

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, NOVEMBER 14, 2011 7:00 P.M.**

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

Members Absent: None

Others Present: Mayor Donald P. DeWitte; Brian Townsend, City Administrator; Bob Vann, Building and Code Enforcement Manager; Rita Tungare, Director of Community Development; Matthew O'Rourke, Planner; Russell Colby, Planning Division Manager; Police Chief Lamkin; Robin Jones, City Attorney; Chris Tiedt, Development Engineering Division Manager; Rob Surratt, Code Enforcement Officer.

1. Call to Order

The meeting was convened by Chairman Carrigan at 7:00 pm.

2. COMMUNITY DEVELOPMENT

a. Recommend approval of a Special Use for a Daycare Center on Lot 2 of the Tyler & Rt. 64 PUD (Children of America).

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

Jan Dangles-business owner at 716 Oak St. and 1713 Howard St. (Bridges Montessori)-Ms. Dangles stated she has two businesses in St. Charles that are celebrating their 20th year. She said enrollment has been down and she is struggling. Ms. Dangles stated three years ago she had 191 kids and this year only 94. She named a list of schools to which her business is losing enrollment and stated it is not because of the quality of education but because of the influx of preschools in the area and the economy. Ms. Dangles said her business tries to accommodate struggling people and her reputation is immaculate and that after celebrating 20 years, it is frustrating to hear that another 10,000 sf. preschool is being considered in the area. She asked the Committee to please think about this and please do not put her out of business.

Ann Grieves-38W109 Tanglewood Dr., Batavia, IL. Ms. Grieves said she has worked at Bridges Academy with Jan for 20 years and that their standards are equal to none, from 3-year olds to 5th grade. Last year only 15 children graduated from their 5th grade and now preschool is dwindling and they must keep it going with a lot of creativity. She asked for the Committee to please think this through.

Anisa Ali-200 N. Tyler Rd.-Goddard School-Ms. Ali stated she submitted an informational packet to Chairman Carrigan, Aldr. Rogina and Mr. Aiston in regard to Children of America not having a very good performance record with DCFS (Dept. of Children and Family Services).

She stated all children care facilities must be licensed by DCFS and submitted 17 pages that list out licensing violations, and many are recurring, in regard to maintaining the facility or providing a safe comfortable environment; teachers that are competent and contribute to the child's physical, intellectual, personal and emotional well-being; and not maintaining child/teacher ratios. Ms. Ali stated her two concerns, one being in order to approve this land use change, there has to be no effect or negative impact on the general welfare, and that the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, comfort or general welfare. Chairman Carrignan clarified that Ms. Ali is speaking of #5 on the establishment of finding and facts for a special use. Ms. Ali said that is correct, she said she strongly believes that Children of America is corporately owned and there is history in Illinois of a proven track record of not being that strong and that was submitted into evidence. She also said that there are over 20 preschool/child care facilities in the immediate area and she has spoken to about 75% of them and enrollment is ranging from less than 50% up to approximately on the high side 80% and nobody is close to full and this additional facility is going to hold about 180 kids, which is a huge facility. Ms. Ali mentioned that in the last meeting that Mr. Rasmussen tried to say that Children of America has a target client tell that is different because they primarily serve families that benefit from the state subsidy program and she said from her research she has found that over half of the facilities in the area also accept the state subsidy program so it is not that there are current families that are not being served by this need.

Aldr. Turner asked if DCFS has imposed any penalties or fines against Children of America. Ms. Ali said none that she can find, but that DCFS gives 30 days to correct the problem. Ms. Ali said that the licensing representative in this area is strict as it should be because of dealing with children and their safety. Aldr. Rogina asked if Ms. Ali had found any violations beyond procedural. Ms. Ali said yes, she then named a whole list of violations which can also be found on a website that was submitted in the information packet that was given to Chairman Carrignan, Aldr. Rogina and Mr. Aiston. Aldr. Rogina asked what the basis is for DCFS documenting charges against a facility. Ms. Ali answered that DCFS is required to do a minimum of one unannounced visit per year to all licensed facilities, which then the licensing representative will observe classrooms, inspect cubbies, look at equipment, observe teacher interaction, make sure there are enough teachers per number of children in each classroom, check to be sure the building and playground are safe for children, as well as insuring a safe environment is being provided, but as far as corporal punishment which would be no supervision and not maintaining ratios. Aldr. Rogina asked if corporal punishment has been witnessed. Ms. Ali stated they must have because the representative can only document it if it was seen. Aldr. Stellato stated that this is sensitive information and that he is not comfortable voting on it at the time.

Chairman Carrignan asked if there is a separation between the special use and the company using the special use. Ms. Jones said she has not researched this situation because she had just become aware of it, but that generally under the Zoning Ordinance there are certain standards that an applicant has to meet to be entitled to the special use, and if in fact those standards are met and you make those findings, the applicant is entitled to the special use. If the City finds that standards have been met, you have no discretion in that area. She said in regard to daycare centers you have even less discretion, as they are subject to comprehensive state wide regulations, hence the reference to DCFS, and if in fact a facility is licensed by DCFS there is case law that the municipality cannot use its Zoning Ordinance to frustrate the regulation of DCFS. Ms. Jones feels that it would be difficult to turn down a special use application especially

in the case that all standards are met. Chairman Carrignan asked if the building has to be set up before the license is obtained. Ms. Jones said yes.

Aldr. Payleitner asked if the charges were brought up against corporate or a specific facility. Ms. Ali said she did the search on the DCFS site for Children of America schools and South Elgin, Flossmoor, North Aurora and Oswego came up. Aldr. Lewis asked to hear the explanation on the difference between a daycare and a preschool. Ms. Ali said Goddard, technically licensing would call them a daycare, and personally she does not use that because they educate the kids while in their care, she said she does not know enough about Children of America's curriculum to know if they consider themselves a daycare or a preschool but that it falls under the same licensing. Aldr. Turner asked if DCFS has ever revoked one of Children of America licenses. Ms. Ali said not that she is aware of but in order for that to happen there would unfortunately have to be a fatality.

Vanessa Bell-LaSota, 1610 Howard Street, stated that in light of what Jan Dangles said, in support of that, if corporate entities come into our community and put people like Jan out of business, she is more than just a school, she is an asset to the community, supports the neighborhood watch and opened her school doors to many community groups. She feels that bringing in new businesses may bring harm to those already in the community running businesses.

Bob Rasmussen, applicant and owner of the site, said he does not want to get into childcare because it's not his expertise, but he had rebuttal against some thoughts, and said it needs to be understood that every daycare facility has DCFS studies. He said he pulled up the information on the Goddard School and they have the exact same findings, the specific claims are dependent on each situation and each school. He said in searching under four different Goddard Schools he found they all have 14-17 different DCFS concerns/violations. He said he feels we should not be dwelling on Children of America's ability to manage a business that they are very successful at. He said he feels that when looking at a business that wants to come to our town, a company like this would not look at this particular site if they did not feel there was a need and a market for their services. He said he feels bringing in a company who has a new vision on caring for children, he doesn't feel it can hurt us. He feels this is great company, and that we shouldn't dwell on specific documentation from a DCFS inspection that happens at every single daycare facility. He said it is wrong, it's illegal and it can't be done. He also stated a segment of their business is children of under privileged income. Those parents and families come to daycare with Government Subsidies and there are other schools that do it in the area, but this is another added benefit they feel can help our market place. Mr. Rasmussen said as a developer he wants to go to the findings of fact and the special use he is asking for. He said he feels in all aspects he has met his obligation as ownership to ask for this request for approval of the Children of America special use.

Aldr. Rogina said he appreciates that as a developer and a builder, but what bothered him was that a representative of Children of America has not once been here. Chairman Carrignan said there are a couple of significant issues, one being a Special Use is effectively a permitted use unless named not so and that this is more of an administrative process than a legislative process, and another thing to consider is Ms. Jones' point in regard to the City having less control over a Daycare Center due to DCFS regulations. Chairman Carrignan then went back to the Committee and asked if they had any questions and if they would like to vote.

Aldr. Bessner agreed with Aldr. Rogina in regard to Children of America needing to have some representation for the Committee to ask questions to and address the allegations. Aldr. Stellato said there is a reason this is a Special Use and that we are given the opportunity to look at the Special Use and the particular circumstances involved, and in this case, he stated he is concerned and wants more information.

Aldr. Turner made the motion to continue discussion to the December 12, 2011 Planning and Development meeting. The motion was seconded.

Chairman Carrigan asked Mr. Rasmussen if it would be possible to have a representative from Children of America at the December 12th meeting and if not they would roll the discussion to January's Planning and Development meeting.

Voice Vote:

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

Nays: None

Absent: None

Motion Carried.

b. Recommend approval of a Minor Change to a PUD Preliminary Plan-Charlestowne Mall PUD (Savers).

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

A motion was made, seconded and passed by unanimous vote to recommend approval of the Minor Change to PUD Preliminary Plan-Charlestowne Mall (Savers).

c. Recommend approval of a Special Use for a Recycling Center at 3655 Illinois Ave. (Inter-Plastics).

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

A motion was made, seconded and passed by unanimous vote to recommend approval of a Special Use for a Recycling Center at 3655 Illinois Ave. (Inter-Plastics).

d. Presentation and continued discussion of Residential Rental Licensing and Inspection program.

Ald. Stellato recused himself from discussion as the company he is employed with does own residential properties within the community and therefore has a conflict of interest.

Ms. Tungare stated that based on the discussion and Committee's direction back in September that 2 additional pieces of information have been added to the packet: One is an opinion from legal counsel on some legislation that has been passed in this regard and that Ms. Jones was there to speak for that, and also a staff memo presenting 4 options for consideration. Ms. Tungare briefly summarized the 4 options.

Chairman Carrignan asked a question in regard to state statute and our crime free addendum Ordinance and what the impact is. Ms. Jones said her letter indicates that the state statute is somewhat different than the crime free lease addendum. The addendum is more broad as far as the activities, the State Statute references acts that would constitute a felony or class A misdemeanor, and that the addendum is supplementary to the state statute. Chairman Carrignan said it's his understanding that the state doesn't compel removing someone after a felony. Ms. Robins said that's correct and that both documents would give the landlord the right but it does not force them to do that. Aldr. Rogina asked if a tenant commits a felony and a landlord did not want to remove them, that the City has no authority. Ms. Jones stated that is correct, the landlord would have to do it himself or assigned his right for the City to do that. Aldr. Rogina asked if the crime free addendum to a lease would require us to license landlords. Ms. Jones said its part of the entire licensing Ordinance but it depends on what the final Ordinance looks like but that is one element this is currently written and that the landlord would have to attach the addendum to the lease, and that's actually in the state statute also although even if the landlord does not attach it and is state statute they can still exercise their rights under the state statute.

Aldr. Rogina had a question in regard to the revised Nuisance Abatement Ordinance being revised adding more teeth to the Ordinance in regard to offenses being committed. Chief Lamkin replied that he added 2 parts relating to the property code. Aldr. Rogina asked if that applied to any property owner including landlords, tenants and also home owners. Chief Lamkin said that is correct. Aldr. Rogina asked if under the Nuisance violations if the City could take action against a homeowner. Chief Lamkin answered that if the Ordinance itself were used, a civil action would have to be filed and used as a mechanism in court, to have the court impose some sort of a sanction. Aldr. Rogina asked if the Ordinance itself defines a civil penalty of some sort, monetarily for a violation. Chief Lamkin said at the end of the nuisance abatement ordinance are some sanctions having to do with fines or if a property was ordered to be vacated by the court it could be held to stay empty and the City would have to choose to take the civil action to do that.

Chairman Carrignan briefly went over the 4 program options presented for consideration. Aldr. Martin said he felt that option #1 was too strong, but that #3 would be the least pervasive on the landlord and property owners and still give us the opportunity to monitor. Aldr. Turner said he agrees with Aldr. Martin that option #3 is good because of complaints he has gotten in regard to appearances in the neighborhoods and this option allows monitoring of that. Aldr. Krieger also agrees on option #3 but asked if there are a number of complaints for a particular unit maybe about Life Safety, would the City then have the option to go in and inspect the unit if problems are suspected. Mr. Tungare said if it is not made part of the program the City would have to seek an administrative search warrant. Mr. Vann offered that with the owner's consent, they have been able to access units. Aldr. Bessner stated he like option #1 because he feels there's an opportunity right now to look at multi-unit dwellings, but his concern is if the City would end up in lengthy court battles and how intrusive the inspections would be. Aldr. Payleitner said she the purpose is to make sure that these buildings are good neighbors and to help cut down on crime and she feels option #3 does that without being too intrusive. Aldr. Rogina commended staff for putting together the options, but he still thinks there should be a landlord forum and that he would probably like to see option #4 used.

Kim Malay-526 S. 16th Street-thanked the Committee for considering option #3 versus 1 or 2 because she feels those are very intrusive to the landlords. Ms. Malay asked about background

checks and wanted to know if they will they be addressed in the Ordinance and she feels if not they should be seriously looked into. Chief Lamkin said some of the crime free housing training offers places to go for background checks, but he said they are not allowed to do that, they are prohibited by state and federal law to use their automated systems for criminal background checks for a private entity; it's the responsibility of the landlord. Ms. Malay said she feels it's very important to get landlords input on this to hear their ideas because a lot of them have great suggestions that could make the Ordinance that much better. Chairman Carrignan said that is why we have public forums. Ms. Malay said she feels just one meeting with a group of landlords and staff to go through this, she said she knows a few of the landlords have attempted to contact staff and not gotten too far and she requests that and really feels a better job can be done on the Ordinance with the landlords input.

Craig Bobowiec-508 Cedar St.-said on Sept. 19th he sent an email out and had heard back from Aldr. Martin and Lewis. He asked a question in regard to the background check being illegal, but he said he is confused because the State police will do them, he then recommend the City work with the State police to do background checks. Chief Lamkin said it's no different than what the City uses for liquor licenses and that the LEAD system cannot be used for that because it's illegal. Mr. Bobowiec suggested contracting the State police, the City then brands the program and charges the tenant a fee to go to the police dept. to fill out the background check and then pay the State police to run the check with the city being the middle man to be sure it's done properly. He said the State police website says a professional criminals and conmen know how to get around background checks, he said for a laymen like himself, even though he has been doing this for 30years that the police dept. are the professionals. Chief Lamkin said the State police do a fingerprint check but said to the Committee that the cost to do that has not been factored into the programs as far as what it would take to do that and that their records division is not staffed to handle that extra workload to do background check on every renter in the City. Mr. Bobowiec submitted his ideas to the Committee to explain how it would pay for itself. He said the State police do 2 types both the finger print and a typical background check. Chairmen Carrignan said at the end of the day the cost will be on the landlord or the renter. Mr. Bobowiec said in his submittal he explains that if landlords are going to be taught to charge someone \$40.00 to do this with renters who are on limited incomes, but if they could go to the City and pay one \$40.00 fee and then runs there background check through the State police then the City could issue each applicant 4 or 5 certified copies. Chairmen Carrignan said we only have so much manpower and only so much money. Mr. Bobowiec said in doing 500 background checks and charging \$40.00 each that \$20,000.00 and that would be enough to hire 1 part time employee; he feels this is much cheaper than what the City is proposing. He said if someone wanted to rent from him that has a warrant and knows there is a mandatory background check by the State police they wouldn't even bother trying to rent in the City and this is the way to keep the riffraff out. He said it would give renting families piece of mind knowing that everyone in a complex has had a background check, he said he feels there is no downside to this except to people who have something to hide. He then said he would appreciate a round table for landlords to discuss it.

Kristen Jungles on behalf of the Realtors Association of Foxvalley at 433 Williamsburg-Geneva said she appreciates the time staff had taken to pull together options 1-4 and that local realtors are in support of option #4 that does not include inspections, she said she work with a number of municipalities in the area to help write crime free housing proposal so they know once it is implemented it does work for the community. She said as mentioned in earlier emails to staff

and she appreciates the suggestion to meet with landlords and that the real estate community would like to be included should there be a meeting of that type. She said should the Committee decide to go with an option that requires inspections they ask that in the Ordinance there be certain triggers such as: delinquency of taxes, calls from neighbors, calls from tenants and police calls so there are specifics to generate an inspection. Ms. Jungles said the Realtors Assoc. also has a number of suggestions for the Ordinance as it's presented in regard to definition of the owner including those that advertise which includes the entire real estate community, but that she would email those to staff. She said she knows the purpose of the Ordinance is to look at the crime aspect and the property values in the neighborhood but to not necessarily have each one of their members to participate in the crime free housing. Ms. Jungles had a question and asked if there were any consideration in regard to a police report and whether or not the report included if we are looking at multi-family or single-family. Chairman Carrignan said right now it's on the table as both rental, single and multi-family and that part of the licensing process is the training even for a single family type of unit. Ms. Jungles asked if had been identified which municipalities would be accepted for crime free housing education that have already been taken by owners.

Chairman Carrignan said as we look at the options we would probably address that as we move forward and see which other communities have done that successfully. Ms. Jungles said ok and that the Realtors Assoc. would look forward then to a date to be at the table to assist in drafting the Ordinance.

Aldr. Lewis asked if the City would consider starting with one of the lower option for a couple years and then if need be move to a higher option. Chairman Carrignan said yes that always an option to establish a base line to move up or down and 3 years seems to be the popular choice for now, but that there should be a time table established to come back and review it. Aldr. Rogina stated he was not ready to vote that evening on any option and he needed more input but that he is also not interested in letting this delay for months to come.

Aldr. Martin moved to direct staff to proceed with option #3. Aldr. Krieger seconded the motion.

Aldr. Rogina questioned if this was a vote and if it passed was it a recommendation to Council to adopt option #3. Chairman Carrignan said no this is telling staff that option #3 is what Committee is interested in looking at and staff will then come back with some sort of an Ordinance. Aldr. Rogina asked if the motion would guarantee a meeting of the landlords. Aldr. Martin said that was not necessary as he felt it's a public meeting and an appropriate forum for future discussion.

Voice Vote:

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

Nays: Rogina

Absent:

Motion Carried.

Chairman Carrignan stated that this item would be coming back to Planning and Development in the next couple months, possibly January.

Mr. Townsend said that in regard to the landlords round table he didn't feel it was necessary and that the City staff is very available and open for comments via email, phone and also one on one discussions, and that staff would begin to draft an Ordinance without creating any type of a landlords taskforce or round table discussion.

Aldr. Stellato rejoined the Committee.

e. Discussion regarding Fence Regulations for 1202 S. 7th Avenue.

Chairman Carrignan said since Mr. Kage was not present to strike the item from the Agenda.

f. Recommend approval of a Minor Change to a PUD Preliminary Plan-Corporate Reserve Lot 5.

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

Aldr. Turner moved for approval subject to the satisfaction of staff comments. The motion was seconded and approved by unanimous vote to recommend approval of a Minor Change to a PUD Preliminary Plan-Corporate Reserve Lot 5.

Chairman Carrignan called for a 4 minute break.

g. Presentation of a Concept Plan for the Corporate Reserve Development (Multi-Family Residential and Mixed Use).

Chairman Carrignan explained the ground rules for the Concept Plan process.

Mr. O'Rourke reviewed the staff memo dated 11/4/11 and pointed out that the last section called out specific items to consider that staff is looking for feedback on.

Henry Stillwell-Attorney representing JCF Real Estate-said what they are looking for is to amend the PUD that was approved by the City in 2008. He said the amendment they are looking for is to address some of the market changes that are taking place to make this a viable project going forward. He noted that the project already has some infrastructure in place.

Paul Robertson-JCF Real Estate-presented a PowerPoint presentation discussing the current condition of the property in regard to zoning and infrastructure.

Terry Smith- BSB Design- presented a PowerPoint presentation regarding the Site Plan for the multi-family aspect and how the vision was acquired. He drew attention to the community's amenities that would be offered for the proposed plan.

Joe Safin-BSB Design-presented a PowerPoint presentation discussing the Architectural Character of the proposed plan.

Aldr. Bessner asked for an explanation regarding the pedestrian and automobile flow of traffic. Mr. Smith said the turnabout in the center is more of an organizational element but that the intent is to have a simple loop street that facilitates traffic movement. He also said he sees potential for

another emergency access point off of Woodward Dr. He said for the east side of the site, there would be an east and west bound street that would link the roundabout to an existing curb cut off of Cardinal Drive, which is the north/south drive that serves lots 5 and 6, so there would be a connection into the site. Mr. Smith said they are trying to afford as many additional access points as possible yet at the same time keeping the circulation somewhat simple. Aldr. Bessner asked if someone going to the far northwest corner, is the vision to go straight up and to the left. He said he is trying to see what type of pattern may form. Mr. Smith said one could go around the roundabout and head north or go left as you come through the roundabout and go toward the 4-story building facing south. He said all streets are 2-way and there will be 90 degree angle parking. Aldr Bessner asked if each building will have sufficient parking for all tenants living there. Mr. Smith said there are only a certain number of garage spaces, the ratio is about 40% in communities like this, and he said he thought the Ordinance requirement was 1.7 spaces per unit. Aldr. Bessner asked if removing the parking to the north and south of the proposed pocket park was possible. Mr. Smith said that is included in the calculations.

Aldr. Krieger asked if the roundabout would accommodate emergency vehicles including fire trucks and all equipment. Mr. Smith said yes everything will be compatible to the movement of emergency vehicles. Aldr. Krieger asked if there is only the one small park area. Mr. Smith said presently yes, but that this concept plan is a work in progress and as it moves forward he feels the idea would be to work in more pedestrian connections and more green spaces. Aldr. Krieger said she would like to see more parks for families.

Aldr. Stellato asked a question about the 66 ft. set-back in regard to the Nicor right of way. Mr. Smith said yes the Nicor set-back is actually off of the property and it shows a set-back of about 40 ft. from the property line to the first building. Aldr. Stellato asked questions leading up to trying to figure out the size of the buildings in regard to calculation for the schools. Mr. Smith said they are considering just a portion of the two entryway buildings, possibly each corner, as commercial and possibly the units in the middle being residential.

Aldr. Rogina asked about pricing structure from smallest to the largest units. Mr. Smith in general it would be a range of price per square foot. Mr. Stillwell said that this is still in the concept plan stages and they weren't at the point to put dollar amounts out there at this time. Aldr. Turner asked how this plan, 3-4 months ago, went from 244 units to 344 units. Mr. Smith said at the time, with 244 units they weren't showing the entire parcel build out. Aldr. Turner said so in other words we are adding buildings. Mr. Smith said they are just representing what the entire building might be if the three buildings were added. Aldr. Turner asked if the plan may have 3 buildings in the future or is this the plan to put the 3 buildings in at the present time. Mr. Smith said whatever they do has to be marketable. Mr. Stillwell said this will be a phased a project. Aldr. Turner said if this does go forward he would like to request a phasing to get a better idea of how all this would come about at 1 or 3 buildings at a time. Mr. Smith said he cannot say at this point how many building would be in each phase, but it would be a phased development.

Aldr. Rogina said in the staff report labeled "con" under surrounding residential density in regard to Remington and East Regency, the density of these two developments are lower. He wanted to know as far as some of the other larger complexes in town, what is the ratio of units to acre. Mr. O'Rourke said he did not have that information with him, that they just wanted to show

comparison for the surrounding area. Ms. Tungare said the Zoning Ordinance RM-3 district, which is the most dense, allows 20 dwelling units per acre.

Chairman Carrignan asked for clarification on the total build out number. Mr. Smith said it will be a range and they are not certain at this time of an exact amount. Chairman Carrignan asked if they will be private or public streets. Mr. Smith said typically in a development like this all streets are private and managed and maintained under one entity. Chairman Carrignan asked about height and the PUD allowing 60ft., will there be a need for a Special Use amendment for the height. Mr. O'Rourke said the proposal is within the height limit but it's based on the OR zoning district, which allows 60 ft. Chairman Carrignan said the 60ft. that's there now is it from the zoning side or PUD. Mr. O'Rourke said it's incorporated into the PUD but the underlying zoning allows the 60ft. as well. Chairman Carrignan asked if the site is 22 acres or 17. Mr. Smith said the entire parcel of lot 8 is 22 acres and included in that is the detention area to the north. Chairman Carrignan asked if the north detention picks up all detention for the site. Mr. Smith said there is a combination of the 3 or 4 detention basins serving the entire site. Chairman Carrignan said detention to the south and west, is there a way to avoid detention on Route 64. Mr. Robertson said the detention ponds along Route 64 are already in place, but from an Engineering perspective the property had four quadrants and we had to respect the natural flow, so four ponds were put in the four corners to be consistent.

Chairman Carrignan asked about the Affordable Housing issues relative to density bonuses. Mr. Stillwell said it's recognized that it's currently required and it's something that has to be looked at as the project goes into a more detailed examination, but there have not been any density bonuses sought based upon the calculations at this point.

Aldr. Lewis asked what constitutes a luxury apartment. Mr. Smith said he feels its provision of a certain amount of amenities, the garage parking, the layout of the unit, the materials used, the landscape and hardscape used on site. Mr. Safin said when referring to luxury it tends to get more from the size standpoint and right now our units would average in the 925-950 sq. ft., which is typical, and would be considered a class A community with a club, nice kitchens, nice master baths. Mr. Safin said he considers luxury apartments more on the side of the 3 bedroom range which they will not have; he said they offer studio, 1 bedroom and 2 bedroom units. Aldr. Rogina asked what the largest unit would be. Mr. Safin said the 2 bedroom would be in the 1050-1100 sq. range.

Aldr. Stellato asked a question regarding the height issue. Mr. Smith said the site is relatively flat but that it does slightly slope up on the west property line, so the grade is somewhat higher. Mr. Safin said they could be very careful of the 60ft. limit. Aldr. Stellato said that would be good due to the neighboring communities to the south being shorter.

Jim Stevenson-1031 Ash St.-said in regard to this project being a phased development, that he has lived in the City a long time and has seen phased developments fail and then become eye sores. He asked what type of financing had been secured for phase 1. Mr. Stillwell said that was a premature question and they are not prepared to go into discussion seeing as though this is only the concept plan stage. Chairman Carrignan again went through the process of how the proposal of a new development plan process works starting with the Concept Plan. Mr. Stevenson said he understands, but his concern is as a member of the community, that people that develop these types of developments have the financial wherewithal to not only initiate them, which they

always do, but actually complete them on the scheduled time frame, and noted that the concept plan has already changed since 2008. Chairman Carrignan said nothing has changed and we are sitting talking about possible changes, and that the world has changed a lot since 2008 due to a recession and he feels this project is worthy of discussion.

Marian Siritella-Remington Glen- stated her building is directly west of the detention pond, which is much higher than what is being expressed to the Committee. She is concerned the proposed building will tower over her building. She also said in regard to change that has come upon us, that their development has not been completed and commented on overloading the streets and schools.

Roger Burrell- 285 Remington Drive-said in regard to 342 units and 51 of those being affordable housing, and now that there is a proposed 407 units, he wanted to know if that will change the ratio for affordable housing. Chairman Carrignan said when affordable housing comes about, there is a density bonus that is involved, he asked if the 407 units includes affordable. Mr. Stillwell said the 407 units are unrelated to the affordable issue and there is no density bonus because it's too conceptual at this point. Roger Burrell asked if the 4 story buildings had to meet any ADA requirements. Mr. Smith said that's the law, so yes, but that the 3 story buildings do not need elevators. Mr. Burrell asked what the pocket parks consist of. Mr. Smith said it's a small gathering area with trees and grass with no recreational area but possibly benches. Mr. Burrell asked with all the parking spaces, where the snow would be shoveled to. Mr. Smith said from the curb line there is a 5ft. grass strip before the sidewalk and being that they are private streets it would not be handled by the city but privately. Mr. Burrell asked for the size of the club building and swimming pool area. Mr. Smith said somewhere in the area of 5,000 sf.

Mr. Burrell made a comment in regard to traffic patterns and feels that if this project moves forward, to work with the state to open up and put a stop light at Woodward crossing over Randall Rd. He said he is very concerned about the density of the project and feels the way the roads are laid out, and parking set-up, that it looks like a typical apartment complex and he feels the community deserves better and the city could find a better use for the property. He also feels the property needs more green space if the project goes through because otherwise it is going to look like a supermarket parking lot.

Claudia Stewart- 223Remington Drive-asked for clarification for the ratio of number of units to acreage and wanted to know if the ratio is based on acreage without the ponds. Mr. O'Rourke said it does not include the ponds. Ms. Stewart asked what type of market the elevator versus walk up units will appeal to because she feels walk up units and the size of the units will call more for a younger clientele, so she said has concerns about what type of market this will appeal to and who will be drawn in. Her overall concern is Remington is not even fully developed and that having apartments back up to the property will not be conducive to want to purchase property at Remington Glen.

Vanessa Bell-Lasota-1610 Howard St.-asked if the developer is aware that the community has been waiting for a traffic signal for over 10 years at Oak Street. She mentioned to the developer of possible proposals for the old St. Charles mall site and Lexington PUD and asked them to consider these other developments that could potentially be rental developments. Chairman Carrignan asked if Ms. Bell-Lasota knew something they didn't about the old mall site. Ms. Bell-Lasota said well someday, lets hold on to that hope. She asked if the developer was aware

of the Lexington PUD and she feels this is not the time to add new families into the school district. She suggested considering the east side where there is a lag in the economy and the schools are more vacant.

Kim Malay-516 S 16th St.-commented on the staff memo in regard to 3,400-3,500 units in town right now and there are many vacancies. She wanted to know if there is really a demand for them, and to look 20-30 years down the road with these complexes and homeowners ending up living right next to them. She would hate to see this happen on that side of town as well. She asked the Committee to really question if this is the best use even though yes times are tough right but, but is it worth settling for this type of development versus something that can really benefit down the road.

Chairman Carrigan polled the Committee for comments on the concept plan.

Aldr. Stellato said he likes the design and architecture and colors, but his concern is the height and the set-backs and he would like to see an intense market study.

Aldr. Monken said he agrees with Aldr. Stellato regarding the height and density and it really comes down to the marketability.

Aldr. Payleitner said she also likes the architecture and she feels it could add to the community and she is not sure why it's a conflict of rental versus buying. She is not sure where the competition is there. She said she feels it's much nicer than a bunch of office buildings.

Aldr. Lewis said she also likes the design but that it is a bit dense and she would like to see more open space. She said she did some research on her own and called a luxury apartment complex on the east side of town and was told they have 90.5% occupancy out of 400 units and that its down for them, they are usually at 94.5%, and most tenants are adults and not many children. They said the reason people are breaking leases is because they are buying houses. Ms. Lewis said she would need to think about this but definitely would like to see this proposed complex smaller and more open space.

Aldr. Bessner said he likes the architecture and entry way. His concerns are with the hard scape and feels it needs more green space, he is also concerned with the height of any building that would be close enough to some surrounding residential areas, with a towering effect. He would like a better handle on exactly how many units we are talking about.

Aldr. Krieger said her concerns are building height, density, traffic, needs more park space, and the number of unfinished projects that have been abandoned. Ms. Krieger also noted that Lincoln School on the east side is full.

Aldr. Martin said he would prefer to see single family but reality has set in and the only direction the housing market is going at this time is the rental units. He said he feels this is a desired land use and is acceptable but he would like to see the density reduced by half. The mixed use buildings are acceptable but would like to see lower heights due to the towering impact on neighboring developments. He said he likes the architecture very much and advises the applicant to proceed and consider all that was heard today and to see them back again soon.

Aldr. Rogina said he doesn't feel that area should sit as office space given the time lag and the recession. He said we need to look for quality opportunities to expand our tax base and he agrees that rentals are a hot market and respects the developer. His concerns are open space, density issue, height issue, traffic concerns, and even though this is just conceptual, he feels less density would be best in regard to the affordable housing ratio. Aldr. Rogina doesn't feel the enrollment in schools will be an issue. He feels this should absolutely move forward but with many of the considerations discussed.

Aldr. Turner said he is pleased to get rid of the office space because it's not needed. He is very concerned about the density but feels with 244 units in the original plan, that all of the concerns would go away, density would be down, and the green space comes back. The project should forego affordable housing as he feels no more is needed in the city and he feels it's dragging down the city at this point. He asked the developer to take all things into consideration and to move forward with it.

Chairman Carrigan said he likes the urban architecture but his perception is that people move west to have a less urban environment. He disagrees with a number of members of the committee relative to the office component, this is the last piece of OR Office Research property in town and this will take away the option to take more tax revenue into the town. He feels this is something that really needs to be thought about. He feels the height is a huge issue, he said he would expect nothing higher than 60ft. He would like to see less asphalt. He feels in regard to traffic that it will be really difficult to get a light at Route 64 and he feels if this goes further that a traffic study will be needed.

h. Update on the Comprehensive Plan Project-Information only.

Mr. Colby gave a brief update on the Comprehensive Plan Project.

3. ADDITIONAL BUSINESS-None.

4. ADJOURNMENT-The meeting adjourned at 9:35 p.m.