

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, JULY 11, 2011 7:00 P.M.**

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

Members Absent: Ald. Lewis

Others Present: Mayor Donald P. DeWitte; Brian Townsend, City Administrator; Rita Tungare, Director of Community Development; Matt O'Rourke, Planner; Russell Colby, Planning Division Manager; Chris Tiedt, Development Engineering Division Manager; Bob Vann, Building & Code Enforcement Manager; Chris Aiston, Economic Development Director; Michael Mertes, Economic Development Coordinator; Chief Lamkin, Police Department

1. CITY ADMINISTRATION

a. Recommend approval of a Class B3 liquor license for Alibi Bar & Grill to be located at 12 N. 3rd Street, St. Charles, IL.

Mayor DeWitte advised that an application for a B3 liquor license was submitted; however he had not had any conversation with the owner of the proposed restaurant/bar or reviewed the site plan. He suggested if the Committee had questions they should be directed to the applicant. Ald. Stellato asked if the Committee will receive the site plan for their review. Mr. Simpson, owner of the property, advised the 8,000 sq. ft. building was totally gutted and also can now accommodate a banquet room that will seat approximately 100 people. Ald. Turner asked what the total capacity was. Mr. Simpson said approximately 429. Ald. Bessner asked if they will occupy the entire 8000 sq. ft. and Mr. Simpson said they would.

Ald. Martin made a motion to deny the liquor license for Alibi Bar & Grill located at 12 N. 3rd Street. Ald. Krieger seconded the motion.

Ald. Rogina questioned where patrons will park noting surrounding establishments of Pub 222 and Dawn's Beach Bar, etc. Mr. Simpson said they will utilize the parking garage and on-street parking. Ald. Stellato asked if this should be tabled until they have a site plan to review. Ald. Rogina agreed he would want a site plan to review before voting. Mayor DeWitte advised a table vote would take precedence over the standing motion.

Ald. Stellato made a motion to table. Ald. Rogina seconded the motion.

Voice Vote:

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

Nays: None

Absent: Lewis

Motion Carried.

Mayor DeWitte said this may be placed on the next Government Operations Committee agenda and he will make sure the Committee has the site plan to review.

2. COMMUNITY DEVELOPMENT

a. Recommend approval of Final Plat of Subdivision for Delnor Woods PUD Unit 1 (The Lannert Group)

Mr. Colby reviewed the staff report dated 6/29/11.

A motion was made, seconded, and passed by unanimous vote to recommend approval of the Final Plat of Subdivision for Delnor Woods PUD Phase 1.

b. Recommend approval of Façade Improvement Grant for 105 N. 2nd Avenue (David Hunt, Townhouse Books)

Mr. Colby reviewed the Façade Grant request for \$12,650.

A motion was made, seconded, and passed by unanimous vote to recommend approval of the Façade Improvement Grant for 105 N. 2nd Avenue.

c. Recommend approval of Façade Improvement Grant for 318-320 W. Main Street (Choice Commercial Properties)

Mr. Colby reviewed the Façade Grant request for \$14,850.

A motion was made, seconded, and passed by unanimous vote to recommend approval of the Façade Improvement Grant for 318-320 W. Main Street.

d. Recommend approval of General Amendment pertaining to the permitting and placement of Small Wind Energy Turbine Devices (St. Charles Park District)

Mr. O'Rourke reviewed the staff report dated 7/1/11 and power point presentation. He advised that the Plan Commission recommended approval for non-residential districts and requested this come back as a second General Amendment at a later date for residential districts and the downtown districts. Their concern with approving the residential districts now is that they would like more information on how the turbines look aesthetically and the benefit they will have.

Ald. Turner asked for clarification on what the Committee will be voting on. Mr. O'Rourke said staff is presenting the ordinance originally drafted with the addendum that the Plan Commission recommended. He advised this Committee could vote to allow turbines in residential districts, or follow the Plan Commission recommendation. Ald. Stellato asked if any homeowners in residential districts have contacted the City with a request for wind turbines. Mr. O'Rourke said no homeowners have approached staff but two requests came, one involving placement on the top of a street light and one from a business owner who wanted a tower-mounted turbine. Ald. Carrigan asked for clarification on staff's original recommendation and the recommendation which includes Plan Commission modifications. Mr. O'Rourke explained which districts tower-mounted turbines would be permitted uses or special uses. Ald. Carrigan suggested holding off on

addressing the use in residential districts until requests from residents come in. He acknowledged it will require time, effort, and resources. Mr. O'Rourke advised the Plan Commission stated they would like it brought back for review at some point. Ald. Carrignan said he would like this limited to M-2 Limited Manufacturing and PL Public Land Districts as proposed and then move forward as the need comes in. Ald. Turner asked if uses have to be tower mounted. Mr. O'Rourke said staff proposed the amendment for tower mounted to be either permitted or special use, installation on an existing structure would allowed by ordinance as a permitted accessory use. Ald. Bessner asked if an acre is the minimum size allowed. Mr. O'Rourke said he researched other ordinances which varied from 1 to 3 acres. Ald. Bessner noted many residential locations won't be affected because of the 500 ft. setback.

A motion was made to recommend approval of the General Amendment Application to allow tower-mounted wind turbine devices as a permitted use in the M2-Limited Manufacturing District and PL- Public Land District, and as a special use in the Office Research, M1- Special Manufacturing, BC-Community Business District and BR-Regional Business District; and to allow structure-mounted devices in all districts except residential and downtown. The motion was seconded and passed by unanimous vote.

e. Recommend approval of Map Amendment from RT-3 Traditional Single-Family Residential District to CBD-2 Mixed Use Business District (St. Charles Public Library)

Mr. Colby reviewed the staff report dated 7/7/11 and said staff recommended approval.

A motion was made, seconded, and passed by unanimous vote to recommend approval of a Map Amendment from RT-3 Traditional Single-Family Residential District to CBD-2 Mixed Use Business District (St. Charles Public Library).

f. Presentation Regarding Downtown Overlay District

Ms. Tungare reviewed the staff memorandum dated 6/30/11 discussing the Downtown Overlay District. She said that due to changing economic conditions staff decided to have the Council review the policy for exemption provisions. She noted the Committee should consider whether to allow staff to continue to grant exemptions under the current ordinance, amend the ordinance to tighten the criteria, or amend the ordinance to add more flexibility due to economic conditions. She said they need to consider the vacant retail spaces and how long they have been vacant, and that once a retail space is lost to a non-retail user it could remain a non-retail use for a number of years. She asked the Committee to give direction if a general amendment to the zoning ordinance should be initiated.

Mr. Aiston said if there were an amendment to the zoning ordinance, the Economic Development Department would like consideration to enhance the possibility of filling spaces. He said he feels strongly that when spaces are lost to outgoing businesses that can cause further businesses in the area to also become vacant. He said he is behind having predominantly retail/restaurant downtown users, but he noted some blocks do not lend themselves well to retail use. He said areas where pedestrian flow is not good for getting back and forth might be an area to look at other uses beside retail. He said that

districts work well with streets that counter each other to walk up and down with mass of retail and restaurants. He referred to the ground floor uses along State Street in Geneva as an example where there is no prohibition to non-retail use as it is difficult to cross State Street, and compared that to crossing Main Street in St. Charles. He suggested looking at the predominate land use of each neighborhood or district. They do not want areas to become all service oriented or all office, so maybe put a maximum limit of 25%, then strictly state the need for retail or sales tax uses. He suggested that to maintain the long range plan for downtown retail/restaurant oriented ground floor use, have a sunset date. He said possibly have a lease that does not go beyond five years, and after five years the lease need to be reviewed by the City. He recognized that service and office uses create daytime population that consume, shop, eat and the more people downtown during the day the better, and therefore we should not discourage vacancies from filling. He agreed with looking at an amendment based on the current economic conditions.

Ms. Jennifer Faivre, Executive Director of the Downtown Partnership, advised there was a meeting with City staff in early June and the focus was to discuss the exemption criteria for the overlay district. There was a follow-up Economic Restructuring Committee meeting to discuss the same criteria and there was consensus at both meetings to tighten the criteria slightly by eliminating the criteria pertaining to interior space which is not adaptable to permitted uses because of structural components or limitations of accessibility. She acknowledged a change in the intent of the Downtown Overlay District for further modifications is now being discussed. The Partnership Executive Committee and the ER Committee have met and discussed this matter, so now the board will meet and further discuss this. She said the Executive Committee and ER Committee support the Overlay District as they feel it is the best long term vision for the downtown and maintains the character and beauty of the downtown.

Ald. Rogina asked for clarification within the Executive Summary Report referring to the *Committee generally supported narrowing the exemption provisions, in particular the criteria related to handicap accessibility*. Ms. Faivre explained that if there were a downtown historic building that was not handicap accessible the property owner could qualify for an exemption under the current criteria and transform that property into an office unit. This was discussed with Community Development staff whether eliminating the criteria would be good in maintaining the character of the downtown. She said they are open to discussing potential buildings that do not lend themselves to retail and would like to further discuss with City staff, but stated the first two meetings were about the criteria, and now she said it has taken on a different form. Ald. Rogina said he understands the sentence to read that the ER committee is for narrowing of the exemptions. Ms. Faivre agreed by taking out the one criteria, that would be narrowing it.

Ald. Turner said it appeared Ms. Tungare did not have many requests at this time. Ms. Tungare said she recently had a request from Century Corners, at 116 Cedar Ave, and she acknowledged that there are quite a few houses that have been converted to retail spaces and due to grade of the property could not meet handicap accessibility criteria. She said they would qualify for an exemption to provisions that are written today. Ald. Turner asked if the Director of Community Development had the option to grant the exemption for non-retail. Ms. Tungare said she does. He said at this point, since it appears to be an issue due to the economy, he does not see an excuse to change the process in place now.

He said he is okay with the way it is written now and said he cannot recall anything coming back to the Council due to being upset because of a decision that staff made. He said he does not see a need to change the process.

Ald. Bessner asked if capping non-retail uses at 10% -15% could be controlled to parts of the district versus the whole district. Ms. Tungare said that is an option, but acknowledged that some options may be difficult to administer. She noted that St. Charles does not have a business license program in place and they try to track every change in use, however they do not always have the ability to do so unless a permit is submitted for interior changes. Administering percentages within a district could be done, but may be difficult to administer. Ms. Tungare will look into this. Ald. Bessner said it might be best to look at quadrant by quadrant where one area might not have a negative effect, versus the whole area.

Ald. Martin said he has a problem where the wrong percentages might be exempted and a prime retail area could end up having a business office. Ald. Bessner said he is looking at 10% -15% of business licenses, if they go that direction.

Ald. Carrigan said the concern may be making exceptions in certain areas where the retail overlay district is now less retail than originally intended to be. He asked if it was possible to lease out a space and take from retail use, grandfather to the tenant and not the use. Example is a first floor office for 3 year lease, after 3 years he wants to move out and it reverts back to retail district; he suggested to assign the use only to the tenant not the space. Mr. Aiston said that may be possible with a sunset provision. He said this is a big district and if it were all viable retail space it would be all filled. Ald. Carrigan asked if there was a census of business on the first floor in the overlay district. Mr. Aiston said they do know the businesses in the downtown by use type. Ald. Carrigan said the problem would be once given an exemption and then no way to move back to convert to retail. Mr. Aiston said possibly there can be criteria with long term uses to be retail. He said now there is a lot of vacant retail space and interest to utilize the downtown and fill space, but he does not believe this is a permanent condition and can have a sunset provision with conditions and review. Ms. Tungare said sunset provisions should be evaluated with legal counsel to see if legally feasible. Ald. Carrigan would like this looked at. Mr. Aiston suggested considering consultation with the Downtown Partnership and Economic Development on a case by case basis, having a comprehensive understanding of what the request is and impact on neighboring properties. He said this decision should be broadened as it is a land use decision. Ald. Turner clarified that the proposal is to have more written guidelines into the process. Mr. Aiston said it should be transparent with comprehensive review of all impacts. He noted that a successful retail district will have people pushing strollers and able to get in/out of a store. He stated the further you get from the downtown it does not lend itself for retail space. All this would come into play when it is a case by case basis to justify an exemption. Chairman Carrigan asked if the boundaries of the overlay district should be reduced. Mr. Aiston said it may make sense to look at the perimeter of the district. Ald. Rogina asked to have the City process explained. Mr. Aiston said there will be consultation, but said his opinion may not need to go through a Plan Commission hearing process and all committees as this could take a month and my lose a tenant during that time. He would suggest discussions between Economic Development, Community Development, and the

Downtown Partnership and reviewing the request. He said these requests are not that often so it would not be a weekly meeting. Ald. Krieger said she has concern with the ADA limitations and stressed that all buildings should be ADA accessible.

Chairman Carrigan asked if the district is too big and the footprint too large, how many first floor store fronts are there in the district, where are they clustered, and maybe answering these questions to see if the overlay district should shrink. He suggested that criteria remain stringent and open the periphery of the overlay district to multiple uses. Mr. Aiston that is often the case when moving away from public parking. Chairman Carrigan said retail use needs to be next to public parking even if it means tightening up the overlay district. Ms. Tungare noted that the rewrite of the Comprehensive Plan is in place and part of the review will be the downtown visioning and policy decisions about the boundary of the overlay district. She said a broad discussion will happen as part of the Comprehensive Plan. Chairman Carrigan asked if there was urgency on this or can it roll into the Comprehensive Plan process. Ms. Tungare said the only urgency is when there is a request for granting exemptions, however there is no sense of urgency that it has to get done now. Chairman Carrigan said he wants the information on the census of store fronts, the mix, what is available, what is retail and non-retail, and will it make sense to shrink the footprint.

Ald. Turner asked if there is consideration of the large amount of office space when the next buildings will be constructed along the First Street Redevelopment area. Ms. Tungare said that has not been part of discussion as first floor use along the river is designated retail. She explained also that First Street Redevelopment has PUD Ordinance provisions created with different use criteria.

Ald. Martin said there was a great deal of thought and time put in creating the overlay district and he would like a complete inventory of residential houses, how many businesses, and how much is first floor retail. He said the Committee needs to know what is there before considering any changes. Chairman Carrigan agreed and said since the overlay was created in 2006 there has been a relatively significant change in how retail operates. He said retail and store fronts are a shrinking dynamic with purchases on the web, etc., and maybe the size of the overlay district needs to be smaller. He believes the tighter the cluster for retail area the more effective it will be. Mayor DeWitte recalled discussions about the first floor overlay retail component and expansion with First Street, and said discussions to fine tune might make sense. Mr. Aiston said when First Street will be fully developed on both sides of the street there will be a sense of what a district is supposed to be like, offering a pedestrian flow back and forth, and he also stated offices will probably not pay the rent for a first floor.

Ms. Tungare summarized that the boundaries of the district will be revisited and looked at in relation to the Comprehensive Plan review. Chairman Carrigan said it would be good to tie this into the Comprehensive Plan. Mr. Townsend asked the Committee to keep in mind that the Comprehensive Plan rewrite is a long term vision document, whereas this request is a revision of the zoning ordinance. Chairman Carrigan said a time line could be for the end of the year. He would like a complete census, process what is there, and in December look at the footprint. Chairman Carrigan said departmental cooperation will be the best way to handle all this.

g. Update on the Comprehensive Plan project

Mr. Colby advised that the Comprehensive Plan Task Force met on June 29 and reviewed information of the project, the role and responsibility and scope of work, and schedule. He said the Task Force Committee will not meet again until the end of August. During this time the consultant is working on gathering information on existing conditions and putting together a draft of a report to be complete by the end of August. Eventually there will be a larger existing conditions report that includes all the outreach planning to be done in the fall. A Community Workshop is targeted for August 31. This will be publicized in the coming weeks and information will be posted in newsletters, utility bills, and flyers to get many residents involved. At that meeting the Community will be provided with background information. They are still trying to decide on the venue of that event and will announce that soon. The consultant has completed the project website and will announce the unveiling shortly. The Council will receive information on how to direct community members to the website looking for information on the project. Following the Community Workshop there will be subarea workshops on the east side, west side, downtown and a business workshop, all conducted in the fall.

h. Introduction of New Housing Initiative

Ms. Tungare said there has been discussion between council members and City staff since 2003 regarding initiating some type of housing program. Public meetings were held in 2003, 2006, 2009, for discussions about having a program to monitor rental residential properties, specifically considering licensing and inspections. A result of those discussions created monthly Police Department meetings with rental managers. In recent months there has been interest from some Council members regarding moving forward with rental license and/or inspections, and a crime-free program. Staff is looking for direction from the Committee whether they should investigate further and come back with recommendations for a program in September. Ms. Tungare said the Village of Addison had a program that she was familiar with and stated it requires resources and commitment to administer such a program. The intent is to come back with a comprehensive proposal with resources, fees, and a program that can be effectively administered towards the needs of the community.

Chief Lamkin said there are several components that work together. There will be a license application that landlords will be required to apply for their properties. That application will require landlord training which can run from 6 – 8 hours. Some communities require 1 time training or annually, and landlords are required to complete the training before a license is issued. Crime-free housing would also have an addendum to the lease. The addendum will outline perimeters that renters cannot commit any crime on their property. If crimes were committed they would be required to move out of the building. Some communities have inspection programs and need to meet the qualifications where eventually the landlord would get a license. Training programs done by the Police Department will help the landlord to be good to their renters and community and make sure their properties are kept up to standard. St. Charles has held apartment manager monthly meetings intended to share information and get landlords together to understand problems they may be experiencing. He said often there is information that the Police cannot share about tenants, but landlords have the ability to

share that information with each other. He said he would like the Committee to identify what the intended goal and desire is with going into a program like this.

Ald. Stellato acknowledged there are several components involved and his opinion is crime-free housing is the number one goal. He said the Chief's question to the Committee should be how do we get there and how do we want to get there. He said he understands there are some limitations but what was outlined regarding the addendum and training is the direction he would like to see. He said he is not as concerned with interior inspections and he would like to see crime-free housing and how it can be enforced.

Ald. Martin recalled a few years ago when this was brought forward it was determined to proceed with an educational program with landlords, and he asked what percentage of landlords show up now consistently for the meetings. Chief Lamkin said there are a lot of landlords that come consistently. He said that it is not mandatory. Therefore the landlords that care and have concern are the landlords attending. He added that the landlords that run good properties want good tenants and don't have code related issues. The key is making all landlords understand the benefit. Ald. Martin said the need is to get the landlords that are not conforming to standards to be educated. Ald. Turner said there should be no exceptions and to include single-family homeowners that are renting. He said some of the biggest problems are with single-family homes that are rented out. He does not want this just limited to apartments and 2-3 unit buildings, and a single-family landlord should be included. Chief Lamkin said it has been discussed that there may be homes that have transferred from owner-occupied to a rental and those are difficult to identify and locate where they are. He agrees they should be included, but it may take time to get there. Ald. Krieger said in her neighborhood the rental homes are identifiable. Ald. Bessner asked if the addendum included crimes on premises or any occupant that committed a crime elsewhere. Chief Lamkin said generally it has to do with crimes committed on the property. Since the police generate the reports they have the ability to know if the person is a tenant, but needs further research. Ald. Rogina does not want the perception made that people who live in an apartment are second class citizens relative to someone who lives in a home. He complimented the chief on a gathering that was done in the 3rd Ward with talking to residents; he learned from that gathering that the people want the property and actions of residents to be a credit to the neighborhood. He said that is a goal. Ald. Stellato said he would like crimes committed expanded to off-site, as an example, a renter dealing drugs off site. The landlord should have the ability to remove a tenant convicted of a significant crime and be able to enforce it. He said background checks can easily help the landlord and this could be part of the training. Chief Lamkin said any legal means we have to help a landlord get the best tenants is the best goal to have. Ald. Rogina said he purchased a townhouse and had an opportunity to rent his home that was up for sale. He asked if that would demand the landlord to go to training. Chief Lamkin said it would depend on the direction received from the Council and Attorney Gorski's office. He said there is a need to try to utilize the adjudication process for violations of an ordinance and try to keep away from the court process as it is more efficient and will help the process work better. Ald. Rogina asked about the process of evicting. Chief Lamkin said the difference is civil action verses criminal action.

Mr. Townsend said staff from different departments have knowledge and experience with this matter, and in conjunction with Attorney Gorski's office, will be able to prepare a program. He added the City anticipates charging fees with the new licenses as it was determined it would not be fair for the Community as a whole to subsidize this program. Ald. Stellato said an interior inspection would be the most expensive of the program. He noted that exterior inspections are much easier to do and he said he personally is not as concerned about interior inspections at this point.

Chief Lamkin reviewed the feedback from the Committee that the #1 goal is crime free housing with the addendum and training program. For the present time rather than pursue intrusive inspections; there would be exterior inspection for notable code violations.

Ms. Kim Malay, 526 S. 16th Street, said the information she distributed to the Committee was from the Near West Neighborhood Association regarding what they determined was needed to improve their neighborhood. She said this area has the majority of rental properties; apartments as well as single-family and two-flats. She recalled the City had interest in approving a rental ordinance years ago, however the interior inspection was what abolished it every time. She said her proposal was to do away with interior review and just do exterior for maintenance, junk cars, etc. along with the crime free housing. She stated there is now more gang activity and crime in the area and the rental properties need to get cleaned up. Ms. Malay said she talked to many small rental property owners and many of the suggestions provided in her material came from them. She suggested they be contacted to attend a task force and have them involved. Chairman Carrigan stated this Committee would like to have this brought back in September or October so they can move forward. Ms. Malay said she also would like to help any way she can. Ald. Bessner asked Ms. Tungare if Addison had good success with their program. Ms. Tungare said the program was mostly effective, but there was a struggle to gain access to rental units as not all property owners gave permission, and that resulted in a court-order and that took time. Ald. Rogina commented that he has an acquaintance that manages seven units in Schaumburg and highly praised the Schaumburg ordinance.

3. ADDITIONAL BUSINESS

The meeting adjourned at 8:30 p.m.