAN KESSLER: Kessler, yes.

18 CHAIRMAN WALLACE: All right. That passes
19 by a vote of 8 to 1. That concludes Item 6 on our
20 agenda.

21 (Off the record at 8:18 p.m.)

22

23

24

Transcript of Pride of Kane County

Conducted on August 4, 2020

17

1 CERTIFICATE OF SHORTHAND REPORTER
2

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

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 10th day of
18 August, 2020.

19
20 My commission expires: May 16, 2024

21 
22 Notary Public in and for the
23 State of Illinois
24



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Transcript of Pheasant Run Resort

Date: August 4, 2020
Case: St. Charles Plan Commission

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BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

5 In Re: Pheasant Run
6 Resort Subdivision, Saint :
7 Charles Resort, LLC,
8 Application for
9 Preliminary/Final Plat of :
10 Subdivision

13
14 HEARING
15 St. Charles, Illinois 60174
16 Tuesday, August 4, 2020
17 8:18 p.m.

22 Job No.: 271903C
23 Pages: 1 - 17
24 Reported by: Joanne E. Ely, CSR, RPR

Transcript of Pheasant Run Resort
Conducted on August 4, 2020

2

1 HEARING, held at the location of:

2

3 ST. CHARLES CITY HALL

4 2 East Main Street

5 St. Charles, Illinois 60174

6 (630) 377-4400

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

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Transcript of Pheasant Run Resort
Conducted on August 4, 2020

3

1 PRESENT:

2 TODD WALLACE, Chairman

3 TIM KESSLER, Vice Chairman

4 JENNIFER BECKER, Member

5 JEFF FUNKE, Member

6 JAMES HOLDERFIELD, Member

7 LAURA MACKLIN-PURDY, Member

8 SUZANNE MELTON, Member

9 TOM PRETZ, Member, via Zoom

10 PETER VARGULICH, Member

11

12 ALSO PRESENT:

13 RUSSELL COLBY, Assistant Director of

14 Community & Economic Development

15 ELLEN JOHNSON, Planner

16 RACHEL HITZEMANN, Planner

17 MONICA HAWK, Development Engineer

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Transcript of Pheasant Run Resort

Conducted on August 4, 2020

4

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

2 CHAIRMAN WALLACE: Item 7 is Pheasant Run
3 Resort subdivision, Saint Charles Resort, LLC,
4 application for preliminary and final plat of
5 subdivision.

6 Russ.

7 MR. COLBY: I've come up here to introduce
8 this one. So this is an application that is
9 proposing to subdivide the property that comprises
10 the former Pheasant Run resort. The proposal is
11 to split the property into three lots to
12 facilitate a future reuse or redevelopment of the
13 property.

14 Lot 1, the furthest east lot, includes the
15 Mega Center building and the adjacent parking
16 lots. Lot 2 would include most of the former
17 resort buildings, with the exception of the west
18 wing of the resort facility, which is on Lot 3.
19 And then the third lot is mostly an undeveloped
20 portion at the corner of Main Street and Kautz
21 Road.

22 As I said, there's no specific development
23 plan being proposed. This is a plat of
24 subdivision only. So the scope of review is

Transcript of Pheasant Run Resort

Conducted on August 4, 2020

5

1 limited to the lot layout, site access, and to the
2 utilities to service the lots.

3 In terms of the staff review, the plan
4 that's been submitted complies with the BR,
5 regional business zoning requirements. They have
6 provided the required perimeter public utility
7 drainage easements that are stipulated in the
8 subdivision code. We are still reviewing the
9 adequacy of the width of those easements based on
10 future planning for utility mains that need to be
11 placed in those easements upon redevelopment.

12 The utility systems that exist on the
13 Pheasant Run resort property are for the most part
14 private systems. They'll need to be upgraded in
15 order to meet current City standards once the
16 property is separated into individual lots.

17 The focus of the engineering review has
18 been the sanitary sewer service and a lift
19 station, a public lift station that would need to
20 be constructed to provide sanitary sewer service
21 to each of the lots. That is a significant land
22 improvement that will be required in connection
23 with this subdivision, and that is something that
24 will need to be provided in the form of a

Transcript of Pheasant Run Resort

Conducted on August 4, 2020

6

1 financial guarantee as part of the subdivision
2 approval.

3 With respect to the stormwater management,
4 there's no stormwater management that exists on
5 the property today that's been designed. There is
6 a drainage system and a number of ponds.

7 It's anticipated that as each of these
8 lots redevelop, they would provide for some
9 stormwater management based on the scope of the
10 redevelopment, considering whether the property is
11 wholesale redeveloped, or some of the buildings
12 are reused. And each of the lots is a little bit
13 different. Some of them are entirely impervious
14 versus Lot 3 at the corner has a fair amount of
15 pervious area.

16 A couple of staff comments with respect to
17 access. Staff would like to see some cross
18 easement provided between Lots 2 and 3 to allow
19 traffic under a future redevelopment to be able to
20 connect from Kautz Road to the main site entrance.
21 That would be the signalized entrance on Route 64.

22 Also a comment that some type of sidewalk
23 system should be provided through the development.
24 There are not sidewalks that are along the front

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1 of this property, but there are sidewalks on the
2 opposite side of both Main Street and Kautz Road.
3 And there's a pedestrian crossing that exists at
4 the signalized entrance to the resort on Route 64.

5 There's potential for a sidewalk
6 connection and a future access off of Kautz Road
7 where a sidewalk crossing could be established.
8 So we'd like to see that memorialized in some
9 form, that a sidewalk system be connected through
10 those points.

11 But, otherwise, staff has found the
12 materials that have been submitted to be complete
13 and in compliance with code requirements as
14 they're noted. We're recommending approval
15 subject to completion of final engineering review
16 for the sanitary sewer lift station and
17 corresponding changes to the easements on the plat
18 where necessary, and then addressing the
19 outstanding staff comments.

20 VICE CHAIRMAN KESSLER: Russ, you
21 mentioned the cross-access easement. Does that
22 include -- I'm looking at these lots. On Lot 2,
23 the only access currently is shared with Lot 1,
24 the furthest piece.

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1 MR. COLBY: Yes. So there's an access
2 easement that's shown along this entrance drive
3 that would serve both Lot 1 and Lot 2. That staff
4 comment was with respect to ensuring that there's
5 some -- or access from this access easement
6 through Lot 2 and Lot 3 to a future access that
7 would be provided in this area along Kautz Road.

8 VICE CHAIRMAN KESSLER: The likelihood of
9 any other curb cuts running into that property --

10 THE REPORTER: I didn't hear.

11 VICE CHAIRMAN KESSLER: I said the
12 likelihood of any new curb cuts off of 64 into
13 those properties is probably unlikely.

14 MR. COLBY: Yes. I would agree.

15 VICE CHAIRMAN KESSLER: All right. Thank
16 you.

17 MR. COLBY: We have a representative of
18 the applicant present to answer questions as well.

19 MEMBER MACKLIN-PURDY: I have a question.
20 Have any of these parcels been sold or under
21 contract?

22 MR. GUERARD: Good evening. My name is
23 Rich Guerard representing the owner.

24 Yes, Lot 1 is under contract.

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1 MEMBER MACKLIN-PURDY: The one with the
2 Mega Center and the parking lot?

3 MR. GUERARD: Yes.

4 THE REPORTER: Can you spell your last
5 name, please.

6 MR. GUERARD: G-u-e-r-a-r-d.

7 MEMBER MACKLIN-PURDY: And it's my
8 understanding that it's probably not going to
9 remain a Mega Center and parking lot; is that
10 correct?

11 MR. GUERARD: That's correct. There is
12 currently -- Russell, has it already been
13 discussed as far as Lot 1, the City's -- where the
14 proposals are?

15 MR. COLBY: No.

16 MR. GUERARD: All right. We have it under
17 contract, and the party under contract has
18 approached the City for development; and the
19 current plan is that part of that Mega Center
20 would be used but as part of a redevelopment.
21 There would be additional development to the
22 property.

23 MEMBER MACKLIN-PURDY: I guess I just want
24 to go on the record. I didn't know I'd ever be

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1 able to go on the record as saying this. The
2 amount of business that that Mega Center brought
3 in to St. Charles was tremendous. It supported --
4 we have 11 hotels in St. Charles, and I don't
5 think people realize how many -- how many large
6 conventions and how much business it actually
7 brought to our hotels and to our restaurants.

8 I just want to go on the record as saying
9 that. It's a shame that we can't have the Mega
10 Center, that it remains there because it really
11 did support a lot of economic growth within our
12 community. So that's all I want to say.

13 MR. GUERARD: And the City, the community
14 development and the other people, they are making
15 great efforts to replace that economic activity on
16 the property, additionally the owner.

17 MEMBER MACKLIN-PURDY: Specifically,
18 Hilton Garden Inn could possibly close their doors
19 if there's not -- I mean, I'm in contact with them
20 every day. So it's just -- it's hard. I
21 understand we need to move forward with
22 redeveloping this property but --

23 MR. GUERARD: You can certainly see it
24 from our end.

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1 MEMBER MACKLIN-PURDY: Yes. Absolutely, I
2 get it.

3 MR. GUERARD: It's being redeveloped
4 because it didn't work economically.

5 MEMBER MACKLIN-PURDY: Right.

6 MR. GUERARD: They did not acquire it with
7 that in mind, you know, redevelopment.

8 MEMBER MACKLIN-PURDY: Right.

9 MR. GUERARD: But that's where we are in
10 today's economy, so.

11 MEMBER MACKLIN-PURDY: I understand. I
12 just needed to say that.

13 MR. GUERARD: No, we appreciate it.

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

16 (No response.)

17 CHAIRMAN WALLACE: Okay.

18 VICE CHAIRMAN KESSLER: I'd like to make a
19 recommendation for approval to the Planning and
20 Development Committee of the City Council, re:
21 application for preliminary and final plat of
22 subdivision for Pheasant Run resort and
23 subdivision subject to resolution of all
24 outstanding staff negotiations and comments.

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1 CHAIRMAN WALLACE: All right. Is there a
2 second?

3 MEMBER VARGULICH: I'll second.

4 CHAIRMAN WALLACE: All right. Any
5 discussion on the motion?

6 (No response.)

7 CHAIRMAN WALLACE: Tim, roll call.

8 VICE CHAIRMAN KESSLER: Becker.

9 MEMBER BECKER: Yes.

10 VICE CHAIRMAN KESSLER: Funke.

11 MEMBER FUNKE: Yes.

12 VICE CHAIRMAN KESSLER: Holderfield.

13 MEMBER HOLDERFIELD: Yes.

14 VICE CHAIRMAN KESSLER: Pretz.

15 MEMBER PRETZ: Yes.

16 VICE CHAIRMAN KESSLER: Vargulich.

17 MEMBER VARGULICH: Yes.

18 VICE CHAIRMAN KESSLER. Purdy.

19 MEMBER MACKLIN-PURDY: Yes.

20 VICE CHAIRMAN KESSLER: Melton.

21 MEMBER MELTON: Yes.

22 VICE CHAIRMAN KESSLER: Wallace.

23 CHAIRMAN WALLACE: Yes.

24 VICE CHAIRMAN KESSLER: Kessler, yes.

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1 CHAIRMAN WALLACE: All right. Thank you.

2 MR. GUERARD: Thank you very much.

3 CHAIRMAN WALLACE: Any additional business
4 for Plan Commission members or staff?

5 MEMBER VARGULICH: I have just two
6 questions for staff. Can you guys comment on the
7 status of the First Street plaza with the Manor
8 property?

9 MR. COLBY: Yes. So you're probably aware
10 that the City purchased the lot with the intent of
11 expanding the plaza. Right now there's a process
12 underway with a group called the St. Charles
13 Initiative which is a fund-raising entity that the
14 City was involved with establishing to raise money
15 for improvement of the site.

16 There will be a presentation by the
17 St. Charles Initiative at the Planning and
18 Development Committee meeting that's coming up on
19 Monday, August 10th. They'll be providing an
20 update on some work that they've done in terms of
21 visioning what they would like to see the City do
22 and what they think they can raise funds for.

23 So while that process is ongoing, we're
24 expecting to receive some direction from the

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1 Planning and Development Committee about what they
2 would like to see in terms of improvement of that
3 site. It's anticipated that plans will be
4 presented probably later this year, potentially
5 earlier next year to the Plan Commission as part
6 of an oral PUD plan review.

7 The intent would be for construction,
8 assuming that it remains in the budget for
9 construction to take place, next summer, so the
10 summer of '21.

11 MEMBER VARGULICH: And you said it's at
12 the August 10th meeting?

13 MR. COLBY: Yes. On this coming Monday.

14 MEMBER VARGULICH: Okay. The second
15 question is the status of the RFP and RFQ related
16 to the property north of City Hall.

17 MR. COLBY: Yes. So the planning and
18 development committee discussed that back in June
19 and made the decision to hold off on issuing the
20 request for proposals until potentially later this
21 year, perhaps revisiting it after the 1st of the
22 year potentially going into next spring.

23 There's a concern that with the economic
24 environment, it's maybe not the most opportune

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1 time to release the RFP. So they expect that that
2 may be discussed again later this year for
3 direction, but at this point they're holding off.

4 MEMBER VARGULICH: Thank you.

5 MS. JOHNSON: I wanted to talk about the
6 September 8th meeting. So there's a scheduling
7 conflict with the council chamber due to Labor
8 Day. So we're unable to hold meetings in Century
9 Station right now due to all of the Zoom virtual
10 meeting setup.

11 So I want to check your availability for
12 September 9th, so Wednesday.

13 VICE CHAIRMAN KESSLER: Okay with me.

14 CHAIRMAN WALLACE: Okay.

15 MS. JOHNSON: Okay. So we'll reschedule
16 that meeting for the 9th then.

17 CHAIRMAN WALLACE: All right. Anything
18 else?

19 (No response.)

20 CHAIRMAN WALLACE: That takes us through
21 to adjournment. Is there a motion?

22 VICE CHAIRMAN KESSLER: So moved.

23 MEMBER FUNKE: Second.

24 CHAIRMAN WALLACE: Is there a second.

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1 MEMBER FUNKE: I'll second.

2 CHAIRMAN WALLACE: All in favor.

3 (Ayes heard.)

4 CHAIRMAN WALLACE: Opposed.

5 (No response.)

6 CHAIRMAN WALLACE: The meeting of the
7 St. Charles Plan Commission is adjourned at
8 8:32 p.m.

9 (Off the record at 8:32 p.m.)

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1 CERTIFICATE OF SHORTHAND REPORTER
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3 I, Joanne E. Ely, Certified Shorthand
4 Reporter No. 84-4169, CSR, RPR, and a Notary
5 Public in and for the County of Kane, State of
6 Illinois, the officer before whom the foregoing
7 proceedings were taken, do certify that the
8 foregoing transcript is a true and correct record
9 of the proceedings, that said proceedings were
10 taken by me stenographically and thereafter
11 reduced to typewriting under my supervision, and
12 that I am neither counsel for, related to, nor
13 employed by any of the parties to this case and
14 have no interest, financial or otherwise, in its
15 outcome.

16 IN WITNESS WHEREOF, I have hereunto set my
17 hand and affixed my notarial seal this 10th day of
18 August, 2020. My commission expires: May 16, 2024
19

20 
21

22 _____
23 Notary Public in and for the
24 State of Illinois