

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, APRIL 10, 2017 7:00 P.M.**

**Members Present:** Stellato, Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Lewis

**Members Absent:** Bessner, Krieger

**Others Present:** Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Planning Division Manager; Matthew O'Rourke, Economic Development Manager; Ellen Johnson, City Planner; Chris Bong, Development Engineering Division Manager; Fire Chief Schelstreet; Asst. Chief Christensen; John McGuirk, City Attorney

**1. CALL TO ORDER**

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

**2. ROLL CALLED**

Roll was called:

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

Absent: Krieger, Bessner

Aldr. Stellato recused himself and left the meeting at 7:01 pm from item 3a.

**3. COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Plan Commission recommendation to approve a Map Amendment, Special Use for PUD, and PUD Preliminary Plan for Prairie Winds of St. Charles.

Mr. Colby said the committee reviewed a concept plan for this property back in January, which is located along Bricher Rd. to the west of Lowes. The scope of the project is similar to the concept plan with a total of 250 multi-family residential units are proposed. The Plan Commission held a public hearing and recommended approval of the applications on March 20<sup>th</sup> with a vote of 8-0 on rezoning and 7-1 on the PUD application. Plan Commission included a suggestion that the developer consider providing a street connection to a future north/south roadway that may be adjacent to this site at some point in the future. Staff is currently reviewing revised plans that were submitted following the Plan Commission review. Regarding Bricher Rd., the city has an access agreement with Geneva that identifies access points. Geneva reviewed the initial plan submittal and traffic study and provided comments. Revised plans and a traffic study are currently under review and Geneva and we are waiting any further comments they may have. With respect to the school and park land cash ordinance compliance, there are a couple of items that are not yet finalized. There is information included in the packet regarding the park district review of a proposal for credit for private recreational facilities that are

being included in the project and the park board is set to discuss that proposal at their meeting tomorrow night. The applicant has filed a written objection to the per acre land value under the land cash ordinance included in the packet materials; the applicant submitted an appraisal for the property as raw land, however the subdivision code requires an appraisal to assess the value of improved land in the area of the subdivision. The response letter from the City Attorney is included in the packet. Approval of the project will require an amendment to the Bricher Commons annexation agreement and a public hearing will be held at Council when the annexation agreement is to be considered.

Aldr. Turner asked when the developer will answer questions in regard to the difference in the evaluations of the land. Jeff Ratzler-47W210 Rt. 30-Big Rock, IL-said he guesses he made a mistake, he wanted to have the land assessed to see what it was worth on the open market. Attorney McGuirk is correct in saying that the actual ordinance calls for basing the land donation that he will give based on improved land, and that's a little tricky because in reality he needs to give the park district unimproved land, but the ordinance calls for it to be improved land. So his appraisal lays out what the land is worth as it sits today, he can get this done formally within the next 2 or 3 days if he makes phone calls and people whom he employs may visit areas that may have had raw land but would be deemed improved under the ordinance, sanitary sewer, etc. For example there's land across the street in the area at Lincoln Square that's a pretty good comp, which is for sale, and he can tell you that is less expensive than what the appraisal came in at. He said but in order to do that formally he was advised to reengage the appraiser to take a border scope and do an addendum which he could present that no later than Thursday or Friday to put in the Council packet for next Monday; if Committee deems to recommend him tonight, and is that acceptable. Mr. Turner said he just wondered when all this will get hashed out. Mr. Ratzler said he knows it's important and it's extremely for him to move forward and make it a financially feasible development. He just found out about this Thursday or Friday, he did his basic research and engaged an appraiser to do what has been asked of us.

Aldr. Silkaitis asked if 2 votes were needed, 1 for map amendment and 1 for PUD. Mr. Colby said yes, but committee has the option to make a single recommendation on all of the applications. It was split up at the Plan Commission review because one of the members wanted to vote differently on 1 application versus another. Committee agreed to 2 separate motions.

**Aldr. Payleitner made a motion to approve the map amendment. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 6-0**

**Aldr. Turner made a motion to approve the PUD. Seconded by Aldr. Payleitner.**

Aldr. Silkaitis said he would prefer to have the information before committee votes on this; he wants to know what the number is because there may still be negotiations between when we get the information and next Monday. He doesn't know what the number will be, maybe it will be close to what ours is, but he'd rather have that information now versus later on and vote on it Monday; he'd rather table this issue.

Aldr. Lewis asked if committee would be discussing the project at this point in time. Chairman Bancroft asked if Mr. Ratzler had a presentation. Mr. Ratzler said he apologized, he's usually so organized but he

does have a brief summary and some pictures of the site plan. Aldr. Lewis said it's completely different from the concept plan.

Mr. Ratzer said the site plan seen tonight is basically 6 months in the making, we've had meeting, drawing, plans, re-plans and hearings, and at the end of the day this site plan encompasses requests made by staff, Plan Commission, Geneva and Aldr. Lewis regarding the sidewalk. The property consists of 250 multi-family apartments, attached garages, high-end finishes and an extensive amenity package and the plan is to build this all in 1 phase. They hope to break ground approximately May 1<sup>st</sup>. The first buildings will begin construction in July with the anticipated first resident will be moving in by December 2017, with final CO's on the entire community about October 1, 2018. He and his experienced development team were present for any questions and he asked that Committee please recommend this for approval to the Council which meets next Monday; that would be greatly appreciated. He said he has sat in on a lot of meetings, both his own and other developers that have made presentations here in town, and one thing that stuck him that committee was concerned about was the market viability of this project and whether it was needed. He personally did a market study in October when we decided to buy this property and he saw that these apartments were definitely needed, but because of what he has seen and heard throughout these meetings, he went out and ordered a feasibility study; which is in the packet. He did that mostly because he was pretty confident, but the feasibility study backed him up and shows the city could use class A multi-family apartments and this site is absolutely perfect for it.

Aldr. Turner said without Geneva getting involved in this, were they planning on the secondary entrance to begin with. Mr. Ratzer said no, not the secondary right turn, the traffic study did not warrant either a light or a right turn lane, but Geneva contributed their input of liking 2 right turn lanes. We didn't want to do either of them due to the cost and not being warranted, but there were a lot of members of the Geneva populous at the March 21<sup>st</sup> meeting who had the same traffic concerns, so as a compromise we allowed 1 to get traffic through, even though it wasn't warranted per the traffic study. Aldr. Turner said from a safety standpoint he does feel a secondary entrance/right turn lane is needed. Chairman Bancroft clarified that there is a 2<sup>nd</sup> entry way. Mr. Ratzer said that is a secondary entrance, just not a right turn lane. Aldr. Turner said he just wants 2 entrances in and out just in case. Chairman Bancroft clarified that they didn't want that to have the turn lane. Aldr. Lemke asked if that would be built right away. Mr. Ratzer said it's in conjunction with the development, but the plan for right now is to try to build in an orderly fashion; first will be the clubhouse to have a base of operations, simultaneously with 3 or 4 buildings, and then it will go around the circle, but he's not sure if they will go from the top and down or the middle and down, but once we get toward the bottom, the secondary entrance will be built. He said it might make sense to build the 2 early because that can be where the construction goes in later; whether it's paved or not. Aldr. Lemke said you won't want to put the finishing course on, but the binder course and then the finishing course once construction is over, but it would be helpful in keeping the construction traffic separate from the residents. Mr. Ratzer said that's what will happen, they don't allow construction traffic through residential, so at the very least if not day one, once the 3 or 4 buildings start getting C.O.'d then that will be a utilized entrance and exit. Aldr. Lemke asked about

Camden St. Mr. Colby said that is the street directly opposite the main entrance which enters the single-family neighborhood that is in Geneva, directly across from the main entrance.

Aldr. Lewis said she truly appreciates the sidewalk and thinks there will be future connections, and if it's not started somewhere it will never get connected. Upon the issue of sidewalks and connectivity, the open green space to the left by the wetlands it looks like the sidewalk wasn't put on the outside of that part and she wondered why it doesn't go around the 2 buildings. Mr. Ratzler said because they're end buildings he wanted to be sure that each area had some kind of connectivity to the clubhouse area. Aldr. Lewis said all the buildings by the detention pond have sidewalk and then it comes down and she wonders why it doesn't continue across the back. Mr. Ratzler said you have to look close those are shadowed, so they do have sidewalks, they are there. Aldr. Lewis said she went back and looked at the minutes for the concept plan in January and the consensus for the Committee was that the road that could have been a vehicular road to Meijer/Lowes wasn't necessary but all were interested in having a foot/pedestrian path, and she doesn't see that in the plan. Mr. Ratzler said the reason is it's a bad exit, and as soon as a resident would walk out, they would see the back of the shopping centers, dumpsters, and tractors and trailer making deliveries; he can't hide the shopping centers, but he can hide them on his side with berms and trees. He said if 1 tenant comes to him and says they'd like a cut-through, he probably wouldn't do it; but if he gets 5-10 tenants then he has a customer concern and he would consider doing it in the path, but it would have to be based on it being used, not just putting it there. He has designed and laid out many properties over the years and he doesn't think it's a good idea, he said if this were in front of a retail center that's totally different, but the back alley is just not an appealing look. Aldr. Lewis said she just wanted to make the committee aware that it was discussed but is not in the plan, and she would ask that in the future Mr. Ratzler would entertain the idea if it were warranted or necessary. Mr. Ratzler said he would say yes to that but this not being written by me, it's being presented to me and would have to be written that it would be his sole discretion, so it doesn't mean it will happen but he will try to show good faith to consider it, which would come from his residents. He said it's not about money; it's about curb appeal, which there is none exiting that area by foot.

Aldr. Lewis asked where there was 1 no vote from Plan Commission. Mr. Colby said there was concern as to whether the applicant would be agreeable to providing future cross-access and that commission member wanted to see that as a requirement to the PUD approval.

**Aldr. Turner amended his earlier motion to approve the PUD subject to the outstanding items of finalizing comments with Geneva, resolution of the school/park land cash items-recreational amenities contribution, land cash ordinance dollar amount, and amendment to the Bricher Commons annexation agreement. Seconded by Aldr. Payleitner.**

**Roll was called:**

**Ayes: Payleitner, Turner, Gaugel, Lewis**

**Absent: Krieger, Bessner**

**Nays: Silkaitis, Lemke**

**Motion carried 4-2**

Aldr. Silkaitis said he likes the project but cannot vote yes until he knows the information on the dollar amounts. Chairman Bancroft said he respects his position but if he decided to vote yes on it subject to, the rest of the committee is actually in no different position because you will look at that land cash number de novo as soon as the information is available. Aldr. Silkaitis said he understands but to him the biggest issue is that dollar amount, and he would like to see it first.

b. Presentation regarding Beekeeping in Residential Districts in St. Charles.

Ald. Stellato rejoined the meeting.

Ms. Tungare said late last summer and fall there were consecutive conversations at committee meetings in August, September and October in regard to regulating beekeeping within residential districts of St. Charles, at that time we had received some complaints and concerns from residents regarding beehives in their neighborhoods; which is what triggered these conversations. At the time staff had brought forward an ordinance to regulate beekeeping and the committee had decided they wanted to handle this process more deliberately, as in directing staff to go back and gather more information and do some research in engaging stakeholders and experts to then bring back an ordinance for consideration. Since that time in January and March of this year she and Bob Vann compiled a focus group of 7 individuals and experts who have contributed this process; she then took a moment to acknowledge those individuals: Pam Otto-St. Charles Park Dist., Mark Bozik-ROE Schools Facilities Coordinator, St. Charles CUSD 303, Carol Schreiber-Neighbor adjacent to existing backyard bee hives, Angelika Masnica-Neighbor adjacent to existing backyard bee hives, Thomas Mollenhauer- Owner of TGM Insurance Agency, Sarah Fellerer-U of I Extension Horticulture Program Coordinator, Tom Luppino-Fox Valley Beekeeping Association. These individuals met at 2 meetings in January and March, both 2 hour long meetings, and contributed extensively to this process. Staff also engaged a third party facilitator; Mim Evans who is with the Center for Governmental studies with NIU, who will be walking us through a presentation showing research and information gathered by the group. Bob Vann will also be walking us through some regulations, criteria and standards for a proposed ordinance to regulate beekeeping in St. Charles; which will include a palette of criteria to pick from; for example one of those criteria could be regulating lot size. If the council decides they want to regulate beekeeping in residential areas, what we will do with the existing beehives in St. Charles; we know at this point that state records show there are 6 licensed beekeepers within the city corporate limits and 3 are registered in residential areas. One way to deal with the existing beehives would be to set an amortization schedule which would mean that within that period of time the existing beehives would have to come into compliance with any regulations that the council chooses.

Mim Evans-Center for Governmental Studies at NIU-148 N. 3<sup>rd</sup> St., Dekalb-She said as Ms. Tungare state stated this grew out of a discussion between neighbors over whether or not bees should be allowed in residential areas. The group spent some time learning something about bees, hearing each other's opinions and looking what had been done in other communities and that she would be sharing the findings and suggestions developed from the group of how St. Charles might approach this topic.

Ms. Evans then shared the basics of backyard beekeeping; honey bees live in colonies that are housed in stacked boxes that we would normally call hives. They leave the hive and travel several miles in search of pollen or nectar in which they bring back to the hive and make into honey and other products. In the

process of doing so they do provide the valuable service of pollinating plants both ornamental and food crops. At certain times in the life of the colony they do swarm, this is not a regular occurrence, but does happen when the bees want to form a new colony or are looking for a new location for their nest. Honey bees are a part of the natural environment here in St. Charles whether they are in a domesticated hive in a backyard or living wild and will continue to exist whether regulated or not in some form. Honey bees do provide a valuable service and as many of us have heard there is a decline in the honey bee population nationwide, it is not clearly determined what that decline is caused by, but it is having an impact on food production.

Ms. Evans said one of the main points that the group spent quite a bit of time discussing was that there is a big difference between wasps, hornets and honey bees. Wasps and hornets behave quite differently than honey bees but that to the average person they all pretty much look the same. She then showed a chart illustrating the differences; if you get close enough to a honey bee they have different colors, shape and different wing configuration. Wasps and hornets are bigger than honey bees, they carry their legs differently when they fly, and their behavior towards humans and animals is an important difference; wasps and hornets tend to be aggressive, where honey bees are not aggressive unless their hives are threatened. Some of that is due to different food needs, wasps and honey bees are interested in plants, where other insects are interested in food, garbage and other insects, but have a much more likelihood of coming into conflict with people than honey bees; who are interested in the plants. Bees are not as aggressive as wasps and hornets is that when bees sting they also die afterwards, so they are understandably reluctant to do that, they have a barb at the end of their stinger and literally lose part of their body when they try to remove it from their victim, whereas wasps and hornets can sting multiple times without any injury to themselves. She said they live in different way with honey bees living in larger colonies than wasps and hornets are likely to.

Ms. Evans said now that we know a little bit about the difference between wasps, hornets and honey bees, here are some of the concerns heard by the group about having honey bees live in their same areas:

- Attractive nuisance-a colony can be a curiosity, in particular to children who may want to investigate, and the nicer they look the more likely it is that somebody will come over and poke around.
- Disruption of backyard activities-people utilizing their backyards, as we all do, may be disturbed by bees flying by or even just the thought of the fact that there is a beehive in the next yard could be enough to keep people from being comfortable in their own property.
- Health concern-there are people who are allergic to bee stings, epi pens was thought to have on hand by those with beehives, should there be an emergency, but that will not work because a prescription is required. This is an issue if someone is allergic or doesn't know they are allergic and doesn't realize it until they get that first sting and that could be a medical crisis of some sort. It was also pointed out that most folks who believe they are allergic are not allergic in a life threatening way, but more in an annoyance sort of way in that it hurts, swells and itches. But those who do have a life threatening bee sting allergy, this is a real concern.
- Hives attracting unwanted wildlife-this is a possibility, however it is more likely that it is wildlife that is already in the area that they come to investigate and unlikely that wildlife that was not already in the area would make a special trip over to a neighborhood to investigate a backyard beehive.
- Swarming-this does occur and what to do when a swarm happens outside the property in which the hives are located is a concern to neighbors and seeing all those bees gathered in one place can be quite threatening and not knowing who to call can be a difficult situation. The beekeepers

who were part of the group said that swarms are actually an opportunity for those who are beekeepers to gather in an entire colony and that is something they are very interested in doing and is considered something of a bonanza and they could be contacted and would be very happy to collect that swarm and remove it.

Ms. Evans said St. Charles staff did a survey of other Chicago area communities to find out which ones had ordinances, which ones didn't, and what the contents of those ordinances were. Of the ones surveyed:

- 10 do not allow beekeeping in residential areas at all.
- 8 allowed beekeeping with some regulations of some sort, in some cases quite a bit of regulation and in some cases very little regulation.
- 1 does not allow beekeeping at all and therefore allows it by default, very much the same situation as St. Charles is in right now; it has not been discussed.

Ms. Evans said they discovered that Minnesota had done a very comprehensive study of how communities in that state were addressing backyard beekeeping. In the survey they did 40 communities did not allow it at all, 32 did allow it with some sort of regulations and 21 did not address the issue. Interestingly the ones that did not address the issue, some of them felt that by not addressing the issue they were allowing, and other felt that by not expressly permitting it, they were disallowing it. So it's a different interpretation in Minnesota depending on where you are as to whether or not having an ordinance means you can or cannot have beekeeping.

Ms. Evans said the group then looked at the ordinances that do exist, both in Chicago and Minnesota, and we found there are certain components to most of those, which fell into three categories. The process by which someone is given permission to have a backyard beehive, the characteristics and requirements physically of those beehives and the yard in which they are located and some other miscellaneous issues that were addressed by some of the communities. She then shared the process by which one is given permission to have a backyard beehive, and some of the components often required:

- Training-so that those that maintained the hive knew what they were doing, in terms of being a good neighbor and keeping a healthy bee colony. Proof was required that they completed the training and can be obtained from the Beekeeper's Assoc., an educational institution or from some kind of public agency. In some instances there are online training programs and in others instances you have to attend in person and is a much more hands-on experience.
- Application and fee-making the application was the first step in getting permission. The application itself could gather certain information that the city would want to have on-hand; such as who is responsible for this hive, how can they be contacted in an emergency situation, where will the hives be located, etc. Fees were collected that were enough to cover the cost to the city of administering the beehive ordinance.
- Permit-could then be issued once all the previous requirements had been met for that person to keep that hive in the backyard. Some communities had a 1-time permit and others wanted that permit to be renewed on a regular basis to ensure that things were being kept up and that nothing had changed within the yard or within the hives that needed to be remedied before the permit could be renewed.
- Licensing-In Illinois it is required that beekeepers have a license from the Dept. of Agriculture so that is already given within any process that you might have here.

- Notice to neighbors-is a big step towards creating a peaceful coexistence between the neighbors and the person that wants to keep the beehives. This is when you can provide quite a bit of education for the neighbors as to how to get rid of a swarm, who they can call with questions or an emergency, information to tell the difference between wasps and bees, etc. Who that notice would go to would have to be decided by Committee should they decide to have an ordinance.
- City inspection-in almost every instance after the beekeeper felt they had met the physical requirements for keeping the hive, a city employee would come out to inspect and ensure everything is in order.
- Handling complaints-which would also be included in the notice to neighbors; which is knowing what is a legitimate complaint and who do they go to and how it will be handled.

Ms. Evans said the group then addressed the characteristics of what the hives need to look like:

- Hive Construction-hives consist of a series of boxes and the number of boxes that can be kept is something the community can regulate; the size of the hives determined by the number of boxes that are stacked.
- Water source-bees require a source of clean water, and in the absence of clean water within the yard can be one of the main reasons that bees wander into neighbor's yards and find a bird bath or swimming pool, etc. Clean water within the property is an important requirement in ensuring that the neighbors are not disturbed.
- Flyway barrier-if the barrier is at 6 ft. as an accepted height the bees will fly out at a height higher than 6 ft. and have a tendency to then stay for some period of time at a height above 6ft. which limits their likelihood of interacting with people. This is generally required and that barrier could be a fence or dense vegetation that grow to the required 6 ft. height. Where that barrier is located is also something open to discussion.
- Location:
  - Zoning districts allowing beekeeping: Some ordinances have blanket statements that allow beekeeping in certain zone classifications
  - Number of colonies per lot: Some ordinances do not specify how many colonies may be on a lot as long as all other requirements are met. Others limit the number to as few as one or two regardless of lot size.
  - Number of colonies per neighborhood: Some ordinances limit the number of hives that can be located within a single neighborhood. This requires defining neighborhood boundaries and keeping track of whether hives from past years are still active.
  - Required lot sizes: Many ordinances specify a minimum lot size.
  - Number of dwelling units on the lot: Most ordinances only allow beekeeping in single family areas with one dwelling unit per lot. However, some allow beekeeping where there may be more than one dwelling unit per lot.
  - Distance of hives from lot lines or neighboring homes: The distance required between hives and lot lines varies. While some ordinances only address lot size, this does not ensure that a hive will not be close to a neighboring yard.
  - Owner on site: Some ordinances require that the owner of the hives live on-site.



- Miscellaneous issues: There are several additional points occasionally included in ordinances.
  - Nucleus colonies: A nucleus colony is a small separate hive where the beekeeper can raise a small group of bees to replenish the main hive or start an additional hive.
  - Wax and comb storage: There is some concern that if bees wax and honey combs are not stored properly they may attract undesirable insects and wildlife. Where these items are stored can be specified in the ordinance.
  - Maintenance of hives and equipment: The ordinance may include requirements for maintenance of the hives, surrounding area and equipment.
  - Assistance in swarm removal: The ordinance may include procedures for removing swarms from neighboring property.
  - Liability insurance: Beekeepers may be required to show that they have liability insurance covering any damages or injuries as a result of the hive.

Mr. Vann then proposed some staff recommendation's and said he would like to seek some direction on ordinance standards that the committee may find necessary and that there should be a clear process to follow to be able to have beekeeping hives in residential areas.

- Training: The focus group felt this was very important and that is should be in-person training that should be completed prior to and part of the permit application. The city of Geneva and Wheaton Park District's and some bee clubs offer training. The training should include both how to be a good neighbor and how to raise healthy bees and the City should investigate how often the training program is offered and whether or not that will be adequate. Perhaps several different programs could be approved providing more options regarding timing and location.
- Permit: Staff is requiring that a permit be issued which would give information to city staff on the ownership of the property and provides neighbors with contact information, as well as the requirement to be posted at the site where neighbors could see it and what type of activity would be happening. He said he would like direction from committee in regard to the permit being either a one-time permit or an annual permit; there are pro's and con's to both. The one-time permit is a bit easier to administer, the annual would be more time consuming , although he doesn't see a vast number of these coming in, will allow staff to take a look at the property to be sure everything is compliance. A site plan indicating compliance with all physical aspects of the ordinance would have to be submitted to the City before a permit would be issued.
- Application fee: The fee amount should equal the costs incurred to administer (around \$65).
- State license: An Illinois beekeeping license should be submitted with the application, which is not an unusual requirement from other ordinances.
- Notice to neighbors-both sides of the aisle really felt this was important and the burden should be on the applicant to notify neighbors of his/her request to keep bees on a property and to let them know what to expect. An affidavit should be submitted with the application. All applicants must include the same information in their notice to neighbors. This should include education material and how to get help if a swarm is in their yard.
- City inspection: City staff should conduct an on-site inspection of the colony to ensure that all requirements have been met. The application/permit fee should cover the cost of inspection.
- Complaints: Neighbors should have information on how to notify the City of a complaint. Objective criteria should be established for determining a legitimate complaint.

Mr. Vann said as far as location; the City should determine where hives can be placed and will be good information for both prospective bee keepers and neighbors.

- Lot size: While many cities regulate lot size and they've used an acre as a benchmark, however this is not really the issue, the important factor is how far the hives are from the lot lines and seems to be critical based on the use of the property next door. The council, if they choose, can research the lot size.
- Number of colonies per lot: Staff recommends no more than 2 beehives.
- Location within the lot: Staff recommends that the 25 ft. setback be implemented in the ordinance, which would be where the hives are placed on the lot away from all lot lines. This will provide that buffer from the neighboring property owner for those bees to take flight and go where they want to go. He said there was a question regarding location for hives on roofs, he's personally never seen one, but those would have to follow the same regulations based in the ordinance.
- Number of housing units: Staff recommends only single family detached lots.
- Owner on site: Staff recommends that the owner of the hives must live on-site for accountability, maintenance and being able to contact them if there's any issue.
- Commercial locations: will not be a permitted use, only residential lots.

Mr. Vann then covered the characteristics of the hives:

- 6 upper boxes will be allowed, to get a total of 12 boxes.
- Water is a big factor; it will be required on the plan to show where it will be located and how it will be maintained.
- Flyway barriers-either a fence or heave vegetation at 6 ft. high in between the lot and the hives, and staff recommends that the fencing is required and must be on the property lot line. The school dist. weighed in on the issue of hives connected to schools, playground and parks, and they felt the fence would adequately take care of that.
- Hives vs. houses-this is not meant to address bee houses, wild bees or any other type of insects.

Mr. Vann said staff was looking for guidance on how to handle the existing beehives, whether there's an amortization process or a grandfathered process.

Aldr. Lemke asked if there are common strains likely to be used for residential beekeeping, perhaps in this climate vs. the south. Tom Luppino-Roosevelt St.-*Apis mellifera* is the scientific name for honey bees, there's Carniola bees, Italians; there are a couple of varieties that beekeepers stick to that are all honeybees. If you're concerned about Africanized bees from the south, they don't live here so it's not a concern. Aldr. Lemke asked if there are strains more likely to swarm. Mr. Luppino said no, they're all likely to swarm, that means their population is built up really well and nature says I need to split this hive so I can make another hive as everybody wants to reproduce. The original queen takes off with about half the population of the existing hive, and the hive left over makes a new queen and the swarm congregates in an area to figure out where they want their next place to live, and when they do that they gorge themselves with honey to survive the trip, so they can't even really sting you because their stomachs are so full.

Aldr. Payleitner asked why staff recommends commercial properties not to be permitted. Mr. Vann said because of the ability to maintain it; he doesn't think manufacturers or downtown businesses would

want to do that. Aldr. Payleitner said she was thinking more in particular to Clarke because she thinks they have beehives, and they are very environmental. Mr. Vann said if that's something we want to put in the ordinance that's certainly doable, this was really more focusing on the residential component of beekeeping. Aldr. Payleitner said she gets it; she just doesn't want them eliminated by saying not a permitted use.

Aldr. Lewis said it seems like a lot of regulations; we have 3 beekeepers in town. Mr. Vann said that's what the state of Illinois has recorded, there's probably a couple more not registered. Aldr. Lewis said but there's not an abundance within the city limits, and she asked if those that do have hives if it's a hobby or for profit. Mr. Vann said he's not sure but he thinks hobby.

Dave Pszczolkowski-4N620 Powis Rd, Wayne-is a beekeeper as a hobby and has 4 hives, said even though there are no regulations in St. Charles the Illinois dept. of Agriculture has regulations that all beekeepers must follow and nobody can have a bee colony or an apiary without being licensed; so it's kind of redundant to the statutes addressed here. There are people that do this professionally, but they have 100's of hives and they may have them in different states and areas, but most people do this as a hobby which is not an inexpensive hobby; a beginning beekeeper can easily spend \$2,000. Even a hobbyist is interested in something, either they have an apple orchard and they want to pollenate their trees, or they want the honey, he personally gives the honey away to friends and family, they are not making any money off of it.

Aldr. Stellato said he's been on the Council for a long time and have never had an issue with bees, didn't even know bee hives existed, and if they did, they weren't an issue. He asked if the Committee had been briefed as to why we are here even talking about this issue; it's because somebody was not responsible and therefor posed a danger to some of their neighbors, that's why we're all here tonight. Ms. Tungare said yes, they were made aware of the fact of why this conversation was happening in St. Charles, and in fact of couple of the individuals who were invited specifically to be on the committee were individuals who had been subjected to a beehive next door to them. Aldr. Stellato said it was heard that when the queen leaves and looks for another hive and if that person doesn't have another spot for the queen to go, in this case, they ended up in the neighbor's yard. He just wants to make sure everyone understands the issue and that's why we're here tonight and he feels there's not enough regulations and this issue is in front of us today and we need to stop this from happening in the future. Aldr. Lemke said he was surprised that there were 3 or 6 locations where there seems to be 1 problem where there was swarming and close to the neighbors fence. Aldr. Stellato said one of the regulations is a water source provided at the hive and he asked who is going to regulate that, Bob Vann. Mr. Vann said inspection wise yes, but we will only see it when we're there, but he's not looking to be the bee police, which is where his question come in as far as an annual permit. Aldr. Stellato said if a water source is not kept readily available the bees will go to the neighbor's yard and as a neighbor I don't want them in my yard, and somebody else has that right too. Mr. Vann said that another reason why we decided that the owner of the property has to be more responsible to make sure that happens. Aldr. Stellato said he thinks it's an admirable hobby and he doesn't have a problem with it, it's when it affects somebody else and then comes in front of committee, and that's why we're here. Ms. Tungare said that's why the permit process will come in; it gives us the tools for enforcement. If we are issuing a permit and there is a complaint or 2 and there are objective criteria that establishes that someone is not coming into compliance then it will be a violation of the regulations that are in place. She said what is unusual about this topic is that it was spearheaded due to concerns and complaints from the constituent; otherwise we would not be having this conversation about beekeeping in residential areas.

She recommended that committee give staff some feedback to develop an ordinance, and if we could go more conservative with the criteria we will gain some experience from staff's perspective. One of the criteria she suggested was limiting this to a lot of 1 acre or more to allow us to get the experience under our belts, because she is not going to pretend to be an expert on bees, this was a learning process for staff as well. Mr. Vann presented a palette of criteria here and it's a belt and suspenders approach but that's what she recommends; to adopt all of the criteria in terms of lot size, setback, permit process, training and number of hives.

Aldr. Lewis said when she said too many regulations, she meant who is going to enforce all this and that's her concern as far as paying staff to be beekeepers, and are there volunteers that have this as a hobby that will step up and go do inspections, because she sees all these inspections for staff costing a lot of money. Mr. Vann said if we go down the road of writing an ordinance city staff would be the ones to enforce that because it'd become an agent of the government. Aldr. Lewis said who would be trained in the city to know what they're supposed to be doing with the hives. Mr. Vann said that's the criteria he laid out as far as violations; do they have a barrier, are the hives in the setback, etc., not the actual keeping of the bees, we cannot regulate that, other than the location of the hive, barrier's etc. things that we can point to on the ordinance to say you're not doing that and we can then enforce that.

Aldr. Payleitner asked if the state statute was consulted as the ordinance was put together. Mr. Vann said state statute as he knows it is the Dept. of Agriculture, he hasn't read it all the way through, but he doubts they regulate the distance of property lines, number of hives, etc. Aldr. Payleitner said she knows we have incorporated state statutes for our prior safety and then tuned it to our town and she wondered if that was a possibility as well. Mr. Vann said he doesn't know we want to go down the road of regulating the Dept. of Agriculture. Aldr. Payleitner asked if somebody violates that, who polices that. Ms. Tungare said that's why we would require the permitting process, so they can show us that they are registered. Aldr. Payleitner said so we can hopefully assume that the state has done some sort of inspection before they grant that.

Aldr. Gaugel said he thinks the bulk of this is good but the 6ft. high fence and the 25 ft. setback have him a little stuck, if you look at our residential zoning districts that really only allows for the 3 largest, the others require a rear setback, the smallest is 32 ft., so you'd have 5 ft. off the back of your property to have a hive, which is fairly impractical, and for somebody who wants to set a hive up they now are required to put in a 6 ft. fence. He understand the flight but he bets that if the neighbor has a really tasty flower garden, the bees are going in there anyway, so it seems a little arbitrary to him and he thinks it will be tough to enforce. It's almost as if we're saying unless you already have a fenced yard, it would be cost prohibitive for somebody to put a fence around their yard too. You look at the side setbacks as well and it limits us to RE-1, RE-2 and RS-1 are really the only properties that would make it comfortable for someone to operate a hive within, and he would almost say pick the zoning to where we want to limit it; he's not in favor of that but it seems like that what these restrictions are putting in. he said he wouldn't be in favor of the annual permit, it seems like a lot of maintenance as well as an unnecessary fee for responsible hive owners, and he wouldn't be opposed to one-time with duration on it (5-10 years). His preference would also be to grandfather all current hive owners in, and anybody new would then have to abide by any restrictions, if that how we choose to go forward.

Aldr. Silkaitis said he disagrees with grandfathering because it's not fixing the problem that's there now, and he's not in favor of grandfathering and he thinks an acre lot is a good idea and he'd rather go every year because with anything, people will slack off. He said he believes there are more than 6 beekeepers in St. Charles and those are the ones he worries about, all the ones that do not know what

they are doing. He's not in favor of grandfathering, he likes the minimum of an acre, the setbacks are a good idea, and as far as the fence, if you have an acre lot that's not an issue.

Aldr. Payleitner asked if the fence is required around the hive, not necessarily the whole property. Mr. Vann said the school dist. weighed in on the boundary of that lot for park and school, so we have to be consistent as to how we will enforce this; we can't do it for some lots and not the others. Aldr. Payleitner said the picture seemed to be just the hive enclosed. Mr. Vann said the recommendation is the rear yard lot lines. Aldr. Payleitner asked how we grandfathered the chicken ordinance. Mr. Vann said we didn't, we never disallowed chickens, we just put in regulations. Aldr. Payleitner said we have never disallowed beehives either, so did we just move forward with requirements for all the chicken owners. Mr. Vann said we allowed chickens but there were no standards based on the current orders at that time. Aldr. Payleitner said but if somebody had 12 chickens, did we tell them it had to limited down to our requirement. Ms. Tungare said we gave them a period of time to relocate their chickens, but there are a lot of differences between bees and chickens, chickens were easier to regulate than bees that why with the bees we are going through the lot size, setbacks and fencing because we don't know what we are getting ourselves into. Aldr. Payleitner said ultimately we are all in agreement that its committee's job to make sure people are good neighbors and people can be assured that they have good neighbors, and that's really important here in this bee conversation. We live in town, and some of our neighborhoods are pretty dense, so we have to help people be good neighbors.

Aldr. Lemke said the thing that he's noticed, compared to what's been researched, it would appear that the licensing and the training that would be required for licensing and then there wouldn't need to be inquiry other than the same things that you would do with a lot size, fence or something to that affect. It does seem that we've had people there that may not comply and there may be some arrangement for amortizing if you have a nonconforming lot with 1 stack then we shouldn't be looking at 2 stacks.

Aldr. Turner asked if the city has any liability in case there is an attack or swarm because we don't have an ordinance. Attorney McGuirk said his best guess is no, he thinks we'd be immune from a problem with that. Aldr. Turner asked if that's because we don't have an ordinance. Attorney McGuirk said no it's because we enjoy sovereign immunity as a municipality. Aldr. Turner said he's not a fan of this at all, but if this goes forward and we have to have liability, he want to be sure we sustain our sovereign immunity on this and he recommends putting it in an ordinance, if we go that way.

Aldr. Stellato said he and Aldr. Silkaitis have an issue in their ward where we do have somebody who's caused a problem and if we said grandfathering for the people who are good beekeepers and don't have any complaints against them, but if somebody does get a complaint against them then they immediately have to comply or get rid of the hives. He asked if Aldr. Gaugel was more comfortable with that, because that would be a compromise and a way to address the issue in his ward. Aldr. Gaugel said he would be more comfortable with that and he appreciates the consideration, and he would be amenable to that in terms of the grandfathering but is still hung-up on some of the other restrictions, because to his knowledge it's just that one complaint that brought us here in the first place. He said he was made aware of a few others in the 4<sup>th</sup> ward that he subsequently went out and visited the hives and they don't comply with much of these, he's not sure if those are some of the 6 registered with the city or not, but they are not problems, he even spoke with their neighbors and there's no problems. He said yes he would be amenable to that; however it's some of the other stuff he has a problem with. Aldr. Stellato asked if they're grandfathered in would they be able to stay the way they are. Aldr. Gaugel said yes,

unless they have a complaint, and he hopes our phones don't light up with complaints over the next day.

Aldr. Lewis said she doesn't go along with the grandfathering and she feels it should be amortized in over a period of time. She asked if this is something we could put a 3 years and we'll take a look at it and see if it needs to be changed, tweaked or revisited to see if it's working seeing as though we are breaking new ground here, with the idea that we will come back and look at it. Ms. Tungare said absolutely, we can write that into the ordinance to where the council could set a deadline in which staff is to bring it back in about 3 years and revisit it. Aldr. Stellato said if this gets passed and then it gets a sunset clause 3 years later. Aldr. Lewis said no necessarily sunset, she not saying for it to just go away, but maybe it's really not working or needs to be changed, or working better than we thought. Ms. Tungare said we have done this with other programs, in about a year or so if an ordinance has passed, we can come back and give the council an update on how things are going, our enforcement process, what has been working well, what has not been working well, how many beehives exist in town, how many have been amortized, how many came into compliance and how many went away; we can set it up to do that. Aldr. Lewis said keep it a little more fluid in the beginning to keep a close eye on it.

Aldr. Lemke said knowing this is new ground he would defer to the 1 year review.

Aldr. Lewis noted that she doesn't like the rooftops; she's not sure why the hives would be up there.

Mayor Rogina said there's been a lot of work done by staff, committee and so forth; it's been very good. He would submit, given our history here, that most of the beekeepers in our community have been abiding by everything, and to Aldr. Stellato's point we have had absolutely no problem except in one circumstance. This is challenge, and is there a way legally and logically to settle that matter to get it under control to leave the rest of our beekeepers to keep doing their thing, because they're doing it well. All the best practices that are being pointed out by staff; he thinks most of the beekeepers are doing all of that and we do not have any complaints, beside this one issue that needs to be settled. Aldr. Stellato said he would almost suggest a "but for" ordinance, but for a complaint against somebody who has an existing hive, everybody else who has one already is grandfathered in, he personally doesn't have a problem with that, they can keep doing what they're doing. But we need some teeth in our ordinance that if there is a complaint against somebody, in our case there is that person then has to comply with the new ordinance which is minimum 1 acre lot and all the other applicable ordinances regulations that we are regulating tonight. It's a matter of letting the beekeepers that are doing their job keep going, it's a compliment that we haven't heard anything about it, but those that are not following the rules there has to be some teeth that we can use to protect the neighbors that are threatened and in a dangerous situation; he's trying to mix them both together.

Chairman Bancroft said wouldn't the teeth of this ordinance be the revocation of a permit, you can't do it. Aldr. Stellato said unless there grandfathered in, that's his point, what do you do about the grandfather. Chairman Bancroft said he thinks those that are grandfathered are still going to have to some level of permitting, any new hives would need a 1 acre minimum and a cap, but if you grandfather an existing one, the bad behavior piece he agrees with, but the way you will police the bad behavior piece of it is through the permit. In affect the revocation of a permit would be the repercussion for bad behavior. Aldr. Stellato asked if there were enough information here for the city Attorney to draft an ordinance. Attorney McGuirk said what he is hearing is a 1 acre minimum wherever those apply in the city, grandfathering in those who presently exist. Mr. Vann said if we're

going to set some standards of future beekeepers with some kind of provision to penalize the existing beekeeper, existing beekeepers are going to need to have a permit, because if we're going to take away that permit and that right and we get complaints, that the only tool we'll have. Aldr. Stellato asked if they just need to register with Building & Code to get that permit. Mr. Vann said register and provide basic information, it then goes down as a grandfather clause with the provision of complaints and then you have to follow the rules. If we don't have any problems with any beekeepers and they don't have any problem with the period of time to come in for a permit, and after that period of time they don't come for that permit, we can do a pre-permit, he just needs the address of where those bees are. Aldr. Stellato said he has no problem with that. Aldr. Lemke said that permit would also include the license from the state of Illinois, so we're all in the same place.

Chairman Bancroft clarified that with respect to existing beekeepers now who had a grandfathering concept may apply to some of the physical aspects of what we're requiring here that are impossible to comply with, but things like making water available and whatever it takes to be a good keeper, all of those things will still be part of the permit that this person has issued, and can be revoked if they misbehave. Aldr. Lewis said then they're not grandfathered in, are they. Chairman Bancroft said for example, if the ordinance says 1 acre lot and you only have a .5 acre lot, they're grandfathered in.

Aldr. Turner said to Mayor Rogina's point; putting all these regulations in and given that they already have a permit or license from the state, couldn't we just move this under the nuisance ordinance somehow, to not have a whole beekeeping ordinance. Mr. Vann said it's not a defined nuisance like a barking dog or a dog off its leash, he doesn't know how bees would be regulated, it would be tough.

Ms. Tungare said committee has given us some direction here and if we could get a recommendation to come back with an ordinance at the Council meeting on May 1<sup>st</sup>, or it could be brought back to Committee. Committee agreed the sooner the better. Ms. Tungare said staff would work with the city attorney to draft an ordinance to bring to Council. After the ordinance has passed staff will work on the procedure aside of it in terms of the permitting process.

Aldr. Stellato announced to the audience that the Council meeting will be May 1<sup>st</sup> and that they can check the website the Friday before to look at the ordinance.

Aldr. Gaugel said it seems at the end of the conversation here that the 1 acre seemed to have gotten a benchmark, that's not what's been suggested or proposed here. Aldr. Stellato said that's for any new hives. Aldr. Gaugel said that's not what this is saying, it says minimum of 2 hives per property, minimum distance of 25 ft. from lot lines permitted in the rear yard only; that's not an acre property. Ms. Tungare said that's one of the criteria that you could be adopting, we just gave some examples. Aldr. Gaugel said he understands that, but his point is that he is not in favor of that, that's very very restrictive. He feels what's here is already quite restrictive for who could have a hive on their property, and he's not even in favor of that, but then to even go to an acre. How many residential acre properties do we even have in the city limits, and how many of those have beehives, we'd basically be saying "no beehives" if we put it to an acre. Aldr. Silkaitis said that's right, if you look at it more than half the community is banned and not right, so we're not doing anything that's new, we're just modifying with common practice to what we think fits St. Charles.

Dave Pszczolkowski-4N620 Powis Rd.-said they only way good judgement can be made is by education and something that was mentioned earlier; bees go where the flowers are and if you have an ordinance a

square mile (640 acres) it's not going to be enough for the bees. Bees go at a minimum 1- 2 miles from its hive for nectar, and even if there were no beekeepers in St. Charles everybody will have bees in their yard. 300 years ago there were no bees naturally there were other pollinating insects, the bees will be there in everybody's yard whether their beekeepers or not.

Tom Moldenhauer-owner of TGM Insurance Agency-St. Charles-he's a personal and commercial insurance agent for 30 years and one of his area of expertise is he insures over 500 beekeepers across the country and he insures anyone from a 2 hive operation up to 1,000's of hives operation. The vast majority of the people he insures are hobbyist and in order for them to enter the public and sell their honey they have to buy a separate liability insurance policy; which they do because they can't sell at that place without it. In the 30 years he's been doing this the one thing is they do it for the love of it, they're not doing it to make money, so as far as the water being put out or maintaining the hives, if they don't the bees will not survive. Every year they pretty much have to buy more bees because of disease, mites and bee die off right now is happening at an astronomical rate, so the more and more money they have to spend there just going to abandon us because his insurance costs \$350 per year for a \$ million liability policy. In the 30 year period he's been doing it he's had 1 claim regarding stings; a boy on a far property kicked over a hive, he was stung and had to go to the hospital, interestingly enough he sued and lost because of what he did. The single small operating beekeepers are very dedicated and are members to the Fox Valley Beekeeping Assoc. or Windy City Beekeeping Assoc. and go to meetings every month and are educating themselves on what they're doing. It's an eclectic group of people that he really enjoys working with over the years and he is sure he insures all the beekeepers in St. Charles so he knows who they are and he knows the passion they have for this and it upsets him that 1 incident would take away something that's been going on in St. Charles for decades without anybody even knowing about it.

Aldr. Payleitner said if there's only been 1 claim in 30 years, what does he insure against. Mr. Moldenhauer said a couple different areas; he covers the hives themselves, he's had an instance with a grass fire that burned all the hives, he's also had claims not associated with stings, like making candles and the candle failed and burned the house down. Another was at a farmers market an elderly woman tripped over a tend stake and hurt her shoulder to the tune of \$350,000. Aldr. Payleitner said though he would be able to tell us something else in terms of the safety of bees. Mr. Moldenhauer said the policy's he writes are actually commercial agriculture policies for his clients.

Tom Luppino-Roosevelt St.-said on the St. Charles visitors guide on page 44 there's a nice picture of local honey, and without local bees there wouldn't be local honey. He said he jogs in the park in the morning and there's signs with honey bees on them that say's "pollinator friendly-St. Charles parks", as well as signs coming into town "flower city designation" right when you come into town they are very proud of their pollinators and apparently honey bees, so there's just no fear of these things. The 1 acre is just too much, there's a lot of houses in his neighborhood that are on 50 ft. lots that be completely disallowed, and just because 50% of the communities around here banned beekeeping does not mean it's the right thing to do.

Dean Werner-1512 Jobe Ave.-said he was present this evening just to see the workings of this council and he has a small interest in beekeeping, but does not beekeep himself. He can see staff has put in a lot of work for committee to decide to develop an ordinance or not, but he also sees that in an attempt to make our fellow citizens good neighbors, he can't see a reason why we'd take such a situation and want to make an ordinance of it, if in fact there has been one complaint on beekeeping in this city. Again, he appreciates all the work that's been done thus far but he doesn't know that it needs to go any further to



spend his tax dollars enforcing and developing such an ordinance. Aldr. Stellato asked what teeth do you think we have then to enforce this complaint. Mr. Werner said he hear someone earlier mention a barking dog, now whether or not the police could approach an owner of a beehive and suggest that they're disorderly conduct, but he is certainly not a legal expert. Aldr. Stellato said that's why it's in committee's lap to create an ordinance that we have to enforce in order to make sure that doesn't happen again. Mr. Werner said there was also a comment made that there's no liability on the city if anything would happen to a fellow citizen regarding a mishap of a beehive. Aldr. Stellato said feel free to talk to the neighbors that were affected by it. Mr. Werner said he understands and appreciates the committee's time.

Terry Breen-Sunset Dr.-Thanked Committee for their time and looking over the ordinance and he sees the catch 22 committee is caught in. He reminded everyone how bees got here in the first place, by settlers who left the old country because they were overregulated, and now President Trump has said that we're overregulated and he asks the government agencies for every new rule they make, they eliminate 2 old rules.

Jody LaGesse-1518 S. Tyler-said she does agree with the 1 acre, she moved into her subdivision because it was in city limits and she wanted city services in an urban area. None of the lots in our subdivision are an acre and she did not want to live in a rural setting, and that's what it's slowly turning into. She understands bee numbers are dwindling and they pollinate everything, but there are no crops to pollinate in her neighborhood, only flowers, but this is affecting her life. She planted ½ the flowers last summer that she normally does because she wanted to see the difference in the bee population in my backyard, her yard abuts the beehives, and she had a whole lot more bees than normal. She's been stung once in the 30 years she has lived in St. Charles in her backyard, last year she was stung twice by honeybees, both on her arm, and she was nowhere near the beehive. She hates to put the kibosh on somebody's hobby, she has a hobby but crocheting doesn't infringe on anybody else's property, and the use of her backyard is now infringed upon because they can't use it. She has 2 1-year old grandsons, 1 she watches 5 days a week, the weather is coming now and the bees are waking up and she needs to be very careful with them in the backyard because there are more bees there than there used to be. She does we need bigger lots to put these on in a more rural setting because she didn't move to her house to live in a rural setting. In regard to the grandfathering, this will affect her and her concern is that if the people who have hives now are grandfathered in, does that mean as the population grows they have to add more stories to their hive and will they be limited to only having 6 by the regulation, or can they have more hives and more stories than people coming in.

Carol Schreiber-she served on the focus group which was an excellent experience and she learned a lot, but she also learned that there is a lot of things that need to be considered. She said this past weekend was a perfect example, it was warm and the children were out running the field behind her property playing hide and seek at night with flashlights and somebody is going to run into that hive, not on purpose, and somebody's going to get hurt. She has a niece, nephew and a next door neighbor that is highly allergic to bees and yes we can have domesticated ones that live in our neighborhood do it, but she was in her yard mowing and was stung 3 times in 1 day, and they were honey bees. This needs to be looked at, her Mom is 91 years old and has lived in St. Charles for almost 60 years and has been run off the patio by bees, this was only 1 summer, what will next summer be like. She wants committee to really think about this, we live in the city limits of St. Charles for a reason and do not want to have to deal with bees, beehives, or if an ordinance is past for goats or pigs or whatever; she doesn't live on an acre property but she thinks that's fair because it gives enough space for those who have beekeeping as a

passion to be able to do that passion. Her passion is being outside and enjoying her neighbors and her yard and she doesn't feel she can do that without a worry. Chairman Bancroft asked Ms. Schreiber if it was possible for the focus group to have reached a consensus. Ms. Schreiber said no, there was a lot of talk and a lot of learning, she suggested a setback of 100 ft., that was unreasonable so we compromised and she thinks any type of consensus would be very difficult and she wishes there would have been some other people on the committee that weren't directly affected. She and her neighbor were invited, and they appreciated it, but her neighbor has a small child that she can't let swim in a pool because it's a source of water the bees will come to. She thinks that maybe if some other members of the community were asked to consider something like that it might have been a bit different; there could have been a much more rounded thought.

Aldr. Lewis said both side make compelling arguments which is a little difficult, but we have acknowledged that there are other beekeepers in the city that we have not received complaints about. She's not sure there's any way of knowing that people do have beehives, if those people could be involved or the neighbors, because we do have a very real incident, she's not saying it's not.

Charles O'Nell-Naperville-has an issue with an ordinance and he thinks a lot more time and resource was put into this than probably should have. He's been a hobbyist beekeeper for 9 years now, bees are in his backyard and he's been stung about 5 times because he's gotten too close to his hive with the lawnmower. Honey bees do not attack people, yellow jackets do, and he doesn't know that St. Charles wants to be known as the city that doesn't promote beekeeping. The reason he is here is tonight is in hopes that committee doesn't enact an ordinance with full restrictions, perhaps we should be more concerned with the chemicals the lawn companies are using, that's a bigger threat going forward.

**Aldr. Stellato made a motion to direct staff to draft an ordinance and bring it back to Council, seconded by Aldr. Silkaitis**

**Roll was called:**

**Ayes: Payleitner, Lemke, Stellato, Silkaitis**

**Absent: Krieger, Bessner**

**Nays: Turner, Gaugel, Lewis**

**Recused:**

**Motion carried 4-3**

Ms. Tungare said an ordinance would be prepared and brought back to committee to be sure we have it right, rather than bring it directly to Council. Chairman Bancroft said he believes there was sentiment on this Council one way or the other to bring resolution to this, so he would fast track it. Ms. Tungare said staff would bring it to City Council.

- c. Plan Commission recommendation to approve an Amendment to Special Use for PUD for Meijer, 855 S. Randall Rd. (Meijer PUD).

Ms. Johnson said Callie Robertson of Anchor Signs has applied to amend the Meijer PUD ordinance in order to modify the permitted wall signage on the building. 5 wall signs are currently permitted per the PUD Ordinance; however 7 are mounted on the building now. The proposal is to allow 8 wall signs and this amendment would bring existing signage into compliance and would also allow for an additional signs for a pharmacy drive-up to be installed in the future. Plan Commission held a public hearing and

voted unanimously to recommend approval of the amendment with the condition that the pharmacy drive-up sign be installed only after/if the pharmacy drive-up is constructed.

**Aldr. Stellato made a motion to approve an Amendment to Special Use for PUD for Meijer, 855 S. Randall Rd. (Meijer PUD), Seconded by Aldr. Turner. Approved unanimously by voice vote. Motion carried. 7-0**

- d. Plan Commission recommendation to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to yard encroachments for pergolas and sports courts.

Ms. Johnson said staff is proposing the 2 amendments which relate to the permitted encroachments table in the zoning ordinance; that table lists where structures other than the principal structure can be placed within the required yard setbacks. The first proposal is to allow pergolas up to 3 ft. from the interior side property line in the RT-traditional residential zoning district and the CB2 zoning district. Currently pergolas are allowed up to 3 ft. from the rear lot line, but are not allowed within the interior side yard and the amendment would allow pergolas up to 3 ft. from the interior sideyard. The RT zoning district comprised the city's older neighborhoods surrounding downtown where lots are generally smaller and narrower than those in other residential districts; so due to these lot characteristics side yards are generally used to a greater extent in these neighborhoods, so it seems logical to also therefore permit pergolas in that area.

Staff is also proposing to change the permitted encroachment table for sports courts, which currently lists tennis courts, to more general sports courts in order to clarify the location restrictions for all types of sports (basketball, tennis, ice rinks); currently regulations for other type of courts, other than tennis, aren't addressed. The proposal clarifies that all type of sports courts are permitted just up to 10 ft. from the rear property line and are not permitted in the other yards. Plan commission had a public hearing and voted unanimously to recommend approval, with the condition that a pergola directly adjacent to a principal structure be allowed to encroach up to 8 ft. into the front or exterior sideyard in the RT zoning district. Their rational for that was open porches are allowed to encroach up to 8 ft. into the front and exterior side yards, so it's logical that the same be allowed for a pergola that is essentially attached to a house and functions like a porch.

Aldr. Lewis asked if this refers to basketball hoops on garages. Ms. Johnson said no.

**Aldr. Stellato made a motion to approve a General Amendment to Title 17 of the St. Charles Municipal Code (Zoning Ordinance) pertaining to yard encroachments for pergolas and sports courts., Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 7-0**

Mayor Rogina thanked Chairman Bancroft for moderating this committee for the last 2 years, obviously proven tonight that this is one of our most complex committees with a lot of complex issues and he things he has done a masterful of moderating it; sometimes showing a bit of Socrates in him and for that he, as well as staff, thanks him.

**4. ADDITIONAL BUSINESS-None.**

**5. EXECUTIVE SESSION-None.**

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

**7. ADJOURNMENT- Aldr. Turner made a motion to adjourn at 9:04 pm. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion Carried. 7-0**