

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
TUESDAY, JANUARY 16, 2018 7:00 P.M.**

Members Present: Stellato, Silkaitis, Payleitner, Lemke, Turner, Bessner, Bancroft, Gaugel, Vitek, Lewis (Via telephone),

Members Absent:

Others Present: Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Community Development Division Manager; Matthew O'Rourke, Economic Development Division Manager; Bob Vann, Building & Code Enforcement Manager; Fire Chief Schelstreet, Asst. Chief Christensen

1. CALL TO ORDER

The meeting was convened by Chairman Bessner at 7:00 P.M.

2. ROLL CALLED

Roll was called:

Present: Stellato, Silkaitis, Payleitner, Lemke, Bessner, Bancroft Gaugel, Vitek, Lewis, Turner

Absent: None

3. Motion to approve Ald. Lewis to attend this meeting via telephone.

Aldr. Stellato made a motion to approve Aldr. Lewis to attend the meeting via telephone.

Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 9-0

4. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Recommendation to approve amendments to the School-Park Land-Cash Ordinance (Title 16 of the St. Charles Municipal Code, "Subdivisions and Land Improvement", Chapter 16.02 "General Provisions" and Chapter 16.10 "Dedications").

Mr. Koenen said a year ago the Prairie Winds development was proposed and there were questions regarding the land cash value per acre. An extensive conversation occurred and as a result of that the school district, park district and the city collaborated to take a look at the ordinance, as well as fostering a contract with an appraiser to assist us with what that land cash value per acre should be. It was a collaborative effort; we shared cost, had a variety of meetings and it was a good exercise for those that participated from staff and Council. He acknowledged colleagues at the park and school district and he feels it was good example of intergovernmental cooperation. It was agreed by all and recommended that we should be reviewing the land cash

value per acre on a fairly periodic timeframe; every 3-5 years to always have a fairly current value so there's no confusion as to whether the number is correct or not, which is part of the recommendation from staff tonight.

Mr. Colby said the appraisal report found a range of values, but is based on a fairly limited set of comparable land sales, and it concluded that the current value was \$292,500, which is higher than the value set in our code from 2008. Since the current value in our code is within the range of the gathered data, we do not recommend that the code be changed to increase the per acre land value at this time.

Mr. Colby then went through the 5 substantive revisions to the Ordinance:

- Add criteria for districts to refuse a land donation. This would be in situations where the City has already approved a land donation to either district, and the district refuses the donation. The district would need to identify the basis of their refusal based on criteria.
- Remove limitations on where park donations can be spent. This is a practical issue, due to the small size of park sites expected in future developments, and limited availability of land generally.
- Provide districts a 90 day period to respond to developer objections to either the per acre land value or the population estimate. This would provide clear direction to a developer of the process and timeline for review of objection requests.
- Regularly update the Per-Acre Land Value-every 3 to 5 years, which should provide the City with more current data. The value set in the code would need to be within the range of values set by other municipalities served by the Park and School Districts.
- Eliminate the Park Private Recreational Areas credit as an available credit under the code. A developer would still be able to seek this type of credit through a PUD for a unique project. But having the credit listed in the code suggests that it is being offered for all projects, which is not the intent. Staff felt the best option was to take this out of the code, but know that it's still available through a PUD process if a developer proposes something that is unique.

The other changes are more technical updates. One item that was discussed was a potential waiver of the school fee for senior units, but we concluded it would be best to consider that on a case-by-case basis through the population objection procedures that already exists in the code, since the potential of a senior dwelling to generate students varies depending on the unit type- if it is a single family units vs. a condo, for example. It was acknowledged that there would be some logic to consider a waiver of the fee in those situations, but not something we want to offer as a blanket waiver in the code for any type of senior unit.

Aldr. Payleitner commended all parties involved for diligence and dedication addressing the interest of the city, park district and school district. She said everything looks great but questioned the language "impact fee" and to her it meant how many kids/people will come in to use our park facilities; she asked if it's now strictly based on population. Mr. Colby said population numbers are used to estimate the number of people and then take that to equate an

impact; we primarily talk about cash contributions, but the basis of the code is the dedication of land with a new subdivision. If you have a new single-family subdivision setting aside a site land area for a park or school, the cash is really the equivalent of that in a situation where you don't want the land; the impact is determined through those population calculations. Aldr. Payleitner said she was thankful, this is very clear to her now.

Aldr. Bancroft asked how the refusal of the land donation from the park or school district gets communicated. He mentioned the Prairie Winds project. Mr. Colby said first the city would have to review the Preliminary Plan, both Plan Commission and P&D Committee, to reach a conclusion that the land donation is acceptable. Based on that decision, the plan for the donation would need to be given to the park or school district for the opportunity to respond. There isn't necessarily a process there, but the city has to conclude its own process to say yes, this land donation is acceptable; it would then go to the district for response to the proposal. As far as the Prairie Winds project, it didn't advance along far enough to that point, we asked the park district for feedback based on what the developer was proposing. The city didn't necessarily say yes, we accept this, now park district respond. Aldr. Bancroft said if we're trying to set expectations for a developer in terms of timing, providing a 90 day period to respond to developer objections, he wonders why we're letting them object at all, especially if we're reviewing this more consistently and periodically. He feels any developer who comes here will object as a matter of course; otherwise they're not doing their jobs. Unless it's a due process thing and McGuirk has opined on that; he would get rid of that. Mr. Colby said it became more of a legal consideration that if we didn't identify our process for that in the code, and if it was challenged, there wouldn't be due process under our code for that. Aldr. Bancroft said he'd make it 180 days instead, we want to discourage developers from making an objection.

Chairman Bessner said regarding review every 3-5 years, would that all be based on economic conditions, activity and development. Mr. Colby said we would want to assess what's going on with development and the economy at the time and decide whether it's necessary, but it's a window that could be anywhere within that time period. We wouldn't want to be obligated to update more often than every 3-5 years.

Aldr. Payleitner asked if Aldr. Bancroft suggestion of 180 days would be added. Aldr. Bancroft said those were just his thoughts, he wouldn't hold it up for those right now.

Aldr. Stellato made a motion to approve amendments to the School-Park Land-Cash Ordinance (Title 16 of the St. Charles Municipal Code, "Subdivisions and Land Improvement", Chapter 16.02 "General Provisions" and Chapter 16.10 "Dedications"). Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion carried. 9-0

- b. Plan Commission recommendation to approve a Final Plat of Subdivision for Prairie Centre.

Mr. Colby said The City approved the Prairie Centre project last March; the PUD for the project outlines the process for subdivision of the property into building lots. Initially the site is to be platted in its entirety, with blanket access and utility easements provided, which is what the plat shows, and then individual buildings lots can be created as determined by the developer. No specific phasing plan was approved; rather the phases are to be determined by the developer, based on market demand. Staff has been reviewing the final engineering plans and a final plat

for the project over the past few months and the review is now far enough along that the plat is being brought forward for approval. Building lots are to be created for the first two buildings to be constructed, which are the residential buildings immediately east of the roundabout, labelled as F2 and E on the site plan and permit plans for those buildings are under review now. Staff has reviewed the final plat and found that it complies with the applicable PUD and code requirements. The Plan Commission reviewed and recommended approval of the plat on Jan. 9th. In the packet Dave Patzelt of Shodeen has submitted a letter providing a status update on the project for the Committee's information.

Aldr. Vitek asked about the letter under affordable housing, regarding the further application information needed by March 2018, do we have any sense after that when the notification of that application process would be completed. Mr. Colby said he doesn't have the specifics in front of him, but he thinks it's a 6 month window from the application period, but that's something that would be determined during this calendar year.

Aldr. Bancroft made a motion to approve a Final Plat of Subdivision for Prairie Centre. Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried. 9-0

- c. Recommendation to approve a proposal from WBK Engineering for developer-reimbursable final engineering plan review and stormwater review services for Prairie Centre.

Mr. Colby said WBK Engineering has been engaged on behalf of the City in the review of the Final Engineering Plans for Prairie Centre since last summer. Because the review has taken longer than originally anticipated, the cost of the contract will need to be increased, likely above the \$25,000 threshold requiring City Council approval of the contract. Staff asked WBK to be conservative with an estimate for the review work remaining to be completed. They have estimated that the additional work could increase the total cost up to \$44,950, although it may be less, depending on the number of review rounds. This cost is fully developer reimbursable, and for a contract of this amount, the City requires an upfront deposit from the developer before authorizing the work to begin.

Aldr. Gaugel asked if a conversation has been had with the developer to be sure they are fully aware of this. Mr. Colby said yes.

Aldr. Gaugel made a motion to approve a proposal from WBK Engineering for developer-reimbursable final engineering plan review and stormwater review services for Prairie Centre. Seconded by Aldr. Vitek. Approved unanimously by voice vote. Motion carried. 9-0

- d. Historic Preservation Commission recommendation to approve a Historic Landmark Designation for 411 Prairie St., John Stone House.

Mr. Colby said the applicant-Susan Olson has nominated her house at 411 Prairie Street as a Historic Landmark. The house has an interesting history, beginning originally as a one story

structure at Prairie St. and Rt. 31, where the Jalapeno Grill is today. The building later had a second story added and a gas station was attached to the house for a time period. The house was moved to its current location in 1931. Photos, which are in the packet, show different time periods in the house's history which show that much of the original structure and the unique architectural details of the building remain intact today. The Historic Preservation Commission reviewed the application at a public hearing on Dec. 6th and recommended approval based on the criteria in the attached resolution.

Aldr. Turner made a motion to approve a Historic Landmark Designation for 411 Prairie St., John Stone House. Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion carried. 9-0

- e. Recommendation to approve Amendments to Chapter 12.40 Corridor Improvement Program of the City's Code of Ordinances (City-Owned Property Improvement Projects).

Mr. O'Rourke said every 3-4 years the commission analyzes the code to see what's working and looks for opportunities to help encourage others to take advantage to enhance and beautify the corridors. Through that process this year, in late summer of 2017, it was observed that there are certain properties owned by the city that fit within these core areas that could benefit with some sprucing up. The process that staff and commission have come up with is one where every year around December 1st the Commission would take stock of where they're at in that current fiscal year in terms of approved and anticipated grants approved by Council, and should there be expected surplus funding, we'd move on to one of the city owned properties. Every year the commission would look at the one that's identified as the next highest priority and solicit bids for just design service and use those excess funds. Staff would follow the city's bidding process and once bids come in we'd work with the designer to get cost estimates and then enter into the corridor approval process which will be presented to Committee and then to Council for final approval. Some of the sites might have a higher cost and those plans could be shelved for a later fiscal year; that would be up to Council. Through the process staff reached out to public works, administration and legal counsel to be sure there were no major pitfalls and all felt it was workable, however we do anticipate the first time will be a learning curve. Corridor reviewed this for most of the fall and formally reviewed the program description at the December 2017 meeting and approved it at the January 10, 2018 meeting.

Aldr. Bancroft made a motion to approve Amendments to Chapter 12.40 Corridor Improvement Program of the City's Code of Ordinances (City-Owned Property Improvement Projects). Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 9-0

5. **ADDITIONAL BUSINESS**-None.
6. **EXECUTIVE SESSION**-None.
7. **ADDITIONAL ITEMS FROM MAYOR, COUNCIL, STAFF OR CITIZENS**-None.

Patrick Reid-715 Westfield Dr.-said he's been in contact with his Alderman recently regarding ways to increase participation and compliance in snow removal on residential sidewalks. The city does a great job with the school and park district properties, but his problem is with a certain resident not removing snow on sidewalks that lead into crosswalks to get to the school. He has spoken to code enforcement, which have been very pleasant, but they've explained they have no tools to work with, there's nothing ordained from the city to help them. We're not looking for the city to patrol and look for problems, but if neighbors increasingly complain, we'd like something to be done. Maybe an education component, or a second visit, and then if something is still not done maybe some administrative action of some sort; he'd like to get a conversation started.

Aldr. Bessner noted that he spoke with Aldr. Lewis on Sunday regarding this issue, he also exchanged some emails with Mr. Reid, and spoke with the Public Works director-Peter Suhr and there is some information being passed on now. In some of the documents sent by Mr. Reid, encouragement tended to be a direction a lot of communities did go in which they try to communicate and get people involved. Aldr. Bessner asked if this is a consistent pattern amongst 1 house. Mr. Reid said he thinks 95-98% of the neighbors are good people, it's a great town and people should take care of their sidewalks. But there is a small percentage of people that choose not to do it; whether they don't know, or are just set in their ways and he'd like the city to explore ways to encourage them, and if they don't comply to have some slight enforcement. He said it's like a moonscape, its dangerous when it freezes, and he knows of a disabled neighbor that has to go into the street to get around this, as well as mothers walking with their kids.

Unknown resident mentioned another problematic house that's directly across the street from Davis School, so it's the main pass. The issue has gone on for a few years, after one of the big snow falls it turned to ice and his wife and kids have to walk in the street. He said Chicago has some type of ordinance, which is not what we're looking for, but maybe an online system for complaints and after a few notifications from the city with no compliance, there'd be a fine.

Aldr. Lewis said it's an ongoing problem and she did encourage them to come before Council because she assumes this is probably happening in other neighborhoods where children have to walk in the streets. She thought maybe Council could explore some of their suggestions to do something with snow removal like we do for the streets; like the no parking signs. Maybe staff could look at this a little bit to find something simple to fix this.

Aldr. Bancroft said it's a good idea, but there are cases such as foreclosures and homes for sale where the snow will not be plowed; brokers are not the best at keeping up with that. He has 2 houses for sale by him and he did snow removal for both this morning. Mr. Reid said of course there will be exceptions, but you would think as an owner you would take care of that. He doesn't expect it done right after it snows, but at some point, because these are school crosswalks at 7th and Fellows, and there's a lot of kids coming and going. The kids love it, until it freezes over and one of them gets hurt.

Aldr. Lewis said we're trying to create a walkable community and we spend money on our sidewalks and request that developers put them in on PUD's. We fix cracks, we saw them off and then come winter it all falls apart and we no longer have a walkable place. With her recent surgery she will really appreciate being able to get out to walk on the sidewalk a little bit easier.

She doesn't feel the request is out of line to see if we can do something; let's just start there. Mr. Reid said we know it's not the city's responsibility and that it would cost money to send people out to shovel sidewalks; but we just want to get dialogue going.

Aldr. Payleitner asked about the sidewalk on the school side. Mr. Reid said the school takes care of that one. Aldr. Payleitner said right, but if there's no crosswalk you can't get there, she wonders if the kids can be directed to walk where the school takes care of plowing. She's all about helping neighbors be good neighbors, which this seems to be the case, she has neighbors like Aldr. Bancroft that will just keep going with the snow blower. When talking about bank owned or vacant properties; they're still required to keep their lawns mowed, but there is a liability that if you shovel the snow and someone slips on something that was shoveled all the way, there is an added liability, therefore people think it's safer to not shovel if you can't do it all the way. Aldr. Bancroft said he doesn't think that's true.

Mr. Koenen said we've explored shoveling, if it increases your exposure to liability, and the law is that you do a responsible, reasonable job. You don't create an unnatural hazard; that is a reasonable defensive. Anyone can be sued, short of it being overt or an incompetent job, you should be fine. Aldr. Payleitner said that should be part of the education process; something is better than nothing.

Chairman Bessner said he did speak with Peter Suhr as this being something we could explore. Mr. Koenen said he had a conversation with him as well, they will follow-up on this. For reference we did do some PR through our communications office on November 30, 2017; the December Den had information regarding snow and ice control with a comment about being a good neighbor and shovel your sidewalk; the Mayor tweeted something today asking residents to do their best in shoveling their sidewalks. The other aspect of the municipal code is that we require the downtown area sidewalks be shoveled within 24 hours, if not in compliance adjudication with possible fines will follow. He is not aware that action has ever been taken place downtown, but it has been used as a threat a couple of times because by the time it's gone through adjudication and give people time to correct the problem, its spring and snow has dissipated. But it does work as a tool.

Chairman Bessner said he and Aldr. Lewis will continue to work on it and the residents could contact him.

8. ADJOURNMENT- Aldr. Silkaitis made a motion to adjourn at 7:39 pm. Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion Carried. 9-0