

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, AUGUST 14, 2017 7:00 P.M.**

**Members Present:** Silkaitis, Payleitner, Lemke, Turner, Bancroft, Gaugel, Vitek, Bessner

**Members Absent:** Stellato, Lewis

**Others Present:** Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Planning Division 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 Bessner at 7:00 P.M.

**2. ROLL CALLED**

Roll was called:

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

Absent: Stellato, Lewis

**3. COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Presentation of a Concept Plan for Crystal Loft Townhomes, 214 S. 13<sup>th</sup> Ave.

Ms. Johnson said the Crystal Loft Townhome proposed Concept Plan is for the industrial building located at the northeast corner of South 13<sup>th</sup> and Indiana Avenues, often referred to as the Lamp Factory building. The applicant is proposing to convert the original two-story building into 9 residential town home units and construct 5 new additional units. The Plan Commission reviewed the Concept Plan on August 8, 2017. In attendance at this Planning & Development Meeting were representatives from the applicant's team and they presented the project to the Committee.

Mr. Mike Heise, CEO of Lyth Capital, 1847 W. Berteau Ave., Chicago, IL

Mr. Heise stated that their plan is to build 14 units on the site, 9 of them in the existing building and 5 new units toward the eastern end of the site. This will create a unique style of housing that will be a benefit to St. Charles and to the neighborhood as well.

Mr. Jon Hague, 160 E. Grand, Chicago, IL

Mr. Hague said that the plan is to begin with renovating the 9 units into 3 or more bedroom units and then add the additional 5 new units. The first 9 units will have a traditional, green space back yard with detached garages in the back. The 5 units will have a green roof over the garage also with 3 or more

bedrooms. Rear, 2 car garages for each unit will be accessed from a drive off of S. 13<sup>th</sup> Ave., and there will be a one-way drive out of the property in the back that circulates out to Indiana Ave. The first level is all living space and the upper level all bedrooms and the third level is either a bedroom or an open plan concept with an open deck on the front or the back. Their plan is to try to utilize the existing heavy timber structure and materials that are already in place. There will be patios in the back that will be pervious as well. The interior will be very urban with exposed timber ceilings and with the original brick.

Mr. William Brooks, III, 401 Wing Lane, St. Charles, IL

Mr. Brooks said that he is a life-long resident of St. Charles and that this is one of the most exciting projects that he has been involved with. This is an existing property offering the opportunity to develop eclectic style townhomes that could entice a new audience to consider St. Charles as their new home. Mr. Brooks stated the price range will be in the lower \$400,000's up to \$500,000.

The Aldermen liked the Concept Plan, particularly the preservation of the building, and have no concerns with it at this time.

b. Discussion regarding the Annexation Process for the Petkus Property

Chairman Bessner said this item is not on the agenda to discuss the proposal itself or the applicant's petition to annex this property. This is on the agenda to provide staff direction and finalize how this process should move forward.

Mr. Colby stated that the City reviewed a Concept Plan for Petkus property in the fall of 2016. The property owner, Al Petkus and his attorney have approached staff regarding annexation and zoning of this property. This item is on the agenda for direction regarding what process to follow going forward. Historically, when the City annexed a large development parcel into the corporate limits, the applicant would file three requests: one for annexing the property, another request to rezone the property to a specific district based upon the specific project being proposed, and the third request was for a PUD proposal with a plan. These are reviewed as a package and when the ordinances are drafted, the Agreement, the Annexation Agreement and the PUD are tied together providing the City with the greatest level of control and oversight. This enables the City to have the ability to decide whether or not to approve any amendments. Ald. Bancroft asked if they have ever varied from this process. Mr. Colby replied that they may have on smaller projects but for larger developments, or new developments with annexations, they typically have not.

The applicant's proposal before the Committee for discussion at this time, said Mr. Colby, is a little different as there is no developer in place to provide a plan. The request put forward is an Annexation and an Annexation Agreement. Within the Agreement, there are density limitations and development restrictions on the property. They request RM-3 zoning and to defer the PUD approval until a development is proposed.

Mr. Coby added that the project is subject to a Boundary Agreement with the City of West Chicago. The Agreement says that the property would be annexed into St. Charles and that it cannot be annexed into West Chicago. Each time a property is annexed into the corporate limits of St. Charles, it is given an

automatic zoning classification of RE-1 which is an estate district - a large lot, single-family district. Unless there is a request to rezone at the time of Annexation, the property will automatically have the RE-1 designation without any Council action being required. With regards to the current PUD process, within the code it specifies that with a new PUD being proposed, a detailed plan must be provided for at least a third of the site at the time the PUD is being approved. This would pose a problem for this applicant/property owner as there is no developer. Any plan being presented would likely not include the developable portion of the site. Mr. Colby reminded the Committee that there was significant interest in the form of the development that was raised during the Concept Plan Review from both St. Charles and West Chicago residents. He summarized the 5 options for going forward listed on the executive summary- the owner's current proposal, the City's historical process, and 3 alternatives (pre-annexation agreement, annexation and RM-2 zoning, or delaying annexation until a development is proposed).

Mr. Colby turned the presentation over to Kevin Carrera, attorney representing Mr. Petkus.

Mr. Kevin Carrara, Law Office of Rathje & Woodward, 300 E. Roosevelt Rd., Wheaton, IL

Mr. Carrara provided an overview of the responses gathered from the meeting that was conducted in October 2016. The consensus was in favor of the following: annexing the property, have a PUD designation in place and also lowering the density from RM-3 zoning to somewhere between RM-2 and RM-3. Senior housing, assisted living or independent living facilities were also viewed favorably as an option for this property. Utilizing this information and after meeting with staff, an Annexation Agreement was recently created by Mr. Carrara, highlighting these areas.

Mr. Carrara said that with the PUD overlay, this would allow the City to control what the development is. There is no building as-a-matter-of-right as proposed under the Annexation Agreement. The option that Mr. Colby presented - Annexation with an RM-2 density - is something that the City should not want because there is no protection in the Annexation Agreement with RM-2 designation. We could build as-a-matter-of-right, stated Mr. Carrara. They would not have to come back for a PUD. All of the control that the City wanted would be gone and that is why they structured this agreement to provide the City with the control it was looking for. Paragraph 3C of the agreement, specifically says and mandates any future development of the property must be done as a planned unit development. At some point, if the property were in the City currently, if anyone wanted to come through and do a PUD, the process would begin like any other process that the City has.

Regarding the density – Paragraph 3F states that the maximum residential density will be 398 units. The building height will be capped at 45 ft. or 4 stories, acknowledging the Boundary Line Agreement and residential concern expressed at the 2016 meeting. In addition, Mr. Carrara stated that they have incorporated the density governor found within the Boundary Line Agreement that says within 300 ft. south of the Cornerstone Development to the north, if anything is built there, the density cannot exceed 7.5 units per acre. This is below the RM-2 standard, which would be in the normal zoning, and they have compromised so their property is between the RM-2 and RM-3. The RM-3 would allow them to do some of the things that they discussed – the assisted and the independent living - which is also identified in the Boundary Line Agreement, therefore it makes sense that the annexation should be part of the RM-3. In closing, Mr. Carrara said that this is a contract – an Agreement between the developer and the City of St. Charles and everyone has to honor the contract. No one will be able to come to the City of St. Charles after annexation and build as-a-matter-of-right. They will have to go through the Planned Unit Development process. All of the control is with the City of St. Charles.

Chairman Bessner asked if anyone in the public would like to ask any questions. There were none.

Ald. Silkaitis confirmed 398 units fall between RM-2 and RM-3. He stated that he is not comfortable with changing the process that is in place and would need more information before annexing a property. He does not see a benefit to doing it this way and would like to wait until there is a firm developer and then proceed the way they have always done. Currently, they are asking for a big compromise to go ahead and do this without any kind of plan.

Ald. Payleitner asked where the advantage is for the City. She asked if this would increase the marketability of the property. Mr. Carrara stated that it is a number of factors. The first is they are not changing that much – the only difference is that it is going to be a bifurcated process. You will still have the right to view and control the plans. This would be just like if this property were currently sitting in the City of St. Charles with a PUD overlay, and someone wanted to develop something on it, no matter what the density numbers are, they would have to come to see you about it. He said the Annexation Agreement would have everything you would have in a PUD ordinance. From a land-owner perspective, it allows my client to go to market with certainty, and not need to lock up the property for a Concept Plan review for every interested developer. No developer is going to ask for a 30 day contingency to get through the review process – it could be up to a year to get through an entitlement process. This process would remove a lot of the “what if’s”.

Ald. Payleitner stated that the RM-3 is controversial, regardless, which is why we want control. Mr. Carrara said RM-3 designation is only proposed to allow the uses listed in the Boundary Line Agreement, such as assisted living and the independent living. These are not permitted in RM-2. They will never reach that RM-3 density number, which is reduced down to 398. That is the compromise from the RM-2 and the RM-3 from a density perspective. RM-2 and RM-3 still allow multi-family – it is just the number of units. We have lowered that unit total number down to where it is manageable per the City’s perspective as well as marketable per the developer’s perspective. Ald. Payleitner said she understood but does not see the advantage of flipping the order. Mr. Carrara stated there is a lot to be said about having a zoning classification that is already contained within an Annexation Agreement and a list of permitted uses.

Ald. Lemke said that they moved quickly on the Prairie Winds project because they saw the plans. He said he would like more certainty from plans with unit counts and net buildable land, or perhaps pre-annexation.

Ald. Turner said he had no comment.

Ald. Bancroft said he understands what the advantages are for his client. In this Agreement, everything the City would have otherwise was included – which does not feel like it is much in the City’s favor. He sees no reason to annex this property without a plan, period. The development business has uncertainty and risk and he would prefer that be on the property owners’ risk, not the City’s.

Ald. Gaugel said that he does not have anything to add but echoes many if not all of the comments that have been said.

Ald. Vitek had no comment.

Chairman Bessner stated that he also echoes the comments and said he is concerned that they will lose control on how it will be developed if it becomes an RM-3 whether there is a PUD process or not. Mr. Carrara asked Chairman Bessner what his concerns are that they wouldn't control the process. Chairman Bessner replied that it is not the process but the density. Mr. Carrara asked if the density number is an issue, can we address that in the Annexation Agreement. Chairman Bessner said the density number is addressed partly through the PUD when the applicant comes back with the developer.

Ald. Bancroft added that he respects the creativity but he feels the City is better served by having an entire thing served up. His advice is to go get a developer and bring them a plan. Regarding certainty, you already had a Concept Plan review and received feedback. Mr. Carrara said they did not have a Concept Plan, rather a maximum density study – they never suggested any use on the property – it was not a plan of physical use.

Ald. Turner said that now it seems like they are taking a step backwards because now they don't have a Concept Plan to look at since what was presented in October. He is not comfortable with this.

Chairman Bessner asked Ms. Tungare what direction staff would need from the Committee. She said that they have received the direction and information needed.

Mr. Carrara asked, in follow up, would the Aldermen be agreeable to seeing the one-third PUD plan that included the landscape buffering. Chairman Bessner said he would say no at this time unless someone else wants to speak up. That process again goes back to filing the application for a development.

- c. Recommendation to approve a Four Season Corridor Improvement Grant for 228 W. Main Street (Dove Thiselton – Ghoulish Mortals & As Cute as it Gets Photography Studio)

Ms. Tungare presented a request for a Four Season Grant in the amount of \$944.00 for the property at 228 W. Main St. – Ghoulish Mortals and the photography studio. This grant will be used to install new planter boxes on the building along Route 64 and also on 3<sup>rd</sup> St. to add color and enhance the buildings appearance from the street. This is not a matching grant. A Four Season Grant is to provide incentives for smaller projects, not to exceed \$1,000. The Corridor Improvement Commission recommended approval at the July 5, 2017 meeting.

**Aldr. Bancroft made a motion to approve a Four Season Grant for Ghoulish Mortals and As Cute as it Gets Photography Studio, 228 W. Main St., Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion carried. 7-0**

- d. Recommendation to accept the proposed Monotony Code standards for Anthem Heights

Mr. Colby said in early 2016 the City approved a 78 home, single-family subdivision in the Corporate Reserve PUD, which is now known as Anthem Heights. At the time the project was reviewed, the Plan Commission requested that Monotony Code Standards be adopted for the project to ensure a variety in building architecture. Since the requirement was written into the PUD ordinance, the previous property owner provided a draft of the Monotony Code that was incorporated into the ordinance. The developer,

Cal Atlantic, is proposing to modify that Monotony Code in their covenants which staff is currently reviewing. The previous property owner's Monotony Code impacted more adjacent homes than the version that is being proposed by Cal Atlantic. Because the change being proposed would provide a less restrictive Monotony Code than what was submitted at the time of PUD approval, staff felt it appropriate to seek the Committee's input before accepting the new Monotony Code. Staff does not have concerns with what is being proposed by Cal Atlantic as the new codes should address the concerns initially raised by the Plan Commission.

Ald. Gaugel verified that at the time this was presented by the applicant, Corporate Reserve, with minimal direction from staff – this was a condition initiated by the Plan Commission that the applicant submit something to demonstrate the type of regulations required. Mr. Colby said the provisions were provided at staff level and then attached to the ordinance as a placeholder. It was not something that the current builder of the project submitted and they were not comfortable with as it was more restrictive than they prefer for this development.

**Aldr. Turner made a motion to accept the proposed Monotony Code Standards for Anthem Heights, Seconded by Aldr. Bancroft. Approved unanimously by voice vote. Motion carried. 7-0**

- e. Plan Commission recommendation to approve a Final Plat of Subdivision for BMO Harris Bank Subdivision

Ms. Johnson said this property is located at the southeast corner of Main St. and the Fox River. The property contains three buildings and a surface parking lot. The property was unofficially subdivided into eight lots as part of the County Clerk's 1899 Assessment Division.

Proposed is official subdivision of the property into three lots:

- Lot 1 – 1 E. Main St. (BMO Harris Bank building) and the parking lot
- Lot 2 – 9 E. Main St. (Buttonman Printing building) and the rear entrance porch and sidewalk
- Lot 3 – 11 – 15 E. Main St. (Smitty's building) and the rear entrance porch and sidewalks

Sarah Nadelhoffer representing BMO Harris Bank is proposing the subdivision to facilitate sale of 11 – 15 E. Main St. (Lot 3). BMO Harris Bank owns Lots 1 and 3. Lot 2 is under separate ownership with an attorney representing the owner providing a letter stating their consent to the subdivision. Plan Commission recommended approval by a vote of 8-0 on August 8, 2017.

**Aldr. Lemke made a motion to approve a Final Plat of Subdivision for BMO Harris Bank Subdivision, 1 – 15 E. Main St., Seconded by Aldr. Payleitner.**

**Roll was called:**

**Ayes: Gaugel, Vitek, Lewis, Silkaitis, Payleitner Lemke, Turner, Bancroft**

**Absent: Stellato, Lewis**

**Recused:**

**Nays:**

**Motion carried 7-0**

- f. Plan Commission recommendation to approve an Amendment to Special Use for PUD, PUD Preliminary Plan, and Final Plat of Subdivision for Everbrook Academy,

Corporate Reserve Lot 2 (Corporate Reserve PUD)

Ms. Johnson said this property is a 4.46 acre vacant parcel known as Lot 2 of the Corporate Reserve of St. Charles PUD, located on the north side of Main St. between Corporate Reserve Blvd. and Cardinal Drive. Pinewood Capital, LLC is the property owner and has submitted for Final Plat approval to divide the property into two lots:

- Lot 1 – 1.58 acres for development of a Day Care Center
- Lot 2 – 2.88 acres for future development

Contract purchaser of Lot 1, NEC Main and Corporate Reserve, LLC, is proposing to develop Lot 1 with an Everbrook Academy Day Care Center. They are proposing a 1-story, 12,000sf building fronting on W. Main Street. The site access will be from Woodward Drive which will be a shared access point with proposed Lot 2. The PUD Amendment has been requested to allow a deviation from a Zoning Ordinance design standard related to building articulation. Plan Commission held a public hearing on July 18, 2017 and continued the hearing to August 8, 2017, where they requested additional information on parking demands. The applicant provided this information at the August 8, 2017 meeting and that satisfied the concerns. They recommended approval on all three applications by unanimous vote 8-0 at the August 8, 2017 meeting.

**Aldr. Silkaitis made a motion to approve an Amendment to Special Use for PUD, PUD Preliminary Plan and Final Plat of Subdivision for Everbrook Academy, Corporate Reserve Lot 2, Seconded by Aldr. Vitek.**

**Roll was called:**

**Ayes: Gaugel, Vitek, Lewis, Silkaitis, Payleitner Lemke, Turner, Bancroft**

**Absent: Stellato, Lewis**

**Recused:**

**Nays:**

**Motion carried 7-0**

- g. Plan Commission recommendation to approve a Special Use for a Homeless Shelter for Lazarus House, 214 Walnut St.

Ms. Johnson stated that this property is currently home to the St. Charles Free Methodist Church and Lazarus House homeless shelter. The church occupies the sanctuary space and the first floor of the rest of the building. The Lazarus House currently leases the second floor from the church and are under contract to purchase the property from the church. Lazarus House also owns and utilizes two neighboring properties – 15 S. 3<sup>rd</sup> St. and 308 Walnut St. The Lazarus House intends to sell these properties and consolidate their operations into the 214 Walnut St. building. They are not proposing to expand the services that they offer. A Special Use approval is required in order to allow expansion of the Homeless Shelter into other parts of the building. Plan Commission held a public hearing on August 8, 2017 and recommended approval of the Special Use by a vote of 8-0.

The Committee expressed appreciation for the work of Lazarus House.

**Aldr. Silkaitis made a motion to approve a Special Use for a Homeless Shelter for Lazarus House, 214 Walnut St., Seconded by Aldr. Payleitner.**

**Roll was called:**

**Ayes: Gaugel, Vitek, Lewis, Silkaitis, Payleitner Lemke, Turner, Bancroft**

**Absent: Stellato, Lewis**

**Recused:**

**Nays:**

**Motion carried 7-0**

**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 7:55 pm. Seconded by Aldr. Silkaitis. Approved unanimously by voice vote. Motion Carried. 7-0**