

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, FEBRUARY 10, 2020 7:00 P.M.**

- Members Present:** Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis
- Members Absent:** None
- Others Present:** Mayor Rogina, Mark Koenen; City Administrator, Rita Tungare; Director of Community & Economic Development, Russell Colby; Assistant Director of Community & Economic Development, Ellen Johnson; City Planner, Rachel Hitzemann; City Planner, Monica Hawk; Development Engineer, Ciara Miller; Econ. Dev. Planner, Bob Vann; Building & Code Enforcement Manager

**1. CALL TO ORDER**

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

**2. ROLL CALLED**

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner, Lewis  
Absent: None

**3. OMNIBUS VOTE**

- \*4a. Recommendation to approve and execute an Acceptance Resolution for Public Utilities for Extreme Clean Car Wash.
- \*4b. Presentation of the 2019 St. Charles Housing Affordability Analysis & Housing Commission recommendation regarding the 2020 Inclusionary Housing Fee.
- \*4c. Plan Commission recommendation regarding a Final Plat of Subdivision (Minor Subdivision) for Prairie Center PUD – Final Plat of Resubdivision No. 2.

**Aldr. Bessner made a motion to approve omnibus item \*4a, 4b, 4c on the Agenda. Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried 9-0.**

**4. COMMUNITY & ECONOMIC DEVELOPMENT**

- d. Historic Preservation Commission recommendation to approve a Façade Improvement Grant for 1 Illinois St. (Eden on the River).

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

Aldr. Silkaitis asked what the reasoning behind the 1-no vote was from Historic Commission. Ms. Hitzemann said they also voted “no” for the Certificate of Appropriateness approval as well, so the Commissioner who voted “no” on the grant was not a fan of this project.

**Aldr. Turner made a motion to approve a Façade Improvement Grant for 1 Illinois St. (Eden on the River). Seconded by Aldr. Bancroft.**

**Roll was called:**

**Ayes:** Lewis, Stellato, Silkaitis, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner

**Absent:**

**Recused:**

**Nays:**

**Motion Passed 9-0**

- e. Recommendation to approve a Commercial Corridor and Downtown Business Economic Incentive for 1 Illinois St. (Eden on the River).

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

Aldr. Lewis clarified that \$50,000 was budgeted and there's still \$50,000 available through May 1<sup>st</sup>, 2020, and then there will be another \$50,000. Ms. Miller said correct.

**Aldr. Bessner made a motion to approve a Commercial Corridor and Downtown Business Economic Incentive for 1 Illinois St. (Eden on the River). Seconded by Aldr. Vitek.**

**Roll was called:**

**Ayes:** Lewis, Stellato, Silkaitis, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner

**Absent:**

**Recused:**

**Nays:**

**Motion Passed 9-0**

- f. Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) to add Recreational Cannabis Dispensing Organizations as a Special Use in the M-2 District.
- g. Plan Commission recommendation to approve a Special Use for a Recreational Cannabis Dispensing Organization for Zen Leaf St. Charles, 3714 Illinois Ave.

Chair Payleitner said the applicant asked the Committee for a continuance for items 4f and 4g.

Nicholas D. Standiford-applicants Attorney-Schain Banks-said the continuance request was because we think we can work with the neighbors to come up with a solution that will work for all. We'd like the additional time to explore those negotiations to come back here and be in a better position to have a fulsome debate/discussion, but hopefully all will be resolved in the meantime. The continuance is for both the General Amendment and the Special Use.

Aldr. Turner noted that he wants the applicant to know there are 2 issues here; Zen Leaf and then the ordinance itself; when it comes to the ordinance part it doesn't matter what business is asking for this; the issue is whether we want to amend this ordinance or not; versus Zen Leaf going out and getting parking; etc. That's going to be addressed because in his view, if this ordinance is amended in the area of zoning; which is a very strong but generous, we in effect weaken that ordinance. An argument is going to have to be made of why we should weaken this ordinance. Mr. Standiford said they'd work on that in the meantime as well.

**Aldr. Bessner made a motion to continue items 4f and 4g this to the next Planning & Development Committee Meeting on March 9, 2020. Seconded by Aldr. Stellato.**

**Roll was called:**

**Ayes:** Lewis, Stellato, Silkaitis, Lemke, Turner, Bancroft, Vitek, Pietryla, Bessner

**Absent:**

**Recused:**

**Nays:**

**Motion passed 9-0**

- h. Plan Commission recommendation regarding a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to separation requirements between Recreational Cannabis Dispensing Organizations and churches.

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

Chair Payleitner clarified that Committee had 4 options: leave the ordinance as is, change the wording from “church” to “place of worship”, moving on the Plan Commission recommendation to approve the general amendment, or staff’s recommendation of parcel to parcel.

Aldr. Bessner said if this were altered or approved for a recreational cannabis use, how quickly would somebody be in there, and would they still need 1 year medical experience prior. Ms. Johnson said a special use would still need to be approved for any specific location and the business proposing to locate would need to have operated a medical dispensary somewhere in the state for 1 year; that’s for anywhere within the districts identified. Chair Payleitner said we can have 1 that has had a medical license anywhere in the state, and the other one has to be one here in St. Charles, and 1 on each side of the river. Aldr. Silkaitis clarified that if Zen Leaf were approved for recreational, the old Sweet Tomatoes property could not also have recreational.

Aldr. Pietryla said he’s in favor of cleaning up the language, but not in favor of changing the ordinance at this time.

**Aldr. Lewis made a motion to leave the Ordinance as is, but to replace the word “church” with “Place of Worship”. Seconded by Aldr. Lemke.**

**Roll was called:**

**Ayes:** Lewis, Stellato, Silkaitis, Lemke, Pietryla, Turner, Bancroft, Vitek, Bessner

**Absent:**

**Recused:**

**Nays:**

**Motion passed 9-0**

Don Wickman-1213 Winners Cup Circle-asked for clarification as to where the ordinance is at right now. Chair Payleitner clarified that this item will go to City Council next, but Committee has just voted to recommend to Council that we don’t change the ordinance; that it stay 250ft. parcel to parcel.

Eric Wickman-200 Lakeside Ct.- said he knows this is brand new and there’s nothing to base it on but he’s done some research and there are only 10 dispensaries out of 100 so far that have the required distances, above and beyond what the state requires, between schools and residential. Only 2 had allotted distances for churches/house of worship; 1 being Berwyn at 250ft. and Riverside at 100ft. Geneva, as well as 90 of the 100, did not have a church requirement, but they did have them for

residential and schools. He feels liquor is very similar to this as far as restrictions. Chair Payleitner noted that liquor is not a zoning issue, it's a liquor license issue with the state. Eric Wickman said that's something objective to look at in terms of the 100ft. rule because it is a substance, you have to be over 21 to buy, and it carries a lot of the same attribute of what we are requesting. He lives right behind the property and grew up on the east side and it used to be very exciting and it would be nice to have some action there again, I know some would argue that it should be quality action, but he sees a prospect looking to buy this 7,000sf building at \$1,000,000+, who's already had a medical practice for a long time. He sees this very similar to SavWay which is right across the way and he sees never seen any problems over there.

Chair Payleitner said this is a brand new ordinance for us and a lot of thought went into it and the sense she gets from Committee that we are not ready to make changes yet, and it was the intention that churches be part of that. Aldr. Turner added that our ordinance is very generous in this area, it's a regional business, but yet we included "community business" which is probably going to cause some controversy in the future. He feels we have enough areas in the city where someone could locate a business like this.

Don Wickman said 2 out of 100 cannabis organizations have limitations for churches, so it's unusual that a municipality would have a distance regulation for a church. He's looking for 100ft. parcel to parcel. Chair Payleitner said its unanimous here at Committee, but it does still have to go to Council, but the ordinance was done thoughtfully and there's a lot we do based on precedence; we're kind of pioneers in this regard.

- i. Plan Commission recommendation to approve a Comprehensive Plan Amendment for Downtown, north of Main Street.

Mr. Colby presented the Executive Summary posted in the meeting packet, and shared a PowerPoint presentation.

Aldr. Silkaitis asked about eliminating parking north of city hall. Mr. Colby said we're suggesting that the future use ideally would be mixed use, which should provide an appropriate amount of parking based on the uses in the development, which could be incorporated into the project, as opposed to being a separate standalone parking deck, out of the interest of trying to conceal the appearance of the parking deck to minimize the impact on the street. Aldr. Silkaitis said the development would be providing the spaces for the development, not public use. Mr. Colby said right now these parking lots serve municipal parking needs, so as long as the municipal use remains that needs to be accommodated. There's also a component of public parking that serves the downtown, which also needs to be accommodated. Aldr. Silkaitis said the parking lot is full right now, and if you eliminate that, where will everyone park during the construction phase; people will not be able to get into city hall, the checkerboard lot is almost always filled. He has a problem with the parking part of the plan; we're going to make a problem that's already here worse; he can't support the amendment.

Aldr. Stellato noted that there's a notation that states that if a developer were to build they'd have to accommodate the removed public parking. Aldr. Silkaitis said he gets it, it's too ambiguous the way it's worded, there's not enough substance into that. He just doesn't think it will provide enough parking because you're adding more development there which will absorb some of the parking, making less for the public; and a parking deck 3 blocks away is not going to be conducive to do business at city hall. He can't support this amendment because we haven't done enough to study the parking situation; he'd only support it if wording were added to state parking must be built before the development.

Aldr. Bancroft added that we don't even know what the development is. Aldr. Silkaitis said right, but a development will generate vehicles. Ms. Tungare said the parking comment is a good point, but the level of detail being discussed would be incorporated into a redevelopment agreement once we have a development plan. This plan is intended to be visionary and establish some guidelines while allowing ourselves some flexibility. The land use pattern identified doesn't necessarily depict the amount of development, but the amount of land allocated towards development; its representative of a general vision for that area and anything that is needed to support that development. Aldr. Silkaitis said fair point, but if it's put in there that the parking must be in the same spot as it is now, they can build it above it, or around it, but then the parking is being moved farther away from city hall; what's the point. Chair Payleitner said that's to be determined with the development; which we have a say in.

Aldr. Vitek asked if city hall being a landmarked building makes it not possible to be a potential catalyst site for some redevelopment. Mr. Colby said this was initiated because the vacant Police facility and the city owning adjacent properties that would be under-utilized as a result of the police facility being vacant. Because there is an existing use of the municipal center, we didn't identify that as part of the catalyst site, but we did want to identify that it exists adjacent to the property and is a landmarked building. The city owns the property and would be in a position to decide whether something else would happen with the building, but based on the existing conditions it made sense to exclude it from this catalyst site, as defined in the plan.

Aldr. Bessner asked if there is anything to prevent massing, in regard to height. Mr. Colby said that would be part of the review process once an RFP is issued; since the city owns most of the property we have the ability to review and decide what's developed, as opposed to trying to prescribe exactly what the massing of the structures would appear.

Aldr. Lewis agrees with Aldr. Silkaitis perception of parking; if there's any sort of recreational use there will be a lot more need for parking; Potawatomie Park has the same issue; people use municipal parking and then walk to the park. She asked if staff was looking for a motion.

Mr. Colby said we are looking for a recommendation tonight, but staff can bring it back for further discussion. We're looking for some direction as to what additional information could be included in the document that would address concerns which will need to be reviewed based on the specific proposal for the property. To some extent we are making assumptions about what we think the parking demands will be, without knowing what the use of the property will be; there's only so far we can go to document at this point.

Aldr. Bancroft said he's concerned because there is nothing about this that is a development plan, which makes nothing about this that makes parking an issue. It's just states that in this particular site this is viewed as a good idea; it's nothing to approve, it's not logistics. His real concern is when we start getting RFP's; how into the weeds are we going to get with that, he finds the whole discussion troubling that we're that far down in the weeds. Aldr. Turner agreed.

Aldr. Stellato asked if the plan is to keep Riverside Ave. open all the way through the development; that could hinder the development plan, if there's another way to get to that site with just a driveway; just want to be sure we think about that. Mr. Colby said we recognize it's an access way that needs to be maintained as long as it's adequate for the type of utility vehicles that need access to those facilities.

Aldr. Lemke said he's had feedback regarding the building that fronts the Blue Goose and that less parking was approved per unit than we had in the past, and he feels holding out to say they can have

city parking is sending a false message and he's completely against that inclusion in this proposal; he doesn't think off-site parking is a way we want to go. Aldr. Bancroft and Aldr. Stellato disagreed and said its way too early.

Chair Payleitner reminded Committee that they can react to any proposal brought forward; but the point should be noted and highlighted that municipal parking must be maintained.

Aldr. Stellato said he assumes this will end up as a PUD; which are negotiated with terms, we are not giving up anything; it's too early. Aldr. Silkaitis said why is it too early to add something to it now, we've already added where the project will be, where the decking will be; why can't we add where municipal parking will be. Aldr. Stellato said what if it's a hotel versus an apartment complex, different uses have different parking requirements; we don't know that yet. Aldr. Pietryla said we don't want to limit too much up front. Aldr. Bancroft said all this is what kind of vision do we want to see. Aldr. Silkaitis said his vision is to keep the parking where it is.

Aldr. Lemke said due to the controversy, Committee should hold off on a motion until after the March 9, 2020 workshop.

Mr. Colby continued on with his presentation regarding the west side.

Aldr. Lewis asked how long the life of a comprehensive plan is. Mr. Colby said its generally 20 years as a maximum window. Ms. Tungare said 20 years is the general rule of thumb. Aldr. Lewis asked about the privately owned properties around it, is the idea that if they sell those properties this is what the city envisions going in there. Ms. Tungare said the plan is a policy document, it's not binding necessarily; it just established a road map and vision for the future, so when there are opportunities that come up in the future for private or public properties we know what to do with them because we have a vision and a point of reference. Aldr. Lewis said some of things may not be relevant if things don't happen for 10 years, things may have changed and its non-binding. Ms. Tungare said exactly.

Aldr. Bessner said in regard to Cedar St. and 4<sup>th</sup> and 3<sup>rd</sup> St. being more pedestrian friendly with wider sidewalks; what would happen to the building on Main St. because some of them have a rear entry point which would be beneficial for them. Mr. Colby said the boundary only shows all the way to Main St. because we were looking at that area as being part of it for planning purposes, but not necessarily for redevelopment of those block recognizing that most of the area is historic buildings; those areas wouldn't be substantially redeveloped. Some of the buildings that front on Cedar St. may have opportunity to do something different with those structures and if there are opportunities to improve the streetscape along those frontages this directs some guidance as what kind of character to establish.

Aldr. Stellato said this is a very flexible document that can change; that's the beauty of it; it's just a guide.

Ms. Tungare noted that she'd like to keep the RFP separate from the motion tonight. Chair Payleitner asked that the parking concerns be noted for discussion at the workshop to discuss the RFP.

**Aldr. Stellato made a motion to instruct staff schedule a public hearing, and approve the Comprehensive Plan as presented tonight knowing that there may be some adjustments made on March 9, 2020 at the City Council Workshop. Seconded by Aldr. Bancroft.**

**Roll was called:**

**Ayes:** Lewis, Stellato, Turner, Bancroft, Vitek, Pietryla, Bessner

**Absent:**

**Recused:**

**Nays:** Silkaitis, Lemke

**Motion passed 7-2**

**5. ADDITIONAL BUSINESS - None**

**6. EXECUTIVE SESSION - None**

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

**8. ADJOURNMENT - Aldr. Lemke made a motion to adjourn at 8:03pm. Seconded by Aldr. Lewis. Approved unanimously by voice vote. Motion Carried.**