

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, MAY 9, 2011 7:00 P.M.**

Members Present: Chairman Carrignan, Ald. Stellato, Monken, Payleitner, Rogina, Turner, Martin, Krieger, Bessner, Lewis

Members Absent: None

Others Present: Mayor Donald P. DeWitte; Brian Townsend, City Administrator; Rita Tungare, Director of Community Development; Bob Vann, Building and Code Enforcement Manager; Fire Chief Mullen; Police Dep. Chf. Kintz; Matt O'Rourke, Planner; Russell Colby, Planner

1. Call to order by Chairman Carrignan

Chairman Carrignan moved Item #4 to the top of the agenda.

4. Recommendation to Approve Bids for the St. Charles Police Department Public Safety Training Facility

Dep. Chf. Kintz explained this was a recommendation to approve bids and award contracts to Kane County Excavating and to Encap Incorporation for completion of the St. Charles Police Department Public Safety Training Facility. This project was started five years ago but after the company went out of business the project was not completed. A bid for completion of the project last fall was rejected because it was too high but now the bids are in acceptable range.

A motion was made and seconded.

Ald. Turner asked for clarification that the training is now being held at a different location. Dep. Chf. Kintz said they have been using the Elburn range; however Elburn is attempting to limit their use by outside departments. He said the City has been calling on other departments for indoor backup in case of rain since the Sheriff's Department closed their indoor facility. Ald. Turner said he also recalled that St. Charles would entertain bids from other police departments to also use this facility. Dep. Chf. Kintz said that was correct and other police departments will pay rent to use this facility.

There was a unanimous vote to approve bids and award contracts to Kane County Excavating for \$87,900.89 for the excavation portion of the project and to Encap Inc. for \$46,825.28 for the restoration work for the completion of the St. Charles Police Public Safety Training Facility.

2. Foundry Business Park – 761 N. 17th Street, Unit 1 (Praise Ministries)

Application for a Special Use to allow a Church/Place of Worship

Mr. O'Rourke reviewed the history of the site and the staff report dated 5/4/11 and stated staff recommended approval.

Ald. Lewis asked where the ministry is now located. Mr. O'Rourke said they are currently located at 1519 E. Main Street, an industrial area on the south side of East Main Street. Ald. Lewis asked if they anticipated growth for their congregation and if so, would they outgrow this location. Mr. O'Rourke said they have not outgrown their present location, but the issue is more with the building and they need a new location. Mr. O'Rourke said the applicant does not expect to their operation to change or have more attendees.

Ald. Turner clarified that they are moving from one industrial park to another.

A motion was made, seconded, and passed by unanimous vote to recommend approval the Application for Special Use to allow a Church/Place of Worship in the Foundry Business Park – 761 N. 17th Street, Unit 1.

3. 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 staff report dated 4/29/11 and said staff recommended approval.

Ald. Rogina noted there was a fee paid for the conservation area. Mr. O'Rourke explained the fee for wetlands would be used to establish wetlands elsewhere. Ald. Rogina asked if this site is used for commercial use will the environmental agencies approve. Mr. O'Rourke said this site would not function as a wetland and can remain vacant as green space or for commercial purposes.

A motion was made, seconded, and passed by unanimous vote to recommend approval the Application for Amendment to Special Use to create an additional lot for commercial use and the Application for Final Plat for Pine Ridge/Regency Estates PUD Lot 19.

5. 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. O'Rourke reviewed the staff report dated 4/29/11 and said staff recommended approval.

A motion was made, seconded, and passed by unanimous vote to recommend approval of the General Amendment pertaining to Nonconforming Signs.

6. General Amendment (City of St. Charles)

Application for General Amendment to Chapter 17.30 “Definitions” pertaining to the definition of a “Half-Story” for a residential house.

Mr. Colby reviewed the staff report dated 5/4/11. He said staff is recommending approval and also seeking feedback whether to revisit the building coverage standard. He advised that the Plan Commission discussed if building coverage for the older neighborhoods is too restrictive and if the City should consider reassessing the building coverage percentages to see if the values established back in 2006 when the Zoning Ordinance was updated were too restrictive.

Chairman Carrignan asked for clarification with regards to 30% building coverage verses 25% and commented that basically the issue is whether the footprint is too small for a two-story house. He said 30% for a 1 story ranch-style home without additional living space on a second floor accounts for the difference in percentage. Mr. Colby said that was correct, as there is a trade-off for the square footage. Ald. Carrignan assured this is only for the RT Districts in the older, established areas in town. Mr. Colby said that was correct. Ald. Carrignan asked why the dormer percentage of 50% was chosen. Mr. Colby said 50% was chosen as a starting point based on feedback from the Plan Commission and that percentage could be raised. Chairman Carrignan said he would be agreeable to 65% if structurally suitable and offers more usable space.

Ald. Turner asked if the Plan Commission talked about teardown and rebuilding with regards to height. Mr. Colby said the building coverage percentages that are in place were based upon research with the 2006 Zoning Ordinance update. The main goal of that process was to establish requirements so that houses that were constructed in older neighborhoods, such as teardowns, was to ensure that the size and mass of houses rebuilt would be comparable to what existed in the neighborhood. Ald. Turner clarified the definition requires a house to stay 1 ½ story. Mr. Colby said that was right and this definition is what is used to determine how big the additional half story can be.

Ald. Stellato referred to the 2006 Zoning Ordinance update and recalled issues discussed regarding complete teardowns that were not in character of the neighborhood with architecture and mass and asked if this is still a concern. He asked if the particular case being discussed tonight (an expansion of the house) might be treated differently than a complete teardown and/or a new home. Mr. Colby said they are not treated differently. Requirements of the zoning district apply whether or not if it is a new house being constructed or an existing house that is being expanded. He said when the zoning ordinance was being updated there was pressure to create restrictions to address the teardown trend that was going on. However, that level of activity has not been seen in a number of years due to economic conditions. Regulations are in place based upon research at that time. Ald. Stellato understood this is not being treated differently teardown verse renovation, but he asked if it could be. He said it is difficult to give blanket-type zoning as each neighborhood is different and maybe we should treat each as

a special use. He said it may be hard to address unless it is done on a case by case basis by looking at an existing home and how it fits in the neighborhood and what character it has. He said to give standards may be difficult and may not be possible.

Chairman Carrignan stated there needs to be a baseline to work off. Ald. Stellato said he did not know if a baseline is needed as every neighborhood is so different; older districts in town have diversified housing. Chairman Carrignan noted some diversified neighborhoods have more massive homes. Ald. Stellato agreed referring to some large historic homes off 5th Street and stated that a tear down in the neighborhood could be rebuilt with a larger footprint and the character would fit if it has historic features. He added that the same house in an area that is mostly one-story bungalows would not fit. Therefore he believes each case in each neighborhood needs to be treated differently. He said he is struggling with one standard that will apply and not break rules.

Chairman Carrignan said there needs to be structure and that is the purpose of the Board of Zoning Appeals. Ald. Stellato said that if someone goes to BZA, they should have the right to come to Council to appeal a decision. Ms. Tungare said they could go to BZA and ask for a variation which does allow for assessment on a case by case basis, however the homeowner must prove hardship. She added that if the Committee would like to vote for these situations on a case by case basis, some criteria would need to be established to avoid being faulted as treating someone unfairly. Ald. Stellato said if someone is turned down by BZA they do not have the right to go to Council to overturn that decision. He said that is the concern of turning away someone who wants to renovate or rebuild an appropriate home. Chairman Carrignan said if the problem lies in the appeal process of BZA that is what should be addressed. Ald. Rogina said his question is the concept of variance as opposed to changing the ordinance, is there a process if someone is denied by BZA and can that be amended. The Committee agreed that could be amended.

Ald. Lewis asked for clarification that this is based on the size of a lot. Mr. Colby said the building coverage percentages are based on the lot size. Ald. Lewis said then there is nothing to prohibit someone from buying two lots and building their larger size home in a neighborhood. Mr. Colby said that was correct. Chairman Carrignan asked if that would be prevented by lot size. Mr. Colby said the basis of the zoning requirements are minimums established based on percentages and the lot areas could be increased with combining lots and be able to build on a larger lot. Mr. Colby commented that one concept discussed during the zoning ordinance rewrite was to come up with some type of architectural design review standards to be applied to construction projects in RT Districts specifically. There were no standards that were put in place in the ordinance at the time. There is a process now with construction or additions to consult with the Planning Division in terms of compatibility of the architecture, but nothing requiring follow-thru with the recommendations.

Ald. Krieger said when the Zoning Ordinance was rewritten one of the reasons was due to a house in her neighborhood that is nearly 3-stories tall on a small lot. She said she would prefer to keep something in place that would prevent that type of development. Ald. Rogina asked what a typical cape cod with dormers is considered, 1 ½ or 2 story. Mr. Colby displayed photos of Cape Cod homes and discussed the percentages of dormers, indicating these are considered 2 story. Ald. Rogina recalled the discussion at

the Plan Commission meeting regarding LCR and asked for clarification. Mr. Colby said the equivalent of that in the zoning ordinance is called building coverage.

Mr. Dan Marshall, 812 E. Main Street, St. Charles, said he shares the same goals as staff, but feels this definition is flawed for the community as a whole. He said this began when he asked for clarification of a definition that did not seem to serve the intention of code. He designed an addition to the house for the outside shell to fit into the definition. There was inside attic space that could not be finished due to a percentage limitation for finished square footage. The concern was that the finished inside space, which did not affect the mass of the exterior form, would be limited and the Planning staff agreed. He was informed there was agreement to redefine 1 ½ stories and the new definition that is proposed would exclude the project he was working on. If his project is considered a 1 1/2 story house, this would reduce the square footage allowed for the footprint. The intent is to save the existing house on a small lot, and the LCR (or building coverage) is a percentage of that lot and this affects the project dramatically. He said this home is a good transition for the neighborhood.

The definition was presented to the Plan Commission last week and Mr. Marshall said the project does not fit into the new definition. He acknowledged that the staff report places strong responsibility for the proposed definition on input given at the Plan Commission meeting, but he stated there was much confusion about the issues during the discussions, and he said his comments about the LCR only added to the confusion. He said it appeared the Plan Commission was responding only to the architectural design of a house and less to the massing of it. He commented that the photos shown are relative to a two-story house and the definition would consider a cape cod and many other existing 1 ½ story houses as two-story homes. He said he feels strongly that if there needs to be a definition of a 1 ½ story house it should at least be able to accommodate a Cape Cod style home. He said the lot coverage ratio of the RT3 District is too low for the small lots but understands that is another issue. He said his project on 4th Street is a good case study for this definition issue. Due to limitations of the proposed definition, the project on 4th Street cannot be built in this form and a strong chance the renovation will not proceed if this definition is approved as presented. He stated there is high chance this definition will create other unintended consequences and further limit renovation in neighborhoods. Mr. Marshall stated there are 15 local subcontractors and suppliers desperately waiting for this project to proceed. He said he understands the LCR is not this issue on the table, but appears the best bet for clarification for code this year will be to adopt an amended definition that would include massing of proposed project, such as 4th Street, as well as Cape Cod and bungalow styles. He reviewed the Cape Cod photos and noted shed dormers have an eave at full second story height extending over nearly the entire length of one side and multiple gables on the front. The goal of the code is to give a very slight increase in lot coverage for a little less mass. He said he has an alternative formula that was presented to staff today which analyses and defines the mass in terms of a Cape Cod style house and would like time to review this with staff before this definition is approved, and possibly bring back to the Plan Commission. He said he feels this definition being considered is may not produce nice looking houses, and will give incentive to raise eaves and flatten roofs.

Chairman Carrignan told Mr. Marshall he is well respected by the Committee and this issue is important. He said he would like to have this referred back to staff and asked

staff if they could review within a month. Ms. Tungare said if it only needs to come back to Planning and Development Committee then a month would be acceptable and could be brought back in June. She said the only reason it would go back to Plan Commission is if a different system is being proposed than what the Plan Commission made a recommendation on. However, if it needs to go back to the Plan Commission it may be difficult to bring back to Planning & Development Committee in June.

Mr. Marshall asked for input regarding if a Cape Cod style house is a two-story home. Ald. Rogina said he does not think a Cape Cod is a two-story house. Chairman Carrignan said he never perceived a Cape Cod as a two-story. He said with the dormers it can be opened up and offers so many benefits with more livable space. Ald. Stellato agreed and said a colonial type house he would consider a two-story. Chairman Carrignan asked Mr. Marshall when designing a Cape Cod house is there a first floor/second floor ratio. Mr. Marshall said a Cape Cod is a fairly easy formula and briefly explained thru the photos. Ms. Tungare clarified that the Cape Cods shown on the slide can all be accomplished with bumping up the percentage to 75% - 80%, the only one that it would exclude where a shed is extended almost 100% on the backside of the roofline. Mr. Colby said that if the definition is clarified on how it is calculated it could be done under the proposed definition. Chairman Carrignan said the Committee would like to bring this item back in June and he would like to see side by side comparisons of two-story homes and 1 ½ story homes with dormers.

A motion was made, seconded, and passed by unanimous vote to table this item to the June 13, 2011 Planning & Development Committee meeting at 7:00pm in the Council Chambers.

7. Comprehensive Plan – Recommending Approval of Contract for Services from Houseal Lavigne

Ms. Tungare said there were no additional comments as this was discussed extensively at the April 11th Planning & Development Committee meeting.

Ald. Turner noted the time frame is 18 – 24 months. He said his concern is that the Zoning Ordinance was updated in 2006 and suspects this Comprehensive Plan update will follow the Zoning Ordinance. Ms. Tungare said it took 3 years for the Zoning Ordinance update. She stated the scope of the Comprehensive Plan is more extensive but she assured that the consultants have enough expertise and are committed to completing the project within 18-24 months with adequate time to have public input and community meetings. Ald. Turner stated he would like it to follow the Zoning Ordinance as much as possible to avoid having any issue with needing to redo the Zoning Ordinance again. Ald. Rogina asked if during the process proposals are submitted, what would the protocol be. Ms. Tungare assured the work would not stop and we would continue to review development proposals. She said if a significant piece of property was being proposed for development, the process could be restructured to start evaluating a vision for that specific property and reestablish priorities. Ald. Rogina asked if a plan like this would take in account the Comprehensive Plan of surrounding communities. Ms. Tungare said it would be necessary to work around boundary agreements with surrounding communities (South Elgin, Geneva, Wayne) and at the same time re-evaluate the boundaries as well and consider their plans and visions for future. Chairman Carrignan

strongly encouraged public meetings, with some held on Saturday mornings to get community input.

Ald. Stellato made a motion to recommend approval of a Contract for Services from Houseal Lavigne. Ald. Turner seconded the motion.

Voice Vote:

Ayes: Stellato, Monken, Payleitner, Rogina, Turner, Krieger, Bessner, Lewis

Nays: Martin

Absent: None

Ald. Martin said his primary objection to this motion has been the expenditure at this time and the amount of money. He said by his objection a red flag on future expenditures would be noted. He has no objection to updating the Comprehensive Plan and understands it is long overdue and in the sake of cooperation he would like to amend his vote to a “yes” vote and make the motion unanimous.

Ald. Martin amended his vote to a “yes” vote. The motion was seconded and passed by unanimous vote.

8. Additional Business

The meeting adjourned at 7:40 p.m.