

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, JULY 8, 2019 7:00 P.M.**

Members Present: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis

Members Absent: Stellato, Turner

Others Present: Mayor Rogina, Mark Koenen; City Administrator, Rita Tungare; Director of Community & Economic Development, Russell Colby; Community Development Division Manager, Ellen Johnson; City Planner, Monica Hawk; Development Engineer, Rachel Hitzemann; Planner, Ciara Miller; Economic Development Planner, Mark LaChappell; Building Code Enforcement Division Supervisor, Fire Chief Schelstreet, Asst. Fire Chief Christensen, Chris Minick; Director of Finance, Larry Gunderson; Director of I.S., Keith Nightlinger; GIS Manager

1. CALL TO ORDER

The meeting was convened by Chair Payleitner at 7:00 P.M.

2. ROLL CALLED

Roll was called:

Present: Silkaitis, Payleitner, Lemke, Bancroft, Pietryla, Vitek, Bessner, Lewis

Absent: Stellato, Turner

3. OMNIBUS VOTE-None.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Plan Commission recommendation to approve a PUD Preliminary Plan for First St. East Plaza and Riverwalk.

Mr. Colby presented the Executive Summary posted in the meeting packet.

The Committee members agreed on use of a different larger paver in the East Plaza that blends with the existing pavers, and that the decision regarding a pergola and water feature should be delayed until the final extent of the East Plaza is known. The majority supported delaying consideration of the lower Riverwalk railing.

Aldr. Bessner said his concern is the lower Riverwalk railing for safety reasons to bring in a more friendly conducive environment off of Main St. and onto First St. It's not a responsible move to not have that railing. He asked what the odds are of someone falling in, because the gap is so high that person would not be able to reach up to get out. Chief Schelstreet said he's always an advocate for safety but he doesn't have an opinion either way, theres no tried and true way to determine that, but until now they have not had a problem with that. Aldr. Silkaitis said railings do provide a sense of security, but his concern is if the city would then be legally responsible if someone fell through the railing; we might be better off not having them. If we do decide to do the railing we should do it now, it'll be cheaper. Mr. Colby said we could get a slightly lower price for installing a railing all at the same time, but it's not that significant. He did note that with debris and water from flooding a railing would require maintenance.

Aldr. Lemke made a motion to approve a PUD Preliminary Plan for First St. East Plaza and Riverwalk. Seconded by Aldr. Silkaitis.

Roll was called:

Ayes: Silkaitis, Lemke, Bancroft, Pietryla, Vitek, Lewis

Absent: Stellato, Turner

Recused:

Nays: Bessner

Motion carried 6-1

- b. Recommendation to approve a Minor Change to PUD for First Street Redevelopment Building #2 Patio Area (Alter Brewing).

Mr. Colby presented the Executive Summary posted in the meeting packet.

Aldr. Silkaitis noted that he didn't want to see a chain link fence around the patio area.

Aldr. Vitek commended the applicant on the design.

Aldr. Lewis said she is opposed to the white temporary seasonal tent shown in the rendering on the patio; she feels it undoes what we've been trying to accomplish for our riverfront. Douglas Walksler-1080 Wexford Ct, Wheaton-referred to the limitation in the city code for a temporary structure; which is 180 days/6-months. Tristan Dacre-Architect-added that the tent is high-end; it's not vinyl. The intent is to help the proforma by being able to use this space during the winter, which would be decorated in a festive manner for the holidays for events. Aldr. Pietryla suggested making it another color. Mr. Walksler said this is the only color available. He noted that although the rendering don't show it; there would be some mechanical equipment between the parking garage and the building where some greenery would be added, as well as the planned Riverwalk landscaping.

Chair Payleitner expressed a concern for the use of the top of the container bar. Mr. Walksler said the first level is a service bar; the second level is for extra seating for guests to enjoy the views.

Aldr. Vitek made a motion to approve a Minor Change to PUD for First Street Redevelopment Building #2 Patio Area (Alter Brewing). Seconded by Aldr. Lemke.

Roll was called:

Ayes: Silkaitis, Lemke, Bancroft, Pietryla, Vitek, Bessner

Absent: Stellato, Turner

Recused:

Nays: Lewis

Motion carried 6-1

- c. Recommendation to approve an amendment to Title 16 of the St. Charles Municipal Code (Subdivisions and Land Improvement) regarding subdivision benchmarks.

Mr. Colby presented the Executive Summary posted in the meeting packet.

Aldr. Bancroft made a motion to approve an amendment to Title 16 of the St. Charles Municipal Code (Subdivisions and Land Improvement) regarding subdivision benchmarks. Seconded by Aldr. Vitek. Approved unanimously by voice vote. Motion carried 7-0.

- d. Plan Commission recommendation to approve a Special Use for a Place of Worship for St. Charles United Pentecostal Church, 525 S. Tyler Rd. Units M1 & M2.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Lewis asked how the city would enforce the capacity and the times services are held. Ms. Johnson said the maximum occupancy would be posted in the space; but as far as enforcement it would be complaint based or observation of issues. She noted that there was a previous situation in a business park a few years ago which had the same conditions. She noted that the parking among the 2 churches will be used at the same time but will not pose a problem.

Aldr. Lewis made a motion to approve a special use for place of Worship for St. Charles United Pentecostal Church, 525 S. Tyler Rd. Units M1 & M2. Approved unanimously by voice vote. Motion carried 7-0.

- e. Plan Commission recommendation to approve an Amendment to Special Use for PUD for Meijer Sign Amendment – Vet IQ.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Silkaitis made a motion to approve an Amendment to Special Use for PUD for Meijer Sign Amendment-VetIQ. Seconded by Aldr. Lemke. Approved unanimously by voice vote. Motion carried 9-0.

- f. Plan Commission recommendation to approve a Minor Subdivision Final Plat for Baker Field Subdivision.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Lewis said she feels whenever we can put in sidewalks we should for connectivity and that's a very walkable neighborhood with children; she requests sidewalks be put in. Ms. Johnson noted that this property is at the corner of the block and if sidewalks were put in this property would be the only stretch of that block that would have them. Chair Payleitner noted that there are already 3 houses there at the corner of Mosedale and 5th that do not have sidewalks. Ms. Johnson added that those properties are already subdivided so there will not be any subdivision trigger in the future to add sidewalks. Aldr. Lewis said she's always optimistic that there could be sidewalks. Aldr. Silkaitis agreed.

Ryan Corcoran-40W955 Brown Rd.-stated that this would be his personal residence, the plan being to put a house in the backyard. What attracted him to this neighborhood was that all around the entire park there are no sidewalks; neither does the next block going south along 5th and 6th, and from a conformity and historical standpoint it doesn't make sense to put in a sidewalk. Aldr. Lewis said she thinks it was probably an oversight that they were not put in. Mr. Corcoran said there's some larger trees along 5th St. in the parkway that gives it an aesthetic feel that is a neat look and feel for an in-town neighborhood not to have that. Aldr. Lewis said she thinks the infill is great, but asked if a sidewalk could be put in and still keep those trees; maybe there's room. Mr. Corcoran said he just doesn't think it makes sense with the streetscape already in place, and there's a new house right there that wasn't required to have sidewalks and he'd like to be treated fairly. Aldr. Lewis noted that house was a rehab not a subdivision.

Aldr. Pietryla asked if there were any utilities that would get in the way of sidewalks; if so sidewalks would not make sense there. Mr. Corcoran said those could come from either the south or the corner of Cutler and 5th, and the sewer is in the street.

Aldr. Lemke noted cases where sidewalks were curved around trees. Chair Payleitner said Mr. Corcoran is speaking more of the continuity of the neighborhood; there aren't any sidewalks on 6th St. or 5th St. up to Cutler.

Aldr. Vitek noted that this is her ward and she's comfortable with the plan, she understands safety issues, but it would make changes aesthetically, and no one is going to jump on the sidewalk and then back off, and at this point it's not required for the other homes so she doesn't see a necessity requiring it for this home. Chair Payleitner noted that this instance came up in another neighborhood and no one wanted sidewalks; she worries that in this case the rest of the neighborhood may not like a sidewalk in the middle of a street; she understand walkability, but this street is really not very busy and most people walk on the park side. Aldr. Silkaitis said he would agree if there were no sidewalks to the north of Cutler, but there is a connection north of Cutler on 5th St., therefore he thinks they should continue it.

Mr. Corcoran noted that the Plan Commission suggested no sidewalks right off the bat; they support sidewalks but this instance wasn't right for them aesthetically; and he agrees.

Aldr. Bancroft made a motion to approve a Minor Subdivision Final Plat for Baker Field Subdivision. Seconded by Aldr. Vitek.

Roll was called:

Ayes: Bancroft, Vitek, Pietryla, Bessner

Absent: Stellato, Turner

Recused:

Nays: Silkaitis, Lemke, Lewis

Motion carried 4-3

- g. Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) regarding short-term rental units.

Ms. Johnson presented the Executive Summary posted in the meeting packet.

Aldr. Bancroft asked why staff was throwing this out there, and he disagrees; option #3 isn't the most permissive option, doing nothing is the most permissive option. Ms. Johnson said staff has received a few inquiries over the past few years and we really didn't have any answer for people as to whether they're permitted in town. Aldr. Bancroft suggested just not regulating it at all. Ms. Johnson said she think we need to at least define the use and spell out that it's permitted everywhere, otherwise it's not clear. Aldr. Bancroft totally disagreed; we don't have to define anything; "we don't have a short-term rental ordinance", done. He thinks it would be very hard to administer, someone would also then have to monitor all these sites, decide if there safe; we'd have to go down the whole rental restriction road; he's not a big fan of slippery slope arguments, and he feels this is a big problem. We have 36,000 residents here, some of which bought home that had no regulations, and now we're going to spring it on them; he doesn't think it's an area we want to get involved in at the moment; just because there's 13 listed on a series of websites, and we've received a few calls.

Aldr. Lewis said she feels this discussion needs to come back to Committee, but was curious how it would be enforced if there were an ordinance, and if there's been any complaints, if so how would those be handled. Mr. Johnson said on the code enforcement side there have been no complaints; staff looked up the addresses for current short-term rentals and only found a parking lot violation that may or may not have been related to the short-term rental; other than that we did not pull police complaint records; which staff could do. She noted that 1 short-term rental owner showed at Plan Commission who was in support of putting something in the code to give legitimacy to her unit and peace of mind to put future improvements in the unit.

Aldr. Vitek wants to give it more time before enacting, but she wouldn't like to see people have regulations.

Aldr. Lemke likes no options; he'd like to see none at all.

Aldr. Bessner likes option #1, but he still not convinced we should go down the path.

Aldr. Silkaitis said he would like to regulate it but he doesn't see how we could enforce it and he doesn't see any penalties listed. Ms. Johnson said it would be regulated per the zoning violation section of the code. It would be a process on staff to monitor the website and registrations, and she's not sure how we'd get full compliance. Aldr. Silkaitis said it'll be too complicated.

Ms. Johnson noted that any stay over 30 days the resident would no longer be considered transient and would no longer be considered a short-term rental, just a rental; that seems to be the standard.

Aldr. Bancroft noted that there's no money in it for the city, there's only 13 currently, there's no history of issues; he just doesn't see a reason to regulate it, just to regulate it. Any bad behaviour can be dealt with through other means and he thinks it's a bad area for us to get into.

Aldr. Lewis noted that she like to see the complaints; she knows there's at least 1 because she received it.

Aldr. Pietryla asked if staff would be comfortable just stating we don't have a regulation at all. Ms. Johnson said we currently have been responding that if they're occupying the home and renting more than 1 room at a time they're a bed and breakfast which is only permitted in certain districts downtown. If renting out an entire dwelling on a short-term basis they'd be a hotel/motel which is not permitted outside of the commercial districts. Ms. Tungare stated that there is a gap in our ordinance as to how we are administering this at this time; we do have other use categories in the ordinance to fall back on as to whether something is permitted or not; it's a policy decision to make by the Committee.

Ms. Johnson noted that the current short-term rentals would not be grandfathered in because it's not a use now so those wouldn't be established as a permitted use.

No action was taken by the Committee.

- h. Discussion regarding Historic Preservation walking tour and Pottawatomie area architectural survey.

Mr. Colby presented the Executive Summary posted in the meeting packet.

Aldr. Lewis commended the Commission on all their work and she loved the walk.

Aldr. Lewis made a motion to approve taking the next steps in the process to conduct an architectural survey. Seconded by Aldr. Pietryla.

Roll was called:

Ayes: Silkaitis, Lemke, Bancroft, Pietryla, Vitek, Bessner, Lewis

Absent: Stellato, Turner

Recused:

Nays:

Motion carried 7-0

- i. Update regarding Comprehensive Plan amendment (information only).

Mr. Colby shared a presentation summarizing the feedback received from the April 24 open house.

5. ADDITIONAL BUSINESS - None

6. EXECUTIVE SESSION

Aldr. Lemke made a motion to enter Executive Session to discuss Property Acquisition-5 ILCS 120/2(c)(5) at 8:17pm. Seconded by Aldr. Bancroft.

Roll was called:

Ayes: Silkaitis, Payleitner, Lemke, Bancroft, Vitek, Pietryla, Bessner, Lewis

Absent: Stellato, Turner

Recused:

Nays:

Motion carried.

Aldr. Silkaitis made a motion to come out of Exec. Session at 8:31pm. Seconded by Aldr. Lemke. Approved unanimously by voice vote. Motion carried.

7. ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS-None.

8. ADJOURNMENT - Aldr. Lemke made a motion to adjourn at 8:32pm. Seconded by Aldr. Bessner. Approved unanimously by voice vote. Motion Carried.