

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, SEPTEMBER 10, 2012 7:00 P.M.**

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

Members Absent: None

Others Present: Mayor Donald P. DeWitte; Brian Townsend, City Administrator; Rita Tungare, Director of Community Development; Matthew O'Rourke, Planner; Russell Colby, Planning Division Manager; Chris Tiedt, Development Engineering Manager; Bob Vann, Building & Code Enforcement Manager

1. CALL TO ORDER

The meeting was convened by Chairman Carrignan at 7:00 P.M.

2. ROLL CALLED

Roll was called:

Present: Stellato, Monken, Payleitner, Turner, Carrignan, Rogina, Martin, Krieger, Bessner, Lewis

Absent: None

3. MAYOR'S OFFICE

- a. Recommendation to approve a Class A5 liquor license application for Acquaviva Winery, LLC to be located at 214 W Main Street, St. Charles.

Mayor Dewitte explained that this is an A5 liquor license which is a retail liquor license, allowing the license holder the ability to serve wine by the glass on the premises. He said there is not a precedence being set, there is an identical license issued in Fox Island Square. He said crackers, cheeses, wine and Italian meats will be offered and he feels it is a nice addition to downtown St. Charles.

Vito Brandonisio- 1N870 Meredith Rd.-Maple Park- said the operation started 12 years ago on behalf of his Grandfather, Guiseppe Brandonisio. He said they have a fantastic structure in Maple Park, IL, with 26 acres of vineyards producing about 14,000 gallons of wine a year, and about 20 different varieties of grapes, and 12 different varieties of wine. He said they have been successful for the past 2 years and are growing and have been recognizes by the State of Illinois and surrounding states. He said they won the Governor's Cup Award 2 months ago presented at the Springfield state fair. He asked the Committee to allow him to bring a retail store to St. Charles.

Aldr. Bessner asked if their brand of wine would be the only ones being sold. Mr. Brandonisio said at this point, yes.

Aldr. Lewis asked if there would be a place for outdoor seating and that she is not quite sure where the location is. Mr. Brandonisio said it is right next door to Marco's Jewelry Shop and that there is a little spot in the back which could be outdoor seating.

Aldr. Stellato asked if before the next Council meeting on September 17, that the applicant have a floor plan for them to view. Mr. Brandonisio said he would do his best.

Aldr. Stellato made a motion to approve a Class A5 liquor license application for Acquaviva Winery, LLC to be located at 214 W Main Street, St. Charles. Motion was seconded by Aldr. Monken.

Roll Call Vote:

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

Nays: Martin, Krieger

Absent: None

Motion Carried.

4. COMMUNITY DEVELOPMENT

- a. Recommendation to approve a Petition for Annexation, Annexation Agreement, Map Amendment (Upon Annexation) and Preliminary Subdivision Plan (Bucki Single-Family Residential Subdivision).

Mr. O'Rourke said the property owner, Terry Bucki, has submitted a petition of annexation for his approximately 4.6 acre property. He said the property will come in as RE-1 automatically and this application will rezone it to RS-1, which is slightly higher but still low density. He said the Subdivision Preliminary Plan is to move forward with the proposal to resubdivide his property, once it is annexed, into 4 additional lots which would be 5 total; 3 of the lots would be off of Fred Bucki Circle, which is a new cul-de-sac that is being proposed; and a horseshoe shaped drive off of Rt. 31 which would be eliminated into one shared access drive to provide access to the existing home and then a potential 4th lot to the north. He said there is also a stormwater retention facility located on portions of lots 1 and 2 and also some landscaping provided, parkway trees and some buffering along the southern property line. He said there are a number of mature trees there, some will be removed as part of the development of the property but the applicant is also proposing a large conservation area to ensure that a lot of the trees do not get removed and that will be a covenant running with the land. He said staff reviewed the plans and it is consistent with the future land use recommendation of the Comprehensive Plan.

Mr. O'Rourke said in term of the annexation the applicant is requesting some variations. Due to the economy and the timing of the proposal he is proposing to extend to 5-years versus 2-years to get the Final Plat of Subdivision prepared and brought back to Committee. He said staff has added a proposal that if it gets to 5 years then the Preliminary Subdivision approval would lapse and no longer be valid and the applicant would have to go through the process all over again. He said should this be recommend to move forward staff would be drafting an annexation agreement which would then be brought to City Council for a public hearing and then an ultimate vote on

the annexation. He said both Staff and Plan Commission have recommended approval of the project.

Aldr. Stellato asked if IDOT was okay with the proposed access points. Mr. O'Rourke said a preliminary letter submitted in stated in concept they were okay with it but reserve the right to review it at a final level at a later date. Aldr. Stellato asked if the curb cuts on the horseshoe were being reduced from 2 to 1 and allowing 1 new curb cut. Mr. O'Rourke said correct and that is referring to Fred Bucki Circle.

Aldr. Turner said he remembers Mr. Bucki being very cooperative with the city when having to run water across his property to get to the High School and that he is in favor of this.

Aldr. Rogina asked how many possible homeowners are in the area. Mr. O'Rourke said there are some but he does not have an exact number but that it is a fairly low dense development in the area which is very similar to what is being proposed.

Mr. Rogina inquired about residents expressing concern in regard to the detention pond. Mr. O'Rourke said for any real detail he would defer to Chris Tiedt who has reviewed the plans from an engineering standpoint, but that the plans have been reviewed in accordance with the Kane County Storm Ordinance to ensure that no more water would leave the site in a rain event than would now, which is what the Ordinance requires.

Aldr. Lewis asked what the reasoning and benefit for an annexation of property is. Mr. O'Rourke said from Mr. Bucki's standpoint it allows density through the inclusion of public utilities brought to the site and before annexing he would not have the ability to tap into the city services. Aldr. Lewis asked what the impact is on the current residents. Chairman Carrigan said the city, school district, library and park district will all see property tax, and it's also expanding the City's area. Ms. Tungare said if this were a larger development it would also impact the Police and Fire depts., but even a small annexation like this is still a policy question for Council. It really meets the requirements in terms of contiguity. Aldr. Stellato said this development is already in the school district and park district so he doesn't see any impact change, but he believes the increased utility customers is big and he feels anytime you have an opportunity to annex within your boundaries you should just for the sheer sake of control. He said in terms of the flooding on the site with the city having control it will get better.

Chairman Carrigan asked for an explanation for the 5-year extension versus the 2-year. Mr. O'Rourke said there is a requirement in the Ordinance from between the Preliminary Plat to the filing of the Final Plat and the ordinance right now is 2-years. He said based on Mr. Bucki's ability to get final plans together he has asked for a little extra time and have to rush plans right at the 2-year mark, and that is the only significant variance he is looking at, and all underlying zoning requirements are met.

Aldr. Monken made a motion to approve a Petition for Annexation, Annexation Agreement, Map Amendment (Upon Annexation) and Preliminary Subdivision Plan (Bucki Single-Family Residential Subdivision). Motion was seconded by Aldr. Rogina and approved unanimously by voice vote. Motion carried.

Ald. Stellato recused himself from discussion due to a conflict of interest regarding residential properties within the community.

- b. Recommendation to adopt the 2012 International Property Maintenance Code and Proposed Amendments.

Mr. Vann said the city currently follows the 2000 edition for the International Property Maintenance Code, and although the code fundamentals between the 2000 and 2012 edition do not change very much, the adoption of the 2012 edition will provide more clarity and detail for staff to identify private property code violations. He then highlighted a few benefits including; a breakdown of each component of the exterior structure, a new section called the component of serviceability which provide clear definitions of unsafe conditions of any type of structures. He said a significant advantage for the addition is the section dealing with tall weeds and grass because once a notice is served to the property owner and they fail to comply the city can then bring the property to compliance and recover the costs. He said by adopting the new codes it will provide staff with up to date statutes and staff has reviewed this with the City Attorney and finds it acceptable.

Aldr. Rogina asked if these are state statutes or codes. Mr. Vann said they are codes with some state statutes that go along with it which allows the Committee and the Council to adopt these codes.

Aldr. Krieger made a motion to adopt the 2012 International Property Maintenance Code and Proposed Amendments. Motion was seconded by Aldr. Monken and approved unanimously by voice vote. Motion carried.

Aldr. Stellato rejoined the Committee.

- c. Recommendation to approve an Ordinance repealing Title 15 “Building and Construction,” Chapter 15.44 “Fair Housing Regulations” of the St. Charles Municipal Code.

Ms. Tungare said the City Administrator’s office is in the process of reviewing and revising certain sections of the City Code; Chapter 15 specifically deals with Fair Housing regulations. She said these regulations were originally adopted in 1968 but have not been enforced and the Fair Housing board mentioned in the Ordinance does not exist at the city. She said there are several state and federal laws that provide protection on this issue and she has conferred with legal counsel and there is no legal mandate for the city to maintain its old regulations and therefore they are redundant and not necessary, and staff recommends repealing the Fair Housing regulations.

Aldr. Turner said he fully agrees because it is redundant and we have state and federal government to handle this.

Aldr. Rogina said we do not have to create a legal barrier because there is a state and federal statute in place that allows us to keep something away in terms of additional costs, hearing and time and a structure to handle it.

Aldr. Turner made a motion to approve an Ordinance repealing Title 15 “Building and Construction,” Chapter 15.44 “Fair Housing Regulations” of the St. Charles Municipal Code. Motion was seconded by Aldr. Monken and approved unanimously by voice vote. Motion carried.

5. ADDITIONAL BUSINESS

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

Mr. Colby gave a brief update on the Comprehensive Plan Project along with the upcoming scheduled workshops and meeting dates.

Aldr. Turner mentioned the West Gateway plan and the area west of Randall Rd. not being discussed for the Comprehensive Plan. He said it's RM-2 and RM-3 zoning out there and that the residents in that area are firmly opposed to that. He said in looking at City Surveys for the last 2-years most residents all over the city are opposed to RM-2 and RM-3. He said he did a background check and he found that people thought there would be some sort of care facility or retirement home and in the last 5-years 2 of those establishments have been built west of Randall Rd., one very close to this area. He suggested taking out both the RM-2 and RM-3 out of that area and to put in some general zoning for maybe business. He said it is a lot easier to zone up for density than to zone down.

Mr. Colby said the focused areas have been discussed quite a bit which include some of the major commercial sites and downtown. He said one element of the project will be a city wide future land use plan that will have land uses identified on the plan and some information to go along with that in terms of densities and types of development to occur in those locations. He said it is something that will be looked at but has not been focused specifically on yet because it is not within one of those areas, but there will be plans that address every parcel in the community with a specific designation and some of the feedback received will be incorporated in the draft plan. Even though there is nothing to present yet for that specific site, that is anticipated to be considered as part of the process going forward.

Aldr. Turner said since he has been here there have been so many different proposals for land west of Randall Rd. and he feels a stronger plan needs to be in place that would send a signal that certain ideas would not be entertained and that would eliminate some of the problems happening right now.

Chairman Carrigan asked if that discussion would come back to Committee. Mr. Colby said yes and all of the things mentioned can be specified through the land use plan and there will an opportunity to weigh in on all of that.

Chairman Carrigan said he thinks it is good to get it on the radar screen.

Mr. Colby said the land use plan will not be discussed on September 26th but meetings are tentatively scheduled in late October where there will be drafts of the full plan. He said we are making progress and everything is on track to have a draft by the end of the year. Ms. Tungare

said at this point we are looking to have a draft to present to the Planning and Development Committee by February or March 2013.

6. EXECUTIVE SESSION

Motion was made and seconded to go into Executive Session to discuss land acquisition.

Roll was called:

Present: Stellato, Monken, Payleitner, Turner, Carrignan, Rogina, Martin, Krieger,
Bessner, Lewis

Absent: None

Aldr. Monken made a motion to adjourn from Executive Session at 8:50 PM. Motion was seconded by Aldr. Turner and approved unanimously by voice vote. Motion carried.

7. ADJOURNMENT

Aldr. Bessner made a motion to adjourn at 8:50 PM. Motion was seconded by Aldr. Monken. No additional discussion. Approved unanimously by voice vote. Motion carried.