

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, NOVEMBER 11, 2019 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; Community Development Division Manager, Ellen Johnson; City Planner, Monica Hawk; Development Engineer, Rachel Hitzemann; Planner, Ciara Miller; Econ. Dev. Planner, Mark LaChappell; Building & Code Enforcement Division Supervisor, 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

*4c. Plan Commission recommendation to approve a Final Plat of Subdivision for Parkside Reserves, 1337 Geneva Rd.

*4e. Historic Preservation Commission recommendation to approve Historic Landmark Designation for 630 N. 3rd Ave. (Neumark- Hunt).

*4f. Historic Preservation Commission recommendation to approve a Façade Improvement Grant for 11 E. Main St.

Aldr. Turner made a motion to approve omnibus items *4c,*4e and *4f on the Agenda. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried 9-0.

4. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Plan Commission recommendation to approve a Special Use for Planned Unit Development and PUD Preliminary Plan for the St. Charles Public Library.

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

Don McKay-Sheehan Nagle Hartray Architects-130 E. Randolph St.-Chicago-showed a PowerPoint presentation of a slightly adjusted plan focusing mainly on the 5 conditions/improvements recommended by the Plan Commission:

1. Provide further articulation of the northern single-story building face along Main St.-- *He noted that they would be cleaning up the existing octagon roof piece to square it off which will be fenced in and only entered through the library building. The north elevation along Main St. consists of staff space behind and a garage, as well as a screen wall for the service area; we've made that taller and longer at the Plan Commissions request. The elevation shown is the same presented at Plan Commission; we are working with the client now to come up with this minor adjustment; maybe some brick patterning. He noted that they are not doing anything at all to*

the Carnegie building, other than some new finishes and update lighting. He noted the elevation is deceiving because it's sloping away and looks like a tall roof which is 40ft and within the zoning ordinance; this is a very modest expansion.

2. Preserve existing trees at the north end of the site as much as possible. *3 trees north of the existing parking lot, 2 are in the parkway and have been declared damaged by an arborist, but if the city would like them left in place they will leave them. The 3rd healthy tree will stay.*
3. Provide ADA accessible sidewalk along Illinois Ave. on the southeast portion of the property near the detention area. *Included in the plans.*
4. Configuration of St. Mark's Illinois Ave. access to be right-out only. *They improved this by adding a peninsula of greenspace which also addresses the right turn only exit; the peninsula will redirect people to not use the cut through; it will control the traffic, it will be for those using St. Marks church only; as well as adding some additional greenspace for the church.*
5. Move the sidewalk along Main St., adjacent to the northern building addition, to the south as much as possible for pedestrian safety while preserving the landscaping shown on the plan. *--They are leaving the jog in the sidewalk in order to preserve the trees/landscape, as well as getting the sidewalk away from the curb along Main St. for safety.*

Chair Payleitner asked for clarification on the sidewalk along Main St. Mr. McKay said the sidewalk is currently all on city property and very close to the curb line along Main St. and the Plan Commission saw the addition as an opportunity to pull the sidewalk back from Main St. to be a safer condition; the sidewalk will then straddle the 2 properties, which they can do, but the sidewalk will not run all the way to the building, but will still preserve a 3ft. landscape piece there. It is a challenging stretch on the north side of the building there and they are putting some maple trees that will frame either side and they feel this façade in the elevation has great opportunity to present an identity for the library along Main St. that it lacks right now. Ms. Lewis is not a fan of sidewalks running all the way up to the building with no landscaping; not pleasing. Mr. McKay said they will continue to work with their landscape architect.

Aldr. Lewis noted that she doesn't want it to be a monstrosity in the neighborhood and she loves the opened up and brightened children's area.

Aldr. Bessner asked if there'd be an opportunity for some hardscaping along Main St. closest to the sidewalk; like planters or pillars. Mr. McKay said he'd prefer to do it in ground if possible, in terms of maintenance and longevity; but they will consider it. Aldr. Bessner said maybe something in there to work as a sense of safety along that sidewalk.

Aldr. Pietryla noted that he likes the articulation as it is; he sees the brick pattern mentioned earlier as unnecessary. Mr. McKay said the piece along Main St. that connects the Carnegie and the new entry is intended to be a background piece that doesn't call attention to it.

Aldr. Vitek said it's in her neighborhood, it looks great and she's excited for the changes.

Aldr. Lemke said based on the presentation they have done what they can.

Aldr. Stellato said he'd leave the 2 parkway trees, but he'd rather move the sidewalk and he'd appreciate whatever they can do on the other side. He agrees with Aldr. Pietryla's comment in regard to the articulation; it's unnecessary, but suggested maybe some art work along the building to give some color, but nothing further than that.

Aldr. Pietryla made a motion to to approve a Special Use for Planned Unit Development and PUD Preliminary Plan for the St. Charles Public Library with conditions addressed as presented this evening. Seconded by Aldr. Vitek. Approved unanimously by voice vote. Motion carried 9-0.

- b. Recommendation to approve a Minor Change to PUD for Prairie Centre – Residential Buildings D1 and D2 and Clubhouse.

Mr. Colby presented the Executive Summary posted in the meeting packet which covered the following minor changes:

- Relocate the Clubhouse building and Pool to the west end of Residential D1
- Relocate the building parking entrances from the far ends to a shared central entrance between the buildings
- Revised building architecture for both buildings. The architectural design of the residential portion of the buildings is similar to the completed buildings, Residential F2 and E, with similar siding materials and detailing. Photos of the buildings as constructed are attached.

The Minor Change complies with the Prairie Centre PUD ordinance.

Aldr. Turner asked if the number of units in D1 would be reduced to accommodate the clubhouse. Mr. Colby said it's a comparable number of units.

Chair Payleitner said she has concerns in regard to the architecture; the 2 buildings going up look nothing like the concept that was approved; she asked what warranted those changes and how can we go back to what was originally presented as far as the external design. David Patzelt-Shodeen-said in the PUD there was a photograph of the Frank Lloyd Wright home and studio with the detail of the gable and stone cap archway; he does agree it's different but disagrees that it deviates from the PUD.

Chair Payleitner asked if that was his request to change that; she has the original and the photograph wasn't in there; she thinks when the change was made to justify it, it was in there. She feels the finished product looks monotone, whereas the presented piece at the concept stage had a darker green color and more interesting roof line above the balconies; they kind of look like barracks. These buildings are going to set the tone and she hopes to go back to the specifications, interest, rooflines and contrast in color. Mr. Shodeen asked if it's the color, or the elimination of the larger gable and incorporating more pitched gables over each of the porches, versus the low profile roof. Chair Payleitner said she's not an architect; she just knows how much went into the final decision and to her it doesn't look like that. Mr. McKay said that as Shodeen is building, the coloring is changing a bit, but the intent is very similar to the original PUD submittal; green is a possibility for a future building, as far as the roof; what's been constructed is truer to the Prairie School style than the original PUD. The problem now is that it's monochromatic and blends together as one big piece; the changes being made now with a darker surface will be an improvement.

Aldr. Lewis asked if there's something that can be done with the big A-frame; will the other building have that. Mr. McKay said the intent here was to be true to a Frank Lloyd Wright precedent which is similar to his home in Oak Park. Aldr. Lewis mentioned shake shingles.

Chair Payleitner added that the windows are white and the original were darker and more of a contrast.

Aldr. Silkaitis said he confused why they are doing something other than what was approved. Mr. Colby said the change on the 2 previously constructed buildings was allowed under the PUD ordinance as an administrative change and staff did approve that based on the information submitted from the architect. This change, because it involves other elements, is considered to be a minor change which the Committee has ability to review as part of this process.

Chair Payleitner noted that she likes the character of the clubhouse addition; the siding looks different as opposed to the completed buildings. Mr. McKay explained the building materials. Chair Payleitner said from far it doesn't look shake shingle and maybe that's due to the monotone. Chair Payleitner said moving forward, perhaps they could entertain more of a contrast in color. Mr. McKay said he would be concerned going to a green. Chair Payleitner asked if the material by the windows is shake shingle. Mr. McKay said they're individual shakes that are on a plywood backed panel and go up as a 4ft wide and 2 rows of shakes high, but these are individual shakes that are fastened to plywood.

Aldr. Lemke said he doesn't feel this should have changed without Council involvement. Chair Payleitner agreed.

Aldr. Turner said he likes the buildings the way they are, he doesn't want a big contrast of colors there to end up looking like a circus. He lives in the area and drives by all the time and doesn't have a problem with it.

Aldr. Lewis asked why they moved the pool from the inside park like setting to the road. Mr. McKay said the fitness center and the leasing should be a focal point rather than lost in the center of the 2 buildings; it is an improvement in the architectural appearance and will be about 25 ft. between the pool and the curb off the road with a fence and a portion of it is a wall on the south elevation; there will not be a road or footpath where the pool used to be. There's sidewalks interconnecting all of the buildings and framing the greenspace between the buildings.

Aldr. Lemke said it seems the street has been narrowed on the east side of the parcel by Binny's. Mr. McKay said that was always part of the engineering.

Chair Payleitner said as a concession, to maybe stay away from the "circus", to maybe change just the white window frame to blend with one of the 3 colors of siding. Mr. Patzelt asked if that means changing the color of the mullions, muttons and the crossbars because once all that gets darker you won't see the pattern in the windows; but we can look at making those darker.

Aldr. Turner made a motion to to approve a Minor Change to PUD for Prairie Centre Residential Buildings D1 and D2 and Clubhouse. Seconded by Aldr. Vitek.

Roll was called:

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

Absent:

Recused:

Nays: Lewis, Silkaitis, Lemke

Motion passed 6-3

- d. Plan Commission recommendation to deny a Special Use (Amendment to Special Use) for Extreme Clean Express Car Wash, 1625 W. Main St.

Ms. Johnson presented the Executive Summary posted in the meeting packet. The Plan Commission held a public hearing on 11/5/19 and recommended denial of the Special Use Amendment application by a vote of 7-0 based on failure the application to conform to finding of fact "E": "That the establishment, maintenance or operation of the Special Use will not be detrimental to or endanger the public health, safety, comfort or general welfare".

Ms. Johnson noted that the applicant was not able to attend the public hearing and was present that evening and wanted to address the committee.

Daniel Gunsteen-stated he had a personal matter and apologized for not being at the public hearing to defend his request. He said they backed their building up away from Rt. 64 to line up with the

Chiropractor building and Rookies to allow clear flow across 3 locations, but we realized there's a lot of area there that prevents us from having congestion; the area there is about 30ft. which is enough room for cross traffic. We've implemented an anti-collision system in our carwash where if there is an instance, the system will completely shutdown to not exit the carwash, as a secondary backup. He's done some research himself and 85% of the businesses on the south side of Rt. 64 have full access, and IDOT has concurred that the full access as it sits right now is acceptable by their standards and not necessary be changed to a right in/right out, and if there's congestion issues they can be limit or can control traffic on our site during certain hours of the day. He noted that he had the IDOT letter with him. He's there to answer any questions and hopefully change the opinion on this as it came out of Plan Commission. He noted he also has a letter from Rookies requesting that the full access remain as it is detrimental and a negative impact to both neighboring businesses. He noted that the Chiropractor was also present. He noted that Rookies prime hours are after 5:45pm, his are Saturday and weekday mornings, and the Olympia Chiropractic are 4-7pm Mon.-Thurs; having only 10-15 cars an hour traveling in and out; which he counted during construction.

Aldr. Silkaitis said Plan Commission was unanimous in their vote, why would Committee go against those wishes, they seemed pretty sure and he agrees with them. He asked why Mr. Gunsteen thinks they're wrong. Mr. Gunsteen said he feels a full access entrance is suitable and he has multiple facilities on other state highways with higher speed and traffic that have full access, and he goes by the recommendation of IDOT who states it's not necessary to change to a right in/right out. Aldr. Silkaitis said he's not convinced just because IDOT said; the Council still controls that and why would we overrule the Plan Commission. Mr. Gunsteen said he's requesting this for the accessibility and success of his and the 2 neighboring businesses; he's an impulse business and we'd like people to have full access east or westbound. Aldr. Silkaitis asked why this wasn't brought up during the initial proposal. Mr. Gunsteen said it was but throughout the process and redevelopment we had the approach put on 17th St. which was, by Plan Commission request, moved back 100ft, and we're just trying to create more of a flow for all the sites there. Aldr. Silkaitis said with the 17th St. entrance/exit he sees no purpose in granting this.

Dr. Pasquale Calcagno-1615 W. Main St.-resident and business owner-one reason he purchased that property was because of the full access, and since it's been shut down during construction, he's lost about 27% revenue. When that was a coin operated carwash there was never a problem or accident and that place was packed every day. IDOT is very stringent going through these things and they approved it; is there is a possibility that the Plan Commission didn't consider how it would negatively affect small business owners in that area. It's very difficult to go down to 17th St. and come all the way around, you need a map to do so and he'd like Committee to reconsider. Mr. Gunsteen is trying to improve the community and add tax dollars by providing great service.

Chair Payleitner said this information would have been helpful at the Plan Commission public hearing. Mr. Pasquale said he knew nothing about, he didn't get a notice. Ms. Johnson noted that a certified mailing went out to surrounding property owners.

Aldr. Lewis asked if they can use the Police Dept. entrance. Mr. Gunsteen said it's closed off and there's only 1 entrance from him and the light; he's requesting to a full access point to allow customers to get in easier off of Rt. 64.

Aldr. Pietryla suggest sending this back through Plan Commission to have the opportunity to defend himself. Chair Payleitner added that it would then be a matter of public record for the public hearing, and asked if it could be done by adding the testimony without the official public hearing. Ms. Tungare said it's the Committees prerogative, but in order to have the Plan Commission to re-evaluate this, then staff can be directed to re-notice the public hearing. Aldr. Stellato said it concerns him that Dr. Calcagno did not get a notice, whether it wasn't noticed properly or the post office. Aldr. Pietryla said he doesn't feel comfortable making a decision when we have such a passionate applicant. Mr.

Gunsteen added that in the event they were extremely busy, which is about 5 days a year, we would enforce our own right-out only if we had to, he'd be willing to do that as part of the approval on this; but on the general day-to-day it's pretty slow.

Chair Payleitner noted she thinks sending it back to Plan Commission is a good idea, but noted that they had another concern regarding traffic from other sites in the traffic study; she asked if they could get that information then as well. Mr. Gunsteen said the traffic engineer is here tonight to answer questions, but yes he could make that available to Plan Commission but needed the timeframe. Ms. Tungare said December 3.

Aldr. Lemke said he frequents that area but suggested an additional access to the south to not have everyone going all the way through to the back, to the lighted intersection; he feels that opportunity should be pursued.

Aldr. Turner said its dicey from Randall all the way to 15th St., between McDonalds, Starbucks, Dunkin Donuts, and now we want to add another access when there's a stoplight a couple hundred feet away; no, he totally agrees with the Plan Commission and added that he says no as the ward Alderman.

Aldr. Bessner said he agrees with Aldr. Turner but will vote send it back to Plan Commission; but his main concern is water/ice build-up close to the street. Mr. Gunsteen said we have a heated exit that goes 25 ft. out, as well as a trench drain that follows the melting area.

Aldr. Pietryla asked Dr. Calcagno if he could bring statistics before Plan Commission because he doesn't feel comfortable hurting a business; Plan Commission should hear that.

Aldr. Bancroft agreed with Aldr. Turner, but is willing to send it back to Plan Commission to sway their vote, but thinking of how it all plays it out, it's really important to get them on the applicants side.

Staff clarified that there is also a public hearing sign posted at the corner of 17th St. and Rt. 64.

Aldr. Pietryla Made a motion to send this item back to Plan Commission for additional testimony from the applicant. Seconded by Aldr. Stellato.

Roll was called:

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

Absent:

Recused:

Nays:

Motion passed 9-0

- g. Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to Special Use findings of fact.

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

Aldr. Silkaitis noted that one Plan Commission member who voted this down is an attorney and even the city attorney say it's okay; but he's not comfortable making our ordinance state that we can violate federal law. We are opening it up to for anybody to come in and say "you approved it for them, approve it for me" even though it's an illegal operation. He's confused and he doesn't agree and feels it was put in the ordinance in the first place for a reason; we shouldn't override federal law; it's a big mistake.

Aldr. Turner said he thinks we are the only city that has this in our ordinance, and we still haven't figured out why we even put it in; after the court decision in 1997 having federal in there is null and void; so why have it, according to the Supreme Court.

Aldr. Bancroft said he sees no reason for us to be more constrictive than what has been identified as a market ordinance out there right now. If someone presents something that violates federal law we don't have to allow it; it's not an acquiescence; which is good; we'd have to think about it then.

Aldr. Lewis asked why we are taking out State law too. Mr. Colby said it's based on the same logic; if we are going to exclude conformance with federal, it isn't necessary to include conformance with state as a finding that the city makes; just to be consistent. Aldr. Lewis said even though we take the oath to uphold state laws. Aldr. Bancroft said by taking these 2 standards out of statute doesn't mean that we have tacitly agreed or acquiesced, to the violation of state or federal law, generally speaking. We just no longer have those as an item that we have to check the box on, but can still take those all into consideration when we make decisions; it doesn't change that.

Mayor Rogina added that this does not in any way mean that the City Council will be breaking State or Federal law.

Aldr. Stellato said we are talking about a special use here and he believes Council/Committee should have control of that; whether it's cannabis, dog washes, etc., it gives us as a group the opportunity to weigh in on whether we feel a particular use is okay in that area. We can always say it's a permitted use, but we like the control to say whether it fits in a certain area; final control should be here and not at state or federal. He feels other towns do it the same way; which is we have control, no one else. Aldr. Lewis said she believes we are in control whether it's in there or not. Aldr. Stellato said if we are not careful we are bringing in "big brother". Aldr. Bancroft said our control increases by not having that as an item of findings of fact, because we can make determinations based on what's good for a special use, without regard to anything that we are arbitrarily bound by; buck stops here, we should have discretion over our own special use.

Aldr. Turner made a motion to recommend approval of the General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to Special use findings of fact. Seconded by Aldr.

Roll was called:

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

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 8:20pm. Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion Carried.