

**MINUTES  
CITY OF ST. CHARLES, IL  
ST. CHARLES PLAN COMMISSION  
TUESDAY, APRIL 19, 2011 7:00 P.M.**

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Members Present:                    Todd Wallace, Chairman (Left at 8:10p.m.)  
    Tim Kessler, Vice Chairman/Secretary  
    Sue Amatangelo  
    Thomas Pretz  
    Tom Schuetz

Members Absent:                    Brian Doyle, Curt Henningson

Also Present:                        Rita Tungare, Community Development Director  
    Russell Colby, Planner  
    Matthew O'Rourke, Planner  
    Colleen Johnson, Recording Secretary  
    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 March 8, 2011 meeting.

**Mr. Kessler made a motion to place Item 7 Pine Ridge/Regency Estates of the agenda above the Public Hearing items.** The motion was seconded and passed by unanimous vote.

**7.        Pine Ridge/Regency Estates PUD Lot 19 (Real Property Holding – St. Charles, IL, LLC)**

Application for Amendment to Special Use Ordinance 2006-Z-4 to create an additional lot for commercial use.

- Concept Plan revised 3-10-08 and received 9-27-10; Lot 19 Grading & Utility Plan dated 3-10-08 and received 3-31-11

Application for Final Plat

- Final Plat dated 3-8-11

Mr. O'Rourke reviewed the proposal, history of the concept plan for commercial use, and the staff report dated 4/15/11. He said staff recommended approval.

Chairman Wallace asked for verification that Woodward Drive is to connect to Randall Road. Mr. O'Rourke explained that this particular PUD did not stipulate that connection because the property adjoining Randall Road is under separate ownership. Mr. Colby advised that the Resnick Mercedes Benz property has dedicated ROW so the street can be extended at some point.

Mr. Kessler asked if the fee-in-lieu for the wetlands had been previously paid. Mr. O'Rourke said that was paid by the previous property owner before the property was turned over to the bank and the exact amount was \$179,010.00. Mr. Kessler clarified that this lot cannot be used as a wetland, the Army Corp of Engineers who were paid a fee-in-lieu for not having that property in the wetland area has certified it, and therefore right now this property is unusable. Mr. O'Rourke said it is zoned for green space as part of the development but cannot be used for a wetland as initially intended.

**Mr. Kessler made a motion to recommend approval of the Application for Amendment to Special Use Ordinance 2006-Z-4 to create an additional lot for commercial use (Concept Plan revised 3/10/08 and received 9/27/10; Lot 19 Grading & Utility Plan dated 3/10/08 and received 3/31/11) and Application for Final Plat (Final Plat dated 3/8/11).** Ms. Amatangelo seconded the motion.

Voice Vote:

Ayes: Amatangelo, Schuetz, Pretz, Wallace, Kessler

Nays: None

Absent: Henningson, Doyle

Motion Carried.

### **PUBLIC HEARING**

#### **4. General Amendment (City of St. Charles)**

Application for General Amendment to Chapter 17.08 "Nonconformities" Section 17.08.060 "Nonconforming Signs" pertaining to the removal of nonconforming signs mounted on a pole, pylon, foundation, or other supporting structure.

CHAIRMAN WALLACE: Please raise your right hand, do you swear the testimony you give will be the truth, the whole truth, and nothing but the truth, if so said I do.

MATTHEW O'ROURKE: I do.

CHAIRMAN WALLACE: All right, you may proceed.

MATTHEW O'ROURKE: Staff has submitted an application for a General Amendment to approve a 2-year extension to the amortization period for nonconforming signs. Back in 2006 when the Zoning Ordinance was approved there was originally a 3-year provision for this amortization included in that ordinance. When we got to 2009 we were in the midst of

an economic downturn and at that time the City Council thought it would be best to extend that amortization period for 2 years because they felt it would be bad for property owners to incur that cost especially when everybody was losing business and income not going the other way. So here we are two years later and we're getting ready for this time period again and it seems that IDOT is actually widening a section of Main Street, a very prominent one where these signs are located. So it seemed to staff and Council that at this point as we presented this at a Committee level for feedback that it didn't make a lot of sense to have these signs relocated just so they might become non-conforming again once the widening projects are done. There will be some moving of setback lines, that sort of thing. So with that, staff is recommending approval of this and it is placed on the meeting agenda for tonight too if the Plan Commission feels there is enough testimony to go ahead and make a recommendation on the project tonight. We have included Findings of Fact to support that recommendation.

CHAIRMAN WALLACE: First of all, Plan Commission, questions regarding this?

TOM SCHUETZ: I have a question, Matt. As far as, it makes sense what you are saying, however with the history of IDOT, do we have any confirmation that indeed they will be starting this. I know they have already staked out some of the area, but we have been hearing about this for 3 to 4 years.

RITA TUNGARE: Yes, there is definitely confirmation that the project will be initiated this calendar year. At this time what we are hearing is that they will be letting the project from 7<sup>th</sup> to Dunham, sometime in October this year. That has been pushed back every now and then, but there is light at the end of the tunnel. The project is going to be happening and initiated some time this year.

TOM SCHUETZ: Seventh Avenue?

RITA TUNGARE: Correct.

TOM SCHUETZ: When you say this year, it could be as late as December 31<sup>st</sup>.

RITA TUNGARE: Correct, it could be as late as December. They are working on it right now and our Public Works Department is giving periodic updates to the Council. Like I said, the latest word I have received is that they will be letting the contract for this segment of improvements in October of this year. I believe some utility work will be initiated prior to that this summer. There will be some utility work that will be initiated, subsequent to that they will be letting the roadway construction, again given that we will be running into the winter months I'm suspecting that construction will actually be deferred to April 2012.

TOM SCHUETZ: So when they say they will be starting it, they are starting the utilities but indeed will not start until a year from now.

RITA TUNGARE: Possibly, about a year.

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MATTHEW O'ROURKE: I can attest to the fact that I have received numerous calls from appraisers, IDOT representatives, property owners, about potential widening, takings, there is a lot of that going on and the City has received a lot of phone calls to that effect. So there is some momentum behind that.

RITA TUNGARE: In fact any delay that is occurring right now is because of exactly what Matt has said they are in the process of property acquisition.

TIM KESSLER: Is there any discussions, does anybody know about the state incurring the cost of some of the sign changing in exchange.

RITA TUNGARE: That is something that the City does not, and has not intervened in. That is between the property owner and IDOT to negotiate their own purchase prices.

TOM SCHUETZ: So if this were to be approved to extend for another two years, is that the proposal?

MATTHEW O'ROURKE: That is correct.

RITA TUNGARE: Here is how the process will work. Once this amendment is approved, Bob Vann and I plan this summer to send out a courtesy letter advising them, reminding them once again, their signs are nonconforming and the amortization scheduled has been extended to October 2013 and they will have to bring their signs into compliance. By sending the letter out it serves as a reminder for the property owners and we may do it as early as next month. It serves as a reminder and while they are negotiating with IDOT it probably gives them some leverage in terms of "okay here is something we need to discuss with IDOT". Subsequent to that about nine months prior to the amortization deadline of October 2013 we will again send notification out to these property owners advising them to come in and meet with City staff one on one. At that time we will take a look at what their options are. There is a possibility that some of those property owners may have to seek zoning variances from the Board of Zoning Appeals just because of the limitations they have on their property and in terms of where they can place that sign for setback. We'll have to take them thru the process and that takes a couple of months. And then we will work with the property owners in terms of issuing sign permits to get them to get their sign in conformance. So that entire process will take somewhere around 6 to 9 months working with the property owners. From our standpoint that is why I thought pushing it out until October 2013 was prudent. It didn't make sense to extend the schedule for one more year and then have to come back to the Plan Commission and City Council to ask for another extension. Does that answer your question?

TOM SCHUETZ: Yes, I was just curious because we have seen IDOT promise this for 5 – 10 years.

RITA TUNGARE: Once we have their plans finalized, once we know exactly where the widening is going to occur, how properties are going to get impacted, actually when construction occurs within certain segments, that will give us more information to work with

those property owners in defining whether they need variances or where they could relocate their signs.

TIM KESSLER: It makes me feel a lot more comfortable knowing that the plan is to take such an active role in helping these property owners put this together because I'm looking through this list and for a lot of owners this may not be that onerous but for some it may be very onerous for small businesses, especially when they have big monument signs, electrical, and underground work. This makes me feel better knowing you will be involved in helping them through this big process.

CHAIRMAN WALLACE: I see on the list here, a lot of the signs are outside the areas that are affected by the road construction. What is the reason for including them?

MATTHEW O'ROURKE: In order to apply the amortization fairly we felt it had to be extended for everyone.

CHAIRMAN WALLACE: Do you think for administration, it will be too difficult to try?

RITA TUNGARE: We may run up against, as it happened a couple years ago, exactly as Tim Kessler said, it does pose a hardship on these property owners, the cost impact, work associated with relocating a sign. And if we are extending it for some businesses we want to treat everyone consistently, especially in light of the current economic conditions. Since businesses are hurting right now the Council thinking was, along with IDOT improvements, it makes sense to also take into consideration the current economic conditions and postpone it across the board.

CHAIRMAN WALLACE: Have we postponed it before or is this the first time?

RITA TUNGARE: It had been postponed two years ago. It came to the Plan Commission and we took it thru as a General Amendment when it was postponed 2 years ago and actually the amortization deadline does not kick in until October 2011, that is the deadline, but we are being proactive, we are bringing it before Plan Commission and the Council now so we can communicate accordingly.

CHAIRMAN WALLACE: But the intention is that there is a two-year extension and then we do not intend on having another two-year extension after that.

RITA TUNGARE: Correct, at that point we should be ready to bring all the signs in conformance.

CHAIRMAN WALLACE: I just want to make sure the property owners don't think that this will be extended again and they do not have to do anything.

TIM KESSLER: I was telling Matt before the meeting that many people of small businesses get notices from the City and tend to not read them and put on their desks and

think that I'll read that someday, until one of Bob Vann's guys are knocking on their door and saying "guess what". So being actively involved is important.

CHAIRMAN WALLACE: All right, any other discussions or questions?

TOM SCHUETZ: These appear to be on East Main Street, what happens with the west, are we not concerned with that?

RITA TUNGARE: All of the non-conforming signs are on the list.

TOM SCHUETZ: Okay.

CHAIRMAN WALLACE: All right, anything else, questions, comments? Anything from members of the audience? In that case if there is no other evidence then a motion to close the public hearing would be in order.

TIM KESSLER: So moved

SUE AMATANGELO: Second

CHAIRMAN WALLACE: Motion moved and seconded. Any discussion on the motion? All right, Tim role call.

TIM KESSLER:

Amatangelo?	AMATANGELO: Yes
Schuetz:	SCHUETZ: Yes
Pretz:	PRETZ: Yes
Wallace:	WALLACE: Yes
Kessler:	KESSLER: Yes

CHAIRMAN WALLACE: All right, this public hearing is now closed. And that concludes Item #4.

### **5. General Amendment (City of St. Charles)**

Application for General Amendment to Chapter 17.12, "Residential Districts" pertaining to the bulk requirements for one and one-half story structures and Chapter 17.30 "Definitions" pertaining to the definition of a "Story" and "Half-Story".

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

**A motion to continue the Public Hearing to Tuesday, May 3, 2011 at 7:00p.m. in the City Council Chambers was made, seconded, and passed by unanimous vote.**

**MEETING**

**6. General Amendment (City of St. Charles)**

Application for General Amendment to Chapter 17.08 Nonconformities Section 17.08.060 Nonconforming Signs pertaining to the removal of nonconforming signs mounted on a pole, pylon, foundation, or other supporting structure.

**Mr. Kessler made a motion to recommend approval of the General Amendment to Chapter 17.08, Section 17.08.060 Nonconforming Signs pertaining to the removal of nonconforming signs mounted on a pole, pylon, foundation, or other supporting structure.** Mr. Pretz seconded the motion.

Voice Vote:

Ayes: Amatangelo, Schuetz, Pretz, Wallace, Kessler

Nays: None

Absent: Henningson, Doyle

Motion Carried.

**8. Plan Commission Workshop**

Due to the time, the Commission discussed whether they wanted to table this item or limit the time of discussion. Ms. Tungare said staff is prepared to conduct the training and said they could do just a part of the workshop or continue to another date if the Commission preferred to do that. Chairman Wallace indicated he was not feeling well and would not be staying for the training. Ms. Tungare said a quorum of four members would be needed for staff to conduct the training. The Commission agreed to have some training and limit discussion to 9:00pm.

(Chairman Wallace left at 8:10 p.m.)

Vice-chairman Kessler conducted the meeting.

Ms. Amatangelo asked to have a copy of the presentation from the first training session. Mr. Colby said he would provide that for her.

Mr. Colby briefly reviewed the agenda from the first training session. He said this session would discuss the Administrative and Commission/Council review process and procedures of the Zoning Ordinance.

Mr. Colby presented a powerpoint presentation.

- Administrative Zoning Review Processes. He discussed processes that are handled thru an application with staff only requiring no review at Commission or Committee level.

Mr. Schuetz asked if a resident submits an application for a home addition, do they come in and then staff reviews the rules and regulations at that time. Mr. Colby said typically the City is contacted for information on zoning before they plan a project and prepare the

plans. When the plans are submitted the intention is that they comply with ordinance regulations. Ms. Tungare added that it also depends on the extent of improvements. If an addition without many site-plan changes is proposed, it may then just be a simple building permit process. If plans have significant site changes, then it triggers other administration review processes. Mr. Schuetz asked if applicants are walked through the process. Ms. Tungare said typically the Building and Code Enforcement Division is contacted with questions first. Either material will be provided or a plan submittal meeting will be scheduled with the applicant. Mr. Kessler asked if the majority of applications go through the Building and Code Enforcement office. Ms. Tungare said that is typically the first point of contact. Ms. Amatangelo asked if there were times a resident would not have to come to the City to do work on their home. Ms. Tungare said any kind of construction change to property requires a permit. She said the only time it may not apply is landscape construction for a residential site or irrigation systems. Mr. Kessler clarified that there are applications when people will not deal with the Planning Department. Mr. Colby agreed and said that when the Building and Code Enforcement office is approached for a permit they will determine if it can just be handled by just issuing a permit. If another issue is identified regarding a zoning change they will direct the applicant to contact the Planning Division.

Mr. Kessler asked for clarification between the Building and Code Enforcement Division and the Planning Division. Ms. Tungare explained both divisions are within the same department and the Planning Division deals with Title 16 and 17 and Building and Code Enforcement deals with building codes. Mr. Colby said the Planning Division deals with projects that have a zoning change. He discussed how a Planned Unit Development creates a change to the zoning map requiring the public hearing process. He added that the PUD process also requires Plan Commission and Council review of site and building plans per the requirements set out for that specific development. Mr. Schuetz said he considers the Planning Division as review of future development or changes and the Building and Code Enforcement Division for review of building a structure.

Mr. Colby discussed the following:

- Permits. Permits are needed for any type of construction, and/or stormwater permits are required with any significant disturbance to a site.
- Design Review. Review for compliance of Chapter 17.06 standards and guidelines.

Mr. Kessler clarified that this is all administrative review. Mr. Colby indicated that was correct. Mr. Schuetz asked how long the review process takes after a plan is submitted. Mr. Colby advised certain permits can be submitted and issued immediately, however a complex project with more detail may be a 2-3 week period due to review by staff members from different departments. He discussed how staff will work with the applicant to achieve and encourage a more attractive design to meet the guideline suggestions of the City.



- Residential Architectural Consultation. This is similar to the design review process but this is advisory and occurs during the building permit review process for RT Districts and Downtown area focusing on exterior design. Purpose of this process is because some large homes have been built in older neighborhoods that did not fit in, often not due to size alone, but that they did not have architectural features compatible with the older homes. When a permit application is submitted it triggers the review by the Planning Division for architectural consultation to advise on compatibility in the neighborhood.

Mr. Schuetz asked if custom homebuilders come to the City for feedback. Mr. Colby said residential architectural review only applies to the RT District that is basically older neighborhoods. He said exterior alteration in these neighborhoods is usually specialized and do not deal with large-scale builders. Mr. Schuetz asked who controls newer subdivision development. Ms. Tungare advised that this process would not apply to those types of subdivision projects and staff does not want to get involved in regulating the type of housing style for a large development. The concern for this consultation was to deal with teardowns and infill development for neighborhoods close to the downtown area. Mr. Schuetz asked who controls the other type large-scale developments. Ms. Tungare explained the PUD ordinance has requirements and straight zoning is regulated through the building permit process. Mr. Kessler reiterated straight zoning must follow the codes. Ms. Tungare also added that Homeowner Associations have covenants in place, however the City does not get involved with this. Mr. Schuetz asked how long this consultation process has been in place and Mr. Colby advised since 2006 when the Zoning Ordinance update was adopted. Mr. Kessler asked if every applicant is required to go through the process. Mr. Colby said it is not a requirement as it is similar to the Design Review process. When plans are submitted it depends on what is being proposed and sometimes there are no comments. Ms. Tungare said this consultation is a service provided by staff with a mutual benefit to give feedback to the applicant and for the City to achieve the goal they desire.

- Zoning Interpretations. This is to interpret regulations within the Zoning Ordinance and apply to a specific situation. Mr. Colby noted the ordinance couldn't address all situations and therefore there is need for determination based on circumstances how it will apply to code. He explained the Board of Zoning Appeals heard appeals to decisions.

Ms. Amatangelo asked if St Charles is one of the few cities in the State that have a Board of Zoning Appeals to make final decisions. Mr. Colby said he believes there are not many cities set-up with a Board of Zoning Appeals making final decisions. Ms. Tungare noted the BZA has very limited authority.

- Appeals. Appeals are available for any decisions made by the Director of Community Development or Building and Code Enforcement Division Manager in terms of zoning interpretation. These appeals are mostly by the Board of Zoning Appeals, but the Plan Commission is the appeals body for Design Review requirements. A situation where an applicant disagrees with staff decision and wants an appeal would go before the Plan Commission. The Historic Preservation Commission is an appeal body for property within the downtown area. During

the hearing process documents generated as part of review are submitted with testimony. The review body has the ability to reverse or modify a decision made by staff.

Ms. Tungare said this information is important, as the Plan Commission members may not be familiar with this process. Mr. Schuetz asked if an appeal before the Commission has ever happened. Ms. Tungare said not since the Zoning Ordinance was updated in 2006. Mr. Schuetz asked if an appeal came forward would staff educate the members before the actual meeting. Mr. Colby said the process would be similar to packet material the Commission receives with a staff memo and background information. He said the applicant would have the ability to also present information on why they disagree with the staff decision. Ms. Tungare added it would be held in a public meeting setting. She said the only difference is the appeal is a decision that had been made by staff. Mr. Schuetz asked what happens if the Commission goes against a recommendation that staff made. Mr. Colby said the Commission decision would be the final decision. Mr. Pretz asked if the Plan Commission agrees with staff, what option does the applicant have. Mr. Colby said the applicant could go to court, or request an amendment to the Zoning Ordinance as a General Amendment if they think it is justified. Mr. Kessler recalled there is a committee group that does similar review. Mr. Colby said it is the Building Board of Review. Ms. Tungare said that group is specifically for building code review and does not have authority over the zoning code. Mr. Kessler asked if that group had the same authority as the Plan Commission. Ms. Tungare said they are comparable but they deal with life safety issue codes and they cannot grant leniency but they can ask for appeal on interpretation if they feel the Director of Community Development or the BCE Division Manager are not interpreting the code fairly. She said this group has been established through City Ordinance approved by the Council. She said authority of the Building Board of Review is much more limited than the Plan Commission. She discussed how the Plan Commission is bound by legal requirements.

- Variances – Mr. Colby said this provision is for a situation with a hardship or practical difficulty for a property to comply with an ordinance. He said there is a limited list of standards that can be varied: setbacks; fence height; use of a lot with insufficient area or width; increase building or lot coverage.

Mr. Schuetz clarified that a variance does not go before the Plan Commission. Mr. Colby said that was correct it goes to the Board of Zoning Appeals. Mr. Colby stated only these four variances can be reviewed.

- Process & Findings. Mr. Colby said language in the ordinance states a finding has to be made to prove a hardship or practical difficulty with evidence. He reviewed what the BZA needs for review for their determination to grant a variance. Ms. Tungare stated the BZA is also bound by state statute. She said this group does not meet often as the regulations within the new Zoning Ordinance eliminated a lot of variance requests.

The Commission complimented staff on the work and information presented to them. The meeting adjourned at 8:59p.m.

1 S59611

2 STATE OF ILLINOIS )  
 ) SS.  
3 COUNTY OF KANE )  
4

BEFORE THE CITY OF ST. CHARLES PLAN COMMISSION

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6 In Re the Matter of: )  
 )

7 Application for )  
 General Amendment to )  
8 Chapter 17.12, )  
 "Residential )  
9 Districts" pertaining )  
 to the bulk )  
10 requirements for one )  
 and one-half story )  
11 structures and Chapter )  
 17.30 "Definitions" )  
12 pertaining to the )  
 definition of a )  
13 "Story" and )  
 "Half-Story." )

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16 REPORT OF PROCEEDINGS had at the  
17 hearing of the above-entitled matter, before the  
18 City of St. Charles Plan Commission, taken in the  
19 offices of City of St. Charles,  
20 112 North Riverside AVenue, St. Charles,  
21 Illinois, on April 19, 2011, at the hour of  
22 7:20 p.m.

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1       **PRESENT:**

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

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

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

5               **MR. TOM PRETZ, Member;**

6               **MR. TOM SCHUETZ, Member;**

7       **ALSO PRESENT:**

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

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

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

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1                   CHAIRMAN WALLACE: Next on the agenda  
2                   is Item No. 5, which is general amendments to the  
3                   St. Charles Application for General Amendment to  
4                   Chapter 17.12, "Residential Districts" pertaining  
5                   to the bulk requirements for one and one-half  
6                   story structures and Chapter 17.30, "Definitions"  
7                   pertaining to the definition of a story and  
8                   half-story.

9                   And before we begin, if you wouldn't mind  
10                  raising your right hand if you plan to give  
11                  testimony or ask any questions.

12   (The audience members were  
13   there upon duly sworn.)

14                  CHAIRMAN WALLACE: All right. Thank  
15                  you. And go ahead.

16                  MR. COLBY: Okay. This is a general  
17                  amendment application dealing with the definition  
18                  of a half-story house. To give you a little  
19                  background, when the City adopted the new zoning  
20                  ordinance in 2006, there were a new set of zoning  
21                  districts created called the RT zoning districts  
22                  to include the neighborhoods around the downtown.

23                  And one of the main goals of the new zoning  
24                  ordinance was to try to control the size of new

1 houses that were being built as replacement or  
2 teardown houses and also as in-fill houses  
3 because there was a sense that many of them that  
4 were built in the early 2000s were too large for  
5 the neighborhood and not in scale with the other  
6 houses in the neighborhood.

7 So the ordinance regulation that deals with  
8 the size of the house is called building  
9 coverage. It is a new standard that was  
10 introduced and regulates the footprint of the  
11 building, basically the portion of the  
12 structure that covers the -- or the portion of  
13 the lot that's covered by roof structures, more  
14 or less.

15 And there is a two-tiered system for that;  
16 meaning that if you have a one or  
17 one-and-a-half-story building, you have a higher  
18 building coverage allowed of 30 percent. If you  
19 have a full two-story building, you have a  
20 building coverage that's going to be 25 percent.  
21 So there is an incentive there built in for  
22 shorter buildings.

23 There is also other incentives in the  
24 ordinance for detached garages and front porches,

1 et cetera. So it is a standard that's used to  
2 sort of incentivize design features in these  
3 houses.

4 The question is why through the ordinance  
5 was the City trying to encourage  
6 one-and-a-half-story buildings? The feeling was  
7 that the designs of these structures were usually  
8 more compatible with older neighborhoods, and  
9 there are three reasons listed here. One, the  
10 houses appear to be shorter and less massive,  
11 even when they are not, and houses that appear  
12 smaller are usually more compatible with older  
13 homes, which have smaller footprints than new  
14 construction.

15 Secondly, the architectural design features  
16 that you would find in a one-and-a-half-story  
17 house are more common in older neighborhoods,  
18 such as lower sloping roofs, window dormers, and  
19 shed dormers. These kind of elements on a house  
20 break up the visual side of the house.

21 Also if you have a one-and-a-half-story  
22 dwelling, something that's shorter, you have more  
23 flexibility as to where the house is placed on  
24 the lot, so the ordinance actually allows these

1 one and one-half story structures to be closer to  
2 the side yard; the assumption being you are not  
3 going to have a full two-story wall abutting the  
4 neighbor's yard, so there is some flexibility  
5 granted there as well.

6 The ordinance has definitions of a  
7 half-story, and it was an ordinance that was  
8 carried over from the previous 1960s zoning  
9 ordinance. When the ordinance was written, there  
10 was not a lot of analysis done to see what that  
11 definition actually did in terms of the physical  
12 form of a house.

13 And recently we have identified issues with  
14 that definition, both just in terms of the text  
15 and how it is worded and also what it does, and  
16 we think that based on the structure, that it is  
17 ineffective in what it was trying to achieve.

18 This is a diagram that explains the  
19 existing half-story definition. And I don't want  
20 to spend a lot of time on this, but just to make  
21 the Commission aware of how this works, basically  
22 the half-story is a measurement of internal space  
23 within a second story that's below a sloping  
24 roof. You take a measurement of finished area,



1 but in the portion of the upper story that has a  
2 clearance of three feet or more -- and you can  
3 see what the measurements are here. This  
4 definition is controlling the finished area in  
5 the building, which doesn't necessarily relate to  
6 the exterior appearance of the structure, which  
7 is part of the reason that we felt that the  
8 definition needed to be re-addressed.

9 So here's some of the issues -- and I have  
10 touched on these already -- the definition we  
11 have is confusing for use in the ordinance. It  
12 is hard to apply to a set of building plans. We  
13 have had some difficulty with a complex set of  
14 plans, thinking about how to apply it.

15 There is a regulation there that deals with  
16 internal finished area of the building, which  
17 as -- doesn't necessarily have any relation to  
18 the outside visual mass of the structure, which  
19 is C, because it is regulating something that  
20 really isn't what we are intending to regulate.

21 Third point, the way -- the definition of  
22 the structure now actually encourages taller  
23 buildings -- and by that I mean taller in terms  
24 of the ridge height on the roof -- because the

1 building height is not regulated separately for a  
2 one-and-a-half versus a two-story structure. We  
3 still have the same numerical building height.

4 So you could build a house to meet the  
5 one-and-a-half-story definition and just extend  
6 the roof peak all the way up to the maximum  
7 building height and end up with a really tall  
8 roof. And visually you end up with a much larger  
9 looking structure that may have been able to  
10 occupy more of the lot coverage in trying to  
11 achieve more square footage. And then sort of  
12 working around that definition, you end up with a  
13 really tall roof, which is not intended.

14 Also the space within that tall roof, if  
15 you leave it unfinished, then you are not  
16 counting that as a story. So the -- you know, if  
17 you have a roof space that you visually can see  
18 outside but it is not finished inside, it doesn't  
19 count. Does that matter in terms how it is  
20 viewed from the outside?

21 Another point, I talk about window and shed  
22 dormers but also gable projections off the side  
23 of a house. These sorts of architectural design  
24 features are common in older neighborhoods, and

1 the way the definition is structured, it doesn't  
2 allow someone to design a house with a lot of  
3 these features because it would violate the  
4 definition by having portions of the roof that go  
5 up through the main roof line, which isn't  
6 allowed.

7 So there is a number of issues here, but  
8 what we want to do with this amendment is sort of  
9 try to start over. Instead of picking apart that  
10 old definition, what we would like to do is  
11 create a new definition for a half-story and have  
12 it only regulate the exterior mass, so what you  
13 see on the outside of the structure.

14 We would like it to be designed so that  
15 what's considered a typical one-and-a-half-story  
16 house can be built under the regulation. We  
17 think right now that the definition we have  
18 doesn't allow that.

19 And, the third point, we want to make sure  
20 that it is not so lenient that, you know, you  
21 can't differentiate a one-half versus a two-story  
22 house. There needs to be some dividing line,  
23 because there is an incentive there with the  
24 building coverage, and we are assuming the house

1 will be visually smaller so it can take up more  
2 space on the lot. So there is a tradeoff that  
3 needs to be maintained.

4 Maybe I will pause right here if the  
5 Commission has some questions. I am going to  
6 walk through some pictures, and we would like to  
7 get some feedback from the Commission on the  
8 different types of houses and whether or not you  
9 would view these as a one-and-a-half-story house  
10 or a two-story house and, you know, what elements  
11 of what you see in these pictures make you feel  
12 one way or another.

13 Really just looking for that feedback so we  
14 can construct the definition and bring it back  
15 and sort of show you what it does and what it  
16 would allow and what it wouldn't allow. So with  
17 that, any questions?

18 VICE-CHAIRMAN KESSLER: I have a  
19 question. It seems like kind of a -- what's a  
20 half-story? What is a half-story as far as the  
21 ordinance is concerned? What's a half-story?

22 MR. COLBY: It is what's shown here  
23 in this diagram.

24 VICE-CHAIRMAN KESSLER: Show me what

1           it is.  What does that mean?

2                   MR. COLBY:  This is the easiest way  
3           to explain it, actually.  It is a floor -- it is  
4           basically a second floor where you have a sloping  
5           roof over it and the side walls of the building  
6           are no higher than three feet up from the floor.  
7           So if you have a house and the walls go up three  
8           feet and then the roof starts.

9                   MS. TUNGARE:  So that's the only  
10          thing that pretty much distinguishes it from what  
11          would be a full story versus a half story, is the  
12          height of that wall between.

13                   VICE-CHAIRMAN KESSLER:  So you could  
14          have the same footprint on the second floor as  
15          the first floor as long as those walls don't  
16          extend three feet above the floor below.

17                   MR. COLBY:  Yes.  But you cannot have  
18          any window dormers or other projections out from  
19          the roof, because the regulation limits the  
20          amount of space you can use inside.

21                   VICE-CHAIRMAN KESSLER:  Because of  
22          this regulation --

23                   MR. COLBY:  Yes.

24                   VICE-CHAIRMAN KESSLER:  -- that you

1           are showing us here.

2                   MR. COLBY:   Yes.

3                   MS. TUNGARE:   And, quite honestly,  
4                   this is actually ineffective, as Russ pointed  
5                   out, because it regulates how much of the space  
6                   is being used on the inside, which, quite  
7                   honestly, I don't think from the staff's  
8                   perspective they care about.  But truly what it  
9                   does not regulate is the outside, what you see on  
10                  the outside, which is the original intent of why  
11                  we had separated those regulations in the first  
12                  place.  Correct, Russ?

13                  MR. COLBY:   Yes.

14                  VICE-CHAIRMAN KESSLER:  And I can see  
15                  why it was done this way, but, again, why isn't  
16                  Dan here to explain this?

17                  MR. COLBY:   He was unable to be here.  
18                  He had submitted an e-mail.  Basically how this  
19                  came about is he is working on a project where he  
20                  is trying to retrofit an existing house and he is  
21                  trying to achieve the lot coverage standard of  
22                  30 percent that applies to a one-half-story  
23                  house.

24                  So he came to us and asked us to interpret

1 the definition for him and also review a set of  
2 building plans for his house to see if he was  
3 meeting the definition. And, honestly, we had  
4 some difficulty doing that because of the way the  
5 definition is written. It is hard to apply to a  
6 complex set of building plans in that type of  
7 house that we are building today.

8 VICE-CHAIRMAN KESSLER: He is saying  
9 in his e-mail -- and you mentioned ridge height,  
10 which I agree with, you know, using a ridge  
11 height as a guide for the regulation. But he is  
12 saying it is going to be a full two-story, which  
13 I don't agree with that.

14 And just so I understand also, I can see  
15 why you would -- you would control the interior,  
16 because to me a half story can be three-foot high  
17 walls or it could be a footprint that's  
18 smaller -- well, you would still have to have  
19 three-foot high walls.

20 But I think also having the finished  
21 area -- or the ability to -- how am I trying to  
22 say this. The area that can be finished, the  
23 footprint of the area that can be finished,  
24 should be smaller than the floor below. The

1 footprint can't be the same size or you couldn't  
2 do it.

3 MEMBER SCHUETZ: It would have to be  
4 smaller, because it is sloped.

5 VICE-CHAIRMAN KESSLER: But, you know  
6 what, you could get away with it -- you could  
7 make that work.

8 MEMBER SCHUETZ: Well, the finished  
9 area is going to go out to the three feet, even  
10 though the space doesn't show that.

11 VICE-CHAIRMAN KESSLER: So that's  
12 what the whole point is. I see what you are  
13 saying, is you have got it -- I think they are  
14 related though.

15 MR. COLBY: Yes, they are. I think  
16 what you will find, though -- and these diagrams  
17 show it -- for a typical house, if you were to  
18 build a structure with the type of roof that's  
19 shown in these drawings, you wouldn't limit the  
20 finished area, that area that's highlighted in  
21 yellow, because there is a lot more usable space  
22 up there, so you'd have to arbitrarily divide it  
23 off so you don't see the percentage.

24 So really we are controlling the percentage



1 of the inside that's being finished, but from the  
2 outside, in the same envelope, you can fit a lot  
3 more buildable area.

4 VICE-CHAIRMAN KESSLER: I know this  
5 condition exactly, because the attic in my house  
6 has two-and-a-half-foot high walls and they are  
7 all the way out, and it is finished -- or not  
8 finished. It has got a floor and it is an attic.  
9 You could walk up there and it would be usable  
10 space if it wasn't 100 years old and 2-by-4  
11 construction. So I know exactly what you are  
12 talking about.

13 And so technically my house is  
14 two-and-a-half stories by this definition,  
15 because the walls are not over three-foot high,  
16 but it doesn't look like it.

17 MR. COLBY: Well, you are under  
18 three feet.

19 VICE-CHAIRMAN KESSLER: Yeah. But  
20 you are saying you can't be over three feet.

21 MR. COLBY: Yes. Once you go over  
22 three feet, it is a full story.

23 VICE-CHAIRMAN KESSLER: Yeah. So I  
24 have two-and-a-half stories, technically, by this

1 definition.

2 MEMBER SCHUETZ: Let's cut off your  
3 top story then.

4 VICE-CHAIRMAN KESSLER: But then you  
5 get into roof line and ridge line, because it  
6 wouldn't really be a three-story, because the  
7 ridge line would have to be another six feet  
8 higher at least to accommodate a full --

9 MEMBER SCHUETZ: So I'm really  
10 confused now. What are you trying to accomplish  
11 here, Russ?

12 MR. COLBY: Let me go to the  
13 pictures. I want to run some pictures by the  
14 Commission and get feedback on what you would  
15 consider to be a one-and-a-half-story house, and  
16 then we are going to go back and come up with a  
17 definition that we think works. And we'll  
18 provide some diagrams to walk you through it.

19 VICE-CHAIRMAN KESSLER: A single  
20 story with 12/12 pitch. That's the best we can  
21 do. That's one-and-a-half stories.

22 MR. COLBY: Yeah. The photos that  
23 are shown here, I wanted to find some examples  
24 of a house that would meet what our current

1 definition would look like. Here they are. I  
2 don't know if you can see these. Are these a one  
3 or a one-and-a-half-story house?

4 MEMBER PRETZ: Of the -- the first  
5 house there, the one on the left, if that didn't  
6 have a window there, would that be considered a  
7 single story? Or is this a one-and-a-half?

8 MR. COLBY: If there was no finished  
9 area up there, I believe it would be considered a  
10 single story.

11 MS. TUNGARE: That's correct, with  
12 that definition.

13 MEMBER SCHUETZ: So are these a  
14 one-and-a-half or one? I consider them a one.

15 MR. COLBY: That's part of the  
16 question we are looking for the feedback on,  
17 because technically these are considered  
18 one-and-a-half stories.

19 MEMBER SCHUETZ: What you are looking  
20 at, from my understanding, is the scale from the  
21 street and to the pedestrian walking by. And to  
22 the pedestrian walking by, this is seen as a  
23 one-story. That's how I see it. I know it has  
24 something upstairs, but it is one story, because

1           you wouldn't have a flat roof. You could but you  
2           wouldn't, so you have to have a roof with a pitch  
3           on it so it drains, so that's a one-story.

4                   MEMBER AMATANGELO: But can the  
5           upstairs be developed?

6                   MEMBER SCHUETZ: Absolutely.

7                   MEMBER AMATANGELO: So there is your  
8           one-and-a-half.

9                   MEMBER SCHUETZ: No. I see it as  
10          one-story. That's all that matters.

11                   MS. TUNGARE: And that's what we are  
12          looking for, is reactions from the Plan  
13          Commission visually how you perceive these homes.  
14          Because, you know, what clearly it all boils down  
15          to what we see from the street and the appearance  
16          from the street and the surrounding properties.

17                   And once we get that feedback from you --  
18          this is no easy exercise -- that's going to help  
19          us put something into words that can be  
20          practically applied when we get requests like  
21          these.

22                   VICE-CHAIRMAN KESSLER: Is this  
23          one-story or two?

24                   MEMBER SCHUETZ: Well, flip to the

1 next page.

2 VICE-CHAIRMAN KESSLER: I know.

3 MR. COLBY: Well, we are going go in  
4 order here, and I'm going to show a couple other  
5 examples first. Here's Example No. 1, what we  
6 call a Cape Cod style house.

7 MEMBER SCHUETZ: Well, that's  
8 different.

9 MR. COLBY: These are obviously  
10 taller than the houses we just looked at. Many  
11 people would look at these and say that's a  
12 one-and-a-half-story house because it has a  
13 partial second story. But if you look at it,  
14 they are about as tall as a two-story house,  
15 maybe a little bit shorter, it depends on the  
16 roof pitch, but there is a considerable amount of  
17 finished area on the second floor such that it  
18 exceeds our definition.

19 When you build in a dormer to one of these  
20 roofs, based on the percentages, you go over our  
21 definition of one-and-a-half-story. So any  
22 comments on this style of house?

23 MEMBER SCHUETZ: Well, if you look  
24 from the front, one-and-a-half maybe, but

1 definitely two in the back.

2 VICE-CHAIRMAN KESSLER: You mean on  
3 the side? Which one are you looking at, Tom?

4 MEMBER SCHUETZ: Well, the two on the  
5 top are the same house, and it shows the back and  
6 it shows the front.

7 MS. TUNGARE: But another question  
8 for the Commission is are both equally important  
9 to us? The appearance from the street and the  
10 appearance from the rear side of the house, or  
11 does one -- is one more important than the other?

12 VICE-CHAIRMAN KESSLER: I think they  
13 have to be the same, because it depends where the  
14 back of the house is facing. I mean, the back of  
15 the house could be visible from another -- you  
16 know, then it is a two-story and it is -- and  
17 isn't one of issues here in old neighborhoods  
18 having two stories abutting neighbors, or -- and,  
19 you know, we talked about these lots where we  
20 have backyards and side yards.

21 MEMBER SCHUETZ: It is all about  
22 scale.

23 VICE-CHAIRMAN KESSLER: Right. But I  
24 think, Tom, what you are saying here, and I think

1 I agree with you, again, that it is the  
2 projection now. Now you have got roof  
3 projections here.

4 You have got two different roof  
5 projections. On the front it is one-and-a-half  
6 and on the back it could be considered two-story  
7 because of the projection you have.

8 MEMBER SCHUETZ: What's the volume of  
9 the scale too.

10 VICE-CHAIRMAN KESSLER: So you have  
11 to limit the size of the projections coming out  
12 of that roof.

13 MEMBER PRETZ: With the picture on  
14 the left with the dormers, doesn't that  
15 automatically indicate a two-story building?  
16 That's what it does to me because of that -- the  
17 surface area for the dormers. Even though you  
18 take a look at the back, which then says I'm a  
19 second story, I think from the street level, the  
20 front level, it is already saying, in my opinion,  
21 it is a two-story building.

22 MEMBER SCHUETZ: I think the reason  
23 it was built like this years ago was to make it  
24 less obtrusive as you are walking by or driving

1 by. That's why they stuck the scale of volume,  
2 if you will, in the back so you didn't see it.  
3 That's why they built these homes.

4 VICE-CHAIRMAN KESSLER: I think a lot  
5 of these homes were built that way because they  
6 didn't finish the second level. They finished  
7 the second level later.

8 MEMBER SCHUETZ: Yeah. They stuck  
9 the kids up there.

10 VICE-CHAIRMAN KESSLER: I also think  
11 that the lower eave is a big determining factor.  
12 If the lower part of the roof is only one story,  
13 then you are looking at a one-story,  
14 one-and-a-half-story house. You know, if the  
15 front of the house -- if you have 16 feet of wall  
16 and then the roof starts, that's a two-story. If  
17 you have, you know --

18 MS. TUNGARE: Does that work with  
19 this example though?

20 VICE-CHAIRMAN KESSLER: No. Because  
21 you don't have -- you have got roof line over  
22 here that's two-story.

23 MS. TUNGARE: What about the bottom  
24 picture or elevation?



1                   VICE-CHAIRMAN KESSLER: Well, this is  
2                   not one story on there -- on the west side.

3                   MS. TUNGARE: But looking at the  
4                   front eave line.

5                   VICE-CHAIRMAN KESSLER: If it was  
6                   just this and this wall came down here, then I  
7                   would say that's a one-and-a-half-story. I  
8                   would.

9                   I do think though -- and there is a piece  
10                  of Dan's argument here that I don't agree with --  
11                  I think that in addition to the fact that the low  
12                  edges of the roof should be no more than one  
13                  story, you have to limit the height of the ridge  
14                  line. I think those two things are what's going  
15                  to make it a one-and-a-half-story.

16                  MEMBER SCHUETZ: Well, it is all  
17                  about that definition versus perception, because  
18                  they really are different.

19                  VICE-CHAIRMAN KESSLER: But you --  
20                  you could make it look like a two-story, but as  
21                  far as massing goes, as long as your main  
22                  structure, the footprint of the main structure is  
23                  no taller than 8 feet, or 10 feet I think it is,  
24                  nine-and-a-half, then -- and you limit the height

1 of the ridge, you will never be able to build a  
2 two-story. Those are the three elements that  
3 create or make the difference between a  
4 one-and-a-half and two-story house.

5 MEMBER SCHUETZ: Okay.

6 MR. COLBY: Here's some other  
7 examples of bungalow style houses.

8 MEMBER SCHUETZ: Are you asking me  
9 for perception?

10 MR. COLBY: Yes.

11 MEMBER SCHUETZ: All two.

12 MEMBER AMATANGELO: Two.

13 VICE-CHAIRMAN KESSLER: All two  
14 because of the projections.

15 MR. COLBY: And why do you say it is  
16 a two?

17 MEMBER SCHUETZ: What's that?

18 MR. COLBY: Why do you believe it is  
19 a two? What elements make it look like a  
20 two-story?

21 CHAIRMAN WALLACE: My perception,  
22 these all look like my house -- and actually  
23 these are all in my neighborhood -- but you can  
24 tell in all of these houses, because of the large

1 projections, they have at least 80-percent square  
2 footage on the second floor when compared with  
3 the first floor. And I think that's really the  
4 main thing to determine whether it is a  
5 one-and-a-half or two-story.

6 My house -- if you went by my house, my  
7 house looks like a one-and-a-half-story house,  
8 but we have probably 95-percent square footage on  
9 the second floor as we do on the first floor.

10 VICE-CHAIRMAN KESSLER: How much  
11 higher than your first floor is the ridge of your  
12 house? If you go upstairs in the middle of your  
13 house, how high is it to the ridge?

14 CHAIRMAN WALLACE: We have a flat  
15 roof on half of our house and we have 6-foot-9  
16 ceilings upstairs. I mean, it is low.

17 VICE-CHAIRMAN KESSLER: So that's my  
18 point on the ridge line. You have a single-story  
19 house and you control the ridge. I will tell you  
20 on the yellow house, on the back of that house,  
21 that wall is taller than a single story, and you  
22 have that massive dormer on the front. Those two  
23 things make it look like a two-story.

24 On the second house, the ridge line is so

1           much higher. It is as high as the second story,  
2           plus you have that massive dormer on the front  
3           that makes it look like a two-story.

4                   CHAIRMAN WALLACE: That one, the  
5           upper right hand one, that's a two-and-a-half  
6           story. That's similar to what we see here in the  
7           exhibit that we have. The north elevation of  
8           this house -- I mean, this to me looks like a  
9           two-and-a-half story house.

10                   VICE-CHAIRMAN KESSLER: You see that  
11           little dormer window up there? There is finished  
12           space up in the attic. It is the height of the  
13           ridge and the mass --

14                   MEMBER SCHUETZ: I think when these  
15           were being built, they wanted the space to be  
16           like a two-story but scale it down so it is more  
17           of a personal scale to a person -- pedestrian. I  
18           think that's the only reason they were built like  
19           this, and I think they look great.

20                   VICE-CHAIRMAN KESSLER: That may be  
21           but that's not his question.

22                   MEMBER SCHUETZ: He wants to know our  
23           perception.

24                   VICE-CHAIRMAN KESSLER: He wants to

1 know why you think it looks like a two-story, not  
2 why did they build it that way.

3 MEMBER SCHUETZ: Because it feels  
4 that way, mass.

5 VICE-CHAIRMAN KESSLER: And how is it  
6 massive? Because of the roof line or because of  
7 the projection? Because of the ridge?

8 MEMBER SCHUETZ: All of the above.

9 CHAIRMAN WALLACE: I would say for me  
10 it is not only because of the projection but the  
11 large -- on the sides of all of these houses, a  
12 distance from -- I don't know what to call this.  
13 A distance from the ground to the ridge, a solid  
14 wall, which you have here. I mean, how tall is  
15 that from the ground there?

16 VICE-CHAIRMAN KESSLER: That's --

17 MEMBER SCHUETZ: 25.

18 VICE-CHAIRMAN KESSLER: 25 probably.  
19 Well, the other issue too on these houses, these  
20 houses aren't built at grade. Every one of them  
21 is built above grade.

22 MEMBER AMATANGELO: Just walking down  
23 the street and looking at that, it looks like  
24 there is a considerable amount of living space

1           there, just for simplistic terms.

2                         VICE-CHAIRMAN KESSLER: And it does,  
3 because they are built up off the ground.

4                         MEMBER SCHUETZ: But it still looks  
5 better than a two-story; meaning a newer,  
6 traditional two-story box.

7                         AUDIENCE MEMBER: Excuse me --

8                         CHAIRMAN WALLACE: Hold on one  
9 second. You can speak, but since it is a public  
10 hearing, I have to swear you in before you can  
11 speak. So what I would ask you to do is come up  
12 here to the lectern.

13                        AUDIENCE MEMBER: Sure.

14                        CHAIRMAN WALLACE: Raise your  
15 right hand.

16   (Audience member duly sworn.)

17                        AUDIENCE MEMBER: I do.

18                        CHAIRMAN WALLACE: And then if you  
19 could just say what your name is, spell your last  
20 name, and also give us your address.

21                        MR. LAURIA: Okay. Frank Lauria,  
22 L-a-u-r-i-a, 622 South Fourth Street.

23                        CHAIRMAN WALLACE: Okay. And you can  
24 just stay right there.

1                   MR. LAURIA: Okay. I'm part of  
2                   the -- what initiated this whole thing.

3                   CHAIRMAN WALLACE: I recognized your  
4                   address on the exhibit, yeah.

5                   MR. LAURIA: Just a couple of things  
6                   I will point out to you. Every house that you  
7                   see right there right now, they only have  
8                   first-story walls. Everything that you are  
9                   looking at there is -- you know, it is all under  
10                  one roof that comes all the way down to the  
11                  first-story walls.

12                  The other thing with that is basically all  
13                  of those dormers, shed dormers, everything that's  
14                  protruding out of those from that -- the highest  
15                  ridge and down, is still within that one roof  
16                  off -- coming off of the first-floor walls.

17                  So when you look at it, it definitely looks  
18                  like there is finished space up there, but it is  
19                  really still coming off the first -- you know,  
20                  that roof is off the first-floor walls.

21                  The other thing to consider is the  
22                  different roof pitches. You know, like you said,  
23                  Tim, with the height of the ridge, if you  
24                  restrict the height of the ridge, it would occur

1 to somebody to build a -- you know, a shallower  
2 pitch in order to get a bigger area to finish up  
3 there.

4 VICE-CHAIRMAN KESSLER: Then you  
5 control the projections and now you have  
6 created --

7 MR. LAURIA: Mass.

8 VICE-CHAIRMAN KESSLER: Well, you  
9 control them so you don't allow the full shed  
10 dormers. You make them smaller so now you have  
11 control of the mass and it is a one-and-a-half as  
12 opposed to a two-story.

13 MR. LAURIA: Yeah. Because  
14 technically what you see from the top of those  
15 first-floor walls on all of those houses, if it  
16 really were a second -- or if it were a  
17 two-story, you would have another 8-, 9-, 10-foot  
18 wall above the wall that you are seeing now and  
19 then the roof.

20 VICE-CHAIRMAN KESSLER: Agreed.

21 MEMBER AMATANGELO: I see what you  
22 are saying. I look at my own home and that's the  
23 way it is. Two stories and it is straight up and  
24 then the roof on top of that.



1 MR. LAURIA: Exactly.

2 MEMBER AMATANGELO: I see that.

3 VICE-CHAIRMAN KESSLER: But then the  
4 issue for the one-and-a-half-story that we are  
5 discussing is the massing of these  
6 one-and-a-half -- when you get into a  
7 one-and-a-half-story, when you mass them like  
8 this with these huge shed dormers and the long  
9 sloping porch roofs coming down and they are  
10 built up above grade two or three feet, now you  
11 have a structure that, as Dan pointed out in his  
12 letter, it is as tall as a two-story and it is  
13 like a two-story house to the surrounding --

14 MEMBER SCHUETZ: It is still not as  
15 massive though. I have a two-story and it is  
16 not -- I mean, everybody in the neighborhood has  
17 the same one.

18 VICE-CHAIRMAN KESSLER: But you think  
19 those look like two stories?

20 MEMBER SCHUETZ: I understand.

21 VICE-CHAIRMAN KESSLER: You think  
22 those mass like two stories?

23 MEMBER SCHUETZ: No, they really  
24 don't, but that's my perception. My perception

1 is that they are two-story. However, they are  
2 not a true two-story, but if I were to walk by  
3 the house, I would say, yeah, that's a two-story.

4 MR. LAURIA: You mean that it is  
5 finished like a two-story; that there is  
6 second-floor living space.

7 MEMBER SCHUETZ: Probably. This is  
8 all just what you feel and, you know, when we  
9 look at this, I like these way better than my  
10 house. I really do. And we looked for homes  
11 like this but nobody was selling back then. Now  
12 they want to give them away.

13 MR. COLBY: So what we are trying to  
14 do here is from this feedback figure out where  
15 exactly we draw the line in terms of  
16 distinguishing what's a one-and-a-half-story  
17 house versus a two-story. So of these examples,  
18 I mean, if you have specific feedback -- you  
19 know, this one, you know, because of the  
20 percentage of the dormers or something, would be  
21 more acceptable.

22 We are going to need to try to pick a  
23 number based on some examples that we think we  
24 could consider one-and-a-half stories. So if

1           someone does come in and wants to push the  
2           limits, we need to figure out where that limit is  
3           going to be.

4                         MEMBER SCHUETZ: I think -- Frank,  
5           was it?

6                         MR. LAURIA: Yes.

7                         MEMBER SCHUETZ: As Frank was saying,  
8           if they are built off the original footprint from  
9           the first floor and these dormers, or whatever  
10          you want to call them, are coming out of the  
11          roof, if you could give some kind of mathematical  
12          equation to the roof line as well as the square  
13          footage the dormers take, small and too large,  
14          maybe that can give you some kind of parameters.

15                        MEMBER AMATANGELO: If I walked down  
16          the street without the dormers, without the  
17          dormers that takes on a whole new look and a  
18          whole new feel. It is the dormers that make --  
19          for me it makes it feel like two stories.

20                        MEMBER SCHUETZ: But if you look at  
21          the yellow one, take that big dormer off there,  
22          that house would be not nearly as attractive  
23          because it would be all roof.

24                        MEMBER AMATANGELO: Are we looking

1           for attractiveness?

2                         MEMBER SCHUETZ:   Yes.

3                         VICE-CHAIRMAN KESSLER:  It wouldn't  
4           look nearly as massive if instead of one large  
5           dormer there were two smaller dormers.

6                         MEMBER SCHUETZ:  That's possible but  
7           it would be kind of cutesy.

8                         VICE-CHAIRMAN KESSLER:  You could get  
9           the same amount of space with two dormers.

10                        MEMBER SCHUETZ:  There is one back  
11           there.

12                        VICE-CHAIRMAN KESSLER:  Go back and  
13           look at the difference.

14                        MEMBER SCHUETZ:  That wouldn't look  
15           good with one dormer because of the style of that  
16           roof, more pitch.

17                        VICE-CHAIRMAN KESSLER:  I think this  
18           one here could possibly go with three smaller  
19           dormers.

20                        MEMBER SCHUETZ:  You mean the one on  
21           the left?

22                        VICE-CHAIRMAN KESSLER:  Yeah.  But in  
23           the back I don't think you should be allowed to  
24           have a shed dormer that's covering the entire

1 roof. That's what masses the thing.

2 MS. TUNGARE: So it sounds like  
3 limiting the percentage of dormers on the  
4 outside --

5 MEMBER SCHUETZ: I think, yeah.

6 MS. TUNGARE: -- will accomplish or  
7 solve part of the problem. You know, through  
8 this exercise -- you know, it is what you said,  
9 Tom. One thing we don't want to do is we don't  
10 want to discourage different architectural styles  
11 and different projections, which really makes  
12 these homes unique. That's something we want to  
13 be careful about as well.

14 MR. COLBY: And I think part of the  
15 logic behind making this distinction in terms of  
16 the building coverage based on the height is that  
17 this style of house is more compatible with what  
18 exists. So the logic was if you encourage,  
19 through zoning regulations, a type of house  
20 that's more compatible of what exists in the old  
21 neighborhood, that's more desirable. So that was  
22 part of the logic.

23 VICE-CHAIRMAN KESSLER: How are you  
24 going to come up with a formula for ridge height?

1           Because obviously you can't use pitch, because as  
2           the house gets bigger, the ridge goes higher.

3                   MR. COLBY: We need to assign a  
4           numerical limit on that, because building height  
5           is regulated just based on the peak. So if there  
6           were a different height selected, we'd probably  
7           need to research that, because I assume it just  
8           goes to the peak.

9                   MEMBER SCHUETZ: I think you can  
10          incorporate the pitch, because if you look at the  
11          top of this brick house, the front of the pitch  
12          is more significant than the one in the back.  
13          And I hope this is nobody's house here, but I  
14          don't like the pitch in the back.

15                   VICE-CHAIRMAN KESSLER: I think what  
16          we are talking about in terms of pitch, if you  
17          have a 12/12 pitch and you have a house that's  
18          20-foot wide, it is going to be a certain height,  
19          but if you have a house that's 30-foot wide and  
20          you go 12/12, you are raising it up 20 percent,  
21          because it is going to keep going up as the house  
22          gets bigger. So you have to put a numerical  
23          height on the ridge so if the house gets wider,  
24          it stays down.

1           And I think the ridge shouldn't be more  
2           than the same height as the floor below. That  
3           should be your limit on the ridge. So if you  
4           have 8 foot or 9 foot down below, it can't be  
5           higher than 8 or 9 feet from the ridge above on  
6           the same roof. So that way as you -- because you  
7           are changing the style of the roof as you get  
8           bigger.

9           MR. LAURIA: The only problem with  
10          that is you are again encouraging people to go  
11          with a shallower pitch, which is less  
12          aesthetically pleasing.

13          VICE-CHAIRMAN KESSLER: I agree with  
14          you to a certain extent, but we are talking about  
15          in the RT district, right? How big are the lots  
16          in the RT district? We are limiting the size of  
17          that district.

18          MR. COLBY: They are about 5,000 to  
19          8,000 square foot.

20          VICE-CHAIRMAN KESSLER: Right.  
21          What's the typical width?

22          MR. COLBY: Either 50 feet, 60, 70.

23          VICE-CHAIRMAN KESSLER: So you are  
24          going to be limiting the pitch to the size of the

1 building, so even if you limited that height, you  
2 are going to end up with buildings that maybe  
3 have hip roofs instead of gables. You will  
4 change roof lines.

5 I agree with what you are saying but you  
6 can't get that massive of a building in there  
7 anyway in this district, so in this case you  
8 could limit them in height.

9 CHAIRMAN WALLACE: I don't -- I mean,  
10 I don't necessarily agree. I think that more  
11 emphasis should be placed on the appearance of  
12 the roof. I mean, I -- one of the main  
13 differences that I see between -- and I am  
14 wondering if you can go down through the  
15 different pictures, because the two that I have  
16 on my screen are -- here.

17 MEMBER SCHUETZ: This is the one we  
18 have been looking at.

19 CHAIRMAN WALLACE: The yellow one and  
20 then go -- there is another one, a white one with  
21 green shutters that we haven't seen up here yet  
22 but it is in the packet. Keep on going.

23 MR. COLBY: It may not be in here.

24 CHAIRMAN WALLACE: Well, there is



1 another one here, you know, with a smaller roof  
2 where the roof lines really begin at about  
3 one-and-a-half stories -- or the bottom of the  
4 main roof starts at about one-and-a-half -- you  
5 know, probably four feet up from the second  
6 floor.

7 And I think that there should really be a  
8 distinction as far as where the roof starts, the  
9 bottom of the roof starts. You know, if it does  
10 start -- if the main roof rests on the first  
11 floor wall, I don't really see what the  
12 significance is of the total roof height.

13 VICE-CHAIRMAN KESSLER: Those aren't  
14 resting on the first floor wall.

15 CHAIRMAN WALLACE: They aren't but I  
16 think that's a two-story house.

17 VICE-CHAIRMAN KESSLER: But if you  
18 limited the height of the roof -- here's my  
19 problem with not limiting the height of a roof on  
20 a two-story --

21 CHAIRMAN WALLACE: I'm not saying not  
22 limiting it, but I think you are limiting it too  
23 much.

24 VICE-CHAIRMAN KESSLER: But I'm

1 concerned about allowing -- calling something a  
2 one-and-a-half-story in an old neighborhood with  
3 small houses -- and, I mean, the whole purpose of  
4 this discussion is that we control the in-fill  
5 and we want to have some compatibility. But if  
6 you don't limit that height, you are going to  
7 allow massive structures to be built on small  
8 lots in old neighborhoods.

9 MEMBER SCHUETZ: Like Hinsdale and  
10 LaGrange.

11 CHAIRMAN WALLACE: That's true. But  
12 I would want to encourage the building of a house  
13 such as this, the yellow house here, because --  
14 it appears because of where the roof line is  
15 located --

16 VICE-CHAIRMAN KESSLER: Okay. I  
17 understand what you are saying and I agree with  
18 you. I think I'm saying the same thing and maybe  
19 my wording is wrong. But if you look at that  
20 house that you are talking about, your first  
21 floor is a first floor. Just because that roof  
22 line doesn't begin -- I don't know how to --

23 CHAIRMAN WALLACE: This one.

24 VICE-CHAIRMAN KESSLER: Here, take a

1 look. This one. He is saying the roof line is  
2 starting up higher. Which is fine, but if you  
3 limit this, I don't care about that, you still  
4 have a first floor and a second floor.

5 MR. LAURIA: Yeah. That one I would  
6 almost consider a story-and-a-half because it has  
7 definitely got full height wall and a wall on top  
8 of that.

9 VICE-CHAIRMAN KESSLER: I agree. And  
10 if you had control over this ridge at that point,  
11 then you could call this a one-and-a-half-story  
12 at that point.

13 MR. LAURIA: The only thing with  
14 limiting the -- you know, in my opinion with the  
15 whole story-and-a-half style house, a lot of it  
16 is seeing a lot of roof. You know, for instance,  
17 on here, you see a lot of roof, and what that  
18 does is that brings your line down. It brings  
19 your line of sight down.

20 VICE-CHAIRMAN KESSLER: But I don't  
21 call that a one-and-a-half-story.

22 MR. LAURIA: You call this a  
23 two-story?

24 CHAIRMAN WALLACE: I don't agree,

1           because I would tend to agree --

2                       VICE-CHAIRMAN KESSLER:   Here's the  
3           thing.  Then we go back to the earlier discussion  
4           about calling three foot the limit on a  
5           one-and-a-half.  So if that wall didn't extend  
6           above three feet, like this one, that's about  
7           three feet, then you have a one-and-a-half, but  
8           that wall is almost two stories.

9                       MR. LAURIA:  Actually, here is the  
10          wall that comes across, really.  This would be  
11          part of this new addition if you would drop that  
12          floor down.

13                      VICE-CHAIRMAN KESSLER:  Okay.  But  
14          what is this?  But this floor here runs across  
15          here, so, I mean, it is across here.  Whether you  
16          drop this roof down or not, it's still -- what's  
17          the distance from here to here?

18                      MR. LAURIA:  Well, the wall height is  
19          right here.  This is the existing wall height, so  
20          it really comes out to here and we made that like  
21          three feet above that.

22                      VICE-CHAIRMAN KESSLER:  So three feet  
23          above that.

24                      MR. LAURIA:  Exactly.  But it is

1           deceiving because of what we did at the end.

2                   VICE-CHAIRMAN KESSLER: And the  
3           building is above grade.

4                   MR. LAURIA: Correct.

5                   VICE-CHAIRMAN KESSLER: By how much?

6                   MR. LAURIA: I think it is about  
7           18, 20 inches. Yeah.

8                   VICE-CHAIRMAN KESSLER: That's a big  
9           issue. Wow. Because now you are introducing a  
10          whole other thing.

11                   MS. TUNGARE: One person at a time,  
12          because I think the Court Reporter is struggling  
13          a little bit.

14                   VICE-CHAIRMAN KESSLER: Oh, sorry.

15                   MR. COLBY: This was the house that I  
16          think you are referencing.

17                   CHAIRMAN WALLACE: Yeah. That's  
18          correct.

19                   MR. COLBY: So back to the slide  
20          show. There is a couple other pictures. This  
21          one shows some newer construction houses.

22                   MS. TUNGARE: Reactions on this one?

23                   MEMBER SCHUETZ: I like the two on  
24          top. I'm shopping. What do you want us to tell

1           you? Do you want us to tell you what we think of  
2           them? Two-story? One-story? One-and-a-half?

3                   MR. COLBY: Yes.

4                   MEMBER SCHUETZ: My opinion, top  
5           left, two-story. Top right, one-and-a-half.

6                   MEMBER AMATANGELO: I would say two  
7           on the left.

8                   MEMBER SCHUETZ: On the bottom they  
9           are just ugly. Frank, I hope they are not yours.

10                  MR. LAURIA: No.

11                  VICE-CHAIRMAN KESSLER: Top two,  
12           one-and-a-half, and bottom two, two.

13                  CHAIRMAN WALLACE: I agree.

14                  MEMBER SCHUETZ: I would go with that  
15           too. I'm flexible.

16                  MEMBER PRETZ: They both look like  
17           two-story to me.

18                  MEMBER SCHUETZ: There is four there.

19                  MEMBER PRETZ: The top two look like  
20           two-story. That's my opinion.

21                  MEMBER SCHUETZ: Most people don't  
22           say one-and-a-half. They say one or two.

23                  CHAIRMAN WALLACE: That's by my  
24           house. I think I know -- that's over on Sixth

1           and -- between Rosedale and Horn.

2                   MR. COLBY: I'm not sure where it is  
3           located.

4                   MR. O'ROURKE: It is right down the  
5           block from my house.

6                   CHAIRMAN WALLACE: Isn't that a  
7           closed second story anyway? I don't even think  
8           there is a second story on that house. I think  
9           it is a one-story house.

10                   MR. LAURIA: That's probably just  
11           lifted up, that foyer area. And, again, really  
12           if you look at the bulk of them on the top, again  
13           the roof lines are -- the roof is coming off of  
14           the first floor wall. Both of those as well.

15                   VICE-CHAIRMAN KESSLER: On the top?

16                   MR. LAURIA: Yeah.

17                   VICE-CHAIRMAN KESSLER: Oh, yeah.

18                   MR. COLBY: Okay. So the next steps,  
19           based on this feedback, we are going to try to  
20           put together a definition and present that to the  
21           Commission. So unless there is any other  
22           comments, I'm going to ask that you continue the  
23           hearing to the next meeting on May 3rd.

24                   CHAIRMAN WALLACE: I guess my feeling

1           would be, I think that we have kind of presented  
2           a couple of different -- maybe two or three  
3           different options for what a one-and-a-half-story  
4           house would be. Would you be able to bring back  
5           to us -- I mean, I don't want to increase your  
6           work by too much, but could you bring back kind  
7           of multiple choice of this, this, or this?

8                         MR. COLBY: I think so, yeah. There  
9           is certainly different ways you can  
10          regulate this --

11                        CHAIRMAN WALLACE: Yeah.

12                        MR. COLBY: -- so we can present some  
13          options.

14                        MEMBER SCHUETZ: As far as the  
15          definition, you are saying?

16                        MR. COLBY: Yes.

17                        CHAIRMAN WALLACE: All right. So is  
18          that it?

19                        MR. COLBY: Yes.

20                        CHAIRMAN WALLACE: So at this point  
21          in time I think the appropriate motion would be  
22          to continue the public hearing.

23                        Do we have a date that we are going to  
24          continue it to?



1 MR. COLBY: May 3rd.

2 CHAIRMAN WALLACE: Okay. Do you  
3 think that gives you enough time to --

4 MR. COLBY: Yes.

5 CHAIRMAN WALLACE: -- to get it  
6 together?

7 MR. COLBY: Yes. We have been  
8 working on it a little bit before presenting it.

9 CHAIRMAN WALLACE: That's fine. Is  
10 there a motion to continue the public hearing to  
11 May 3rd, seven o'clock p.m., council chambers?

12 MEMBER AMATANGELO: So moved.

13 VICE-CHAIRMAN KESSLER: Seconded.

14 CHAIRMAN WALLACE: It has been moved  
15 and seconded. Discussion on the motion? Matt,  
16 were you going to say something?

17 MR. O'ROURKE: No.

18 CHAIRMAN WALLACE: I thought you were  
19 motioning to me.

20 MR. O'ROURKE: Sorry.

21 CHAIRMAN WALLACE: All right. Any  
22 discussion on the motion? Tim?

23 VICE-CHAIRMAN KESSLER: Amatangelo?

24 MEMBER AMATANGELO: Yes.

1 VICE-CHAIRMAN KESSLER: Schuetz?

2 MEMBER SCHUETZ: Yes.

3 VICE-CHAIRMAN KESSLER: Pretz?

4 MEMBER PRETZ: Yes.

5 VICE-CHAIRMAN KESSLER: Wallace?

6 CHAIRMAN WALLACE: Yes.

7 VICE-CHAIRMAN KESSLER: Kessler, yes.

8 CHAIRMAN WALLACE: All right. That  
9 motion passes unanimously and that concludes Item  
10 No. 5 on your agendas. Item 6 on the agenda,  
11 general amendment to the City of St. Charles --  
12 oh, and that also concludes the public hearing.

13 (Which were all the proceedings  
14 had in the above-entitled matter  
15 at the hour of 8:07 p.m.)

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1 STATE OF ILLINOIS )  
 ) SS.  
2 COUNTY OF DU PAGE )  
3

4 I, LYNETTE J. NEAL, Certified Shorthand  
5 Reporter No. 084-004363, CSR, RPR, and a Notary  
6 Public in and for the County of DuPage, State of  
7 Illinois, do hereby certify that I reported in  
8 shorthand the proceedings had in the  
9 above-entitled matter and that the foregoing is a  
10 true, correct, and complete transcript of my  
11 shorthand notes so taken as aforesaid.

12 IN TESTIMONY WHEREOF I have hereunto set my  
13 hand and affixed my Notarial Seal this 29th day  
14 of April, 2011.  
15  
16

17 \_\_\_\_\_  
 Certified Shorthand Reporter  
 Registered Professional Reporter

18  
19 My commission expires  
20 March 29, 2014  
21  
22  
23  
24