

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, JULY 3, 2012**

Members Present: Todd Wallace, Chairman
 Tim Kessler, Vice Chairman
 Tom Schuetz
 Brian Doyle

Members Absent: Sue Amatangelo
 Curt Henningson
 Tom Pretz

Also Present: Matthew O'Rourke, Planner
 Sonntag Court Reporter

1. Call to order

The meeting was called to order at 7:04 p.m. by Chairman Wallace.

2. Roll Call

Vice Chairman Kessler called the roll. A quorum was present.

3. Presentation of minutes of the June 19, 2012 meeting.

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the June 19, 2012 meeting.

4. 2900 Dukane Drive (RA Seaton Contractor Services, LLC)

Application for Special Use for Manufacturing, Heavy (Temporary Concrete Batch Plant)

Supporting Documents:

- Site Plan received 5/30/12
- Stormwater Prevention Pollution Control Plan; received 6/26/2012.
- Stormwater Prevention and Site Restoration Bullet Point Summary; received 6/26/2012.
- Flexstorm IPP Inlet Filters Cover Spec. Sheet; received 6/26/2012.
- Draft Road Maintenance Agreement; received 6/21/2012.
- Draft Dust Control Plan; received 6/21/2012.

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

Mr. Doyle made a motion to recommend approval of the Special Use for Manufacturing, Heavy (Temporary Concrete Batch Plant) contingent upon the staff conditions on page 7 of the staff report dated June 29, 2012:

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- 1. The Special Use shall terminate on December 31, 2013 and equipment shall be removed by December 31, 2013. Full restoration of the site shall be completed by April 30, 2014.**
- 2. The Special Use shall be limited to fifteen (15) days of concrete batch plant operation in the calendar years 2012 and 2013 respectively.**
- 3. Submittal of a detailed Final Stormwater Prevention Pollution Control Plan.**
- 4. That all traffic related to the Special Use shall be limited to Stone and Dukane Drives.**
- 5. The applicant shall enter into a maintenance agreement for repair of Stone and Dukane Drives.**
- 6. The applicant shall enter into an agreement with the City to monitor dust, soil erosion, and cleaning.**
- 7. The Special Use shall only be utilized to supply the construction/reconstruction of Rt. 64 between 7th Avenue and Rt. 59.**

Mr. Kessler seconded the motion.

Roll Call Vote:

Ayes: Scheutz, Doyle, Wallace, Kessler

Nays: None

Absent: Pretz, Amatangelo, Henningson

Motion carried.

5. Meeting Announcements

Tuesday, July 17, 2012 at 7:00pm in the Council Chambers

Tuesday, August 7, 2012 at 7:00pm in the Council Chambers

Tuesday, August 21, 2012 at 7:00pm in Council Chambers

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

7. Adjournment at 7:25PM

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PRESENT:

MR. TODD WALLACE, Chairman;
MR. TIM KESSLER, Vice Chairman;
MR. BRIAN DOYLE, Member; and
MR. TOM SCHUETZ, Member.

ALSO PRESENT:

MR. MATTHEW O'ROURKE, Planner.

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

4 MEMBER KESSLER: Schuetz.

5 MEMBER SCHUETZ: Here.

6 MEMBER KESSLER: Doyle.

7 MEMBER DOYLE: Here.

8 MEMBER KESSLER: Kessler is here.

9 Wallace.

10 CHAIRMAN WALLACE: Here.

11 All right. Presentation of the minutes of
12 the June 19, 2012, meeting.

13 MEMBER KESSLER: Move to approve.

14 MEMBER SCHUETZ: Second.

15 CHAIRMAN WALLACE: Moved and seconded.

16 All in favor.

17 (The ayes were thereupon heard.)

18 CHAIRMAN WALLACE: Opposed.

19 (No response.)

20 CHAIRMAN WALLACE: Motion passes

21 unanimously.

22 Item No. 4 on your agenda, 2900 Dukane Drive,
23 RA Seaton Contractor Services, LLC, Application
24 for Special Use for Manufacturing, Heavy

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1 (Temporary Concrete Batch Plant) Supporting
2 Documents:

3 Site plan, received 5/30/12; stormwater
4 prevention pollution control plan, received
5 6/26/2012; stormwater prevention and site bullet
6 point summary, received 6/26/2012; Flexstorm IPP
7 inlet filters cover spec sheet, received
8 6/26/2012; draft road maintenance agreement,
9 received 6/21/2012; and draft dust control plan,
10 received 6/21/2012.

11 All right. Now, as I recall, the public
12 hearing on this matter was closed the last time
13 that we were --

14 MR. O'ROURKE: That's correct.

15 CHAIRMAN WALLACE: So this item is on
16 the agenda for action tonight and -- I don't
17 know. Matt, do you want to go ahead and report
18 on what has been presented since the last --

19 MR. O'ROURKE: Yeah.

20 CHAIRMAN WALLACE: Go ahead.

21 MR. O'ROURKE: This item is before
22 the Commission for special use for what's called
23 manufacturing, heavy, which is a special use
24 listed in the M2 district, which this property

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1 is zoned.

2 There were some items brought up in staff
3 comments last time at the public hearing to which
4 the Applicant has provided us more information.
5 They provided some preliminary plans and
6 agreements to address those comments.

7 Specifically, with regard to the street
8 network, they have submitted a draft maintenance
9 agreement that has the majority of items in
10 there. At this point we've sent that to the
11 City's legal counsel to draft up something formal
12 so that the City Council can approve and sign it,
13 but in principle, we have everything in there
14 that we feel -- staff feels we've addressed those
15 issues.

16 In terms of the stormwater and the
17 pollution control plan, they have submitted a
18 preliminary plan. Staff has looked at that and
19 looked at the bullet point summary. All the
20 items that were there staff feels we're just
21 needing to get that to a final plan once we get
22 through the special use process.

23 Essentially, what that means is before a
24 stormwater permit is issued, as part of that

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1 permit they have to give us that final plan to
2 make sure they address all those items that staff
3 has called out here in the staff report.

4 With that, staff is recommending approval
5 of the special use, but we have also listed a
6 series of conditions, mostly dealing with the
7 temporary nature of the proposed concrete batch
8 plant, and we have included them in our request
9 for action.

10 CHAIRMAN WALLACE: Is this typical?
11 I know when I read the staff report, I was
12 curious because I don't believe that this has
13 ever come before us during my tenure.

14 Is it typical for a plan such as a dust
15 control plan to be a condition of approval from
16 the Plan Commission?

17 MR. O'ROURKE: It's not something that
18 I've seen a whole lot of, but it's something that
19 certainly City Council can make a condition that
20 basically guarantees THAT you submit that plan.

21 CHAIRMAN WALLACE: All right.

22 MR. O'ROURKE: So that would be in
23 your purview to recommend if you want to forward
24 that recommendation on as part of your approval.

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1 CHAIRMAN WALLACE: From a logistical
2 standpoint it would be -- the Plan Commission
3 would recommend approval contingent upon the
4 parties entering into that control plan; correct?

5 MR. O'ROURKE: Correct.

6 CHAIRMAN WALLACE: All right.

7 MEMBER DOYLE: Do you mean No. 3, the
8 stormwater prevention pollution control plan?

9 CHAIRMAN WALLACE: Actually, what I'm
10 talking about is the draft dust control plan,
11 which was submitted 6/21.

12 MEMBER SCHUETZ: Under "staff
13 comments"?

14 CHAIRMAN WALLACE: Yeah.

15 MEMBER DOYLE: Because I don't see a
16 dust plan as being one of the seven conditions
17 listed on page 7.

18 MEMBER KESSLER: It's No. 6, Brian.
19 It says, "the Applicant shall enter into an
20 agreement with the City to monitor dust, soil
21 erosion, and cleaning."

22 MEMBER DOYLE: Correct.

23 MR. O'ROURKE: And there is a draft
24 version of that that the Applicant has supplied.

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1 That's part of what the City's legal counsel is
2 going to be formalizing into a more City-oriented
3 document.

4 MEMBER DOYLE: Right.

5 CHAIRMAN WALLACE: Matt, are you
6 satisfied as staff with what the Applicant has
7 provided to you based on our discussion at the
8 last meeting?

9 MR. O'ROURKE: Yes. And we have also
10 asked the development review engineer and also
11 the public works engineer to review those
12 documents. Basically, what their comments to me
13 were, "Everything is there. We just need to make
14 sure it gets put on the formal plan that's to
15 scale once we move forward with the actual permit."

16 CHAIRMAN WALLACE: And that would
17 have to be provided prior to the P & D meeting or
18 prior to permit?

19 MR. O'ROURKE: They would have to
20 submit that at the latest with the permit. It
21 would be preferable to get it earlier so we can
22 make sure it's on there, but that's when we
23 need it.

24 CHAIRMAN WALLACE: I just want to

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1 make sure that the Applicant is clear on what
2 they need to provide at this point. If it's
3 something that they need to provide before it
4 goes to P & D -- I know there was one P & D meeting
5 that was canceled.

6 MR. O'ROURKE: This item has actually
7 been placed on the government ops agenda, which
8 would be on July 16th. So timewise I'm not sure
9 if they'll be able to have that document drawn
10 up, so we would present it to that committee in a
11 similar fashion as staff comments.

12 CHAIRMAN WALLACE: Just so the
13 Applicant is clear on what they need to provide.

14 I'll just explain to the Applicant, the
15 last time this was before us, I was very -- I
16 mean, I understand the urgent nature of the
17 application, and I was trying to do everything
18 that I could to get this going and to get this
19 approved by the City Council, which is why we're
20 here on July 3rd, a meeting that we had
21 previously canceled.

22 But I just want to make sure that the next
23 time this is before City Council that everything
24 is there for City Council to provide -- if they

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1 wish, to provide an approval.

2 Granted, we haven't yet voted on what we're
3 recommending, but just as an explanation to you.

4 MS. SEATON: And what day is that,
5 the 16th or the full City Council?

6 CHAIRMAN WALLACE: This is before --
7 now, from what I understand, this is not on the
8 P & D agenda; it's actually on the governmental
9 operations.

10 MR. O'ROURKE: It's called the
11 government operations committee. They're both
12 committees of the whole. They meet on a
13 different night and have a different chairman.

14 CHAIRMAN WALLACE: And that's on the
15 16th you said?

16 MR. O'ROURKE: 16th.

17 CHAIRMAN WALLACE: So at the City
18 Council meeting -- if they voted on it that
19 night, would the City Council be on the 23rd?

20 MR. O'ROURKE: No. The next
21 City Council meeting after that is August 6th, I
22 believe.

23 CHAIRMAN WALLACE: August 6th would
24 be the date that they're actually going to vote

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1 on whatever is voted on at committee meeting.

2 MS. SEATON: So it's the same group
3 of people?

4 CHAIRMAN WALLACE: Oh, yeah. It's a
5 committee of the whole. I believe that there are
6 just two committees; there's governmental
7 operations and there's planning and development.

8 MR. O'ROURKE: And there's government
9 services.

10 CHAIRMAN WALLACE: Government
11 services. Okay. And all three of those
12 committees, although they have different chairmen,
13 all of the members of those committees are all of
14 the aldermen of the City Council.

15 So they will -- from a logistical
16 standpoint, at the time of the committee meeting,
17 they'll vote on that, but it won't be delivered
18 to the full City Council until the next City
19 Council meeting.

20 So what Matt is telling us is that even
21 though it's going to be voted on at the
22 July 16th meeting, it will not be before the full
23 City Council until August.

24 MR. O'ROURKE: Staff had discussed

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1 with the Applicant that typically whatever that
2 committee recommends is how they vote because
3 they're making a recommendation to themselves.

4 CHAIRMAN WALLACE: Yes.

5 MR. O'ROURKE: So you'll have a very
6 good understanding of where they are at that
7 July 16th meeting.

8 MEMBER SCHUETZ: I just have a few
9 little questions.

10 On page 5 of the staff report, it's right
11 above No. 3 -- I'm not sure if it's under the
12 "Recommendation/Suggested Action," but it talks
13 about off-street parking that will be provided by
14 the Applicant.

15 MR. O'ROURKE: That's actually part
16 of the subsection before it, "Zoning Review."

17 Essentially, since there's no internal or
18 gross floor area to base the parking calculation
19 on, there's really no requirement for it.

20 MEMBER DOYLE: There's no requirement?

21 MR. O'ROURKE: There's no way to base
22 a requirement. It would be paved on zero
23 square feet.

24 MEMBER SCHUETZ: I wasn't going

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1 there. I was curious as to how the off-street
2 was going to be handled from a safety point of
3 view for people parking and maybe pedestrians
4 around the area. I don't know.

5 MR. O'ROURKE: We've had some
6 discussions. It might be better if the Applicant
7 has an answer for that.

8 MEMBER SCHUETZ: I'm just wondering
9 if they're going to be kind of structured -- is
10 it parallel; are they going to be crisscrossing?
11 I'm just thinking a safety point of view.

12 MS. SEATON: On four days when they
13 bring in material, there's not heavy traffic as
14 far as four-wheeler traffic.

15 MEMBER SCHUETZ: Right. But from
16 your employee standpoint --

17 MS. SEATON: There's just three
18 employees on-site.

19 MEMBER SCHUETZ: Oh, okay. I was
20 envisioning 25.

21 MR. KUTRAVATZ: On the construction
22 site for us, we'll have our workers there, but
23 they'll have parking along North Avenue.

24 MEMBER SCHUETZ: All right. I wasn't

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1 aware of that.

2 Matt, this is kind of a question for staff.
3 Under requested action, what's mentioned here,
4 "Special use shall terminate on December 31st,
5 2013," and then on the same day that it's
6 terminated, all the equipment needs to be
7 removed?

8 MR. O'ROURKE: Yeah.

9 MEMBER SCHUETZ: What if it's not?

10 MR. O'ROURKE: They basically
11 coincide with, "You're no longer allowed to
12 operate this special use on the property," and
13 our expectation is it will be removed.

14 MEMBER SCHUETZ: And then I see it's
15 got to be cleaned up by April. That's fine. I'm
16 just curious, what if it's not removed?

17 CHAIRMAN WALLACE: At that point it's
18 up to the City -- it's up to the zoning
19 enforcement officer to determine whether they are
20 or are not in compliance with the zoning
21 ordinance, and if we grant them a special use,
22 it's only valid through December 31st, 2013, and
23 yet if on January 1st, 2014, they're still doing
24 whatever that special use is, then they're in

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1 violation of the zoning ordinance.

2 I mean, I would like for there to be
3 something more proactive to guarantee that the
4 use would only continue through the data that we
5 would recommend the special use continue through.

6 MEMBER SCHUETZ: I would just hate
7 for those stacks and everything to be sitting
8 around until April.

9 MR. LIENAU: If it does, he's got a
10 big problem.

11 MEMBER KESSLER: If you are still
12 there, then you've got a real big problem.

13 MR. KUTRAVATZ: We're moving pretty
14 good but you never know.

15 CHAIRMAN WALLACE: Any other questions,
16 comments?

17 (No response.)

18 CHAIRMAN WALLACE: Matt, anything
19 else from you?

20 MR. O'ROURKE: I don't have anything
21 else.

22 CHAIRMAN WALLACE: By the way, the
23 staff report was very thorough and very good.

24 MR. O'ROURKE: Thank you.

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1 CHAIRMAN WALLACE: I appreciate that.

2 MR. O'ROURKE: Thank you.

3 MEMBER KESSLER: I would just like to
4 ask Matt, are you satisfied that you have all the
5 information that you need from the Applicant to
6 move forward and prepare final plans for all of
7 the sewer water, test control?

8 MR. O'ROURKE: Staff is satisfied we
9 have all the information we need at this point.
10 We just need to get the more formal document as
11 we head forward.

12 MEMBER KESSLER: I think you did a
13 good job addressing some of these valid issues.
14 Because they're valid issues.

15 CHAIRMAN WALLACE: Matt, all I would
16 say is, if a formal document is not obtained
17 prior to the next meeting, prior to the City
18 Council committee meeting -- and I think that
19 would be a part of our recommendation is to
20 condition it upon that formal document being
21 received by you. You know, whether we recommend
22 approval, I think it would be conditioned upon
23 you receiving satisfactory documents.

24 MR. O'ROURKE: Sure.

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1 CHAIRMAN WALLACE: So it would rest
2 on your shoulders to determine whether you
3 received from them what you're supposed to
4 receive.

5 MEMBER KESSLER: You want them to
6 receive what they need for their permit before
7 the next meeting? Is that what you're
8 suggesting?

9 CHAIRMAN WALLACE: I would think so
10 because what Matt said in his staff report was
11 that he wanted to receive the final road
12 maintenance agreement and dust control agreement.
13 Correct?

14 MR. O'ROURKE: I don't know if we
15 specified it needs to be by the July 16th meeting.

16 MEMBER KESSLER: I think that their
17 permit would be held up. They won't get a
18 permit.

19 CHAIRMAN WALLACE: That's fine. But
20 I think if we were to recommend approval, it would
21 be conditional upon receiving those documents
22 before they received a permit.

23 MR. O'ROURKE: And that's, I think,
24 the direction staff was heading.

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1 MEMBER KESSLER: Isn't that part of --
2 my experience is they won't give you a permit.

3 MR. O'ROURKE: I think what staff was
4 driving at is if they do not provide that, they
5 won't get a permit, but we're also safeguarding
6 us for having a special use that's approved out
7 there so somebody else can come out and do it.
8 Basically, if they don't bring us that document,
9 the special use expires, too.

10 MEMBER KESSLER: And it is in here.

11 MEMBER DOYLE: But the language of
12 the condition as detailed on page 7 says -- and
13 what I'm focusing on is No. 3, "A detailed final
14 stormwater prevention pollution control plan
15 shall be submitted, reviewed, and approved by the
16 City before the site is occupied or disturbed in
17 any way before any permits are issued."

18 Which, if you read it strictly, it doesn't
19 mean that the plan shall be submitted and
20 reviewed and approved prior to review by the
21 government operations committee and/or by the
22 City Council.

23 MR. O'ROURKE: That was not staff's
24 intent to demand we have that before the

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1 government operations committee.

2 MEMBER DOYLE: Because I think you
3 said just now that you are not certain that that
4 plan can be received --

5 MR. O'ROURKE: Correct.

6 MEMBER DOYLE: -- prior to.

7 MR. O'ROURKE: We're trying to
8 safeguard -- if we never get that plan, we don't
9 want a special use to exist for two years with
10 nothing going on.

11 CHAIRMAN WALLACE: Brian, what it
12 says "and before any permits are issued."

13 MEMBER DOYLE: Correct. Yes. So the
14 special use could be granted. Without having
15 this document, the permit is not approved.

16 MR. O'ROURKE: Yes.

17 MEMBER DOYLE: "Submitted, reviewed,
18 and approved by the City."

19 MR. O'ROURKE: Just to clarify,
20 anytime you submit for a stormwater permit, you
21 have to give us that document anyway. What this
22 does is safeguard us against a special use
23 continuing -- maybe they just decide to walk
24 away, which I don't think they're going to do.

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1 But it just gives us an extra safeguard is really
2 what that condition is for.

3 MEMBER DOYLE: Mr. Chairman, I would
4 make a motion.

5 CHAIRMAN WALLACE: Yes.

6 MEMBER DOYLE: I move to recommend
7 approval of the special use for manufacturing
8 heavy concrete batch plant contingent upon the
9 satisfaction of the items in staff comments,
10 subject to those conditions as detailed on
11 page 7 of the staff report dated June 29, 2012.

12 MEMBER KESSLER: Second.

13 CHAIRMAN WALLACE: All right. It's
14 been moved and seconded.

15 Any discussion on the motion?

16 MEMBER DOYLE: Yes. I have one
17 comment that I would like to have put on the
18 record in response to a letter that -- I'm sorry;
19 that Rita Tangare received from a nearby tenant,
20 nearby property owner regarding -- requesting
21 denial of this application.

22 So I'd like to just have the record show
23 that we have received that letter and considered
24 it, and the special use application is -- special

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1 use is part of the zoning, and, therefore, the
2 impacts of this use are contemplated by the
3 zoning ordinance for this parcel.

4 So given the conditions that's placed upon
5 it, I think it's appropriate with the zoning
6 ordinance to approve it.

7 CHAIRMAN WALLACE: All right. And
8 just for the record, the letter that you're
9 referring to is from Christopher Doveala,
10 D-o-v-e-a-l-a, from Leviton, L-e-v-i-t-o-n,
11 received from -- dated June 17th, 2012, received
12 on June 25th, 2012; correct?

13 MEMBER DOYLE: Correct.

14 CHAIRMAN WALLACE: All right. Any
15 further discussion on the motion?

16 (No response.)

17 MEMBER KESSLER: Schuetz.

18 MEMBER SCHUETZ: Yes.

19 MEMBER KESSLER: Doyle.

20 MEMBER DOYLE: Yes.

21 MEMBER KESSLER: Wallace.

22 CHAIRMAN WALLACE: Yes.

23 MEMBER KESSLER: Kessler, yes.

24 CHAIRMAN WALLACE: All right. That

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1 motion passes unanimously, and that concludes
2 Item 4 on the agenda.

3 MS. SEATON: Thank you for being here
4 on the 3rd before the holiday. We appreciate it.

5 (There followed a discussion
6 outside the record.)

7 CHAIRMAN WALLACE: Item 5 on the
8 agenda, meeting announcements.

9 Matt, if you wouldn't mind letting Rita
10 know, I am not going to be present on August 7th.

11 Any additional business for the
12 Plan Commission?

13 MEMBER DOYLE: Regarding meeting
14 announcements, there's a chance that I will not
15 be able to be in attendance at the July 17TH
16 meeting, and I will definitely not be here on
17 the 7th.

18 MEMBER SCHUETZ: I won't, either.
19 I'll be out of town on vacation August 4th
20 through the 11th.

21 CHAIRMAN WALLACE: What are we doing
22 on August 7th?

23 MR. O'ROURKE: I don't know that we
24 had any meetings scheduled yet. I can't envision

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1 any now.

2 CHAIRMAN WALLACE: If you wouldn't
3 mind letting Rita know, there are three that
4 won't be here.

5 MR. O'ROURKE: As of right now, I don't
6 think that there's anything on the schedule.

7 CHAIRMAN WALLACE: Anything additional
8 from staff?

9 MR. O'ROURKE: No.

10 MEMBER KESSLER: I'll make a motion
11 to adjourn. Is there a second?

12 MEMBER SCHUETZ: Second.

13 CHAIRMAN WALLACE: The St. Charles
14 Plan Commission is adjourned at 7:25 p.m.

15 (Which were all the proceedings
16 had in the above-entitled matter
17 at the hour of 7:25 p.m.)

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