

**MINUTES
CITY OF ST. CHARLES, IL
ST. CHARLES PLAN COMMISSION
TUESDAY, JANUARY 4, 2011 7:00 P.M.**

Members Present: Todd Wallace, Chairman
 Tim Kessler, Vice Chairman/Secretary
 Sue Amatangelo
 Curt Henningson
 Thomas Pretz
 Tom Schuetz

Members Absent: Brian Doyle

Also Present: Rita Tungare, Community Development Director
 Russell Colby, Planner
 Matthew O'Rourke, Planner
 Sonntag Court Reporter

1. Call to order

A meeting of the St. Charles Plan Commission was called to order at 7:00 p.m. by Chairman Wallace.

2. Roll Call

3. Presentation of Minutes

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the Tuesday, December 7, 2010 meeting.

CONTINUED PUBLIC HEARING

4. General Amendment (City of St. Charles)

Application for General Amendment pertaining to Chapter 17.04 Administration; Chapter 17.06 Design Review Standards; Chapter 17.12 Residential Districts; Chapter 17.14 Business and Mixed Use Districts; Chapter 17.16 Office Research, Manufacturing, and Public Land; Chapter 17.24 Off-Street Parking; Chapter 17.26 Landscaping and Screening; Chapter 17.30 Definitions; Appendix "B" pertaining to Schedule of Application Fees

The transcript received 1/7/11 and prepared by Sonntag Reporting Service, Ltd., is by reference hereby made a part of these minutes.

Mr. Kessler made a motion to close the public hearing. Ms. Amatangelo seconded the motion.

Voice Vote:

Ayes: Pretz, Kessler, Henningson, Schuetz, Amatangelo, Wallace

Nays: None

Absent: Doyle

Motion carried

MEETING

5. General Amendment (City of St. Charles)

Application for General Amendment pertaining to Chapter 17.04 Administration; Chapter 17.06 Design Review Standards; Chapter 17.12 Residential Districts; Chapter 17.14 Business and Mixed Use Districts; Chapter 17.16 Office Research, Manufacturing, and Public Land; Chapter 17.24 Off-Street Parking; Chapter 17.26 Landscaping and Screening; Chapter 17.30 Definitions; Appendix “B” pertaining to Schedule of Application Fees.

The transcript prepared by Sonntag Reporting Service and received 1/7/11 is by reference hereby made a part of these minutes.

Mr. Kessler made a motion to recommend to City Council approval of the General Amendment to Title 17, “Zoning” Chapter 17.04 Administration; Chapter 17.06 Design Review Standards; Chapter 17.12 Residential Districts; Chapter 17.14 Business and Mixed Use Districts; Chapter 17.16 Office Research, Manufacturing, and Public Land; Chapter 17.24 Off-Street Parking; Chapter 17.26 Landscaping and Screening; Chapter 17.30 Definitions; Appendix B pertaining to Schedule of Application Fees based upon the Findings of Fact and all staff comments being addressed prior to final City Council action. Mr. Pretz seconded the motion.

Voice Vote:

Ayes: Kessler, Wallace, Schuetz, Amatangelo, Pretz

Nays: None

Abstain: Henningson

Absent: Doyle

Motion Carried.

6. Meeting Announcements

Plan Commission Tuesday, January 18, 2011 at 7:00pm at Century Station

Plan Commission Tuesday, February 8, 2011 at 7:00pm in the City Council Chambers

Plan Commission Tuesday, February 22, 2011 at 7:00pm at Century Station

7. Additional Business from Plan Commission Members, Staff, or Citizens

The meeting adjourned at 7:45 p.m.

CERTIFIED ORIGINAL RECEIVED

St. Charles, IL

SS.

JAN 7 - 2011

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BEFORE THE CITY OF ST. CHARLES PLAN COMMISSION

S59146A

STATE OF ILLINOIS)
COUNTY OF KANE)

In Re the Matter of:
General Amendment (City of St. Charles) Application for General Amendment pertaining to Chapter 17.04, Administration; Chapter 17.06, Design Review Standards; Chapter 17.12, Residential Districts; Chapter 17.14, Business and Mixed-Use Districts; Chapter 17.16 Office Research, Manufacturing, and Public Land; Chapter 17.24, Off-Street Parking; Chapter 17.26, Landscaping and Screening; Chapter 17.30, Definitions; Appendix "B" pertaining to Schedule of Application Fees.

CONTINUED REPORT OF PROCEEDINGS had at the hearing of the above-entitled matter, before the City of St. Charles Plan Commission, taken in the offices of City of St. Charles, 2 East Main Street, St. Charles, Illinois, on January 4, 2011, at the hour of 7:01 p.m.

1 **PRESENT:**

2 **MR. TODD WALLACE, Chairman;**

3 **MR. TIM KESSLER, Vice Chairman;**

4 **MS. SUE AMATANGELO, Member;**

5 **MR. CURT HENNINGSON, Member;**

6 **MR. THOMAS PRETZ, Member; and**

7 **MR. TOM SCHUETZ, Member.**

8 **ALSO PRESENT:**

9 **MS. RITA TUNGARE, Community Development Director;**

10 **MR. RUSSELL COLBY, Planner; and**

11 **MR. MATTHEW O'ROURKE, Planner.**

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1 CHAIRMAN WALLACE: This meeting of
2 the St. Charles Plan Commission will come to
3 order.

4 Tim, roll call.

5 VICE CHAIRMAN KESSLER: Pretz?

6 MEMBER PRETZ: Here.

7 VICE CHAIRMAN KESSLER: Amatangelo?

8 MEMBER AMATANGELO: Here.

9 VICE CHAIRMAN KESSLER: Henningson?

10 MEMBER HENNINGSON: Here.

11 VICE CHAIRMAN KESSLER: Schuetz?

12 MEMBER SCHUETZ: Here.

13 VICE CHAIRMAN KESSLER: Wallace?

14 CHAIRMAN WALLACE: Here.

15 VICE CHAIRMAN KESSLER: Kessler,

16 here.

17 CHAIRMAN WALLACE: All right.

18 Thank you.

19 No. 3 is presentation of the minutes of the
20 December 7th, 2010, meeting.

21 Is there a motion to approve?

22 MEMBER AMATANGELO: So moved.

23 VICE CHAIRMAN KESSLER: Second.

24 CHAIRMAN WALLACE: It's been moved

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1 and seconded.

2 All in favor?

3 (The ayes were thereupon heard.)

4 CHAIRMAN WALLACE: Opposed?

5 (No response.)

6 CHAIRMAN WALLACE: All right. That
7 motion passes.

8 Before we move on to the public hearing
9 portion of our meeting, I think most of you
10 probably know that we have a new member -- Thomas
11 Pretz is here beside me -- and I would invite you
12 all to introduce yourself -- if have haven't
13 already -- after the meeting, make him feel
14 welcome. And, certainly, as I said before, if
15 you need anything from any of us, feel free to
16 give me a call, or staff is always available for
17 you, as well.

18 I think you've already met with -- with
19 Russ.

20 MEMBER PRETZ: Uh-huh.

21 CHAIRMAN WALLACE: Okay.

22 MEMBER PRETZ: Thank you.

23 CHAIRMAN WALLACE: You're welcome.

24 MEMBER PRETZ: Thank you.

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1 CHAIRMAN WALLACE: All right.

2 Item No. 4 on the agendas. This is the public
3 hearing portion of the meeting.

4 Item 4 is General Amendment, City of
5 St. Charles application for General Amendment
6 pertaining to Chapter 17.04, Administration;
7 Chapter 17.06, Design Review Standards;
8 Chapter 17.12 Residential Districts;
9 Chapter 17.14, Business and Mixed-Use Districts;
10 Chapter 17.16, Office Research, Manufacturing,
11 and Public Land; Chapter 17.24, Off-Street
12 Parking; Chapter 17.26, Landscaping and
13 Screening; Chapter 17.30, Definitions; Appendix
14 "B" pertaining to Schedule of Application Fees.

15 This is a continued public hearing from our
16 last meeting in December, and for the record, we
17 have one additional exhibit, and this is
18 Exhibit C, which is a staff report to Chairman
19 Todd Wallace and Plan Commission members, from
20 Matthew O'Rourke, AICP, planner, and Russell
21 Colby, planner, regarding General Amendment to
22 Title 17, Zoning Ordinance, dated January 3rd,
23 2011.

24 And in addition to that, we have

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1 attachments which are available online, and
2 Exhibits A and B are here in the room if anyone
3 needs to refer to those.

4 Anything else for the record? That's it,
5 just the one exhibit?

6 MR. COLBY: Yes.

7 CHAIRMAN WALLACE: Okay. All right.
8 I think that everyone in the room is familiar
9 with how we proceed with the public hearing, as I
10 explained last time, so I'll just turn to Matt or
11 Russ. Go ahead.

12 Russ, were you sworn in last time?

13 MR. COLBY: Yes, I was.

14 CHAIRMAN WALLACE: Okay. I'll just
15 remind you that you're still under oath.

16 MR. COLBY: Okay. Where we left off
17 at the previous hearing, we were discussing some
18 amendments to the design review section.

19 The part of the presentation I didn't give
20 was on some miscellaneous amendments to the
21 Zoning Ordinance which I wanted to walk through
22 right now. I believe there's five of them.

23 The first one deals with the definition of
24 "Lot Area Calculation." Specifically the --

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1 the -- the definition now applies to three zoning
2 districts, the RT-4, the CBD-1, and CBD-2
3 district, the CBD districts being downtown, and
4 the RT-4, the two main districts that surround
5 the downtown.

6 Right now in the RM districts there is
7 language that explains how you are to calculate
8 lot area when you have multiple buildings located
9 in a single development.

10 So if you have a single block of townhomes,
11 to calculate the lot area, what you do is add up
12 all of the common areas that are attributed to
13 the same type of unit and divide that out to get
14 an actual density or lot area. That's how you do
15 a calculation in the RM district.

16 There's no explanation as to how you would
17 do that in these other three districts, the RT-4,
18 CBD-1, and CBD-2 where right now these uses are
19 permitted, so what we propose to do is extend
20 that language to those additional districts.

21 I'll take any questions on this one.

22 VICE CHAIRMAN KESSLER: Is there any
23 calculation at all for those districts where this
24 one does not apply?

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1 MR. COLBY: Well, for most of the
2 lots within the downtown area, it would be doing
3 a simple calculation of one building on a lot.
4 You don't have a lot of developments where you
5 would have multiple townhome buildings in a
6 single development, but they do exist, and
7 applying the standard to those, it's difficult to
8 come up with a calculation that -- that logically
9 follows the Ordinance standards.

10 So it's -- there aren't many developments,
11 and I think they're primarily in PUDs, so it's a
12 lesser issue.

13 VICE CHAIRMAN KESSLER: Okay.

14 CHAIRMAN WALLACE: All right.

15 MR. COLBY: Okay. The second
16 amendment deals with off-street parking and where
17 off-street parking can be located.

18 Right now the Zoning Ordinance allows
19 off-street parking to be located on a separate
20 lot, and when a use is established on one lot and
21 parking is proposed on another lot, all the
22 person has to do to demonstrate use of that
23 parking is to provide some sort of document or
24 agreement that shows that they have the ability

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1 to use that parking.

2 It's an issue for the City, in terms of
3 administration, being able to track who actually
4 owns that off-site parking over time, so you may
5 have a use established, like a restaurant, which
6 has a second lot that's located next door that
7 may be owned by someone else, and they have an
8 informal or formal agreement that's been drafted
9 to use parking located on that other lot, but
10 that other owner could sell the property and the
11 City would not know that that had occurred and
12 may negate their right to use that parking.

13 What you would have is a building where
14 they are nonconforming, in terms of their parking
15 count, and we really don't have an ability to
16 keep track of that or address it after the fact.

17 What we're proposing to do is require
18 that -- in the Ordinance -- that there be a
19 recorded parking easement that's established
20 whenever off-site parking is proposed. It's a
21 little easier of a mechanism to track if it's
22 recorded, and there likely would be more
23 attention paid to it, in terms of the -- the
24 chain of title on the property, if it was to be

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1 sold, so what we propose to do is always require
2 an easement in a situation where new off-site
3 parking is being established.

4 CHAIRMAN WALLACE: I have just a
5 question on that.

6 What -- what -- I understand what the issue
7 is now.

8 What would prevent people in the future
9 from nullifying that easement?

10 MR. COLBY: There isn't a lot that
11 could be done to prevent that. This is a better
12 way to keep track of it but it's not perfect.

13 CHAIRMAN WALLACE: Okay.

14 VICE CHAIRMAN KESSLER: Then what
15 happens if one of those is nullified and the
16 business goes out of compliance? Then what do
17 you do? What mechanism -- what happens? They're
18 just out of compliance?

19 MR. COLBY: Yes.

20 VICE CHAIRMAN KESSLER: Okay.

21 MR. COLBY: Hopefully, having this
22 easement in place would put notice on the
23 property owner that there's -- there's a use
24 that's operating that had been utilizing parking

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1 on their property.

2 They may have a future issue. Or even for
3 the building owner, if they're losing access to
4 this parking, at least if there's some ability
5 for there to be some formal action taken, then
6 it's more likely that they'll somehow address it
7 but it's not perfect.

8 CHAIRMAN WALLACE: I'm just wondering
9 if there's some other way to put some type of a
10 binding language in the easement that will
11 require it to exist for a certain time period.

12 You know, obviously, the thing I'm worried
13 about is someone going out and obtaining an
14 easement to get an approval and then, you know,
15 doing whatever to vacate that easement shortly
16 thereafter because there's -- there's really no
17 enforcement procedure.

18 However, if there's -- if there's something
19 that's written into the Code that requires them
20 to have a time period on that easement or can
21 be -- I don't know -- that would be a question
22 obviously for the City Attorney or something like
23 that.

24 MR. COLBY: I'm not sure how.

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1 CHAIRMAN WALLACE: If that could even
2 be done.

3 MEMBER SCHUETZ: Russ, is there any
4 chance of duplication?

5 For instance, if a -- some business had the
6 off-site parking from 8:00 a.m. to 5:00 p.m. and
7 the other -- say, a restaurant/bar -- had it from
8 5:00 p.m. to -- is there a mechanism to allow
9 that or prevent that?

10 MR. COLBY: That -- that type of
11 arrangement is allowed as shared parking.

12 There basically needs to be procedures
13 provided as to hours of operation for the
14 different businesses, and that can be reviewed,
15 and the shared parking arrangement could be
16 approved administratively if it's found that, you
17 know, they are demonstrating that the way they're
18 going to use the parking lot -- those spaces
19 won't be needed at the same time, so that -- that
20 can happen with this type of arrangement or even
21 just on a single property.

22 MEMBER SCHUETZ: Currently or you
23 mean with what you're proposing?

24 MR. COLBY: Currently. There's a

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1 provision in the Code for that.

2 CHAIRMAN WALLACE: Okay. Anything
3 else on this one?

4 (No response.)

5 CHAIRMAN WALLACE: No.

6 MR. COLBY: Okay. This amendment
7 deals with carryout-only restaurants.

8 Right now our Zoning Ordinance treats all
9 restaurants the same, in terms of a parking
10 standard, and that parking standard is 10 spaces
11 per 1,000 square feet of gross floor area, and
12 that would apply to a restaurant that's all sit
13 down or one that's only carryout.

14 What you would have with a carryout-only
15 restaurant is -- is likely a lower parking
16 demand, and it's primarily due to the fact that
17 people are visiting the business briefly and
18 leaving. They're not sitting for a long time, in
19 which case you wouldn't need a large amount of
20 parking to accommodate a lot of people who are
21 dining at once.

22 So what we propose to do is separate out a
23 use called a carryout-only restaurant. We'll be
24 establishing this use only for the purpose of

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1 getting a separate parking requirement in the
2 Zoning Ordinance, and the requirement that would
3 apply there would be the same that applies to
4 general retail uses, which would be four spaces
5 per 1,000 square feet of gross floor area, and
6 the language is -- is -- is written so that, if
7 the restaurant has any seating whatsoever, it's
8 considered a normal restaurant. It has to have
9 zero seating to be considered a carryout
10 restaurant so that you don't have businesses that
11 are sort of in between. You may actually have a
12 parking demand that's higher.

13 I'll take any questions on that point.

14 VICE CHAIRMAN KESSLER: That makes
15 sense.

16 CHAIRMAN WALLACE: So what's the
17 requirement now for that type of restaurant?
18 Let's say a restaurant has two tables.

19 MR. COLBY: It would be 10 --
20 10 spaces per 1,000 square feet, and that would
21 go down. If they had no tables, they would have
22 four spaces per 1,000 square feet.

23 CHAIRMAN WALLACE: But it wouldn't
24 increase the requirement for a restaurant like

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1 that?

2 MR. COLBY: No.

3 CHAIRMAN WALLACE: It would still
4 remain 10 per 1,000; correct?

5 MR. COLBY: Right. Correct.

6 MEMBER SCHUETZ: Is that 10 per
7 1,000 a traditional number in most restaurant
8 cities?

9 MR. COLBY: I believe it's a -- it's
10 a standard that's used by the ITE for parking
11 studies, I think.

12 MS. TUNGARE: Yes.

13 MEMBER SCHUETZ: Are there?

14 MR. COLBY: Yes.

15 This next amendment deals with rear yard
16 lot coverage for detached garages in the
17 R2 district, which are the traditional districts,
18 the older pre-World War II neighborhoods.

19 The Zoning Ordinance that was amended in
20 2006 included some incentive standards to try to
21 encourage the continued use of detached garages
22 in the older neighborhoods and also to
23 incentivize them in a way to prevent houses from
24 being built with a garage in front and also

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1 requiring garages to be accessed from alleyways.

2 The location and size of the detached
3 garage is regulated three different ways.

4 Firstly, it's regulated through setbacks,
5 in terms of where it can be located on the lot.

6 It's also subject to a standard building
7 coverage, which is the percentage of the total
8 lot that can be covered by buildings, and that
9 would include a garage. It would also include a
10 house, so there's that -- there's that lot
11 coverage standard.

12 And then there is an additional restriction
13 that's placed on the proportion of the rear yard
14 area that can be used for accessory structures.

15 So typically you would have a detached
16 garage located in the rear yard area, which, in
17 most zoning districts, is the rear 30 feet of
18 the lot, and I have a little graphic here just to
19 sort of show you what I'm talking about.

20 An issue has come up with -- with property
21 owners who are looking to construct detached
22 garages -- new ones -- in rear yards, and what
23 they're running into is that a typical new garage
24 would exceed that 30 percent lot coverage for the

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1 rear yard area, and what's shown here is a
2 50-by-100-foot lot, which is probably the
3 smallest standard size lot in the city, and
4 within that 30-foot rear setback area, you would
5 only be able to cover 30 percent of that with the
6 building, regardless of the amount of building on
7 the rest of the site, which is subject to a
8 separate standard, and what that would leave you
9 with in a rear yard area is a maximum garage size
10 of 21 by 21 feet, which is usable but it's a
11 little small for a modern garage.

12 And -- and, really, the -- the way that the
13 Ordinance is set up, the intention was to try to
14 encourage detached garages to be constructed in
15 the rear of the property because that's where the
16 visual impact would be minimal, but it would also
17 keep the -- the garage doors away from the -- the
18 streetscape, which is more pedestrian oriented
19 versus car oriented, as you find in newer
20 neighborhoods, and this restriction can make
21 developing one of these smaller lots difficult
22 because, to have a larger garage, you basically
23 have to start sliding the garage further up onto
24 the buildable area of the lot. What you end up

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1 doing is sort of compromising the rear yard area.

2 So what we propose to do is to increase
3 that 30 percent standard up to 40 percent, and
4 actually -- and I apologize. That slide hasn't
5 been updated; but the -- the proposal would allow
6 it to go up to 40 percent of the rear lot area
7 or -- excuse me -- rear yard area but not exceed
8 600 square feet, which would basically allow you
9 to get, roughly, a 24-by-24-foot garage in the
10 rear yard area, and that would apply to lots that
11 are 50 or 60 feet wide, which are the more narrow
12 lots in town.

13 MEMBER SCHUETZ: Was there any
14 thought given to maybe doing the -- I don't
15 know -- I'm not sure what it's called -- where
16 you double up, an alternate design? I know
17 it's -- I just wonder if you incorporated that
18 into the percent here, as far as a setback, you
19 know, where you set them back or you double them
20 up and that way -- from the alley -- it wouldn't
21 take up as much room and give a little bit of
22 diversity in the yard.

23 From here, it looks like a big old
24 rectangle.

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1 MEMBER HENNINGSON: Have tandem
2 parking spaces in the garage?

3 MEMBER SCHUETZ: Yes.

4 MR. COLBY: That's something that can
5 be done to increase the square footage.

6 You know, what you run into, though, is,
7 with the detached structure, you have to keep it
8 separated from the house, so there's a 10-foot
9 separation involved, and some of these smaller
10 lots, when you're trying to fit a house and a
11 garage, there's not a lot of wiggle room, and if
12 you -- if you end up with an arrangement where
13 you don't really have any usable backyard, it's
14 certainly a disincentive to try to do this
15 because you already end up using more of your
16 property to accommodate vehicles.

17 VICE CHAIRMAN KESSLER: So -- so then
18 if you have a bigger lot than that 30 percent,
19 40 percent would still --

20 MR. COLBY: Yes.

21 VICE CHAIRMAN KESSLER: So you could
22 build a big garage if you have a bigger lot?

23 MR. COLBY: Yes.

24 VICE CHAIRMAN KESSLER: A big garage.

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1 MR. COLBY: And that 30 percent
2 standard applies across all of the -- the
3 residential districts, in terms of your lot
4 coverage. It's really just an issue with smaller
5 lots being able to fit a garage that's -- that
6 meets modern standards for two-car garages,
7 which, granted, is not extremely large but
8 it's -- it's -- it's a standard that's
9 acceptable.

10 MEMBER SCHUETZ: I think what Tim was
11 saying is maybe the garage would be bigger than
12 the house.

13 VICE CHAIRMAN KESSLER: Could be.

14 MEMBER SCHUETZ: In some cases, if
15 you do a 40 percent; so maybe there should be
16 some language in there about in relationship to
17 the size of house versus the maximum for the
18 garage.

19 MR. COLBY: Well, the -- the --
20 what's shown here on the slide is not correct.
21 It's being increased to 40 percent maximum but
22 not exceeding 600 square feet, so there's going
23 to be a limitation on that, so that, if you're
24 exceeding the 30 percent, you basically would be

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1 limited to that 24-by-24 footprint.

2 MEMBER SCHUETZ: What about height?

3 MR. COLBY: The height limitation
4 that exists right now, I believe, is 20 feet.

5 MEMBER SCHUETZ: It says --

6 MS. TUNGARE: Again, the intent here
7 is to encourage detached garages at the rear of
8 the lots so there isn't really a visual impact,
9 even if, hypothetically, the size of the garage
10 is -- is probably not as compatible with the size
11 of the house, but I believe that that probably
12 wouldn't occur based on the limitation of square
13 footage.

14 VICE CHAIRMAN KESSLER: I think
15 you're right, and there is a height limitation.

16 MR. COLBY: Yes. This is 20 feet.

17 MEMBER SCHUETZ: Okay.

18 MEMBER HENNINGSON: Would 600 feet
19 allow someone to build a suitable three-car
20 garage?

21 MR. COLBY: No.

22 MS. TUNGARE: No.

23 MR. COLBY: But --

24 MEMBER HENNINGSON: 20 by 30.

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1 MR. COLBY: That's tight to be able
2 to -- to fit three cars in. You could build one
3 that's probably a large, you know, 2 1/2,
4 probably not a 3.

5 You do have the ability, if you slide the
6 garage into the buildable area of the lot or
7 expand it into the buildable area of the lot, to
8 increase the size, but then you -- you're still
9 limited by how much of the rear yard you can
10 cover, but that wouldn't prevent you from
11 building a larger garage. You just have to
12 elongate it into the rear portion of the
13 buildable area.

14 MEMBER HENNINGSON: Irregardless,
15 you're going to limit it to 600 square feet?

16 MR. COLBY: As a maximum, if you're
17 exceeding 30 percent.

18 MEMBER HENNINGSON: What's the
19 maximum right now?

20 MR. COLBY: The -- there is no
21 specific maximum. It just -- it's set at
22 30 percent of the rear yard area.

23 MEMBER HENNINGSON: I have a problem
24 with limiting it to 600 feet.

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1 MR. COLBY: In terms of the space --
2 well --

3 MEMBER HENNINGSON: Yes, the space.

4 I mean, if someone has a lot like that,
5 they should be allowed to do a three-car garage.

6 MR. COLBY: The 600-square-foot
7 limitation would only apply in a situation where
8 someone is exceeding 30 percent. So if you have
9 a large enough lot where you can go up to a
10 three- or four-car garage, if you have a large
11 enough rear yard area, that's -- that's allowed
12 right now; that wouldn't change.

13 This would only be in situations where it's
14 restrictive, and right now you're subject to that
15 450-square-foot maximum.

16 VICE CHAIRMAN KESSLER: Tell me
17 again, what -- what makes the rear yard?

18 MR. COLBY: The rear yard is the area
19 that is measured from the rear lot line to the
20 rear building setback, so in most cases, that's
21 30 feet from the rear yard -- rear lot line into
22 the yard.

23 VICE CHAIRMAN KESSLER: Okay. And --
24 okay. So if you're 30 feet -- so if you have

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1 a -- say, a 90-foot-wide -- if you have a
2 90-foot-wide lot, then you could -- if you
3 covered 30 percent of that, that would be 90 by 30.
4 That's 1,200 -- or 2,700 square feet. 40 percent
5 of that, you could have a 1,000-square-foot
6 garage.

7 MR. COLBY: Yes.

8 VICE CHAIRMAN KESSLER: 1,000 square
9 feet. That's huge.

10 MS. TUNGARE: Now, Russ, some
11 clarification.

12 Was that percentage only related to garages
13 or other structures, as well? For example, if
14 they had a shed in the rear yard or other
15 structures, how is that?

16 VICE CHAIRMAN KESSLER: All
17 structures combined?

18 MR. COLBY: All structures are
19 included. But the intent of the amendment is to
20 allow for a detached garage on a narrow lot to be
21 up to 600 square feet, and the exception is made
22 for the garage building only.

23 VICE CHAIRMAN KESSLER: And, again,
24 that's -- you know, I see situations -- and these

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1 have come up more than once. I've lived in an
2 old neighborhood for 30 years. They come up at
3 times where the buildings are bigger than the
4 house and it's -- it's an issue.

5 That's a big building, a 1,000-square-foot
6 building, and that is bigger than most houses in
7 the older neighborhoods.

8 MEMBER HENNINGSON: Yes.

9 VICE CHAIRMAN KESSLER: Okay.

10 CHAIRMAN WALLACE: Okay. Anything
11 else?

12 (No response.)

13 CHAIRMAN WALLACE: All right.

14 MR. COLBY: This last one deals with
15 dormant zoning applications.

16 Right now the Zoning Ordinance does not
17 have any language in it that would allow the City
18 to dismiss an application that's -- that's gone
19 dormant, and by that I mean, when we have an
20 applicant that's been unresponsive, in terms of
21 requests for information or where fees haven't
22 been paid, what often happens is we'll have a
23 representative for a project that's filed an
24 application with us and they may no longer be

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1 involved with the project or may not have an
2 interest in it anymore and they basically don't
3 return our phone calls or respond to our letters.

4 We -- we don't really have a formal way to
5 dismiss an application in that situation so -- to
6 basically close out the file, in terms of keeping
7 track of it administratively.

8 So what we propose to do is, if there's an
9 application that's -- that's been incomplete or
10 delinquent for a period of six months, when we've
11 attempted to contact the applicant, that we will
12 send out a notice that it is to be dismissed
13 within one month of the notice, so we would have
14 the ability to really have those applications --
15 it's really more of an administrative thing
16 because we have to keep track of these
17 applications, even though we don't -- we don't
18 really have an applicant who is actively
19 responding to requests for information or for
20 follow-up.

21 CHAIRMAN WALLACE: Okay.

22 MR. COLBY: And that concludes my
23 presentation.

24 CHAIRMAN WALLACE: All right. Any

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1 questions? further questions?

2 (No response.)

3 CHAIRMAN WALLACE: Comments, members
4 of the Plan Commission?

5 (No response.)

6 CHAIRMAN WALLACE: Any questions from
7 the audience?

8 (No response.)

9 CHAIRMAN WALLACE: No comments?
10 Anything?

11 (No response.)

12 CHAIRMAN WALLACE: All right.

13 VICE CHAIRMAN KESSLER: You know, are
14 we going to revisit -- are we going to revisit
15 any of the discussion that we had last week?
16 I mean, I see in the staff report there you
17 responded to the comments.

18 MR. O'ROURKE: Yes. I was planning
19 on addressing that.

20 CHAIRMAN WALLACE: Okay. All right.

21 If there's nothing else on what Russ had to
22 say, Matt, do you want to go ahead with that?

23 MR. O'ROURKE: Sure.

24 At the last meeting, staff presented an

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1 amendment to remove the 50-foot major arterial
2 setback requirement along certain portions of
3 major arterials here in St. Charles.

4 There were two comments that were raised by
5 the Plan Commission that the staff particularly
6 looked at with a little more detail, the first
7 one being how the -- this amendment would fit
8 into the 2030 Land Resource Management Plan put
9 together by Kane County.

10 We did look at that, and in particular,
11 when we looked at what -- how they see the urban
12 corridors -- which Randall Road does fit into --
13 where the particular concern was, they talk a lot
14 about helping to unify the streetscape and
15 approve the appearance and encourage
16 redevelopment of the existing commercial
17 corridors and try to intensify development in
18 those areas.

19 So we compared what that all meant with
20 what the amendment that we're proposing with to
21 reduce those setbacks, and do -- and staff did
22 look at this method as a way to encourage that
23 redevelopment.

24 You're going to allow the orientation of

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1 buildings. There's a lot more flexibility now.
2 You may be able to orient the building to
3 potentially have parking behind them, where you
4 can orient them perpendicular to the streets,
5 that you're really trying to have to conform to
6 that existing linear pattern that's kind of what
7 we see on Randall Road right now.

8 You'll have some more flexibility, and
9 you'll be able to do it on smaller lots so you're
10 not taking up as much land per use, per
11 individual lot, so that's how staff looked at
12 that amendment, and we do feel that it does
13 compare favorably to what Kane County had in
14 their 2030 Land Resource Plan.

15 The other comment that came up was the idea
16 of a possible height limit for the building, kind
17 of -- I'll describe it as the first tier of the
18 development along those major arterials, and we
19 did look at that, and the first thing staff did
20 was kind of look at the buildings that were built
21 in the last five years and try to see if there's
22 some sort natural break that we could find, and
23 what we -- we didn't really see one.

24 It seems like the heights of recently

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1 constructed buildings vary to some degree, and a
2 large part of that is due to the architectural
3 standards that we do require. We require some
4 height variation in the parapets around the
5 rooftops to try to screen them from public roads.

6 And the other thing we noticed is there are
7 some smaller properties where, you know, if we
8 had this height limitation, you might not have a
9 lot of building area.

10 There's a couple of properties along
11 East Main Street that staff looked at where the
12 buildings are in a hole almost. They are
13 significantly below the grade of the road, so we
14 just -- we didn't see how we could come up with
15 one clear building height that would really work
16 for all the properties, and it almost, you know,
17 could be kind of counterintuitive to what we're
18 trying to accomplish with these amendments, which
19 is to create more flexibility, to encourage
20 redevelopment, so that was how staff analyzed
21 those two comments. We tried to take it to a
22 pretty detailed level to respond to those, and
23 we're happy to answer any other questions anybody
24 may have.

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1 MEMBER SCHUETZ: Matt, do you see a
2 problem with maybe -- maybe it's in other
3 ordinances -- but a problem of exceeding -- you
4 show 40 feet.

5 Could it be 50? 60? whatever? in that some
6 of the buildings are lower, you know, east of
7 here because of the road. I mean, in reality,
8 they will be 50 or 60 feet, say, on the north
9 side of 64 where it goes down, and the other side
10 is even worse, actually, the south side.

11 MR. O'ROURKE: In terms of --

12 MEMBER SCHUETZ: 50 or 60 feet in
13 reality but they're only 40 from the streetscape.

14 MR. O'ROURKE: In terms of height?

15 MEMBER SCHUETZ: Yes.

16 MR. O'ROURKE: The way the Ordinance
17 regulates height of the building elevation,
18 not -- not relative to the road, it does do that
19 for signage -- and it's specific about that --
20 but in this case it would be -- the building
21 would be 40 feet no matter what its relation, in
22 terms of elevation, to the road.

23 So if you -- you know, you -- basically, if
24 you had a shorter building that's down in the

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1 grade, you basically would be just seeing the
2 roof if you had like a small height restriction.

3 Even if -- you know, even if it's only
4 10 feet above the surface of the road, you would
5 really be 24 feet from the surrounding grade of
6 where you're putting the building --

7 MEMBER SCHUETZ: Right.

8 MR. O'ROURKE: -- in those instances.

9 MEMBER SCHUETZ: All right. So it's
10 a restriction?

11 MR. O'ROURKE: It could be. It could
12 be.

13 It just, I think -- when we're talking
14 about creating a uniform look in the heights and
15 distances, I think it was kind of counter to what
16 the purpose of the amendment was; and, also, it
17 might discourage redevelopment in some of those
18 hard-to-redevelop properties.

19 CHAIRMAN WALLACE: All right.

20 Tim?

21 VICE CHAIRMAN KESSLER: Well, so you
22 could essentially have a building that is -- you
23 could have a building that was 40 feet tall
24 20 feet off the roadway.

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1 MR. O'ROURKE: Under the provisions
2 of the proposed amendment, yes.

3 VICE CHAIRMAN KESSLER: 20 feet off
4 the road?

5 MR. O'ROURKE: It would be -- the
6 building and the parking setback would both be
7 20 feet, so, I mean, in most instances you would
8 probably see some parking before the building,
9 but, I mean, you could have a building set right
10 to the road; but in certain instances, in similar
11 zoning districts where this setback requirement
12 doesn't currently exist, you could have a 40-foot
13 building 5 feet off the road right now anyway.

14 VICE CHAIRMAN KESSLER: Okay.
15 Thanks.

16 CHAIRMAN WALLACE: Any other
17 questions?

18 MEMBER SCHUETZ: On page 67 -- are
19 you going to go further?

20 MR. O'ROURKE: Is there anything in
21 particular?

22 MEMBER SCHUETZ: I just had a couple
23 of questions on the landscape. I know we visited
24 this last time. We talked about the -- under B,

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1 the proposed amendment, the two shade trees could
2 be ornamental evergreens, whatever, per 50 lineal
3 feet. That's fine but I question on the -- did
4 we -- did you incorporate any kind of size in
5 those? I can't recall.

6 MR. O'ROURKE: The Ordinance already
7 requires shade trees, ornamental trees to have a
8 certain height; either height or caliber of
9 trunk.

10 MEMBER SCHUETZ: Okay. What about
11 shrubs? That was really what my question was.

12 MR. O'ROURKE: The only height
13 requirement is to specifically screen parking
14 lots. It has to be 30 inches tall. Other than
15 that, there's no true minimum height requirement
16 for those.

17 MEMBER SCHUETZ: And the other
18 question I had, you say, then -- down below, you
19 say "not less than 50 percent" of the rest of the
20 three sides of the building, the other 75 percent
21 of the front, and that sounds fine, but my own
22 question would be, on the 50 percent, would it be
23 broken up maybe a third, a third, a third, or
24 would it be -- is there any --

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1 MR. O'ROURKE: It could be and we
2 started down that track when we were
3 originally -- when staff was originally crafting
4 this ordinance, but the thing we -- the thing we
5 have now -- the problem that exists now is we
6 don't have any clear definition where you have to
7 have parking or -- excuse me -- foundation
8 landscaping and where you can't. It just says
9 generally, you know, it doesn't have to be a
10 loading area; it doesn't have to be where
11 pedestrians are.

12 What we're trying to do is create a
13 standard that says, "You have to have 50 percent
14 of those three sides landscaped" but also leave
15 the designers some flexibility to figure out
16 where that landscaping bed is best suited.

17 MEMBER SCHUETZ: Okay. That's what
18 I thought. All right.

19 CHAIRMAN WALLACE: All right.
20 Anything else?

21 MR. O'ROURKE: That was all that
22 staff had in addition to what was presented in
23 the previous meeting.

24 CHAIRMAN WALLACE: Okay. Any other

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1 questions?

2 (No response.)

3 CHAIRMAN WALLACE: Audience comments?

4 Yes, ma'am.

5 MS. BELL-LASOTA: Can I do it from my
6 seat or --

7 CHAIRMAN WALLACE: Actually, if you
8 could step up here.

9 Were you in the last meeting?

10 MS. BELL-LASOTA: No.

11 CHAIRMAN WALLACE: No. Okay. That's
12 fine. You just need to be sworn in.

13 If you could raise your right hand.

14 (The witness was thereupon duly
15 sworn.)

16 CHAIRMAN WALLACE: All right. If you
17 could just state your name, spell your last name,
18 and also state your address for the record,
19 please.

20 MS. BELL-LASOTA: My name is Vanessa
21 Bell-Lasota, B-e-l-l-hyphen L-a-s-o-t-a.

22 I just had a question about --

23 CHAIRMAN WALLACE: And what's your
24 address?

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1 MS. BELL-LASOTA: I'm sorry.

2 1610 Howard Street.

3 CHAIRMAN WALLACE: Thank you.

4 MS. BELL-LASOTA: I just had a
5 question for Mr. O'Rourke.

6 I'm curious. Have you looked at the effect
7 of the different orientations of buildings to the
8 street on traffic flow? Because I did read some
9 studies about traffic impact, increased accidents
10 around Geneva Commons and other areas with the
11 new density there.

12 Does it improve -- I know a problematic
13 area seems to be around Oberweis and Starbucks.
14 That's a very difficult area to get in and out
15 of. Maybe that creates an improvement, positive
16 or negative? Can you comment?

17 MR. O'ROURKE: Sure.

18 I think what -- what staff was trying to do
19 is -- with -- with this amendment is create some
20 design flexibility to help the designers because
21 right now you're almost forced into this linear
22 pattern because of the 500-foot setback. I think
23 that's something that would be reviewed with any
24 development proposals as we go along.

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1 A majority of the properties that are
2 affected by this amendment are already
3 constructed. They're redevelopment for the most
4 part so -- those curb cuts are already set, so
5 this would give the designer a little more
6 flexibility to work around those existing curb
7 cuts.

8 MS. BELL-LASOTA: Thank you.

9 CHAIRMAN WALLACE: Thank you.

10 All right. Anything else from the public?

11 (No response.)

12 CHAIRMAN WALLACE: All right.

13 Is that all we have, Staff?

14 MS. TUNGARE: Yes.

15 CHAIRMAN WALLACE: All right.

16 MEMBER HENNINGSON: You know, Todd,
17 I have a question.

18 Last time we talked about exterior
19 insulated finishing systems, and where did we end
20 up on that? I just picked it up, and I haven't
21 had a chance to go through it.

22 VICE CHAIRMAN KESSLER: It was in --

23 MR. COLBY: Based on the discussion
24 at the previous hearing about the EIFS system,

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1 the language that was drafted in the Ordinance
2 now clarifies what the EIFS system is. It is
3 defined as use of the -- of, basically, the
4 Styrofoam wall-backing material, which is the --
5 the building material that's -- that's the most
6 problematic in terms of the durability, and
7 the -- the restriction on it -- on EIFS -- or the
8 limitation on it, I should say -- which is the
9 10 percent and not below 10 feet on a wall --
10 that requirement would apply.

11 However, you wouldn't be able to use an
12 EIFS system and cover it in a stucco material and
13 say it's stucco. We would look at that as EIFS
14 because we're defining the use of a system with
15 the Styrofoam panels as EIFS regardless of the --
16 of the surface treatment that's being applied.

17 VICE CHAIRMAN KESSLER: You can't use
18 "EIFS."

19 MEMBER HENNINGSON: How did your
20 people -- how would people respond to that?

21 VICE CHAIRMAN KESSLER: I think,
22 generally, they respond well to it. I mean,
23 it's not -- it's an inexpensive system that is
24 used, but it's not as commonly used as it was

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1 10 years ago.

2 MEMBER HENNINGSON: So you just say
3 you can't use that material?

4 VICE CHAIRMAN KESSLER: You can't.

5 MR. O'ROURKE: That system.

6 MEMBER HENNINGSON: "System." Okay.

7 CHAIRMAN WALLACE: All right. Russ,
8 do you have something?

9 MR. COLBY: No.

10 CHAIRMAN WALLACE: Okay. Anything
11 else?

12 (No response.)

13 CHAIRMAN WALLACE: All right. If
14 there's nothing else, then a motion to close the
15 public hearing would be in order.

16 VICE CHAIRMAN KESSLER: I'll move to
17 close the public hearing.

18 MEMBER AMATANGELO: Second.

19 CHAIRMAN WALLACE: It's been moved
20 and seconded.

21 Any discussion on the motion?

22 (No response.)

23 CHAIRMAN WALLACE: Okay. We'll do a
24 roll call vote.

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1 Pretz?

2 MEMBER PRETZ: Yes.

3 CHAIRMAN WALLACE: Kessler?

4 VICE CHAIRMAN KESSLER: Yes.

5 CHAIRMAN WALLACE: Henningson?

6 MEMBER HENNINGSON: Yes.

7 CHAIRMAN WALLACE: Schuetz?

8 MEMBER SCHUETZ: Yes.

9 CHAIRMAN WALLACE: Amatangelo?

10 MEMBER AMATANGELO: Yes.

11 CHAIRMAN WALLACE: Wallace, yes.

12 All right. The vote is unanimous. The
13 public hearing is now closed, and that concludes
14 Item No. 4 on your agendas.

15 (Which were all of the
16 proceedings had in the
17 above-entitled matter at
18 7:39 p.m.)

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STATE OF ILLINOIS)
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COUNTY OF KANE)

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BEFORE THE CITY OF ST. CHARLES PLANNING DIVISION

In Re the Matter of:)
)
General Amendment (City of)
St. Charles) Application for)
General Amendment pertaining to)
Chapter 17.04, Administration;)
Chapter 17.06, Design Review)
Standards; Chapter 17.12,)
Residential Districts;)
Chapter 17.14, Business and)
Mixed-Use Districts;)
Chapter 17.16 Office Research,)
Manufacturing, and Public Land;)
Chapter 17.24, Off-Street)
Parking; Chapter 17.26,)
Landscaping and Screening;)
Chapter 17.30, Definitions;)
Appendix "B" pertaining to)
Schedule of Application Fees.)

REPORT OF PROCEEDINGS had in the
above-entitled matter, before the City of
St. Charles Plan Commission, taken in the offices
of City of St. Charles, 2 East Main Street,
St. Charles, Illinois, on January 4, 2011, at the
hour of 7:39 p.m.

1 **PRESENT:**

2 **MR. TODD WALLACE, Chairman;**

3 **MR. TIM KESSLER, Vice Chairman;**

4 **MS. SUE AMATANGELO, Member;**

5 **MR. CURT HENNINGSON, Member;**

6 **MR. THOMAS PRETZ, Member; and**

7 **MR. TOM SCHUETZ, Member.**

8 **ALSO PRESENT:**

9 **MS. RITA TUNGARE, Community Development Director;**

10 **MR. RUSSELL COLBY, Planner; and**

11 **MR. MATTHEW O'ROURKE, Planner.**

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GENERAL AMENDMENT (CITY OF ST. CHARLES)

3

1 CHAIRMAN WALLACE: Item No. 5 is
2 General Amendment, City of St. Charles, which is
3 the same as Item No. 4. It's now before us for a
4 recommendation.

5 Do we have any -- is there anything else
6 further from staff?

7 MS. TUNGARE: No.

8 CHAIRMAN WALLACE: And, obviously,
9 staff is recommending approval?

10 MS. TUNGARE: There are findings of
11 fact included in the staff report. Unless the
12 Plan Commission desires, we -- we do not intend
13 to recite those again.

14 CHAIRMAN WALLACE: Sure.

15 MS. TUNGARE: If you have any special
16 questions on the findings, we can address those.

17 CHAIRMAN WALLACE: And I'm guessing
18 that you're recommending that we just simply
19 incorporate those findings into the
20 recommendation. Correct?

21 MR. O'ROURKE: Yes.

22 MS. TUNGARE: That is correct.

23 CHAIRMAN WALLACE: All right. Any
24 discussion?

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4

1 (No response.)

2 CHAIRMAN WALLACE: Is there a motion?

3 MEMBER SCHUETZ: You know, I do have
4 a comment if we're getting that far.

5 CHAIRMAN WALLACE: Okay.

6 MEMBER HENNINGSON: I haven't had a
7 chance to fully review the information. As you
8 know, we just got -- I just picked it up today,
9 so I'd like to put our vote off until the next
10 meeting to give people a little bit more time to
11 review the information.

12 CHAIRMAN WALLACE: Okay.

13 MS. TUNGARE: Mr. Chairman?

14 CHAIRMAN WALLACE: Yes.

15 MS. TUNGARE: May I make a comment
16 to that effect.

17 We have already included these materials
18 for the Planning and Development Committee
19 agenda, which is on the City Council committee
20 agenda for Monday night.

21 If the Plan Commission wishes, we can
22 continue this hearing to another time or we can
23 continue a vote, put the recommendation to
24 another meeting, but that would put off this item

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5

1 that would be delayed by a whole month to be
2 considered by the Planning and Development
3 Committee. The committee only meets once a
4 month.

5 I just wanted the Plan Commission to be
6 aware of that, and there are applicants present
7 here who have been waiting to determine how the
8 general amendment will get recommended on by Plan
9 Commission and Council before they decide to file
10 applications with the City for future
11 developments.

12 MEMBER SCHUETZ: I have a quick
13 question but not to comment on Rita's or Curt's.
14 I can wait.

15 CHAIRMAN WALLACE: I mean, as far as
16 procedure goes, we don't have any motion that's
17 on the table yet, so, actually, we shouldn't even
18 be discussing it because there's no motion at
19 hand, but if you want to make a motion, then we
20 can make a determination of that motion.

21 Tom, did you have a question first?

22 MEMBER SCHUETZ: Mine is not as
23 important as those.

24 CHAIRMAN WALLACE: Okay.

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1 MEMBER HENNINGSON: I'd like to make
2 a motion to continue the hearing.

3 CHAIRMAN WALLACE: Well, the hearing
4 has already been closed.

5 MEMBER HENNINGSON: No. I mean
6 continue our --

7 CHAIRMAN WALLACE: Table this action
8 item?

9 MEMBER HENNINGSON: To table the
10 action item.

11 CHAIRMAN WALLACE: Okay. What's our
12 next meeting date?

13 VICE CHAIRMAN KESSLER: The 18th.

14 CHAIRMAN WALLACE: I just want to
15 make sure we have a date to continue it to.
16 January 18th.

17 So the motion is to continue this until
18 January 18th, 2011.

19 Is there a second on that motion?

20 (No response.)

21 CHAIRMAN WALLACE: Okay. Hearing no
22 second, the motion fails.

23 Is there another motion?

24 VICE CHAIRMAN KESSLER: I'd make a

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7

1 motion to recommend approval to the City Council
2 of the -- I've got to go back here -- for the
3 Application For General Amendment, Chapter 17.04,
4 Administration --

5 CHAIRMAN WALLACE: As listed in the
6 agenda.

7 VICE CHAIRMAN KESSLER: "As listed in
8 the agenda"? Come on.

9 CHAIRMAN WALLACE: If you want to,
10 that's fine.

11 VICE CHAIRMAN KESSLER: Chapter
12 17.06, Design Review Standards; Chapter 17.12,
13 Residential Districts; Chapter 17.14, Business
14 and Mixed-Use Districts; Chapter 17.16, Office
15 Research, Manufacturing, and Public Land;
16 Chapter 17.24, Off-Street Parking; Chapter 17.26,
17 Landscape and Screening; Chapter 17.3,
18 Definitions; Appendix "B" pertaining to Schedule
19 of Application Fees, subject to -- or how would
20 you say that?

21 CHAIRMAN WALLACE: Incorporating.

22 VICE CHAIRMAN KESSLER: --
23 incorporating the findings of fact as provided by
24 staff in the staff report.

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1 CHAIRMAN WALLACE: Okay. Just --
2 since we're on the record, just to make sure, you
3 said "Chapter 17.3," but it's actually
4 Chapter 17.30.

5 VICE CHAIRMAN KESSLER: Okay.
6 Thank you.

7 CHAIRMAN WALLACE: Okay.

8 MEMBER PRETZ: Second.

9 CHAIRMAN WALLACE: Okay. It's been
10 moved and seconded.

11 Discussion on the motion?

12 (No response.)

13 CHAIRMAN WALLACE: All right. Seeing
14 none, roll call.

15 Pretz?

16 MEMBER PRETZ: Yes.

17 CHAIRMAN WALLACE: Kessler?

18 VICE CHAIRMAN KESSLER: Yes.

19 CHAIRMAN WALLACE: Henningson?

20 MEMBER HENNINGSON: Abstain.

21 CHAIRMAN WALLACE: Schuetz?

22 MEMBER SCHUETZ: Yes.

23 CHAIRMAN WALLACE: Amatangelo?

24 MEMBER AMATANGELO: Yes.

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1 CHAIRMAN WALLACE: Wallace, yes.

2 All right. That motion passes 5 yes, 0 no,
3 1 abstention, and that concludes Item No. 5 on
4 your agenda.

5 (Which were all of the
6 proceedings had in the
7 above-entitled matter
8 at 7:45 p.m.)

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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

I, Glenn L. Sonntag, Certified Shorthand Reporter No. 084-002034, Registered Diplomat Reporter, do hereby certify that I reported in shorthand the proceedings had in the above-entitled matter, and that the foregoing is a true, correct, and complete transcript of my shorthand notes so taken as aforesaid.

In testimony whereof I have hereunto set my hand on this 6th day of January, 2011.



Glenn L. Sonntag

Certified Shorthand Reporter
Registered Diplomat Reporter
Certified Legal Video Specialist