

**MINUTES
CITY OF ST. CHARLES, IL
ST. CHARLES PLAN COMMISSION
TUESDAY, SEPTEMBER 06, 2011 – 7:00 P.M.**

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

Members Absent: None

Also Present: Russell Colby, Planning Division Manager
 Rita Tungare, Community Development Director
 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 August 16, 2011 meeting.

CONTINUED PUBLIC HEARING

4. General Amendment (City of St. Charles)

Application for General Amendment to Chapter 17.28 “Signs” and Chapter 17.30 “Definitions” pertaining to advertising on bus shelters.

The attached transcript prepared by Sonntag Reporting Service, Ltd., received August 19, 2011 is by reference hereby made a part of these minutes.

Ms. Amantangelo made a motion to close the public hearing. Mr. Doyle seconded the motion.

Voice Vote:

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

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Nayes: None

Absent: None

Motion Carried.

MEETING

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

5. East Main Retail Resubdivision of Lot 4 (William Lackovic)

Application for Final Plat

- Final Plat dated 8/18/11

Mr. Kessler made a motion to recommend approval of the application for Final Plat dated 8/18/11 for the East Main Retail Resubdivision of Lot 4. Ms. Amatangelo seconded the motion.

Voice Vote:

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

Nayes: None

Absent: None

Motion Carried.

7. Plan Commission Workshop

6. General Amendment (City of St. Charles)

Application for General Amendment to Chapter 17.28 “Signs” and Chapter 17.30 “Definitions” pertaining to advertising on bus shelters.

Mr. Kessler made a motion to recommend approval of the application for the general amendment to Chapter 17.28 “Signs” and Chapter 17.30 “Definitions” pertaining to advertising on Bus Shelters, and offered the following comments for the City Council’s consideration:

- 1. No alcohol and tobacco advertisements.**
- 2. Consider striking the second sentence in item 2A**
- 3. The City should retain at least a 50% revenue share.**
- 4. If a shelter is removed, the concrete pad should also be removed and the area replanted with grass or other landscaping.**
- 5. The term of the agreement should be 5 years vs. 10 years.**

Mr. Pretz seconded the motion.

Voice Vote:

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

Nayes: None

Absent: None

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Motion Carried.

8. Meeting Announcements

Plan Commission Tuesday, September 20, 2011 at 7:00pm in the Council Chambers

Plan Commission Tuesday, October 4, 2011 at 7:00pm in the Council Chambers

Plan Commission Tuesday, October 18, 2011 at 7:00pm in the Council Chambers

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

10. Adjournment at 8:40pm

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STATE OF ILLINOIS)

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St. Charles, IL

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COUNTY OF K A N E)

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BEFORE THE CITY OF ST. CHARLES CDD
Planning Division
PLAN COMMISSION

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In Re the Matter of:)

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)

General Amendment (City of)

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St. Charles) Application for)

General Amendment to)

9

Chapter 17.28 "Signs" and)

Chapter 17.30 "Definitions")

10

Pertaining to Advertising on)

Bus Shelters.)

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CONTINUED REPORT OF PROCEEDINGS had at the
hearing of the above-entitled matter, before the
City of St. Charles Plan Commission, taken in the
offices of the City of St. Charles, 112 North
Riverside Avenue, St. Charles, Illinois, on
September 6, 2011, at the hour of 7:22 p.m.

1 **PRESENT:**

2 MR. TODD WALLACE, Chairman;

3 MR. TIM KESSLER, Vice Chairman;

4 MS. SUE AMATANGELO, Member;

5 MR. BRIAN DOYLE, Member;

6 MR. CURT HENNINGSON, Member;

7 MR. TOM PRETZ, Member; and

8 MR. TOM SCHUETZ, Member.

9 **ALSO PRESENT:**

10 MS. RITA TUNGARE, Community Development Director;

11 and

12 MR. RUSSELL COLBY, Planning Division Manager.

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2 CHAIRMAN WALLACE: All right. Shall
3 we go ahead, then, with the public hearing?

4 MS. TUNGARE: Yes. Item 4.

5 CHAIRMAN WALLACE: All right. Item 4
6 on the agenda, continued public hearing, General
7 Amendment, City of St. Charles Application for
8 General Amendment to Chapter 17.28 "Signs" and
9 Chapter 17.30 "Definitions" Pertaining to
10 Advertising on Bus Shelters.

11 This is a continued public hearing from,
12 oh, earlier. I don't remember the last time.

13 VICE CHAIRMAN KESSLER: August 16th.

14 CHAIRMAN WALLACE: No. No.

15 VICE CHAIRMAN KESSLER: It was before
16 that.

17 CHAIRMAN WALLACE: Actually, it was
18 from August 16th, but it was also from prior to
19 that, as well.

20 VICE CHAIRMAN KESSLER: Right.

21 CHAIRMAN WALLACE: And --

22 MR. COLBY: Yes. There is one exhibit
23 to read into the record.

24 CHAIRMAN WALLACE: Okay.

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1 VICE CHAIRMAN KESSLER: (Indicating.)

2 CHAIRMAN WALLACE: Okay. All right.

3 Previously from the July 5th meeting we had
4 four exhibits, A through D. We have one new
5 exhibit for today's meeting, which is Plan
6 Commission Exhibit E, staff report dated
7 September 1, 2011, and we'll go ahead and swear
8 in anyone who wishes to give any testimony or ask
9 any questions.

10 And, Russ, I think that you were sworn in
11 the last time.

12 MR. COLBY: I was.

13 (The witness was thereupon duly
14 sworn.)

15 CHAIRMAN WALLACE: All right. If you
16 can just state your name, spell it for the
17 record, and also your address, and, of course, if
18 anyone shows up, they have the right to ask any
19 questions, and if you could just remind me to
20 swear them in if they do.

21 Okay. All right. Go ahead.

22 MR. GALLAS: I'm Richard Gallas, last
23 name spelled G-a-l-l-a-s, as in "Sam."

24 My address is 412 Pine Creek Drive,

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1 North Aurora, Illinois 60542.

2 Well, good evening. As I said, I'm
3 Richard Gallas. I'm assistant director of public
4 works here with St. Charles.

5 Tonight I have a brief presentation that I
6 want to share with you based on the meeting
7 minutes from your previous meeting. I've tried
8 to take your questions and, to the best of my
9 ability, worked with Pace to provide you answers,
10 so tonight you'll see what I believe to be your
11 primary questions, and I apologize if I didn't
12 capture every one of those, but, you know, I
13 certainly tried to collate them as best I could
14 so that I can deliver an answer to you.

15 Just to give you a little bit of background,
16 Pace has approached me and the City of
17 St. Charles and asked if we would be interested
18 in this program, so it is something that has been
19 driven by Pace and is something that, you know,
20 we perceive as an opportunity for us to improve
21 the aesthetics of some of these bus shelters.

22 It's not a program that we have taken and
23 said to ourselves, "Let's expand on this program.
24 Let's make it big. Let's put these on every

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1 street corner in town." That's not the intent of
2 Pace. That's not the intent of the City of
3 St. Charles as it relates to at least my
4 engagement in this program.

5 So tonight what you'll see, again, is, I
6 want to give you a little bit of a flavor for
7 what the spaces look like today, where are they,
8 what they look like today, and then, again, try
9 to address any other questions that you have
10 brought previously to -- to both me and -- I'm
11 sorry -- Russell and Rita.

12 So any questions about that, just in
13 general, before I dig in?

14 (No response.)

15 MR. GALLAS: Okay. This is, for all
16 intents and purposes, what they intend to put in
17 the place of what is there today. This is what I
18 think, so if you have a question in your mind,
19 "What are they going to look like?" Well, this
20 is what most communities have chosen as the
21 shelter of preference.

22 It's kind of a low-maintenance structure.
23 It's really basically -- it's a very basic
24 structure obviously.

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1 One other important note is, McDonald's is
2 probably the No. 1 vendor that has chosen to do
3 advertisements on these ad shelters, so that is
4 the most common, by far, advertisement that has
5 been utilized in other communities like
6 Carpentersville and a garden variety of others in
7 the region.

8 Let's start with Shelter No. 1, Cedar
9 Avenue and Route 25. You might be familiar with
10 this. This is right inside of the park.

11 This is what it looks like today, and I
12 think there might be some misconception that
13 they're in horrible condition or they are
14 graffiti laden or whatever you might have as a
15 perception, I'd like you to keep in mind as I
16 flash through some of these photographs.

17 That's not really the case here, and
18 this -- I don't know that this structure is in
19 really that bad of shape. Certainly you could be
20 the judge for yourself on that, but, to me, this
21 is in a nice park-like setting. It gets a fair
22 amount of foot traffic. It gets a fair amount of
23 bus traffic, and so this is kind of the -- this
24 is, I think, most representative of what our

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1 facilities look like today, but, again, I'll show
2 you the remainder of the facilities as we go
3 through here.

4 This is over on Route 25 and Delnor Avenue.
5 This is a much smaller one, but, again, you know,
6 you can be the judge of that picture. I just
7 stood by it, took a picture to give you some
8 idea. I didn't try to give an angle or anything.

9 This is, I think about as representative of
10 the angle. I just walked over, took a picture
11 and brought it here for you to look at tonight.

12 This is over on Randall Road and Prairie.
13 Again, it's a little bit larger structure, but
14 one that I think Pace is interested in changing
15 out and replacing, and along that corridor you'd
16 probably get a fair amount of advertising.

17 I apologize. I took this one across the
18 street. I hope it still gives you a
19 representation of what it looks like, but there's
20 a -- you know, just another view of another
21 structure.

22 And this is over on the east side of
23 Randall Road and Prairie, on the south side of --
24 southeast side of the street.

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1 The last one that we currently have in the
2 city that's in our right-of-way is -- is over
3 here on really Route 38 just east of Randall
4 Road. There was an old restaurant kind of by the
5 old St. Charles mall there, and, again, this is a
6 much larger structure. This is the largest one,
7 I think, square footagewise, that we currently
8 have that serves our citizens.

9 MEMBER SCHUETZ: I notice there's
10 five currently; correct?

11 MR. GALLAS: Yes.

12 MEMBER SCHUETZ: They all seem to be
13 a different motif -- whatever -- design.

14 You said they will be replacing some of
15 those?

16 MR. GALLAS: Well, if we -- if we
17 move forward with this process, I think we want
18 them to look the same.

19 MEMBER SCHUETZ: Right.

20 MR. GALLAS: So I think we would move
21 forward with the same --

22 MEMBER SCHUETZ: They all appear to
23 be different sizes so more traffic.

24 MR. GALLAS: I don't think we would

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1 do -- I think we would do similar sizes as the
2 ones that exist today. I think we would try to
3 capture the same size, but the different -- you
4 know, the new structure --

5 MEMBER SCHUETZ: I see.

6 MR. GALLAS: -- is really where we
7 will be headed because clearly this is the best
8 size, I think, for this site.

9 As with the other ones, I don't think we
10 could get a bigger one on --

11 MEMBER SCHUETZ: Right.

12 MR. GALLAS: -- that one on Randall
13 Road.

14 VICE CHAIRMAN KESSLER: What drives
15 the size? Would it be the traffic?

16 MR. GALLAS: Well, that's what drove
17 the size of them originally, so, I guess, when
18 we -- if we were to proceed with this, we would
19 want to look at the foot traffic that's there
20 today, and that's a study that Pace would have to
21 do to tell us basically what their recommended
22 size are, but I'm assuming for a minute that the
23 size that's here right now, that that study had
24 already been conducted and these sizes are

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1 appropriate to that.

2 VICE CHAIRMAN KESSLER: What kind of
3 revenue is the City looking at to go through this
4 whole thing? You know, what's the -- I guess I'm
5 trying to figure out why. They look pretty nice,
6 not hurting anything, you know?

7 MR. GALLAS: And that's your choice
8 to -- to direct in this conversation.

9 I think we can always do a little bit
10 better. I think, to have some more routine
11 maintenance and have someone come in and clean
12 it, remove snow, and do some weekly care of these
13 structures is probably good for any public
14 facility.

15 VICE CHAIRMAN KESSLER: How much is
16 the City going to -- in revenue -- are we
17 looking at?

18 MR. GALLAS: Well, it's a small
19 amount of money, and we're not really in the
20 conversation for the money, but we're in it for,
21 you know, a better public facility.

22 You know, we expect that we could earn
23 anywhere from \$2,500 to \$5,000 in any given year.
24 That will be dependent upon how much advertising

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1 is done on it and how much and how frequently
2 that ad space is purchased.

3 VICE CHAIRMAN KESSLER: I'm just
4 playing the Devil's advocate here because I
5 understand where this is headed, but why can't
6 the City, if you're allowing -- if -- if we, as a
7 City, are allowing Pace to put those structures
8 in our right-of-ways right now, why can't we hold
9 their feet to the fire and have them maintained?
10 Why do we have to -- why do we have to do -- you
11 know, why do we have to do this?

12 MR. GALLAS: You know, if you want an
13 improved structure and if you want more regular
14 maintenance, that's what they're offering us in
15 this arrangement. That's not the arrangement
16 that they're offering us currently.

17 MS. TUNGARE: Let me ask you this,
18 Richard. Let me ask the question a little
19 differently.

20 Do we currently have any maintenance
21 contracts or agreements with Pace for the existing
22 structures?

23 MR. GALLAS: No.

24 MS. TUNGARE: But with this new

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1 program, we would have the ability to have
2 agreements in place and thereby the City will
3 have more control on regular maintenance.

4 Is that where we're headed?

5 MR. GALLAS: On a weekly basis, which
6 is obviously totally different than today.

7 MEMBER PRETZ: In the end, the City
8 will have more control is what I'm hearing.
9 Correct?

10 MR. GALLAS: Well, because there's an
11 agreement that would bind us to that, right;
12 whereas in the past, perhaps, that wasn't the
13 arrangement.

14 CHAIRMAN WALLACE: What type of
15 control would the City have over placement of the
16 structures? Would they simply go where they are
17 located right now?

18 MR. GALLAS: If you would like, I can
19 continue the presentation. I think that some
20 of -- that question and a whole series of other
21 questions I can answer.

22 CHAIRMAN WALLACE: Well, the question
23 I'm --

24 MR. GALLAS: If you want me to answer

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1 that right now, I can.

2 CHAIRMAN WALLACE: Well, here's --
3 let me tell you what my concern is.

4 MR. GALLAS: Okay.

5 CHAIRMAN WALLACE: There's
6 one structure that's right out in front of the
7 Chase Bank on Randall Road --

8 MR. GALLAS: Okay.

9 CHAIRMAN WALLACE: -- that is not on
10 a bus route. It's a bus shelter but it's not on
11 a bus route, and you even commented that it would
12 be a good place for advertising.

13 MR. GALLAS: Sure.

14 CHAIRMAN WALLACE: Which is great. I
15 go to the courthouse every day. There's no bus
16 shelter down there, and there are regularly at
17 least 8 to 10 people sitting out in the rain or
18 the heat or whatever, but it's not a place where
19 there would be very good advertising out there.

20 If it's really something that's for the
21 public convenience, it would be nice if it was
22 located in a location where the public would have
23 convenience.

24 MR. GALLAS: And -- and to your

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1 point, I think long term that's -- that's going
2 to be the interest of our partnership with them,
3 is to put them where they belong and make sure
4 that we have a dialog about it, that we have the
5 ability to issue a permit to them to tell them
6 whether or not that's a good location or not.

7 And I think the other thing, to your point
8 before, by having an agreement, then now we get
9 to have, I think, a little bit better
10 participation in those conversations.

11 So I think, if there is a real upside for
12 the City, it's the ability to control where and
13 how these structures are done, and, also, one of
14 the key considerations, again, just is that
15 they're aesthetically, you know, a little bit
16 more pleasing than they might be today.

17 MEMBER DOYLE: Before we move on from
18 this point, would you go back to that slide
19 across the street? That one.

20 So, Todd, you're saying this -- this is not
21 on a bus route?

22 CHAIRMAN WALLACE: Well, that's what
23 it said in the materials.

24 VICE CHAIRMAN KESSLER: This one is

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1 the one across the street.

2 CHAIRMAN WALLACE: No, this one is not.

3 MR. GALLAS: No. This -- this one
4 is not.

5 VICE CHAIRMAN KESSLER: Is this in
6 front of Chase or is this the one by the Jewel?

7 CHAIRMAN WALLACE: This is the one in
8 front of Chase.

9 VICE CHAIRMAN KESSLER: Okay. I see
10 that.

11 CHAIRMAN WALLACE: The one across the
12 street.

13 The one that is in front of the Jewel --

14 VICE CHAIRMAN KESSLER: Is --

15 CHAIRMAN WALLACE: -- or the Sprint
16 store.

17 VICE CHAIRMAN KESSLER: Sprint store.

18 CHAIRMAN WALLACE: -- is on 801,
19 Route 801.

20 MEMBER DOYLE: Was it on a bus route
21 at one time?

22 MR. GALLAS: Yes.

23 MEMBER DOYLE: And the route was
24 cancelled?

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1 MR. GALLAS: It was on a bus route at
2 one point, and there wasn't enough foot traffic
3 at that particular location, I believe, for them
4 to continue to have that as a stop.

5 MEMBER DOYLE: Okay. And I'll hold
6 further questions at this point.

7 MR. GALLAS: Okay.

8 VICE CHAIRMAN KESSLER: Just to
9 finish up this one question.

10 MR. GALLAS: Uh-huh.

11 VICE CHAIRMAN KESSLER: What -- does
12 this -- what is existing, how does Pace place
13 these now? I mean, do they -- is there anything
14 in the City Ordinance or do they come to you and
15 say, "Hey, we want to put a shelter here?" And
16 is it going to be the same thing after this
17 agreement?

18 MR. GALLAS: The way they decide
19 where to stop is based on a study that they
20 conduct.

21 VICE CHAIRMAN KESSLER: Right.

22 MR. GALLAS: And then they decide if
23 there's enough foot traffic -- and you have to
24 excuse me because I'm really not in the --

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1 involved in the Pace's inner workings, and my
2 apologies for not having them present tonight.
3 They were unable to attend.

4 But they go through some studies. They
5 determine there's enough foot traffic that
6 predicates a stop, and so what you'll see, even
7 on the 529, as you go along the Randall Road
8 corridor, they stick a sign literally in the
9 ground, and then I think there's a period of time
10 where they see how that -- how much real traffic
11 that gets on the bus, and then they decide
12 whether or not you need to have a formal
13 structure, so it's -- it's a process that Pace
14 goes through to determine that.

15 So I think that -- and we'll get into this
16 point a little bit later -- is that the nice
17 thing about our agreements, we have the ability
18 to say, "Look, you don't have any foot traffic
19 there. You need to take that out of there."

20 So I think that's -- and we'll probe that a
21 little bit later in some of my slides. That's
22 the control, I think, we are hoping to gather
23 from this.

24 VICE CHAIRMAN KESSLER: And that's my

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1 question.

2 Right now, they put a pole in the ground
3 and they decide there's enough foot traffic there
4 so they want to put a shelter there.

5 Can they just put a shelter there, or do
6 they have to go through the same process? They
7 have to come to public works and they have to go
8 to the City Council, which will be exactly the
9 same after this agreement, that process? Once
10 they determine they want a shelter, the process
11 that they go through now will be the same after
12 the agreement?

13 MR. GALLAS: It -- the difference,
14 the key difference is that I have to present that
15 to City Council to get their buy-in to proceed
16 with that. Then we have to seek a permit and
17 make sure that it's permitable and go through the
18 process, and I'll let Russ and Rita certainly
19 speak to that.

20 VICE CHAIRMAN KESSLER: Okay. And
21 you do this now. That's what you do now.

22 MR. GALLAS: Well, we haven't added
23 one of these in like 20 years, so we have no
24 process now.

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1 VICE CHAIRMAN KESSLER: So if they
2 wanted to put a shelter, if we --

3 MR. GALLAS: They would still, as
4 partners with the City of St. Charles, contact
5 us, and so we would probably do some form of that
6 if it was done right now, today.

7 VICE CHAIRMAN KESSLER: Does that
8 make sense? We do the same thing; right? I
9 mean, they can't just set a shelter wherever they
10 want; right?

11 MR. GALLAS: No.

12 MEMBER AMATANGELO: Mr. Chairman, can
13 I ask that we finish the presentation, please,
14 allow the courtesy of letting him finish, and
15 then we can ask questions, if that's okay.

16 CHAIRMAN WALLACE: Sure.

17 MEMBER AMATANGELO: Thank you.

18 MR. GALLAS: So one of the questions
19 I heard you ask was, "What does 'cleaning' mean?"
20 Well, that's a good question. "Cleaning" really
21 means washing of glass and benches, removal of
22 the trash, basically housekeeping obviously, and
23 snow removal, so they would also be responsible
24 for removing snow for the folks that would use

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1 the shelter obviously, so that's the basic
2 definition that Pace has provided to me in terms
3 of what communities have negotiated, and I would
4 see no reason that St. Charles would do anything
5 different there.

6 There was some concern or some question
7 about advertising and, you know, the -- it's like
8 any other advertising space. It's -- if you were
9 on the west side parking deck, there's an insert
10 in there, way finder signs that are locked. We
11 take those out and we replace those. You
12 probably see those all over the downtown area.

13 This is no different. It's a locked ad box
14 that Triton, who would be the vendor in this
15 case, would have access to, and what Pace reports
16 is there has been no -- there's been no vandalism.
17 There has been no one taking things out of there
18 and inserting ads that were maybe inappropriate
19 or whatever the concern could be on that.

20 The process for choosing a shelter location.
21 I know there's -- again, there's certainly a lot
22 of concern with that, and I can appreciate that,
23 but -- but most municipalities really engage in
24 this process from a perspective of "I think I

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1 have a lot of ridership here. I see a lot of
2 people standing around here on the street corner
3 waiting for the bus," or there's a need in the
4 community. Somebody is raising their hand
5 saying, "We want more bus stops" or -- so
6 oftentimes, in a more urban setting, people will
7 motivate -- these are groups -- will motivate
8 these locations.

9 We're probably a little different in that
10 regards, that we don't probably have the -- we
11 don't probably have as many folks asking for the
12 bus stops as there are in some of the, again,
13 more urbanized communities, but that's how it
14 normally begins.

15 In our case, I would -- after talking to
16 Pace, it's probably something Pace would give us
17 guidance on and ask us if we would want to
18 consider this based on what their experience is
19 with ridership.

20 Have they seen a reason for it to go up?
21 Are more people riding the bus? I think we would
22 expect some partnership with them on that. And,
23 again, in our community, it's probably not going
24 to be the citizenry that's going to motivate

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1 "We'll need another stop" as often as it might be
2 in more urban settings, but the City certainly
3 can select or deny a location. That is our right
4 to refuse that under any agreement that we would
5 prepare with them.

6 And the only caveat to that is that once we
7 all agree or once the community agrees that a new
8 bus location is prudent, they want to be able to
9 recommend an actual location to us to make sure
10 it's safe for the buses and safe for certainly
11 the riders themselves.

12 So that's -- I -- hopefully that gives you
13 some idea -- a little bit better idea of how that
14 process normally works about deciding whether a
15 new shelter is necessary.

16 There were questions about whether or not
17 the City has oversight. Very much so. The
18 agreement that you have seen is only a sample
19 agreement. It would be the equivalent of
20 creating an agreement that was one-sided, that
21 you put everything in there that you wanted.

22 Well, we have the ability at this point to
23 say, "What do we want out of that agreement?"
24 And we can negotiate that.

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1 So I want to make sure that folks -- it's
2 not an as-is thing, "Here's the agreement. See
3 you later." You know, we have flexibility, as we
4 do with any agreement in the City, to -- to
5 negotiate that.

6 Again, we can pick the style of shelter.
7 We can -- we can certainly talk about how that
8 fits in with a certain part of town. You could
9 always do more than one style if you wanted to.
10 Those kinds of site selection or facility
11 selection is certainly within our -- our purview.

12 And then, I think, most importantly, the
13 City will permit -- would issue any permits for
14 locations, so I think the ultimate -- the
15 ultimate in process here is -- is that we have
16 control of that permitting process, and they
17 can't build anything without that permit
18 authorization.

19 And, again, here -- here -- here's -- I
20 think, if I can leave you with one point tonight,
21 it's -- you know, we can always decline a permit,
22 and, frankly, that -- that's pretty powerful.

23 How does permitting work in other areas?
24 You know, certainly Pace has to obtain a permit

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1 wherever they are, whatever municipality that
2 they are putting a shelter in, and then,
3 depending on who owns the right-of-way, Pace
4 really gives the municipal -- the municipality
5 first right of sign-off, so we have that ability,
6 even though it's in the IDOT right-of-way or the
7 County right-of-way or whatever right-of-way it
8 might be in. That's, again, I think an important
9 point to be made.

10 The City can certainly advertise in these
11 shelters. I think, from my perspective, I would
12 be looking to try to find a way that the City
13 could advertise for free in there during special
14 events, such as Scarecrow Fest and some of the
15 other things that we do in town that we certainly
16 want to highlight, so I think that's -- that --
17 that's an angle, I think, we would take with them
18 in any further discussions. We would certainly
19 want to have that ability to put those
20 advertisements in there, as well.

21 If the shelter isn't used, what happens?

22 Pace has a feeling -- and this kind of gets
23 at some of your concern, I know -- that they
24 don't want us to remove shelters just because

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1 there's a perception that people aren't using it.
2 You know, they don't want people to say, "Well,
3 no one is ever out there so take it out of
4 there."

5 And I think we would have to have further
6 discussion about that, but they, I think, would
7 have to demonstrate to us and what we can include
8 in the agreement is the idea that they have to
9 demonstrate user -- or utilization to us, and we
10 can -- we can certainly negotiate what that
11 means, but I think that's one of the things that
12 we would want to do with them.

13 They are certainly in the business to
14 encourage more people to ride mass transit. I
15 think the City of St. Charles is in the business
16 to encourage more people to ride mass transit, so
17 that relationship is, I think, a reasonable one,
18 and so we're not here to try to prevent them from
19 getting people to ride the bus; we're actually
20 trying to encourage them in this case, as well,
21 to -- to have more people ride mass transit.

22 I think the last point kind of gets to
23 your -- another one of your comments earlier was,
24 "Well, if on that Randall Road corridor no one is

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1 using it and it's not part of any route, why is
2 it still there?"

3 Well, I think the difference is, moving
4 forward, we would contractually say, "Please
5 remove that," and they would be obligated to do so.

6 There's ad guidelines that you've probably
7 seen in one of the exhibits. Those are
8 suggestions, as well.

9 I think, knowing some of the Council
10 members like I do, just to give you an example, I
11 don't know that they would want to permit alcohol
12 being displayed on advertisements there. That's
13 something we can certainly negotiate with them,
14 and this goes back to Council after we get
15 through this conversation, if that is, you know,
16 the direction you take this.

17 But I would say guidelines are only that.
18 They are currently just guidelines, and there
19 would need to be some more discussion on exactly
20 what frames the City of St. Charles. Again,
21 certainly, more restrictions if we need to.

22 There was a safety concern. If you note,
23 when you see the shelters, the -- the
24 advertisement is on the downstream side and,

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1 therefore, it's -- it's meant to make sure that,
2 when the driver pulls up, that they can see
3 everybody that's at the shelter so they can pick
4 riders up, so the way they handle that is, they
5 always put the advertisements on one side, on the
6 downstream side.

7 Again, that's done primarily so that the
8 driver can see if there's somebody there that
9 needs to get picked up.

10 So with that, I'd be happy to go back to
11 questions.

12 MEMBER PRETZ: I had a question.

13 If -- if the City went in a direction of
14 setting up a city shuttle system, and if they
15 contracted with Pace for vehicles to do that,
16 would that type of agreement fall under this one?
17 Because I'm thinking, if they did a shuttle
18 system, that would require more of these --
19 potentially more of these because it would be a
20 different route other than the major bus route,
21 you know, that they have existing today.

22 MR. GALLAS: I mean, we could limit
23 the terms of this agreement to 801 and 802, which
24 are the primary routes that, you know, transcend

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1 the city of St. Charles, and I -- I -- I
2 understand where you're going with the question.
3 I just -- if you feel more comfortable, I would
4 have to recommend we deal with that in the
5 agreement, just say these two routes.

6 MEMBER PRETZ: I'm not asking the
7 question from a limitation. I'm asking the
8 question more that, in fact, if there was a need
9 for more of these shelters, that it would be
10 permissible under the agreement that you do
11 because it sounds like the -- the -- the
12 agreement and what they're taking a look at today
13 are just the major 801 bus route or whatever.

14 MR. GALLAS: It's intended for
15 existing routes.

16 MEMBER PRETZ: Something for
17 additional expansion because if we're trying to
18 do some sort of public transportation shuttle
19 system within the city to help foster some of the
20 movement of people and that -- to the -- to the
21 different retail things and that, it would make
22 sense that there would be more shelters.

23 MR. GALLAS: And certainly I can turn
24 that around and say, "We could do that, as well."

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1 I think the intent is that there are
2 five existing structures and that this agreement
3 will cover those routes and those structures and
4 that's the first step.

5 Should we wish to expand that agreement, I
6 don't -- I guess I would -- I would think we
7 would want to expand that agreement when and if
8 those new concerns came to light or those new
9 routes or those new locations came to light as
10 opposed to keep this open-ended in any way.

11 MEMBER PRETZ: I guess -- I guess my
12 thinking would be more so that you would have
13 that option driven by you, the City, so you don't
14 have to sit down and negotiate again, but,
15 then -- since you have more control and we're not
16 doing anything like that, then it becomes a moot
17 point because if you go through the negotiation
18 process and that, it seems like we would be maybe
19 at a disadvantage in the negotiation because we
20 would have a need and be dependent upon them
21 instead of having it up front, and then we always
22 have the card that we could use later. Just my
23 thought.

24 MR. GALLAS: Okay.

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1 MEMBER AMATANGELO: How frequently --
2 I'm sorry -- will the contract be renewed?

3 MR. GALLAS: That's another point of
4 discussion.

5 They would like to see us have a 10-year
6 agreement, and 10 years is a long time, so I
7 think we would look to push that to something in
8 the 5-year category because I think that's
9 probably the cycle -- at least the minimum cycle
10 where we would want to have some opportunity to
11 reconsider that.

12 The City, at least when I addressed
13 contracting -- I also like to have the ability
14 for us to get out of a contract should it not be
15 working the way we intended it to, so I think we
16 would probably negotiate something in the
17 five-year range and then seek some sort of a
18 clause that would give us the ability to get out
19 if they didn't meet the requirements.

20 MEMBER AMATANGELO: That sounds good.

21 Would there be a cap on the number of
22 shelters that we would want to see around town in
23 that five-year period of time?

24 MR. GALLAS: I think we have the

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1 ability to cap that at any time with our
2 authorization of permits.

3 MEMBER AMATANGELO: Okay. Because I
4 would be afraid that we might get to the point
5 where these were going up just for the purpose of
6 the advertising, you know, getting revenue from
7 advertising, you know, like that.

8 MR. GALLAS: Okay.

9 MEMBER AMATANGELO: And one other
10 point. I just thought this was odd.

11 Do -- when people get on the bus on the
12 east side of Randall Road and go to where they're
13 going, do they not come back? I mean --

14 VICE CHAIRMAN KESSLER: You know
15 where they're going?

16 MEMBER AMATANGELO: Where?

17 VICE CHAIRMAN KESSLER: They're going
18 out to the courthouse and you're right. You're
19 absolutely right.

20 MEMBER AMATANGELO: But, I mean,
21 don't you come back?

22 VICE CHAIRMAN KESSLER: They walk back.

23 MEMBER AMATANGELO: Well --

24 MEMBER PRETZ: Take a cab.

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1 MEMBER AMATANGELO: Why would they
2 eliminate a bus route on the other side? I just
3 think it's very odd --

4 VICE CHAIRMAN KESSLER: It is.

5 MEMBER AMATANGELO: -- that you would
6 have a one-way -- one way on the bus and not be
7 able to come back.

8 MEMBER SCHUETZ: Going to the court
9 house.

10 VICE CHAIRMAN KESSLER: On rainy days
11 it's the oddest thing because you see people
12 walking back, walking in the rain and --

13 MEMBER AMATANGELO: It's interesting.

14 VICE CHAIRMAN KESSLER: -- walking
15 along in the ditch on Randall.

16 MEMBER AMATANGELO: It's interesting.

17 VICE CHAIRMAN KESSLER: It's true.

18 MEMBER SCHUETZ: Really?

19 VICE CHAIRMAN KESSLER: It's true;
20 kind of a weird thing to see.

21 MEMBER AMATANGELO: Anyway.

22 CHAIRMAN WALLACE: All right. Any
23 other questions?

24 MEMBER SCHUETZ: Yes. Brian's got

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1 one and I've got two.

2 CHAIRMAN WALLACE: Brian.

3 MEMBER DOYLE: Is the contract a
4 program contract or are they individual contracts
5 per shelter?

6 MR. GALLAS: It's a program contract.

7 MEMBER DOYLE: Okay. So we have a --
8 what are the -- so there are terms of a general
9 contract, then, that says basically you can do
10 this and we get to decide.

11 I'm just trying to understand what that --
12 what that general contract serves to do because
13 it seems to me like you have a -- you have this
14 sort of site agreement like "We're going to put
15 one here and one -- you know, one here" and, you
16 know, according to how the Council grants the --
17 the use.

18 What does the general contract provide for,
19 then, that the -- the site agreements don't? Or
20 is -- is -- is --

21 MR. GALLAS: I'm not sure if I
22 understand your question. I'm trying hard, Brian.

23 MEMBER DOYLE: Okay.

24 MR. GALLAS: So I'm listening but I

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1 don't know if I understand.

2 MEMBER SCHUETZ: I think I understand
3 where you're going because I see it in my
4 business.

5 By getting a contract, if you're opening
6 the book to further working with Pace down the
7 road, and all we're doing is looking at updating
8 these shelters -- isn't that correct? And
9 advertising and potentially looking at maybe
10 further down the road more shelters, as
11 necessary, and the City will decide that.

12 MR. GALLAS: On a case-by-case basis.

13 MEMBER SCHUETZ: Right. Exactly.

14 MEMBER DOYLE: I guess -- let me boil
15 it down.

16 The thing that I see before us is, the
17 decision is to allow off premise -- to allow
18 off-premise signs on the public -- in the public
19 right-of-way. That's the only thing that's
20 really before us.

21 Now, once -- once that's done, that frees
22 you to -- to do other things with Pace that you
23 don't do currently, but you already have
24 agreements with them, that they have shelters

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1 without a contract.

2 MR. GALLAS: There is no agreement in
3 place for those shelters.

4 MEMBER DOYLE: But they have to --
5 they have to get right-of-way; right?

6 MR. GALLAS: At some point they did,
7 but, again, that's some time ago, maybe before
8 this type of process was considered.

9 MEMBER DOYLE: And the City -- the
10 City can -- well, okay.

11 So the City can always retract that
12 right-of-way agreement; right? Like today, if --
13 if the Council wanted to, it could go in and
14 say --

15 MR. GALLAS: "Take them out of
16 there."

17 MEMBER DOYLE: -- "Take all five of
18 them out."

19 MR. GALLAS: I suppose they could.

20 MEMBER DOYLE: I mean -- and does
21 this contract give away that prerogative?

22 MR. GALLAS: Absolutely not.

23 MEMBER DOYLE: It doesn't. Okay.

24 MS. TUNGARE: Because if they don't

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1 comply with their end of the deal, as outlined in
2 the contract, the City will reserve the right to
3 make them remove any shelters or comply.

4 MEMBER DOYLE: So is the contract
5 basically about -- the financial arrangement
6 about the billings?

7 MR. GALLAS: I'm not sure I understand
8 that question. Say that again.

9 MEMBER DOYLE: Is the main difference
10 with what the -- you know, the -- in addition to
11 the fact that there's going to be advertising and
12 that the City is going to get a share of gross
13 advertising billings, is the main function of the
14 contract to secure the City's revenue share?

15 MR. GALLAS: No. That's a part of it.

16 MEMBER DOYLE: Okay.

17 MR. GALLAS: But we're really not
18 driven here by revenue.

19 MEMBER DOYLE: Right.

20 So my question --

21 MR. GALLAS: It's a very small piece
22 of revenue.

23 We're driven by two things: Number one,
24 just to make sure we have the most up-to-date

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1 facilities. Okay?

2 Number two, to make sure they are
3 maintained in some capacity.

4 Number three, we don't have any agreement
5 with them today. We have the ability to run them
6 out of town if we would like, but I don't know
7 that that's probably a good way to govern, but we
8 have an opportunity here for an agreement to work
9 with them to encourage mass transit.

10 At the same time we do get some auxiliary
11 benefits by some small amount of revenue.

12 MEMBER DOYLE: Maintenance -- so it's
13 really the maintenance agreement that you're --

14 MR. GALLAS: All four or five of the
15 things I just put out in space out there --
16 sorry; I rattled them fast -- but I thought
17 those -- those are the reasons that we're
18 standing here before you.

19 Again, in partnership with the folks that
20 are responsible to provide mass transit to the
21 region, they bring that idea to us. I stand here
22 before you tonight to support that.

23 MEMBER DOYLE: Okay.

24 MEMBER SCHUETZ: I have two quick

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1 questions.

2 One is, if they remove -- I don't -- I saw
3 the removal aspect in here; the paragraph.

4 MR. GALLAS: Uh-huh.

5 MEMBER SCHUETZ: But if they have to
6 remove a shelter at some point, can we please be
7 sure that they remove the pad, the cement pad,
8 along with replanting the turf, because we could
9 end up with pads up and down Randall or whatever.
10 You never know what might happen.

11 And then the second thing I just wanted to
12 clarify, it's only one advertising banner that's
13 in the case; is that correct?

14 MR. GALLAS: That's the typical.

15 Now, I have not seen any with more than
16 one, personally. They have not requested more
17 than one in there, and, again, their issue is
18 making sure they have visibility on three sides,
19 so that only really permits them one side if
20 they're true to the safety issues that they
21 brought to us.

22 MEMBER SCHUETZ: Because I've seen at
23 least two sides down on the south side.

24 MR. GALLAS: On the back side?

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1 MEMBER SCHUETZ: Yes.

2 MR. GALLAS: Is it an urban location,
3 where it was only on the outside face, where
4 there's a lot of foot traffic on a --

5 MEMBER SCHUETZ: I believe so. It
6 was down near Oak Lawn and Evergreen Park.

7 MR. GALLAS: I could see that, again,
8 in a more urban setting, and it's something we
9 can -- if it's -- if people feel strongly about
10 it from a -- from a perspective of safety or
11 whatever --

12 MEMBER SCHUETZ: It just looks nasty.

13 MR. GALLAS: Yeah. Okay.

14 MEMBER SCHUETZ: That's all. Thanks.

15 MEMBER DOYLE: I have a couple of
16 quick questions.

17 CHAIRMAN WALLACE: Go ahead, Brian.

18 MEMBER DOYLE: Two main questions.

19 First of all, the language of the draft
20 amendment, Section 2-A has a second sentence
21 about the display not totally obstructing the
22 view of the shelter from the outside, that there
23 will be a visible gap at the top and bottom to
24 permit a view of persons into the bus shelter.

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1 I -- I don't see this as being very
2 important, but, more importantly, I don't see
3 that gap on this picture.

4 Is that language necessary? Why is the
5 language included in the draft?

6 MR. COLBY: This was language that
7 was put together by the City's legal counsel --

8 MEMBER DOYLE: Okay.

9 MR. COLBY: -- that they have worked
10 with another community on, and they had included
11 that as one of their design concerns, that they
12 wanted to be able to -- excuse me -- to see
13 underneath the shelter.

14 This photo obviously shows that you can't
15 do that. It really could be either way. It was
16 a concern of theirs that they wanted included so
17 we included it, as well.

18 MEMBER DOYLE: Okay. I would suggest,
19 you know, in -- I don't know how important this
20 is, but, you know, if it's not going -- if it's
21 not going to be that way, then, you know -- and
22 we don't care whether it's that way, then strike
23 the language; otherwise, it just -- it creates
24 sort of a wrinkle.

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1 The other thing is, you mentioned that
2 these are sample agreements here.

3 MR. GALLAS: Uh-huh.

4 MEMBER DOYLE: So if there were
5 particular provisions that we feel are important,
6 like advertising for alcohol, advertising for
7 tobacco, or the revenue-sharing agreement,
8 50 percent, how would we convey to --

9 MS. TUNGARE: You can forward that to
10 City Council as part of your recommendation. I
11 would just forward those as comments.

12 There are two ways to do it. You could
13 forward it as a condition of your approval for
14 the advertising signs. Quite honestly, I think
15 trying to make a nexus there is a little bit of a
16 stretch.

17 My preference would be you just forward
18 those as supplemental comments to the City Council
19 for consideration.

20 MEMBER DOYLE: Okay.

21 MS. TUNGARE: Because really, the
22 agreement, per se, is outside the purview of this
23 Commission. What you're considering is the
24 advertising signs, but to contextualize this

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1 discussion, you know, we're giving you the full
2 scope of everything that's being considered.

3 MEMBER DOYLE: And I have one final
4 question before we move to comments.

5 In this sample agreement, it's -- it shows
6 that the municipality receives 50 percent of
7 gross revenue.

8 MR. GALLAS: Uh-huh.

9 MEMBER DOYLE: That means -- so if
10 we're saying that this is not about finances
11 for us, as a municipality, because it's only
12 \$2,500 to \$5,000 for these signs, isn't it -- is
13 it also true, then, that -- that the revenue that
14 Pace is receiving is as small or as great as we
15 receive, 50 percent?

16 MR. GALLAS: That's accurate, uh-uh.

17 MEMBER DOYLE: Okay.

18 VICE CHAIRMAN KESSLER: Wow.

19 So just to boil it down -- and thank you
20 for all of the outside information -- it really
21 isn't under our purview. I understand that
22 it's not.

23 Really, what this boils down to -- Russ
24 will correct me if I'm wrong -- we're -- we're

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1 voting on language for a sign ordinance, a
2 language change in a sign ordinance amendment; is
3 that correct?

4 MR. COLBY: Yes.

5 VICE CHAIRMAN KESSLER: That's really
6 what we're voting on.

7 MR. COLBY: Correct.

8 The amendment would allow placement of
9 off-site advertising signs in bus shelters
10 specifically as outlined in the staff report,
11 which is, that language is written to allow what
12 you're seeing here and for it to only be allowed
13 in situations where the City has entered an
14 agreement with the transportation provider, so
15 this ability would not be extended to anyone else
16 to post advertising, off-site advertising.

17 VICE CHAIRMAN KESSLER: Okay. And
18 one final question, Rich.

19 MR. GALLAS: Sure.

20 VICE CHAIRMAN KESSLER: You said this
21 is open on the -- this agreement only extends to
22 the existing routes.

23 MR. GALLAS: They could put in
24 additional.

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1 VICE CHAIRMAN KESSLER: Okay.

2 MR. GALLAS: But, again, they'd have
3 to --

4 VICE CHAIRMAN KESSLER: Not
5 necessarily. All right.

6 MR. GALLAS: They would have to go
7 through that permit process that we've been
8 talking about and, you know, we could deny that.
9 So we can deny that right out of the gate, and we
10 can also look at that other shelter and say,
11 "It's not a perception. You don't have any foot
12 traffic there."

13 VICE CHAIRMAN KESSLER: But you
14 haven't written in -- I mean, you don't plan on
15 writing into the agreement it's only for 801 and
16 the other route. I mean, it's not --

17 MR. GALLAS: I -- I don't have any
18 intention of doing that --

19 VICE CHAIRMAN KESSLER: Okay.

20 MR. GALLAS: -- at this point. I
21 think we have somewhat of a -- a generic
22 agreement with them that we would like to start
23 and walk slowly.

24 VICE CHAIRMAN KESSLER: This is a

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1 maintenance agreement for signage it sounds like.

2 MR. GALLAS: Pretty much.

3 VICE CHAIRMAN KESSLER: Yeah. Okay.

4 That's all I have.

5 CHAIRMAN WALLACE: All right. Any
6 other questions?

7 (No response.)

8 MR. GALLAS: Well, thank you for
9 listening tonight. I hope I was able to at
10 least, you know, clear up some of the questions
11 that you had, and you certainly warmed me up for
12 the City Council, so I think I'll be ready to go.

13 Thank you very much.

14 CHAIRMAN WALLACE: All right. Is
15 there a motion to close the public hearing?

16 MEMBER AMATANGELO: So moved.

17 MEMBER DOYLE: Second.

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

20 Any discussion on the motion?

21 (No response.)

22 CHAIRMAN WALLACE: Tim, roll call.

23 VICE CHAIRMAN KESSLER: Amatangelo?

24 MEMBER AMATANGELO: Yes.

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1 VICE CHAIRMAN KESSLER: Schuetz?
2 MEMBER SCHUETZ: Yeah.
3 VICE CHAIRMAN KESSLER: Doyle?
4 MEMBER DOYLE: Yes.
5 VICE CHAIRMAN KESSLER: Pretz?
6 MEMBER PRETZ: Yes.
7 VICE CHAIRMAN KESSLER: Henningson?
8 MEMBER HENNINGSON: Yes.
9 VICE CHAIRMAN KESSLER: Wallace?
10 CHAIRMAN WALLACE: Yes.
11 VICE CHAIRMAN KESSLER: Kessler, yes.
12 CHAIRMAN WALLACE: All right. The
13 public hearing is closed.
14 That concludes Item No. 4 on your agendas.
15 (Which were all of the
16 proceedings had in the
17 above-entitled matter at
18 8:05 p.m.)
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COUNTY OF K A N E)

SEP 13 2011

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CDD
Planning Division

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BEFORE THE CITY OF ST. CHARLES PLAN COMMISSION

6

In Re the Matter of:)

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Regular Meeting.)

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REPORT OF PROCEEDINGS had in the above-
entitled matter, before the City of St. Charles
Plan Commission, taken in the offices of the
City of St. Charles, 112 North Riverside Avenue,
St. Charles, Illinois, on September 6, 2011, at
the hour of 7:00 p.m.

1 PRESENT:

2 MR. TODD WALLACE, Chairman;

3 MR. TIM KESSLER, Vice Chairman;

4 MS. SUE AMATANGELO, Member;

5 MR. BRIAN DOYLE, Member;

6 MR. CURT HENNINGSON, Member;

7 MR. TOM PRETZ, Member; and

8 MR. TOM SCHUETZ, Member.

9 ALSO PRESENT:

10 MS. RITA TUNGARE, Community Development Director;

11 and

12 MR. RUSSELL COLBY, Planning Division Manager.

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

4 Tim.

5 VICE CHAIRMAN KESSLER: Let's see.
6 Schuetz?

7 MEMBER SCHUETZ: Here.

8 VICE CHAIRMAN KESSLER: Doyle?

9 MEMBER DOYLE: Here.

10 VICE CHAIRMAN KESSLER: Pretz?

11 MEMBER PRETZ: Here.

12 VICE CHAIRMAN KESSLER: Henningson?

13 MEMBER HENNINGSON: Here.

14 VICE CHAIRMAN KESSLER: Kessler,
15 here.

16 Wallace?

17 CHAIRMAN WALLACE: Here.

18 VICE CHAIRMAN KESSLER: All right.

19 CHAIRMAN WALLACE: All right.

20 Item 3, presentation of the minutes of the
21 August 16th, 2011, meeting.

22 Is there a motion to approve?

23 VICE CHAIRMAN KESSLER: So moved.

24 MEMBER DOYLE: Second.

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1 MEMBER SCHUETZ: Second.

2 CHAIRMAN WALLACE: It's been moved
3 and seconded.

4 All in favor?

5 (The ayes were thereupon heard.)

6 CHAIRMAN WALLACE: Opposed?

7 (No response.)

8 CHAIRMAN WALLACE: The motion passes
9 unanimously.

10 Item 4 on the agenda, continued public
11 hearing, General Amendment, City of St. Charles
12 application for General Amendment to Chapter 17.

13 MR. COLBY: Mr. Chairman?

14 CHAIRMAN WALLACE: Oh, I'm sorry.

15 MR. COLBY: We would like to hear
16 one of the other items first. We're waiting on a
17 representative from public works, who is at the
18 City Council meeting, who will be presenting for
19 the continued hearing.

20 CHAIRMAN WALLACE: So do we want to
21 take Item 5 before 4?

22 MR. COLBY: Yes.

23 MS. TUNGARE: Yes.

24 CHAIRMAN WALLACE: Okay. Sue is

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1 here.

2 VICE CHAIRMAN KESSLER: Sue.

3 CHAIRMAN WALLACE: And let the record
4 reflect that Sue Amatangelo is joining us, and we
5 will switch Item 4 and 5.

6 Any objections?

7 (No response.)

8 CHAIRMAN WALLACE: All right.

9 Item 5 on the agenda is East Main Retail
10 Resubdivision of Lot 4, application for final
11 plat, final plat dated 8/18/11.

12 And what are we doing on this one?

13 MR. COLBY: This is a final plat of
14 subdivision to create an individual lot for the
15 Culver's restaurant, that went through a special
16 use approval before the Plan Commission the last
17 couple of months. The plat would create a lot
18 specifically for the Culver's building.

19 It's been reviewed by staff. It meets the
20 BR regional business district minimum lot size
21 and dimensions.

22 There is provision of access easements that
23 exist around the lot, and some additional ones
24 that would be granted to connect to those

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1 easements to allow access from that lot out onto
2 the internal drive system that's in the
3 subdivision.

4 Stormwater detention has been provided on
5 the site as part of the original subdivision
6 approval, and utility easements have been
7 provided on the plat as requested by staff.

8 We have representatives here to answer any
9 questions if there are any.

10 We have a recommendation for approval
11 contingent on resolution of all staff comments
12 prior to the City -- City Council voting on
13 approval of the final plat.

14 CHAIRMAN WALLACE: Okay. Any
15 discussion from Plan Commission?

16 MEMBER SCHUETZ: I just wanted to
17 confirm that whole back stack up thing was --
18 that was all resolved; correct?

19 MR. COLBY: Yes.

20 MS. TUNGARE: That was approved, yes.

21 MEMBER SCHUETZ: Yes. I know we did.
22 I just didn't know how it all went.

23 MR. COLBY: Yes.

24 The special use was approved by the

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1 City Council, yes.

2 MEMBER DOYLE: Are there any
3 significant staff comments that the Commission
4 needs to be aware of? I don't see any in your --

5 MR. COLBY: There are not.

6 MEMBER DOYLE: Okay.

7 CHAIRMAN WALLACE: All right. Is
8 there a motion?

9 VICE CHAIRMAN KESSLER: I would make
10 a motion to recommend approval of the application
11 for the general -- let's see -- to make approval
12 of the application for final plat dated 8/18 for
13 the East Main Retail Resubdivision of Lot 4.

14 MEMBER AMATANGELO: Second.

15 MEMBER PRETZ: I'll second.

16 CHAIRMAN WALLACE: All right. Moved
17 and seconded by Sue. And -- sorry.

18 MEMBER PRETZ: That's okay. She
19 beat me.

20 CHAIRMAN WALLACE: And any discussion
21 on the motion?

22 (No response.)

23 CHAIRMAN WALLACE: All right. Tim,
24 roll call.

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1 VICE CHAIRMAN KESSLER: Amatangelo?

2 MEMBER AMATANGELO: Yes.

3 VICE CHAIRMAN KESSLER: Schuetz?

4 MEMBER SCHUETZ: Yes.

5 VICE CHAIRMAN KESSLER: Doyle?

6 MEMBER DOYLE: Yes.

7 VICE CHAIRMAN KESSLER: Pretz?

8 MEMBER PRETZ: Yes.

9 VICE CHAIRMAN KESSLER: Henningson?

10 MEMBER HENNINGSON: Yes.

11 VICE CHAIRMAN KESSLER: Wallace?

12 CHAIRMAN WALLACE: Yes.

13 VICE CHAIRMAN KESSLER: Kessler, yes.

14 CHAIRMAN WALLACE: All right. That

15 motion passes unanimously.

16 That concludes Item 5 and your agendas.

17 Good luck.

18 MEMBER PRETZ: Thanks for coming.

19 CHAIRMAN WALLACE: All right. Do you
20 want to wait?

21 MS. TUNGARE: We'll, you know what?
22 Here is one option.

23 We could start with our training, in the
24 spirit of saving some time, and then, when the

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1 representative from public works is here, we can
2 take a break, switch to the item, and then come
3 back to our training, if that's okay; and for the
4 training, we don't need minutes verbatim; right?
5 We don't need -- do we need the Reporter?

6 MR. COLBY: We're going to have the
7 Court Reporter here through the hearing. He can
8 probably take a transcript.

9 CHAIRMAN WALLACE: All right.

10 MR. COLBY: All right.

11 CHAIRMAN WALLACE: In that case,
12 Item No. 8.

13 MR. COLBY: So the Plan Commission
14 should have on your desks copies of a PowerPoint
15 presentation and also a staff report which is a
16 case study about PUDs.

17 All right. There we go.

18 You'll recall at some past meetings we've
19 done these workshop sessions. We talked about
20 the different zoning processes the City has and
21 the Zoning Ordinance.

22 We talked about administrative processes,
23 like building permit reviews. We talked about
24 Commission/Council review processes, both the

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1 nondevelopment review side, which is zoning
2 appeals and variances. We talked about the
3 development review side, text amendments, map
4 amendments, special uses, and the last topic
5 that's part of this group is PUDs.

6 So PUD -- you've probably heard the term a
7 lot -- means "planned unit development."

8 So what does that mean? This slide has
9 some text from the Zoning Ordinance that talks
10 about what a -- what a PUD is, and as it says up
11 here, PUDs are intended to accommodate projects
12 that incorporate a single use or mix of uses
13 which are planned and developed or redeveloped as
14 a unit, so it's looking at a single development
15 as a unit.

16 And the review is broader than the other
17 applications that the Plan Commission looks at
18 because it considers zoning regulations for
19 properties; it looks at subdivision improvements;
20 you look at -- at private facilities, as it says
21 up here, all of the regulations that go into
22 development of a property; it's not specific to
23 one aspect of -- of review.

24 If you're just talking about a zoning map

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1 amendment, you're only looking at the zoning
2 issues, or if you're talking about a special use,
3 you're looking at approval of the use and a site
4 plan. With a PUD, you're looking at all aspects
5 of the development.

6 As it says up here, the standards to be
7 considered in reviewing PUDs are wider in scope
8 than those other types of applications that the
9 Commission reviews because you're looking at
10 everything comprehensively.

11 And, finally, the last point, PUDs should
12 provide amenities that are not otherwise required
13 by our Zoning Ordinance, and that the PUD process
14 is meant to be used to improve the quality of
15 development, not to intensify the land use, so
16 the PUD process not in place to build something
17 that's bigger than allowed -- than is allowed by
18 zoning. It's in place to try to achieve some of
19 the City's planning objectives through the
20 Comprehensive Plan, and also to give property
21 owners and developers an avenue to be able to
22 pursue unique development approvals that wouldn't
23 necessarily fit within the City's Zoning
24 Ordinance.

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1 And if anyone has any questions, feel free
2 to jump in.

3 I was sort of summarizing here, but it's
4 really meant to be a discussion, if you want to
5 talk about any of the topics.

6 MS. TUNGARE: Can I add a comment,
7 Russ?

8 MR. COLBY: Go ahead.

9 MS. TUNGARE: Historically in
10 St. Charles, we have previously allowed one-lot
11 PUDs, single-lot PUDs, and the purpose and the
12 applicability of planned unit development
13 regulations was different at that time than where
14 we're at today.

15 Now we've revised the purpose statements
16 for the PUDs and the applicability, as well. Now
17 we are shying away -- since we've adopted the new
18 Zoning Ordinance in 2006, we have been shying
19 away from encouraging the single-lot,
20 smaller-development PUDs.

21 For example, let's use Culver's as an
22 example, a single building on a lot.

23 Does it really qualify for a PUD? No. So
24 that's a difference but someone may ask the

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1 question, "Well, we used to have smaller
2 developments with planned unit developments on
3 them," but that -- that was then; this is now.
4 Now we don't do that. We don't do that anymore.

5 VICE CHAIRMAN KESSLER: Is it fair to
6 say that in St. Charles today, that PUDs, the
7 focus of -- the main focus of a PUD would be on
8 redevelopment now? I mean, we don't have that
9 much open land left for, you know, coming in and
10 creating sort of -- it's a whole different look
11 at why we do a PUD.

12 MS. TUNGARE: Absolutely. I think
13 redevelopment is a different animal in itself,
14 and for the most part, a majority of what we are
15 going to be dealing with is redevelopment. There
16 are a few vacant parcels where we will see
17 development in terms of PUDs.

18 To use an example, Bricher Commons, which
19 is right behind Meijer's, that could potentially
20 be a planned unit development, some real life
21 examples.

22 If the Towne Centre site resurrects itself
23 in some form -- and I used the words "Towne
24 Centre" -- but the St. Charles mall site, that

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1 could potentially be a planned unit development
2 because a development of that magnitude, once you
3 reach a certain acreage, I think it almost begs
4 to be a planned unit development, but mostly
5 redevelopment. You're right about that.

6 VICE CHAIRMAN KESSLER: Uh-huh.

7 MEMBER HENNINGSON: Rita, what was
8 your example of the single lot? I didn't hear
9 you what said.

10 MS. TUNGARE: If you have one building
11 on a lot, a very small lot, maybe along Main
12 Street -- Culver's -- using that as an example.

13 MEMBER HENNINGSON: Oh, Culver's.
14 Okay.

15 MS. TUNGARE: Just using that as an
16 example.

17 MEMBER HENNINGSON: Okay.

18 MS. TUNGARE: You know, 10 years ago
19 maybe we would have done that as a planned unit
20 development because at that time we used planned
21 unit developments, for lack of a better term, as
22 "Let's make a deal." We didn't have established
23 criteria, guidelines, more defined regulations,
24 more defined purpose statements, to go by, so it

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1 was -- you know, it was more give and take with a
2 developer.

3 You know, if they gave us a good quality
4 building, in terms of architecture and
5 landscaping, if they wanted some variances, the
6 planned unit development was used as a tool, but
7 now we don't -- we don't use that approach
8 anymore here in St. Charles. We have more
9 well-defined standards and -- and a purpose
10 statement, as well, and -- and certain criteria
11 that -- that any individual or developer has to
12 meet to justify why it begs to be a planned unit
13 development.

14 MEMBER HENNINGSON: If you had a
15 small piece of property and did a strip center
16 with your multiple users, would that necessarily
17 have to be a PUD or --

18 MS. TUNGARE: It depends. It depends
19 on whether they can meet the underlying -- the
20 regulations of the underlying zoning district.
21 It depends on what more they bring to the table
22 in terms of -- I just spoke about the
23 justifications for a PUD. What community
24 benefits does that project bring?

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1 And then, Russ, you may want to throw out
2 some of that we're --

3 MR. COLBY: And we'll get to that in
4 the presentation.

5 MS. TUNGARE: I'm getting a little
6 ahead of myself.

7 MR. COLBY: We have standards in
8 place in our current Zoning Ordinance that you
9 would be able to construct a strip center-type
10 building, but we have regulations now in the
11 design review chapter that talk about building
12 materials, building articulation, we have parking
13 lot landscaping requirements, those things which
14 historically had -- had been incorporated into
15 the PUD review process.

16 The City had over many years -- whenever
17 property was annexed into the City on the fringes
18 of town, it was automatically given a PUD
19 designation because it gave the City more ability
20 to control what was going on there, and, as Rita
21 said, as a result, we sort of ended up with a
22 hodgepodge of different PUDs with different
23 standards that were incorporated into them for
24 how the development should look and what uses

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1 should specifically be at individual sites, and
2 we're trying to move away from that because it's
3 difficult to administer and explain, and, also,
4 it is difficult for someone who is interested in
5 a property to understand what the requirements
6 are applicable to a specific site when they don't
7 follow our normal zoning requirements.

8 MEMBER DOYLE: So based on sort of
9 the history that you're describing of how the
10 zoning and the ordinances have sort of evolved,
11 would it be fair to say, say, if a member of the
12 community or group in the community comes forward
13 and they cite a particular PUD development that
14 they -- dates back to the '80s or the '70s, that
15 is a source of some potential in the community,
16 there might be certain developments right now
17 that -- PUDs that are on the books that would
18 not -- that would not satisfy the existing
19 ordinances, you know, that govern how PUDs are
20 administered, so, you know, that we have a much
21 tighter set of regulatory structures in place now
22 than we did 10, 20, 25 years ago.

23 MS. TUNGARE: Title sets from both
24 standpoints, where the City can arbitrarily ask

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1 for anything under the sun, we have certain
2 guidelines to follow, but, on the same token, we
3 are holding the developers to a high set of
4 standards, as well.

5 MR. COLBY: So we started to -- to
6 touch on this somewhat.

7 What is the purpose of a PUD? And this is
8 a list of -- of purposes that's contained in the
9 Zoning Ordinance. It talks about creative
10 approaches to development; about developments
11 being distinctive and attractive and an integral
12 part of the community; places that are oriented
13 to pedestrians and promote physical activity and
14 incorporate open space; recreational facilities;
15 a harmonious mix of land uses; a variety of
16 housing types and prices; preserving native
17 vegetation; topographic and geological features.
18 These are all purposes that exist in the
19 Ordinance for someone requesting a PUD development.

20 So when someone comes in and says, "Well, I
21 think this land should be a PUD," the onus is on
22 them to show how they are advancing some of these
23 purposes that the City has identified because,
24 really, if -- if the project doesn't advance any

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1 of these purposes, it's probably not appropriate
2 for it to be a PUD.

3 MEMBER SCHUETZ: So the best example
4 of a PUD, I would guess, in St. Charles would be
5 Fox Mill, you know, in the community.

6 MR. COLBY: Yeah. And I don't know
7 if that actually was done as a PUD because it was
8 development in -- in Kane County.

9 MEMBER SCHUETZ: Oh, okay. So it
10 wasn't under your jurisdiction?

11 MR. COLBY: No.

12 I know probably a good example of one that
13 we've done recently would be First Street.

14 You know, there were a lot of different
15 planning objectives that were achieved through
16 that development, and there were some exceptions
17 that were made for building height, for example,
18 and things -- and parking requirements, and we
19 were able to meet some of these objectives and
20 allow some of those standards to be varied so
21 that you could accomplish the development.

22 That's probably a -- a more current
23 example, but we do have plenty of examples of
24 subdivisions, more traditional subdivisions that

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1 were done as PUDs, and you have the ability to
2 have more open spaces that were integrated
3 through the development, which is like Fox Mill,
4 with -- with the way the commercial properties
5 are designed around the residential, those kind
6 of design features incorporated that.

7 MEMBER PRETZ: So I would guess that
8 the first point is probably the most common
9 that's used?

10 MR. COLBY: I think so. And,
11 actually, this is just the first four, and here
12 is the other three.

13 MS. TUNGARE: And these are all
14 mutually exclusive; right? It's any of these.
15 They could meet any of these criteria.

16 MR. COLBY: So we have economical
17 development, efficient use of land, and this
18 talks about street improvement, drainage
19 facilities, et cetera.

20 And then, finally, encouraging a
21 collaborative process with developers and
22 neighboring property owners, because, as part of
23 the PUD process, you're required to go through a
24 public hearing process, and you have the ability

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1 for neighboring property owners to weigh in on
2 the changes that are being requested through a
3 specific development.

4 PUDs often allowed for deviations from the
5 City's Code requirements, and by "deviation," I
6 mean someone requesting a variance to a certain
7 standard of either the Zoning Ordinance or the
8 subdivision code, so it could be for something
9 like setbacks; it could be building height; it
10 could be parking requirements; any standard in
11 the Zoning Ordinance really can be varied, and
12 it's frequently done through the PUD process
13 because the -- the City's Zoning Ordinance, as
14 you may recall, does not allow for regular
15 variances to a lot of the standards. There's a
16 limited list of standards that can be varied just
17 through a variance process; but for anything
18 else, it has to be considered through the PUD
19 process.

20 The section of the Code that is quoted here
21 talks about how we go about administering these
22 PUD deviations.

23 The way the PUD process is set up, it's
24 not -- it's not meant to allow someone to just

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1 request a variance to a specific standard because
2 they want to or because they -- they think they
3 can't meet it or it's going to lead them to have
4 a greater return on investment; they have to --
5 they have to prove that the deviation they are
6 requesting meets one of these two conditions,
7 which is up here.

8 The first, "Conforming to the requirements
9 that would exhibit creative designs that serves
10 community goals." The second, "Conforming to the
11 requirements of being practical and that the
12 proposed PUD would provide benefits that outweigh
13 those requirements."

14 So when someone comes in and says, "I don't
15 want to meet this standard," they have to explain
16 how they either meet both of these or one of
17 these as a justification.

18 And we have a second set of criteria that
19 talks about what we're looking for when granting
20 these deviations, and this is a whole list
21 that -- that is incorporated into the Ordinance
22 that someone who is requesting a PUD deviation
23 can point to these different individual items.
24 These are things that the -- that the City's

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1 looking for as -- as ways to promote high-quality
2 developments.

3 So you could say, you know, "I need to
4 provide for larger building sizes, building
5 height, or building footprint to be able to
6 provide specific community amenities," such as a
7 public plaza or some kind of area that has
8 pedestrian improvements, so it's meant to be a
9 tradeoff here, where you can explain, through
10 this -- these criteria, why a deviation is
11 necessary for a specific development.

12 MS. TUNGARE: Should we take a break?
13 I was just going to say that. This is a good
14 point to stop and take a break and then go back
15 to --

16 MR. COLBY: Yes.

17 If anyone had any questions on either --
18 this section about deviations, it would be a good
19 time to do it. If not, then we'll stop there.

20 CHAIRMAN WALLACE: All right.

21 (Whereupon, at 7:22 p.m., Agenda
22 Item 4 was heard, and the
23 regular meeting was resumed at
24 8:05 p.m., as follows:)

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1 * * * * *

2 CHAIRMAN WALLACE: Before we get back
3 to Item 8 --

4 MS. TUNGARE: Item 6. This item is
5 up for a recommendation, as well.

6 CHAIRMAN WALLACE: Yes.

7 I was saying, before we get back to Item 8,
8 we'll go to Item 6, which is -- I was just
9 noticing there's no Item 7 on the agenda.

10 MS. TUNGARE: Oh, there is. The
11 workshop.

12 CHAIRMAN WALLACE: That's No. 8.

13 MS. TUNGARE: How come your agenda is
14 always different than ours?

15 MR. SCHUETZ: That's what we print
16 off the --

17 CHAIRMAN WALLACE: This is the one I
18 got in the mail.

19 VICE CHAIRMAN KESSLER: This is the
20 one that came to my house.

21 MS. TUNGARE: There's something
22 spooky going on here.

23 CHAIRMAN WALLACE: I have no Item 7.

24 All right. Anyway, according to my

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1 agenda -- which is the correct one --

2 VICE CHAIRMAN KESSLER: Good point.

3 CHAIRMAN WALLACE: -- we will skip --
4 or we will do Item No. 6 first before going on to
5 Item No. 8 or going back to Item No. 8.

6 Item 6 is General Amendment, City of
7 St. Charles Application for General Amendment to
8 Chapter 17.28 "Signs" and Chapter 17.30
9 "Definitions" Pertaining to Advertising on Bus
10 Shelters.

11 Is there a motion or discussion?

12 VICE CHAIRMAN KESSLER: I would make
13 a motion to recommend approval of the application
14 for the general amendment to Chapter 17.28
15 "Signs" and Chapter 17.30 "Definitions"
16 Pertaining to Advertising on Bus Shelters.

17 CHAIRMAN WALLACE: All right. Is
18 there a second?

19 MEMBER DOYLE: Second.

20 MEMBER HENNINGSON: Second.

21 MEMBER PRETZ: Second.

22 CHAIRMAN WALLACE: All right
23 Mr. Pretz seconded it.

24 And discussion on the motion?

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1 MEMBER AMATANGELO: Mr. Chairman, is
2 this where we would want to include comments
3 pertaining to the type of advertising to be
4 allowed or -- or disallowed; for example, tobacco
5 and/or alcohol?

6 CHAIRMAN WALLACE: Sure. Yeah. It
7 would be -- from a procedural standpoint, we
8 would have to amend the motion to include any
9 type of restriction like that. The motion, as it
10 stands, is without restriction.

11 MEMBER AMATANGELO: Thank you.

12 CHAIRMAN WALLACE: Do you want to
13 make a motion to amend it?

14 MEMBER AMATANGELO: I would like to
15 make that motion.

16 VICE CHAIRMAN KESSLER: Do you want
17 to do restrictions or do you want to add
18 comments, as Rita suggested?

19 MEMBER AMATANGELO: Comments would be
20 just fine. I just want to make sure that it's in
21 the record.

22 VICE CHAIRMAN KESSLER: Then there
23 wouldn't be a restriction on the motion, would
24 there?

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1 MS. TUNGARE: Let's do it that way.

2 CHAIRMAN WALLACE: I'm sorry.

3 What we're --

4 MS. TUNGARE: So the motion is to
5 approve the general amendment for the advertising
6 on bus shelters with supplemental or additional
7 comments.

8 That's your amended motion; correct?

9 MEMBER AMATANGELO: Yes.

10 MS. TUNGARE: Okay.

11 CHAIRMAN WALLACE: Okay. And --

12 MEMBER PRETZ: So I retract my second?

13 CHAIRMAN WALLACE: No. No.

14 We'll -- I mean, we'll do a friendly
15 amendment to the motion, if you're agreeable to
16 that.

17 VICE CHAIRMAN KESSLER: Yes.

18 CHAIRMAN WALLACE: So the main
19 motion -- and -- and you're okay with that, Tom?

20 MEMBER PRETZ: Uh-huh.

21 CHAIRMAN WALLACE: All right. So the
22 main motion is to recommend approval of the
23 application incorporating comments --

24 MS. TUNGARE: To be forwarded to

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1 City Council.

2 CHAIRMAN WALLACE: -- to be forwarded
3 to City Council, as prepared by staff, pursuant
4 to our discussion at this meeting.

5 Does that sound --

6 VICE CHAIRMAN KESSLER: Is that okay?

7 MEMBER AMATANGELO: Yes, indeed.

8 CHAIRMAN WALLACE: All right. That
9 is the motion that's now on the table.

10 Is there any further discussion on the
11 motion?

12 MEMBER DOYLE: How -- I have no
13 discussion on -- well, given the -- the comments,
14 can we just agree on maybe some bullet items; put
15 some of -- what some of the comments might be
16 prior to a vote?

17 I mean, you mentioned advertise -- types of
18 advertising.

19 Do we want to agree on what those
20 comments are?

21 MEMBER AMATANGELO: Well, I just
22 mentioned alcohol and tobacco. That's all.

23 MEMBER DOYLE: Yes.

24 MEMBER AMATANGELO: So I don't know

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1 if there's anything else you would like to include
2 in that.

3 MEMBER DOYLE: No.

4 CHAIRMAN WALLACE: All right.

5 MEMBER DOYLE: Yeah. I would
6 suggest -- I would want to submit to the Council
7 that the Council consider restrictions on alcohol
8 and tobacco advertising.

9 CHAIRMAN WALLACE: Okay.

10 MEMBER DOYLE: I also would submit to
11 the Council that they consider striking the
12 second sentence in 2-A, with the proposed text,
13 and, finally, that the -- any agreement retain a
14 50 percent revenue share on gross billings.

15 CHAIRMAN WALLACE: Okay. And I think
16 we can include all of those along with comments
17 that staff would then just pass on as --

18 MS. TUNGARE: As comments.

19 CHAIRMAN WALLACE: Yeah.

20 MEMBER SCHUETZ: What about, "If they
21 remove the shelter, they have to remove the pad"?
22 Can that be part of the comments?

23 MS. TUNGARE: You could add that as a
24 comment to be included in the contract or

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1 agreement.

2 MEMBER SCHUETZ: All right.

3 MS. TUNGARE: Do you want to
4 verbalize that one?

5 MEMBER SCHUETZ: All right. Upon
6 removal of an existing shelter, they must remove
7 the cement pad and replant it with vegetation.

8 MS. TUNGARE: Or grass, as the case
9 may be.

10 MEMBER SCHUETZ: Well, you know what
11 I mean. I left it open for their discretion.

12 CHAIRMAN WALLACE: All right.

13 MEMBER AMATANGELO: I have one more.

14 CHAIRMAN WALLACE: Yes.

15 MEMBER AMATANGELO: That the contract
16 renewal be every 5 years versus 10 years.

17 CHAIRMAN WALLACE: All right. And I
18 know the way we're doing this is a little bit
19 unorthodox but that's okay.

20 I think --

21 MS. TUNGARE: This is an unorthodox
22 discussion item to begin with. It's unusual.

23 CHAIRMAN WALLACE: It's just included
24 in the comments to City Council on this item, so,

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1 I think, as long as we're all in agreement.

2 Any -- anything further?

3 (No response.)

4 CHAIRMAN WALLACE: All right. Tim,
5 roll call.

6 VICE CHAIRMAN KESSLER: Amatangelo?

7 MEMBER AMATANGELO: Yes.

8 VICE CHAIRMAN KESSLER: Schuetz?

9 MEMBER SCHUETZ: Yes.

10 VICE CHAIRMAN KESSLER: Doyle?

11 MEMBER DOYLE: Yes.

12 VICE CHAIRMAN KESSLER: Pretz?

13 MEMBER PRETZ: Yes.

14 VICE CHAIRMAN KESSLER: Henningson?

15 MEMBER HENNINGSON: Yes.

16 VICE CHAIRMAN KESSLER: Wallace?

17 CHAIRMAN WALLACE: Yes.

18 VICE CHAIRMAN KESSLER: Kessler, yes.

19 CHAIRMAN WALLACE: All right. That
20 motion passes unanimously.

21 Thank you very much.

22 MR. GALLAS: Thank you.

23 CHAIRMAN WALLACE: That concludes

24 Item 6 on my agenda.

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1 And now --

2 MEMBER PRETZ: 6 on mine, also.

3 CHAIRMAN WALLACE: -- we're going
4 back to Item 8 on my agenda, which is the Plan
5 Commission workshop.

6 MEMBER PRETZ: Which is No. 7 on
7 mine.

8 MS. TUNGARE: May I add a comment
9 while Russ is grabbing a glass of water.

10 We still have a fair amount of material to
11 cover for this training.

12 I don't want any of you to feel like we
13 have to go through everything tonight. We could
14 go through everything tonight, but we don't want
15 to rush this, too, so we are willing to go
16 through as much or as little as you want us to,
17 but the -- the important part is, let's not rush
18 through this. Let's absorb and engage in a
19 discussion with whatever material we're going
20 through.

21 CHAIRMAN WALLACE: Well, what's the
22 Plan Commission's prerogative? Do you want to --
23 I mean, I would say it doesn't make sense to go
24 back into it unless we're going to go through the

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1 rest of it.

2 Is that what you're saying?

3 MS. TUNGARE: My gut feeling is --
4 no. I think we can go through some part of it.

5 My gut feeling is to really go through this
6 thoroughly and absorb all the material. We are
7 talking about 45 minutes to an hour from this
8 point on.

9 CHAIRMAN WALLACE: Okay.

10 MS. TUNGARE: There is no point of
11 just rushing through everything, but we could go
12 through some portion of it or we could go through
13 all of it. We are available. You tell us how
14 far you want to go.

15 MEMBER AMATANGELO: Is that 45 minutes
16 to an hour without questions?

17 MS. TUNGARE: With questions, I'm
18 thinking, with discussion --

19 MR. COLBY: Yeah.

20 MS. TUNGARE: -- with that interest.

21 CHAIRMAN WALLACE: I think we have
22 some pretty good discussion to go because I -- I
23 know I have some questions on the case study
24 and --

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1 MS. TUNGARE: I would say about an
2 hour with discussion with the case study is --

3 CHAIRMAN WALLACE: Yeah.

4 So what's the preference?

5 MS. TUNGARE: At the minimum, an hour.

6 MEMBER HENNINGSON: I would like to
7 adjourn by 8:30.

8 CHAIRMAN WALLACE: Okay.

9 MS. TUNGARE: Because that will give
10 you, Russ, some ballpark in terms of how much you
11 want to cover.

12 CHAIRMAN WALLACE: Why don't we --

13 MEMBER AMATANGELO: Well, can we take
14 it out to the case study?

15 MS. TUNGARE: That's a good breaking
16 point.

17 CHAIRMAN WALLACE: Okay.

18 MS. TUNGARE: That's a good breaking
19 point.

20 MR. COLBY: Yes.

21 MS. TUNGARE: And you know what I
22 would suggest is, let's work on some homework,
23 the case study. If you want to give that some
24 thought over the next few weeks and come back

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1 prepared with questions or your analysis of that,
2 that will be valuable.

3 How about that?

4 CHAIRMAN WALLACE: Okay. All right.

5 MR. COLBY: Okay.

6 CHAIRMAN WALLACE: Russ.

7 MR. COLBY: In the first part of the
8 presentation, we talked about the purpose of
9 the -- of the PUD process in the Zoning
10 Ordinance. We talked about the process for
11 considering deviations, and I'm going to talk
12 more about the actual technical procedural issues
13 of how the Plan Commission goes about reviewing
14 PUDs.

15 In terms of applications, the typical PUD,
16 when you're starting from the beginning with a
17 new PUD, there's two applications that are
18 normally filed.

19 First, there's the special use application
20 requesting a PUD, and the reason that's required
21 is because a PUD is defined as a special use in
22 each zoning district, so to be able to be granted
23 a PUD status, you have to go through the same
24 process as a special use, like a drive-through,

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1 except, you know, there's obviously more
2 considered, but you still go through the same
3 hearing process.

4 The second application is called the PUD
5 preliminary plan application, and this includes
6 all of the supporting documentation that's a part
7 of the PUD approval request, so that is all the
8 plans -- so site subdivision layout, engineering,
9 landscaping, building architecture -- all details
10 on all aspects of the project, and that is
11 reviewed at a staff level before it's presented
12 to the Plan Commission, and those plans, once
13 they're approved through the process, get
14 attached to that ordinance approving this special
15 use. Those plans are used to substantiate the
16 special use approval.

17 We're going to talk about legal
18 considerations for review of PUDs.

19 As I said before, PUD is a special use, and
20 there's just a reminder of what a special use is
21 in terms of ordinance language. It's a use that
22 may be acceptable if established in an
23 appropriate manner and location within a zoning
24 district, so the hearing process is in place to

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1 make a determination if the use is being
2 established appropriately based on its location,
3 so you go through that same review of the PUD.

4 With the PUD you're considering all aspects
5 of the development when you're making that
6 determination.

7 If you're talking about a normal special
8 use, like a drive-through, you're looking at the
9 layout of the drive-through; you're looking at
10 the stacking requirements. It's more focused on
11 what the request is.

12 With a PUD, you're looking at the entire
13 picture.

14 Findings for PUDs. The findings of fact
15 for a PUD are different than other applications
16 in terms of how they are used.

17 The way that the City's ordinance is
18 written, there is a single finding that's made
19 with regard to a PUD, and that single finding is
20 whether or not the PUD is in the public interest.
21 There's a whole list of supporting criteria of
22 information that should be considered by the
23 Plan Commission and City Council in reaching this
24 conclusion.

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1 Ultimately, there's just one -- one finding
2 you need to make, "Is the project in the public
3 interest?" And it's a finding that the Plan
4 Commission would make and the City Council would
5 make.

6 So here are the criteria for reviewing
7 a PUD.

8 VICE CHAIRMAN KESSLER: Is this the
9 criteria that you review to come to that single
10 finding?

11 MR. COLBY: Yes.

12 VICE CHAIRMAN KESSLER: Okay.

13 MR. COLBY: Now, these criteria look
14 a lot like findings of fact that you would look
15 at with a normal special use or with a map
16 amendment, but these are really meant to just
17 give a list of the type of information that
18 should be considered and weighed when making a
19 determination as to whether or not a project is
20 in the public interest.

21 So this talks about the -- the purposes of
22 the PUD process, which we summarized earlier; it
23 talks about conforming to the ordinance
24 requirements, which we talked about earlier; it

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1 also references the standards -- the findings of
2 fact and standards applicable to regular special
3 uses, and so those deal with the effect on nearby
4 property, the health, safety and welfare issues
5 that get considered with a normal special use.
6 Those are referenced.

7 And it also lists the PUD being beneficial
8 to the physical development, diversity, tax base,
9 economic well-being of the city, and also the PUD
10 conforming to the -- the purpose and intent of
11 the Comprehensive Plan.

12 So as a part of the PUD review process and
13 the hearing process, the Plan Commission
14 considers supporting information on all of these
15 points, but the -- each of these individual
16 points is not necessarily a finding. The finding
17 is, "Is the PUD in the public interest?" based on
18 all of this information.

19 MS. TUNGARE: But, Russ, they do have
20 to consider all of these points; right?

21 MR. COLBY: Yes.

22 MS. TUNGARE: Okay.

23 MR. COLBY: All of them have to be
24 considered and you have to have, as a part of the

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1 hearing record, testimony and documentation that
2 each of these factors has been considered.

3 Whether or not each of these criteria
4 are -- are found to be in the affirmative or the
5 negative, there needs to be a consideration of
6 all the aspects of the project in relation to
7 this criteria.

8 VICE CHAIRMAN KESSLER: Does it --
9 are we required to find in favor of a
10 preponderance of this criteria or no?

11 MR. COLBY: The -- the -- your
12 finding is based on public interest, so it's the
13 preponderance of this information in weighing
14 the -- the question of public interest.

15 MS. TUNGARE: Russ, can I ask a
16 question?

17 CHAIRMAN WALLACE: And we can assign
18 different -- if -- depending on the particular
19 project, if we feel that one of these is more
20 important to this project than the -- like, for
21 example, let's say the Comprehensive Plan, it
22 doesn't conform to it. I mean, we can say that
23 that -- that that portion of it bears very little
24 weight to our consideration.

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1 MS. TUNGARE: While finding the
2 project in the public interest.

3 CHAIRMAN WALLACE: Uh-huh.

4 MS. TUNGARE: And it's not detrimental
5 to the public interest, the nonconformance to the
6 Comprehensive Plan. You have to make that
7 determination in some way, shape, or form.

8 CHAIRMAN WALLACE: And we've
9 encountered that before, where the Comprehensive
10 Plan may say for one particular parcel that it's
11 manufacturing, but we're considering it for
12 commercial.

13 Well, 20 years ago, you know, it was -- the
14 Comprehensive Plan foresaw that as a
15 manufacturing use, but that doesn't necessarily
16 count against it --

17 MS. TUNGARE: Uh-huh.

18 CHAIRMAN WALLACE: -- considering the
19 other factors.

20 MS. TUNGARE: And considering that
21 our Comprehensive Plan, the current one, is
22 extremely old and probably in many ways outdated,
23 as well. Those are factors to consider.

24 One question, Russ.

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1 Could you clarify and give some practical
2 examples of how Bullet Point No. 4 on this slide
3 works when you have, let's say, for example, a
4 redevelopment project, similar to one we saw
5 two or three years ago, the economic well-being --

6 MR. COLBY: Okay.

7 MS. TUNGARE: -- the tax base.

8 If you have a redevelopment project,
9 there's potentially also a redevelopment
10 agreement that's going to go into effect that's
11 going to be a TIF district.

12 What role does the Plan Commission play and
13 how do they apply that criteria?

14 MR. COLBY: Well, the depth to which
15 you go in researching that criteria will depend
16 on the individual property.

17 You recall, you know, we looked at the
18 redevelopment of the St. Charles mall site.
19 There was an existing TIF district on the
20 property. It was an existing condition. There
21 had to be some consideration of the overall net
22 impact of the development on that from an aspect
23 of "How did it impact the city's tax base and
24 economic well-being?"

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1 We looked at that on a very broad scale to
2 say, "How did things fall in terms of net
3 impact?" We didn't look at that in terms of
4 specific numbers because that gets into more
5 detail than this Commission really has the
6 authority to delve into, but we looked at that as
7 an overall net impact.

8 Now, it could have said, you know, it had a
9 positive or negative impact, and the Plan
10 Commission would consider that information as
11 part of making its determination if it's in the
12 public interest.

13 It's important that that information be
14 there and that it's documented as part of the
15 testimony that was gathered, but it isn't
16 necessarily a make or break because these are
17 criteria, not specific findings.

18 Now, if you have a development where there
19 is no existing TIF district and, you know,
20 there's -- there's -- there's no encumbrance on
21 the property that -- that would cause any kind of
22 unusual tax situation or circumstance that's
23 abnormal from any other property in the
24 community, you wouldn't necessarily look at that

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1 in the same level of detail because what would be
2 before the Plan Commission would be a question of
3 "How does this land use that's being proposed --
4 development that's being proposed, how does this
5 generally affect the tax base of the city and
6 generally affect the economic well-being?"

7 Unless there's some information that that
8 already exists to show that the City has -- has
9 given some unique tax status to a property,
10 that's not something that we would consider.

11 I don't know if, Rita, that's --

12 MS. TUNGARE: I think that was a very
13 good explanation.

14 Are there any questions from your end?

15 (No response.)

16 MS. TUNGARE: So, Russ, how does --
17 for example, if there is a fiscal impact study
18 that's been done on a project, is that something
19 that the Plan Commission could request, and to
20 what extent do they take that into consideration?

21 MR. COLBY: It's something that could
22 be requested in making a determination as to
23 whether or not this finding was met, but the --
24 it's not necessarily something that would be

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1 required to -- to meet this -- to -- to support
2 this criteria. It depends on the individual
3 development.

4 Say, for example, you know, you're talking
5 about a property where some of the decisions
6 about the land use were already agreed to, you
7 know, through the City's Comprehensive Plan. You
8 know, as a -- as a policy change, the City had
9 already established that this land use on this
10 property was going to be this.

11 To a certain extent, there's already been a
12 decision made at the -- at the City Council level
13 that this was a policy direction that we were
14 going in.

15 To what extent you would want to call that
16 into question on a -- on a -- on a fiscal basis
17 based on the City's tax base or economic
18 well-being, yes, you could research that, but,
19 ultimately, if -- if the expectation is that that
20 land use is going in that direction, that may not
21 be additional useful information.

22 VICE CHAIRMAN KESSLER: So -- so
23 if -- I mean, if -- I think I hear what you're
24 saying.

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1 If we had a fiscal impact study -- okay? --
2 and it showed that it was not detrimental to the
3 City -- and perhaps could even be somewhat --
4 then that's as far as you go with it.

5 And if we had a fiscal impact study that
6 said the City is going to lose some serious
7 change over the next few years, then that would
8 be a negative impact, and that's as far as we
9 would go with it.

10 Is that about what you're trying to say?

11 MS. TUNGARE: Yes.

12 VICE CHAIRMAN KESSLER: I mean, we
13 don't go into the detail of the --

14 MS. TUNGARE: Right.

15 Because sometimes what I've experienced
16 over the years is -- with regards to the bigger
17 developments -- is neighbors, residents, property
18 owners, aggrieved property owners may show up and
19 testify that a certain development is going to
20 impact the tax base of the city. "It's going to
21 increase our taxes. Why is the City paying for
22 this development? How much public funding is
23 invested in this agreement? What is that going
24 to do for my taxes? Why is the City investing?"

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1 We had that with First Street. We've had
2 discussions like that with the St. Charles mall
3 site, with the First Street redevelopment.

4 VICE CHAIRMAN KESSLER: Walmart.

5 MS. TUNGARE: And there's always been
6 some gray areas in terms of -- I know I, myself,
7 have represented in the past those comments, and
8 it's outside of the purview of the Plan Commission
9 because people want to start getting into dollars
10 and cents, and there are residents that are going
11 to show up at a public meeting and ask the
12 Plan Commission to start reviewing dollars and
13 cents and balancing the pro forma.

14 Is that within the purview of the Plan
15 Commission or not? So there are some gray areas
16 there, and, I'm thinking, before we start seeing
17 some of the larger development projects come
18 through, I really want to clear the air on this
19 one and make sure that there's a mutual
20 understanding and we're all on the same page,
21 then.

22 MR. COLBY: Because I think the
23 question is, you know, how relevant is that --
24 the fiscal impact -- how relevant is that to the

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1 PUD request that's before you? Because if you're
2 talking about a situation where, you know, the
3 property has already been entitled to a certain
4 kind of land use, then that's an assumption
5 that's already made that the property doesn't
6 necessarily need to be rezoned to offer this
7 land use.

8 If the PUD request has to do with, you
9 know, just the -- the building height or setbacks
10 or something like that, then to what extent can
11 you draw the connection between the impact on the
12 city's tax base if that's not necessarily
13 having -- having any impact from the development?

14 If someone could have built it under the
15 zoning and had the same net impacts on the
16 community, then there probably is nothing to
17 research.

18 VICE CHAIRMAN KESSLER: Now I get it.
19 Yeah. Yeah. Yeah. Okay.

20 MS. TUNGARE: Okay.

21 VICE CHAIRMAN KESSLER: Yeah. That
22 makes sense.

23 MEMBER DOYLE: I -- I'm not certain
24 this is where you're going with this or not, but,

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1 you know, to me, the flip side of that is, the --
2 the -- the pretext for a lot of -- of these PUD
3 applications is, "This is a very difficult market
4 right now, and we've been beating the bushes, and
5 nobody is taking us on this property and,
6 therefore, we need relief. We need relief from
7 the underlying requirements because they are too
8 restrictive," and so there's a -- an implicit
9 market assessment, economic assessment there,
10 that whether -- you know, influences our
11 deliberations.

12 You know -- I mean, you know, it -- it is
13 part of it and -- and so in the case of the PUD
14 application for redevelopment of the St. Charles
15 mall, the economic analysis was very important
16 when it said, "We find no fatal flaws in this,"
17 but it brought out these different points, and I
18 think it's very -- the Commission's in a
19 difficult position to turn a blind eye to all of
20 that and say, "None of that matters," say to a
21 developer --

22 MS. TUNGARE: Exactly.

23 MEMBER DOYLE: -- you know, "We're
24 not responsible for the market and these are the

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1 rules" and -- you know? You know?

2 So I'm still figuring out how to -- you
3 know, what -- what the parameters are, you know,
4 in terms of how I assess that stuff.

5 VICE CHAIRMAN KESSLER: Can I -- can
6 I chime in here?

7 MEMBER DOYLE: Yes.

8 VICE CHAIRMAN KESSLER: What I'm
9 thinking is, in the case of the mall, the old
10 St. Charles mall property, there was a request to
11 change the zoning.

12 MEMBER DOYLE: Uh-huh.

13 VICE CHAIRMAN KESSLER: And so in
14 that case, economic impact becomes an important
15 issue.

16 But if -- if the development that Shodeen
17 had brought forward was not changing the zoning
18 but was asking for other things, like, you know,
19 drive-throughs or whatever you would put in a
20 PUD, with -- if they could build that thing
21 without some of the extra things that they wanted
22 without coming before us, then that's where the
23 economic impact becomes kind of a moot point.

24 MEMBER DOYLE: But there was a map

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1 amendment, and then on top of the map amendment
2 was a PUD application, and that went beyond the
3 map amendment.

4 VICE CHAIRMAN KESSLER: Right.

5 But those were changing the underlying
6 zoning, and that's -- I understand what you're
7 saying. I guess that's where I'm seeing where
8 those parameters are being drawn.

9 If they could build what they wanted to
10 build without coming before us with a PUD, if the
11 zoning was already in place to build what they
12 wanted to build, the economic impact becomes
13 somewhat of a moot -- something of a moot point
14 because they could do it whether or not there's a
15 change.

16 And then I say -- what I'm hearing is that
17 if they're trying to -- if there is a request to
18 change what is already allowed on that piece of
19 property, that's when the fiscal impact would
20 become, you know, an important issue.

21 MEMBER DOYLE: And that was precisely
22 one of the things that was debated during that
23 public hearing. We heard it again and again.
24 They could do this with things as they are. They

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1 just didn't want to.

2 You know, I know that there are vendors --
3 people out there who would sign the contract with
4 them today, and they're just turning a blind eye
5 to it, and -- you know? And so you have to --
6 you end up making the implicit assessment about
7 the face value of the application, you know,
8 and -- and what the market conditions are and
9 whether or not relief should be provided, whether
10 it's in the community's best interest to provide
11 that relief.

12 So -- and this may be -- I -- I'm going to
13 sort of stop myself at this point because I could
14 just keep on going and going and going.

15 And I guess the point I'm making is that
16 it's not clear to me where land use decisions,
17 you know, cut away cleanly from the economic
18 analysis because a lot of times the applications
19 come to us with this implicit argument about the
20 market condition.

21 MS. TUNGARE: There really isn't a
22 clean line, which is why I particularly picked
23 that one criteria.

24 MR. DOYLE: Yeah.

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1 MS. TUNGARE: Honestly, I think, even
2 for us, as staff, there are some gray areas
3 there. I don't think that line is -- is
4 absolutely as clean as any of us would like it to
5 be, but the only direction we can give you is
6 keep consideration of that criteria at a higher
7 level. Look at it from 5,000 feet or look at it
8 from 50 feet. Try to keep it at a much higher
9 level because at the end of the day the City
10 Council is going to have to weigh in on that
11 criteria, look at the numbers more closely
12 because it is definitely within their purview.

13 Look at it this way: You don't have
14 authority over a redevelopment agreement. The
15 Plan Commission doesn't approve a redevelopment
16 agreement. You're approving the zoning but the
17 Council is not just approving the zoning, they
18 are also approving the redevelopment agreement,
19 which dictates all the financial aspects of the
20 project when there is public funding involved in
21 that project. Okay? So that's the distinction
22 you can make.

23 Russ, is there anything you want to -- need
24 to add to that?

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1 MR. COLBY: I would just add that,
2 also, you know, when you're looking at No. 4,
3 consider Point No. 5 about the Comprehensive Plan
4 because, to a certain extent, through the
5 Comprehensive Plan, the City has made policy
6 decisions about land uses in certain areas, and
7 so to question the -- the policy decision that's
8 already established by the City Council, on the
9 basis of the fiscal impact, you know, there's --
10 you end up sort of with a contradiction.
11 We already have policy in place to support this
12 land use at this site. Questioning the fiscal
13 impact on the basis of, "Is the land use change
14 appropriate?" is probably counterproductive.

15 MS. TUNGARE: That's a good way -- an
16 extremely good way to present it, absolutely. I
17 would agree.

18 CHAIRMAN WALLACE: All right. Shall
19 we --

20 MS. TUNGARE: I think we have one more
21 slide to go.

22 Right, Russ?

23 CHAIRMAN WALLACE: Okay.

24 MR. COLBY: There's maybe a couple

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1 but we really talked about all this already.

2 You can have criteria in the negative. You
3 can have competing goals in terms of what's
4 required by ordinance, what's in the Comprehensive
5 Plan.

6 You can have a project that accomplishes
7 some goals and does not accomplish others or is
8 at the cost of some others.

9 If they're a PUD, you end up having to
10 balance the different interests that the City has
11 through the Comprehensive Plan in applying these
12 zoning requests that are coming through a PUD
13 application.

14 Maybe just I can stop on this one.

15 This sort of summarizes PUDs from the
16 Plan Commission's perspective.

17 They are the most complex of all the
18 application types. As you know, there's a lot of
19 plan studies, public testimony, and frequently
20 there's controversy because of the scale, and
21 usually it's warranted to some degree because
22 you're talking about significant changes in land
23 use and significant impacts just because of the
24 scale of the development.

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1 And, really, the best way to look at it is,
2 the PUD process is a tool to achieve planning
3 goals because, unlike some other applications,
4 you're not just administering zoning requirements;
5 you're -- you're trying to accomplish something
6 that's -- that's outlined in the City's planning
7 policies.

8 As I mentioned before, you're balancing
9 certain interests against others, so it's not
10 always a black-and-white question as we
11 discussed, and it may be hard to define what the
12 public interest -- interest is based on all the
13 information that's being presented, but that's
14 why we have this process in place because these
15 are difficult questions to answer, and through a
16 hearing process with a -- with a commission, you
17 can allow all of the input to be heard and have
18 the decision reached amongst a group based on
19 everything that's presented, and, as I mentioned,
20 it really directly links to the Comprehensive
21 Plan as to specific projects.

22 So that's a good point to stop.

23 MS. TUNGARE: So that's homework.

24 And just one statement I will make, as a

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1 reminder, is, the Plan Commission is not a
2 policy-making body. You don't write or dictate
3 policy in any way. We leave that up to the
4 City Council.

5 The Plan Commission is a technical review
6 body, so land use, physical changes to property,
7 land development, those are all very well within
8 your purview, very well within your purview.

9 It's important to really focus on that and
10 get deep into that because if you don't do it,
11 nobody else is going to do it.

12 The City Council is looking at it at a much
13 higher level, and they have other aspects to
14 consider, as well, so --

15 VICE CHAIRMAN KESSLER: Is it wrong
16 for us to ask for additional information outside
17 of our purview, like this thing with the bus
18 shelters?

19 MS. TUNGARE: You know, I struggled
20 with that one, honestly, with the bus shelter
21 thing. We internally talked about whether -- you
22 know, what the Plan Commission -- the discussion
23 the Plan Commission had had at the first hearing
24 was within the purview of the Plan Commission or

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1 whether it was getting outside of the limits.

2 That was a tough one because the questions
3 you were -- but for -- but for this agreement
4 being considered by the City, we would not be
5 bringing forward a general amendment, so that was
6 the link there, that was a relationship, and but
7 for Pace making this request, we wouldn't be
8 looking at this general amendment for advertising
9 signs.

10 So, then, how can the Plan Commission look
11 at that general amendment in a vacuum? That was
12 my justification, how I justified why it was
13 appropriate for the Plan Commission to
14 contextualize that information and ask the
15 questions you were asking, so, no, within that
16 context, I think the discussions were particularly
17 appropriate.

18 What I was concerned about was, if there
19 would be a recommendation going in the other
20 direction, on what basis were you making that
21 recommendation?

22 VICE CHAIRMAN KESSLER: Right.

23 MS. TUNGARE: And that's where I
24 would draw the line, on what basis, and that's

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1 why I suggested let's forward any of the other
2 information as comments because making a
3 recommendation on that basis was a little bit
4 outside of your purview, making it as a condition
5 of approval, but it was information you
6 considered, and I'm sure the Council will
7 appreciate all of that additional information.

8 MEMBER DOYLE: Making a recommendation
9 on the basis of what was outside our purview?

10 MS. TUNGARE: All of the conditions,
11 making -- making them as restrictions, making
12 them as, you know, conditions of approval; not
13 just comments, but making them a condition of
14 approval of the advertising signs, per se, the
15 general amendment. That would have been -- no.
16 We don't want to go there.

17 It's good for discussion. It's good to
18 forward as comments, but that's where we should
19 draw the line, make that distinction. Okay?

20 CHAIRMAN WALLACE: All right. That
21 concludes Item 8 on my agenda.

22 9. Meeting announcements.

23 We're back in the Council chambers for the
24 next three meetings.

1 Any additional business?

2 MS. TUNGARE: Just one item.

3 Just to remind the Plan Commission that
4 Colleen is retiring from the City. I know a lot
01:17:42 5 you communicate with her via e-mail and -- and --
6 and call her when you have questions for things.
7 Her last day with the City will be September 16th.

8 She has asked us to not have any kind of a
9 celebration, so there won't be any kind of a
01:17:57 10 celebration.

11 VICE CHAIRMAN KESSLER: I have it on
12 my calendar.

13 MS. TUNGARE: If any of you wish to
14 stop by or want to send her an e-mail or want to
01:18:03 15 send her a card or call her, whatever, it's your
16 choice. Feel free to do that any time in the
17 next couple of weeks, but Russ, myself, many of
18 the staff members were trying to convince her.

19 She did not want cake. She just is bashful
01:18:19 20 about celebrations like that, and she does not
21 want to do any of that, so we are respecting her
22 wishes, but September 16th is her last day, and
23 Meagan Moreira -- I think many of you may have
24 heard from Meagan -- she is a part-time

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1 administrative assistant. She is being promoted
2 to Colleen's position effective September 19th,
3 so from that point on, you can e-mail Meagan if
4 you need any assistance.

01:18:43 5 CHAIRMAN WALLACE: All right.
6 Anything else?

7 (No response.)

8 VICE CHAIRMAN KESSLER: Move to
9 adjourn.

01:18:47 10 CHAIRMAN WALLACE: Second?

11 MEMBER PRETZ: Second.

12 CHAIRMAN WALLACE: All right. Moved
13 and seconded. All in favor?

14 (The ayes were thereupon heard.)

01:18:50 15 CHAIRMAN WALLACE: Opposed?

16 (No response.)

17 CHAIRMAN WALLACE: That motion passes
18 unanimously.

19 This meeting of the St. Charles Plan
01:18:57 20 Commission is adjourned at 8:40 p.m.

21 (Which were all of the
22 proceedings had in the
23 above-entitled matter at
24 8:40 p.m.)

