

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, JUNE 19, 2012**

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

Members Absent:                    None

Also Present:                        Matthew O'Rourke, Planner  
   Russell Colby, Planning Division Manager  
   Rita Tungare, Community Development Director  
   Chris Tiedt, Development Engineering Division Manager  
   Sonntag Court Reporter

**1.      Call to order**

The meeting was called to order at 7:00 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 5, 2012 meeting.**

**A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the June 5, 2012 meeting.**

**PUBLIC HEARING**

**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

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

**Vice Chairman Kessler made a motion to close the public hearing.** Mr. Scheutz seconded the motion.

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Roll Call Vote:

Ayes: Amatangelo, Scheutz, Henningson, Kessler

Nays: Doyle, Pretz, Wallace

Absent: None

Motion carried.

**Mr. Doyle made a motion that the Plan Commission hold a special meeting on July 3, 2012 for action on the application for Special Use for 2900 Dukane Drive.** Ms. Amatangelo seconded the motion.

Roll Call Vote:

Ayes: Amatangelo, Scheutz, Doyle, Pretz, Henningson, Kessler

Nays: Wallace

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. Corporate Reserve of St. Charles PUD – Residential Development (Corporate Reserve Development, LLC)**

Application for Amendment to Special Use Ordinance 2008-Z-18 to permit residential use

Application for Map Amendment from the OR Office Research District to the RM-3 General Residential District

Application for PUD Preliminary Plan

Supporting Documents:

-PUD Preliminary Plans dated 5/14/12

-Landscape Plans dated 5/16/12

-Preliminary Engineering Plans dated 5/16/12

**Mr. Doyle made a motion to deny the application for Map Amendment.** Mr. Kessler seconded the motion.

Roll Call Vote:

Ayes: Doyle, Kessler, Wallace

Nays: Amatangelo, Schuetz, Pretz, Hennington

Absent: None

Motion fails.

**Mr. Henningson made a motion to approve the application for a map amendment, the application for an amendment to a special use, and the application for a PUD preliminary plan, contingent upon resolution of any outstanding staff comments.** Mr. Schuetz seconded the motion.

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Roll Call Vote:

Ayes: Amatangelo, Scheutz, Pretz, Henningson

Nays: Doyle, Wallace, Kessler

Absent: None

Motion carried.

**6. Meeting Announcements**

Tuesday, July 3, 2012 at 7:00pm in the Council Chambers

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

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

**7. Additional Business from Plan Commission Members, Staff, or Citizens.**

**8. Adjournment at 8:56PM.**

STATE OF ILLINOIS                    )  
  ) SS.  
COUNTY OF K A N E                    )  
                    BEFORE THE PLAN COMMISSION  
                    OF THE CITY OF ST. CHARLES

In the Matter of: )  
 )  
RA Seaton Contractor )  
Services, LLC, Applies for )  
a Special Use for )  
Manufacturing, Heavy )  
(Temporary Concrete Batch )  
Plant); Property Located )  
at 2900 Dukane Drive. )

REPORT OF PROCEEDINGS had at the hearing of the above-entitled matter before the City of St. Charles Plan Commission in the St. Charles City Hall, 2 East Main Street, St. Charles, Illinois, on June 19, 2012, 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          MR. RUSSELL COLBY, Planning Division Manager; and

12          MR. MATTHEW O'ROURKE, Planner.

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1 CHAIRMAN WALLACE: The City of  
2 St. Charles Planning Commission will come to  
3 order.

4 Tim, roll call.

5 VICE CHAIRMAN KESSLER: Amatangelo.

6 MEMBER AMATANGELO: Here.

7 VICE CHAIRMAN KESSLER: Schuetz.

8 MEMBER SCHUETZ: Here.

9 VICE CHAIRMAN KESSLER: Doyle.

10 MEMBER DOYLE: Here.

11 VICE CHAIRMAN KESSLER: Pretz.

12 MEMBER PRETZ: Here.

13 VICE CHAIRMAN KESSLER: Henningson.

14 MEMBER HENNINGSON: Here.

15 VICE CHAIRMAN KESSLER: Wallace.

16 CHAIRMAN WALLACE: Here.

17 VICE CHAIRMAN KESSLER: Kessler,

18 here.

19 CHAIRMAN WALLACE: All right. Item 3

20 on the agenda, presentation of minutes of the

21 June 5th, 2012, meeting.

22 Move to approve?

23 MEMBER HENNINGSON: So moved.

24 MEMBER AMATANGELO: Second.

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

3 All in favor?

4 (The ayes were thereupon heard.)

5 CHAIRMAN WALLACE: Opposed?

6 (No response.)

7 CHAIRMAN WALLACE: Motion passes  
8 unanimously.

9 Item 4 on your agenda is 2900 Dukane Drive,  
10 RA Seaton Contractor Services, LLC, application  
11 for special use for manufacturing, heavy,  
12 temporary concrete batch plant. Supporting  
13 documents: Site plan received 5/30/12 and, in  
14 addition, we have exhibits.

15 Exhibit A is special use application for  
16 manufacturing, heavy, concrete batch plant  
17 submitted by RA Seaton Contractor Services, LLC;  
18 B, staff analysis memo from Matthew O'Rourke,  
19 planner, dated 6/15/2012; C, site plans received  
20 5/30/2012; D, Model S batch plant product  
21 information, RexCon, LLC; E, comment letter,  
22 Chris Tiedt, Development Engineering Division  
23 manager, dated 6/7/2012; F, a letter from  
24 Michael W. Ritschdorff, R-i-t-s-c-h-d-o-r-f-f,

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1           dated 6/19/2012.

2                   Any other exhibits for this public hearing?

3                   MR. O'ROURKE: No. That's all we  
4           have for the time being.

5                   CHAIRMAN WALLACE: Okay. This is a  
6           public hearing. It's the role of the St. Charles  
7           Planning Commission to conduct public hearings  
8           for the City Council for any applications that  
9           come before the City.

10                   The public hearing on this item is an  
11           application for a special use. The way that the  
12           meeting will be conducted tonight, the Chair will  
13           recognize the Applicant and accept testimony for  
14           the application. After the testimony is given, I  
15           will ask members of the Plan Commission if they  
16           have any questions of the Applicant followed by  
17           questions from members of the audience.

18                   After we're done with questions, I will  
19           take comments, either for or against the  
20           application, and at the end we will have a  
21           rebuttal statement from the Applicant.

22                   If, at the end of the public hearing, the  
23           Plan Commission feels that they have enough  
24           testimony -- or, rather, enough evidence -- to



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1 make a decision regarding this application, then  
2 the public hearing will be closed. On another  
3 night -- I don't believe -- yeah. On a  
4 subsequent night, probably the July 17th  
5 meeting --

6 MR. O'ROURKE: That's what we're  
7 anticipating right now.

8 CHAIRMAN WALLACE: Okay.

9 At the July 17th meeting, then, this will  
10 be on the agenda again for decision. At that  
11 time the Plan Commission will recommend either  
12 approval or denial of the application to the City  
13 Council.

14 Subsequent to that, the matter will go to  
15 the City Council for a final decision.

16 Any questions regarding our procedure?

17 (No response.)

18 CHAIRMAN WALLACE: All right.

19 Anyone who wishes to give testimony, including  
20 asking questions, please raise your hand and be  
21 sworn in.

22 Is the Applicant going to . . . okay. I'm  
23 not sure where the Applicant is.

24 Oh, all right. Sorry.

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1 (The witnesses were thereupon  
2 duly sworn.)

3 CHAIRMAN WALLACE: All right.

4 Thank you.

5 And I would just ask that, when you make  
6 the presentation to the Planning Commission, you  
7 approach the lectern, speak into the microphone,  
8 state your entire name, spell your last name for  
9 the record, and, also, state your address.

10 Please keep in mind that we have a Court  
11 Reporter present in the room tonight and only one  
12 person can speak at a time; therefore, only the  
13 person that the Chair recognizes will be able to  
14 speak, please.

15 And if there aren't any further questions,  
16 Matt, shall we proceed with the Applicant's  
17 presentation?

18 MR. O'ROURKE: Yes. I think that  
19 would be the best way to proceed.

20 CHAIRMAN WALLACE: Okay. Is the  
21 Applicant ready?

22 MR. KUS: Yes.

23 CHAIRMAN WALLACE: All right.

24 MS. SEATON: Hello.

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1 CHAIRMAN WALLACE: Hi.

2 MS. SEATON: Rebecca Seaton,  
3 S-e-a-t-o-n, RA Seaton Contractor Services, LLC.  
4 I'm the Applicant.

5 MR. KUTROVATZ: Robert Kutrovatz,  
6 K-u-t-r-o-v-a-t-z, with Martam Construction.

7 MR. KUS: Gene Kus, operations  
8 manager for RA Seaton. It's K-u-s.

9 CHAIRMAN WALLACE: And then, also, if  
10 you could just state your addresses for the  
11 record. Business address is fine.

12 MS. SEATON: Oh, okay. 1467 McKinley  
13 Avenue, Belvidere, Illinois 61008.

14 MR. KUTROVATZ: 1200 Gasket Drive,  
15 Elgin, Illinois 60120.

16 MR. KUS: Same.

17 MS. SEATON: Yeah. We're both --

18 CHAIRMAN WALLACE: Thank you.

19 Go ahead.

20 MS. SEATON: Okay. Well, we're  
21 presenting this application for a special  
22 use permit for a batch plant, and -- at  
23 2900 Dukane Drive for improvements for Martam's  
24 project on Route 64.

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1 Does anyone have any questions or . . .

2 CHAIRMAN WALLACE: We all -- we have  
3 all of the application and the attachments, the  
4 exhibits, before us.

5 If there's anything -- you know, any  
6 further explanation that you want to give on any  
7 of that, that's fine. Otherwise, we can open it  
8 up to the Plan Commission for questions.

9 MR. KUTROVATZ: We had chosen this  
10 location because it's an ideal location,  
11 obviously, for both projects, which would  
12 actually help, I think, speed up and expedite the  
13 process of the work and the project.

14 CHAIRMAN WALLACE: Okay.

15 MR. O'ROURKE: Mr. Chairman --

16 CHAIRMAN WALLACE: Yes.

17 MR. O'ROURKE: Could you maybe just  
18 describe the process of what's going to be going  
19 on out there on the site, how this whole thing  
20 works, for the benefit of everybody?

21 MR. KUTROVATZ: The process of the  
22 paving or the plant operation?

23 MS. TUNGARE: The operation.

24 MR. O'ROURKE: The operation of the

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1 plant.

2 MS. TUNGARE: The operation. I think  
3 that would be beneficial to the Plan Commission  
4 for how you plan to operate this facility.

5 MR. KUTROVATZ: The operation of  
6 the -- the paving operation, we would have  
7 approximately -- it really will depend on the day  
8 and how long it runs, but we would be pouring  
9 anywhere from 10 to 12 mainline pours this year  
10 out of the batch plant and then the same next  
11 year, and then all the smaller pours would come  
12 from an off-site location.

13 Approximately 15 to 20 semis would be  
14 delivering the cement on those particular days.  
15 It's not an everyday basis. There will be  
16 deliveries for the aggregate, sand, and the  
17 three-quarter-inch stone a day prior to.

18 All the material will be brought in, and  
19 then, obviously, the cement comes the day of the  
20 pour. And they batch the cement and load the  
21 trucks, and we dump them into our conveyor  
22 equipment in front of our paving machine and  
23 we -- off we go.

24 You know, the process -- with having a

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1           plant this close -- should enable us to increase  
2           our capacity 30 to 40 percent from an off-site  
3           source, which would increase the -- or decrease  
4           the amount of time required to complete the  
5           project.

6                   CHAIRMAN WALLACE: Will the special  
7           use terminate at the end of 2013, or will it be a  
8           conditional special use?

9                   MR. O'ROURKE: What that could be is  
10          a condition written into the ordinance that  
11          approves the special use, if that's the  
12          recommendation that comes from this body. And if  
13          the City Council wants to do it, that's certainly  
14          something that can be considered.

15                   CHAIRMAN WALLACE: And I read in the  
16          materials that you plan to operate only for  
17          approximately 12 days in 2012 and 12 days in  
18          2013.

19                   MR. KUTROVATZ: Right. Right.

20                   CHAIRMAN WALLACE: Okay.

21                   MR. KUTROVATZ: You know, it's  
22          variable. It could be less than 12. We're going  
23          to try to -- you know, it just depends on -- if  
24          we're able to pour 3,000 to 4,000 cubic yards in

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1 a given day -- I can give you an example.

2 We need to pour, out of this batch plant, a  
3 total of 40,000 cubic yards of concrete. So if  
4 it's 2,000 cubic yards a day, it's about 20 days  
5 of pour.

6 Okay? If we're able to pour more in a day,  
7 it will be less pour days. And all your  
8 intersection pours are coming from an off-site  
9 ready-mix truck.

10 CHAIRMAN WALLACE: But it's not a use  
11 that's going to be every day.

12 MR. KUTROVATZ: No, no.

13 CHAIRMAN WALLACE: Okay.

14 MR. KUTROVATZ: No, no, no.

15 CHAIRMAN WALLACE: And it is in an  
16 industrial area, the Dukane plant.

17 MR. O'ROURKE: Right. This area is  
18 zoned M-2, and this is a special use that's  
19 listed in that zoning district.

20 CHAIRMAN WALLACE: Okay. Does  
21 anybody have any questions?

22 Tim, did you have something?

23 VICE CHAIRMAN KESSLER: You  
24 addressed it.

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1 CHAIRMAN WALLACE: All right. Any  
2 other questions?

3 MEMBER DOYLE: I'll just ask some.

4 CHAIRMAN WALLACE: Go ahead, Brian.

5 MEMBER DOYLE: Yes. We have a memo  
6 here from Staff Member Christopher Tiedt. There  
7 are a number of questions on that memo and a  
8 couple of observations I just want to highlight.

9 So one thing concerns protection of  
10 stormwater runoff and so --

11 MR. KUTROVATZ: Okay.

12 MEMBER DOYLE: It says measures will  
13 be taken to ensure that there is not a  
14 substantial increase in the amount of stormwater  
15 runoff from the site, and he also asks if the  
16 access drives will be paved or if any the plant  
17 area will be paved.

18 MR. KUTROVATZ: Can you repeat the  
19 last part? How it's going to be paved?

20 MEMBER DOYLE: Paving of the access  
21 drives or any areas of the plant.

22 MR. KUTROVATZ: Okay. The plant will  
23 be associated on Dukane's property, which will  
24 have a temporary driving surface, which will



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1 consist of asphalt grindings.

2 MEMBER DOYLE: Okay.

3 MR. KUTROVATZ: And the reason why  
4 we're using this material is it's virtually dust-  
5 free, that material.

6 I spoke with Jim Bernahl regarding the  
7 maintenance of the existing roadway, which we  
8 will basically inspect prior to our starting of  
9 work, and then, obviously, he'll -- we'll be  
10 inspecting it weekly or biweekly to see if  
11 there's any repairs that, you know, need to be  
12 repaired at those times.

13 The stormwater runoff -- we'll use, you  
14 know, best management practices for stormwater  
15 runoff, but we will be doing a silt fence.  
16 RA Seaton does happen to be a certified erosion  
17 control contractor, also, and I do have certified  
18 personnel on my staff, as well.

19 All these issues I believe we can handle, I  
20 mean, without any problem. I mean, we have a  
21 good line of communication with the City, weekly  
22 meetings. I don't see it being an issue that we  
23 can't handle this.

24 MEMBER DOYLE: Let me ask my

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1 follow-up question of staff.

2 Are there any outstanding questions or  
3 concerns that would be out of the ordinary  
4 that you would --

5 MR. O'ROURKE: There were some staff  
6 concerns and comments highlighted in the staff  
7 memo that went out with the packet. Those are  
8 what we would consider outstanding comments at  
9 this point.

10 They're being addressed -- or the Applicant  
11 is trying to address those. We haven't gotten  
12 there yet, in particular the questions with the  
13 environmental concerns. They're required to  
14 submit a plan that shows us how they're going to  
15 do that.

16 We have not received that plan yet so --  
17 that's something we're still waiting to receive,  
18 so we'll get that information back to this group.

19 MS. TUNGARE: And those items are  
20 listed on page 5 and page 6 of the memo that Matt  
21 has given you.

22 CHAIRMAN WALLACE: Matt, do you have  
23 any issue -- I'm sorry.

24 Matt, do you have any issue with any of the

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1 issue -- any of the things that were raised in  
2 the memo by Mr. Tiedt?

3 MR. O'ROURKE: No. Essentially, what  
4 Chris Tiedt's memo is doing is highlighting the  
5 things that we need in order to address the  
6 environmental concerns that are listed in the  
7 memo.

8 CHAIRMAN WALLACE: Beyond the  
9 utilities? Is there any concern regarding --  
10 maybe I can -- I don't know if you want to  
11 address this, but, basically, what utilities are  
12 needed to operate the plant? And when you say  
13 "existing utilities in the area will need to be  
14 protected," do you mean in order to be restored  
15 back after the plant ceases operation?

16 MR. TIEDT: I think what I --

17 CHAIRMAN WALLACE: Wait. If you  
18 could just -- sorry -- say who you are.

19 MR. TIEDT: Christopher Tiedt, City  
20 of St. Charles.

21 And you're referring to Question No. 6, I  
22 assume, or Comment No. 6.

23 CHAIRMAN WALLACE: Yes, 6 and 7.

24 MR. TIEDT: 6 and 7. I guess, based

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1           on the sketch, the initial sketch that we had  
2           received, it wasn't clearly identified what  
3           utilities they may need to operate the  
4           facilities. We certainly have a lot of  
5           facilities in the area that, you know, they could  
6           use based on the plan, but it was just a -- to  
7           kind of get a better understanding of what  
8           requirements they need as far as, you know, is  
9           water needed for your facility. I would assume  
10          electric is needed.

11                 You know, just to try to culminate, to get  
12           an idea of what facilities are needed so we can  
13           figure out how best to service this facility  
14           should it go forward.

15                 And as far as "existing utilities in the  
16           area will need to be protected," on the -- along  
17           the north -- what is that? -- the northwest side  
18           of Dukane and Stone Drive right there, that area  
19           near this site, there are some existing utilities  
20           such as some electric duct banks. There's a fire  
21           hydrant there. There's a storm sewer.

22                 This is just basically -- basically, I just  
23           want to call out to the Applicant that there are  
24           existing utilities in the area that they need to

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1           be aware of, that maybe they -- you know,  
2           electrical conduits, you don't really see because  
3           they're typically buried, but I just wanted to  
4           call it to their attention so they're aware of it  
5           so as they do prepare a plan, you know, assuming  
6           they move forward, they can take the appropriate  
7           measures to protect those utilities and ensure  
8           that they remain intact throughout the process.

9                   CHAIRMAN WALLACE: Okay.

10                  All right. Any other questions?

11                  MEMBER DOYLE: Yeah.

12                  CHAIRMAN WALLACE: Go ahead.

13                  MEMBER DOYLE: So in the staff  
14           comments on page 5 of the memo, it indicates  
15           that -- I'm sorry, Todd; I'm on page -- it is  
16           page 5 -- that they'll need a stormwater permit,  
17           and there's some documentation that staff is  
18           awaiting.

19                  Is it your intention to submit that plan?

20                  MR. KUTROVATZ: Yes. Correct. That  
21           will all follow -- following the application,  
22           we'll also get that.

23                  MEMBER DOYLE: Well, you would submit  
24           that after the Plan Commission makes a

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1 determination on this or prior to?

2 MR. KUTROVATZ: Well, I -- it would  
3 be prior to, actually, yes.

4 MEMBER DOYLE: Okay.

5 MR. KUTROVATZ: And to answer his  
6 other questions with the utilities, we will  
7 actually do exploratory -- find out exactly --  
8 exactly the depth of the utilities, if we have  
9 to. We'll pour a protective concrete slab on the  
10 entrance where our trucks will be exiting and  
11 leaving to protect the sewer -- both sewer lines,  
12 the electric, and we will be, also, applying for  
13 a water permit for water hookup.

14 MEMBER DOYLE: Right. And there was  
15 a comment in there about the Seventh Avenue  
16 Creek, which could potentially impact a number of  
17 downstream properties, depending on the  
18 stormwater.

19 MR. KUTROVATZ: Yes. The property is  
20 going to actually be -- the temporary gravel or  
21 grindings is going to be placed in such a manner  
22 where it's going to pretty much match existing  
23 grade. It is a pervious material, so it will  
24 draw in a lot of water, you know, unless you have

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1 a torrential downpour. Then I -- I mean, I  
2 don't -- I don't -- we'll address -- you know,  
3 put on protective measures for runoff, but I  
4 don't think you're going to see any more than  
5 normal, you know, from the existing condition.

6 MEMBER DOYLE: Okay.

7 MS. SEATON: Gene, do you want to  
8 answer that question?

9 MR. KUS: We plan on enclosing the  
10 site with silt fence. We'll put a double row up.  
11 It's approved on SWPP permits. And let's -- it  
12 will be protected with inlet filters, which are  
13 approved, actually, by one of your jobs down on  
14 64 and Oak. It's standard and will capture  
15 pretty much anything environmentally. You  
16 shouldn't have any concerns.

17 MEMBER DOYLE: Okay. Let me ask a  
18 follow-up question for staff, then.

19 As a matter of due diligence, would it be  
20 advisable for the Plan Commission to keep the  
21 public hearing open until you have an opportunity  
22 to review that plan and collect that information?

23 CHAIRMAN WALLACE: It would either be  
24 that or making a recommendation subject to

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1           their -- subject to staff approval of --

2                       MEMBER DOYLE: Contingent on --

3                       VICE CHAIRMAN KESSLER: Can I

4           suggest --

5                       MR. O'ROURKE: I would say in --

6                       VICE CHAIRMAN KESSLER: Do you have a  
7           suggestion?

8                       MR. O'ROURKE: I would -- in the  
9           staff materials our recommendation is that the  
10          Commission do leave it open until the  
11          July 17th -- or continue it to that meeting -- so  
12          we can get these materials and review them.

13                      And then, if there's any new information to  
14          present at that time, the public will be here and  
15          it will be open to do so.

16                      CHAIRMAN WALLACE: Okay.

17                      MR. O'ROURKE: You know, if you want  
18          to -- if you had enough information at that  
19          meeting, you know, to make a recommendation,  
20          that's up to the Commission to do that so -- but  
21          I'll just follow up by saying -- I think to a  
22          comment earlier -- we will anticipate having  
23          these plans before they're back before this  
24          Commission for a recommendation.



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1 MEMBER DOYLE: Okay.

2 MR. O'ROURKE: So just to -- I think  
3 to clarify the point earlier.

4 CHAIRMAN WALLACE: Tim, did you --

5 VICE CHAIRMAN KESSLER: No. I  
6 just -- I had read in the memo, and I wanted to  
7 direct the same thing to staff.

8 CHAIRMAN WALLACE: Okay.

9 VICE CHAIRMAN KESSLER: It's your  
10 recommendation that we leave the public hearing  
11 open?

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

13 VICE CHAIRMAN KESSLER: But we'll  
14 have the information that we're discussing now  
15 before we ever make a recommendation?

16 MR. O'ROURKE: That's absolutely  
17 correct.

18 VICE CHAIRMAN KESSLER: So we'll have  
19 all that.

20 MS. TUNGARE: And that information  
21 will also be available for staff in making our  
22 recommendation, the staff recommendation, as  
23 well. So we need the information before we can  
24 make the staff recommendation.

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1                   VICE CHAIRMAN KESSLER: So, really,  
2                   the best thing for us to do at this point is to  
3                   continue the public hearing, it sounds like.

4                   MS. SEATON: Well, time is of the  
5                   essence. We would like a recommendation tonight.  
6                   And we guarantee you that we can fulfill, you  
7                   know, any recommendations or any -- take care of  
8                   any concerns that you would have, and we can  
9                   present that at a later date.

10                  But time is of the essence with this  
11                  because of the project on Route 64.

12                  CHAIRMAN WALLACE: Well, I mean, it's  
13                  not on our agenda for action. We don't have  
14                  sufficient notice in order to make a  
15                  recommendation on it tonight.

16                  The soonest that we could actually make a  
17                  recommendation to City Council would be at the  
18                  next meeting.

19                  I mean, I don't know --

20                  MS. TUNGARE: Staff -- yeah. Staff  
21                  does not have enough information to make a  
22                  recommendation tonight unless the items that are  
23                  listed in the staff memo can be addressed.

24                  MR. O'ROURKE: Yeah. That and --

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1           that's correct. And we don't have the plans yet  
2           to do that.

3                   CHAIRMAN WALLACE: Okay.

4                   Tom, did you have something?

5                   MEMBER SCHUETZ: No. Fine.

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

8                   MS. TUNGARE: We need to take public  
9           testimony.

10                  CHAIRMAN WALLACE: Yeah.

11                  Does any member of the public wish to offer  
12           testimony or, first of all, ask questions?

13                  Yes, sir.

14                  MR. HASTINGS: Chris Hastings, City  
15           of St. Charles Economic Development Director,  
16           2 East Main Street.

17                  I just wanted to say, for the record, that  
18           I think the plant, as proposed, is suitably  
19           located. It's in an industrial park. We  
20           recognize that it needs a special use, but the  
21           assumption is that it's -- it would fit at that  
22           location.

23                  I think the -- from what I understand from  
24           the contractors, that any conditions that would

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1           be placed on the plan itself, with respect to the  
2           special use permit itself, that they can meet. I  
3           think that it's a credible company.

4                   But most importantly, I'm speaking on  
5           behalf of, I think, the community, particularly  
6           the businesses along East Main Street, in that  
7           the fastest we can get this project done, you  
8           know, the better off I think our community  
9           will be.

10                   And, you know, any way to expedite the  
11           process so that they can mobilize and place their  
12           plant, you know, it can only serve to move the  
13           project along that much more quickly.

14                   CHAIRMAN WALLACE: What is . . . I  
15           don't know, Matt or Rita, what . . . I mean,  
16           based on a recommendation at the July 17th  
17           meeting, when would it go before P&D and  
18           City Council?

19                   MS. TUNGARE: In August. At this  
20           time the Planning and Development Committee  
21           meeting of July has been officially canceled.

22                   So if it goes to Plan Commission in July --  
23           on July 17th --

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

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1 MS. TUNGARE: -- it will go to the  
2 Planning and Development Committee the second  
3 week of August, and, subsequently, it can go to  
4 City Council the week after.

5 So by the third Monday of August, we could  
6 have a vote from City Council.

7 CHAIRMAN WALLACE: And -- I don't  
8 know. I mean -- I guess we're back to the  
9 Applicant.

10 I mean, if there's an approval from City  
11 Council the third week in August, is that  
12 unduly -- I mean, is that -- how does that work  
13 with the time frame of --

14 MR. KUTROVATZ: Not good. Not good.

15 VICE CHAIRMAN KESSLER: Why did we  
16 get this application so late, then? Was it not  
17 intended --

18 MR. KUTROVATZ: I believe it was  
19 submitted -- or -- or I think there was  
20 discussion over 30 days ago.

21 And we were kind of hoping to -- we had a  
22 previous spot, but this actually turns out to be  
23 a better location for everybody for the  
24 production and speed of the project, so this is

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1           why we went back to this -- or we went to this  
2           location.

3                     You know, we had discussed with personnel  
4           on your staff that -- they said it should take 45  
5           days. Now, we were not aware that, you know, the  
6           July meetings, I guess, were canceled, so that  
7           kind of threw the kibosh on everything.

8                     So . . . August 20th would actually mean  
9           that we wouldn't probably be able to start  
10          pouring until after Labor Day, which we would  
11          probably have more than half of the roadway  
12          poured by August 20th if we were able to expedite  
13          and have it in by the third week of July.

14                    VICE CHAIRMAN KESSLER: How long will  
15          it take you to set up the plant?

16                    MR. KUTROVATZ: The plant with our --  
17          we'll need two or three days to set the site up  
18          first, and then there's about three days for the  
19          plant. So we'll need about six, maybe seven  
20          business days with all the erosion control  
21          measures, and then we'll need, also, some  
22          additional time for the water service hookup and  
23          that, too. So --

24                    VICE CHAIRMAN KESSLER: When will you

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1           begin your monumental pour? When do you begin to  
2           pour?

3                       MR. KUTROVATZ: When would we get to  
4           pour? We would start pouring the last week of  
5           July, first week of August.

6                       VICE CHAIRMAN KESSLER: And is that  
7           part of your schedule? I mean, that -- have you  
8           scheduled that those pours are going to take  
9           place at that time?

10                      MR. KUTROVATZ: Well, we had -- we  
11           had planned on pouring, you know, the last week  
12           in July, first week of August, you know, pending  
13           any delays by State or utilities and such  
14           issues, yes.

15                      VICE CHAIRMAN KESSLER: So that was  
16           part of the schedule?

17                      MR. KUTROVATZ: Correct.

18                      MS. TUNGARE: One option the Plan  
19           Commission does have is decide to hold the  
20           meeting on July 3rd, which has been presently  
21           canceled. The Plan Commission meeting on  
22           July 3rd, I believe, has been canceled.

23                      But if the Plan Commission desires, you  
24           can -- you can hold that meeting or you can hold

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1 a special meeting if you believe the project  
2 warrants that type of consideration.

3 VICE CHAIRMAN KESSLER: If we held a  
4 meeting at that time and made a recommendation at  
5 that time, during that week, when would it go to  
6 the Planning and Zoning?

7 MS. TUNGARE: The Planning and  
8 Development Committee is currently scheduled for  
9 August. But if it goes to Plan Commission the  
10 first week in July, I could forward a request to  
11 the Chairman of the Planning and Development  
12 Committee and City Administrator and see if  
13 there's a desire to either hold a special  
14 Planning and Development Committee meeting or to  
15 place the item on a different committee.

16 Because our committees do meet every Monday  
17 as a committee of the whole, in a different form.

18 So I would be willing to forward that  
19 special request if the Plan Commission makes a  
20 recommendation on July 3rd, but, again, that will  
21 be up to the Council whether they wish to  
22 consider this item on the request of the  
23 committee or not.

24 But if they don't, the standard process



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1 will be to give this to the P&D Committee, so  
2 there are no guaranties.

3 MEMBER AMATANGELO: Rita, could you  
4 once again -- if we have a meeting on the 17th,  
5 when is the -- when will it go to -- what is the  
6 next --

7 MS. TUNGARE: Committee?

8 MEMBER AMATANGELO: Right, committee.

9 MS. TUNGARE: It will go to committee  
10 on August . . . it's the second Monday in August.

11 MEMBER AMATANGELO: So they're not  
12 meeting the last week of July?

13 MS. TUNGARE: They usually meet the  
14 second Monday of the month as the Planning and  
15 Development Committee. They meet once a month as  
16 the Planning and Development Committee.

17 MEMBER AMATANGELO: Okay.

18 MS. TUNGARE: There is a different  
19 committee meeting end of July, and we can make a  
20 request to that chairman, but it would be  
21 entirely up to that chairman, the Mayor, and the  
22 City Council to decide whether they want to  
23 consider this item under a different committee.

24 Typically development-related items are

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1 placed on the Planning and Development Committee,  
2 so I can't make that commitment here today.

3 MEMBER HENNINGSON: Is there a way  
4 that we can make a recommendation tonight and  
5 leave it to your discretion?

6 MS. TUNGARE: That would be the Plan  
7 Commission's prerogative. If you want to make a  
8 recommendation prior to staff's recommendation,  
9 since you don't have a staff recommendation, and  
10 without the conditions being addressed, it's your  
11 prerogative. You can choose to do that if you  
12 wish.

13 MEMBER DOYLE: Well, I -- I --

14 MS. TUNGARE: It's not something  
15 we've typically done before but it's your  
16 prerogative.

17 MEMBER DOYLE: I thought I heard the  
18 Chairman say that we actually can't take action  
19 on this tonight because there has to be proper  
20 notification.

21 CHAIRMAN WALLACE: Well, that's what  
22 I'm -- that's what I'm reviewing right now. I'm  
23 reviewing our Zoning Ordinance.

24 Rita, I know in the past that's how we've

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1 conducted it. If something has not been placed  
2 on the agenda, we haven't taken action on it.

3 The only notice that's required by our  
4 Zoning Ordinance, though, is for an application  
5 requiring a public hearing --

6 MS. TUNGARE: Yes.

7 CHAIRMAN WALLACE: -- which this is.

8 MS. TUNGARE: That is correct.  
9 Absolutely.

10 CHAIRMAN WALLACE: Sufficient notice  
11 has been given for this application.

12 MS. TUNGARE: That is correct.

13 CHAIRMAN WALLACE: I believe that  
14 it's within, then, the purview of the Plan  
15 Commission to decide whether or not we want to  
16 take action on this.

17 MS. TUNGARE: That is correct.

18 CHAIRMAN WALLACE: Okay.

19 MS. TUNGARE: And all you would be  
20 required to do is make a motion to add this item,  
21 again, on the agenda --

22 CHAIRMAN WALLACE: Can I see our  
23 rules of procedure that -- I just signed it.

24 Thank you.

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1 (There followed a discussion  
2 outside the record.)

3 CHAIRMAN WALLACE: I just want to be  
4 sure we cite the right thing.

5 Are there any other questions, first of  
6 all, from Plan Commission members?

7 MEMBER DOYLE: Well, I -- yeah, I  
8 have one question.

9 CHAIRMAN WALLACE: Go ahead.

10 MEMBER DOYLE: If we're going to  
11 consider making a recommendation tonight in  
12 advance of having the staff recommendation, then  
13 I guess one thing I'd like to understand -- this  
14 is a question for Mr. Hastings.

15 What is the cost to the City of delaying  
16 final approval on this item until, say, August.

17 What is the -- what is the economic  
18 imperative here to actively --

19 MR. HASTINGS: I can't say there's a  
20 cost associated with the contract because the  
21 contract's IDOT's work. Now, we're doing some  
22 water work that IDOT is doing for us and we're  
23 paying for, but the road itself is an IDOT  
24 project.

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1                   So people are -- frankly, the City doesn't  
2                   gain anything financially by speeding the project  
3                   along, but I think indirectly our community does  
4                   substantially because the cost of doing business  
5                   associated with transportation up and down  
6                   Main Street, I think, is a major effect.

7                   My thinking is -- and I -- I don't want to  
8                   break protocol, but it's just a thought. If we  
9                   could get a commitment from these people that  
10                  whatever conditions we placed on the part of  
11                  staff that they will meet, recognizing they're  
12                  not going to get a permit to construct the batch  
13                  plant -- I mean, that's obviously the final stick  
14                  that the City has, that if you don't meet the  
15                  requirements for a permit, you're not going to  
16                  start.

17                  And so recognizing those things, perhaps if  
18                  you closed the hearing tonight -- once the  
19                  public's had an opportunity to speak -- you  
20                  closed the hearing, and if it's your purview and  
21                  your discretion to make a recommendation, I think  
22                  that will move the process along.

23                  My hope is -- as Director Tungare said --  
24                  is, because of this unique situation where the

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1 Planning Committee doesn't meet in July because  
2 all the senior staff is going to be on training  
3 that week, perhaps we can talk to the City  
4 Administrator and the Mayor and the Council and  
5 the appropriate committee chairman and have this  
6 brought before a different committee in July so  
7 that it can expedite the process to the Council.

8 CHAIRMAN WALLACE: My only inquiry in  
9 looking at this is whether the Plan Commission  
10 actually has the authority under the Zoning  
11 Ordinance to take action.

12 Because typically in the past we have not  
13 done so. But -- and I don't even know if the  
14 Plan Commission is willing to take action. My  
15 concern is just if it's within our power to  
16 do so.

17 And, certainly, if the Plan Commission  
18 wanted to, we can make a recommendation for  
19 approval based on certain -- you know, the --

20 MR. O'ROURKE: Conditions.

21 CHAIRMAN WALLACE: -- satisfaction of  
22 staff conditions or a satisfactory finding by  
23 staff regarding reports to be received, something  
24 of that nature.

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1 MR. HASTINGS: If I can follow up one  
2 more point.

3 CHAIRMAN WALLACE: Yeah.

4 MR. HASTINGS: At least all the  
5 issues, I believe, have surfaced. Now, have the  
6 conditions all been met? No. But at least -- I  
7 don't think there's a lot of mystery with respect  
8 to the issue. Staff has done a good job  
9 considering those issues. They're making  
10 recommendations.

11 These people have to step up, provide their  
12 information. I think there's a warranty that  
13 will be required, some kind of --

14 MR. KUTROVATZ: Yes.

15 MR. HASTINGS: -- remuneration in  
16 order to be sure things are put back in position.

17 So I think they've heard all the issues.  
18 They have not addressed them all, but, again,  
19 with the permit authority and the ability to deny  
20 a permit, I think you can hold them to those  
21 conditions.

22 CHAIRMAN WALLACE: Okay.

23 MEMBER AMATANGELO: Mr. Chairman,  
24 would that also include an exit plan? Since we

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1 don't have that today, will that also include an  
2 exit plan so that --

3 MR. O'ROURKE: Do you mean a time  
4 limit on the length of the term of the  
5 special use?

6 MEMBER AMATANGELO: Well, a time  
7 limit and then what it is to be -- you know, the  
8 restoration of the property after they leave,  
9 they vacate the premises and --

10 MR. O'ROURKE: If you'd like to make  
11 that a condition of the approval, yes -- and  
12 recommend that to the City Council -- that's  
13 fine.

14 MEMBER AMATANGELO: Okay. Thank you.

15 CHAIRMAN WALLACE: Okay.

16 Are there any other questions from members  
17 of the public regarding any of the testimony?

18 Sir, in the back.

19 MR. ANSANI: Yeah. I have some --  
20 step up?

21 CHAIRMAN WALLACE: Yeah.

22 MR. ANSANI: I have some questions  
23 and some comments so --

24 CHAIRMAN WALLACE: Okay. Were you



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1 sworn?

2 MR. ANSANI: Yes, I was.

3 CHAIRMAN WALLACE: Okay. If you'd  
4 just state your name and spell your last name.

5 MR. ANSANI: Sure. For the record,  
6 my name is Daniel Ansani, A-n-s-a-n-i. I'm an  
7 attorney and I am here on behalf of the owner of  
8 the property at 417 Stone Drive, which is  
9 417 Stone Drive, LLC. I'm also here on behalf of  
10 the tenant, which is Leviton.

11 I have some questions and I thought I heard  
12 some of the answers, that this was -- permit was  
13 only going to be for two years.

14 Is that going to be one of the conditions,  
15 that this permit will terminate at the end of  
16 2013?

17 CHAIRMAN WALLACE: That's not a part  
18 of the application. That's not included in the  
19 application, but that was one of the questions  
20 that was asked of staff.

21 And, yes, a condition can be placed on a  
22 special use that would result in a termination  
23 date.

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

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1 CHAIRMAN WALLACE: So yes.

2 MR. ANSANI: But it hasn't been made  
3 a condition yet as we sit here this evening;  
4 right?

5 MR. O'ROURKE: It effectively  
6 wouldn't be until the City Council votes on the  
7 ordinance, and that would be a condition of it  
8 then.

9 MR. ANSANI: And then the other  
10 question that I had is that -- there was some  
11 talk in here that it's going to be limited to  
12 12 days per year.

13 And is that going to also be a condition  
14 that's going to be requested?

15 CHAIRMAN WALLACE: I don't believe  
16 that that was a requested condition. It was a  
17 comment that was included in the application.

18 MR. O'ROURKE: Yeah. That's based on  
19 what the Applicant has informed us is their  
20 schedule, their plan for going forward.

21 MR. ANSANI: Could my -- I'm sorry.

22 MR. O'ROURKE: It could be another  
23 condition if the Plan Commission wanted to  
24 recommend that to the City Council.

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1                   MR. ANSANI: My only concern is right  
2                   now -- and I'm very familiar with this area; I've  
3                   been there many, many times -- is that right now  
4                   it's a limited manufacturing zoning, and if you  
5                   drive around that area, most of these are  
6                   enclosed buildings and they conduct manufacturing  
7                   within.

8                   This area where this is going to be built  
9                   is a huge, huge vacant parcel with the building  
10                  over there.

11                  They've indicated that there's going to be  
12                  trucks delivering aggregate, sand, stone. That's  
13                  going to cause a lot of dust. That's going to  
14                  cause a lot of traffic coming in. You're going  
15                  to have cars and trucks coming in off of  
16                  Production onto Stone to get to Dukane, or you're  
17                  going to have trucks coming from the south going  
18                  onto Dukane over to the property, so there's  
19                  going to be a lot of vehicular traffic coming in  
20                  there that we do not have right now.

21                  These manufacturing facilities that are in  
22                  there -- for example, Leviton manufactures  
23                  fiberoptic cables. They do have -- and they  
24                  retrofitted when this property was purchased -- I

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1 was familiar with that. They put in a very, very  
2 sensitive dust-collection system.

3 However, at the time, because of the  
4 surrounding areas, that system was put in without  
5 taking into consideration that we were going to  
6 be having stone, gravel, and a cement contract --  
7 concrete trucks going back and forth.

8 If -- as you know, fiberoptic cable is very  
9 sensitive. If a speck of dust gets in there,  
10 basically, it's not operable. So it's going to  
11 be a very big problem to my clients' tenant and,  
12 also, to, I'm sure, other manufacturers.

13 We're going to be talking about heavy  
14 trucks coming in and out of this area, and that's  
15 why my question was are we putting a limit only  
16 for this North Avenue project.

17 What happens if a company -- this company  
18 receives a contract to perform concrete services  
19 in the next year or so on another site that's  
20 reasonably nearby? Are they going to continue to  
21 request this special use?

22 I mean, that's an issue that we have to be  
23 concerned about.

24 Right now they're saying two years, but

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1           let's say they get a job doing something over on  
2           Kirk Road or further south or another street  
3           nearby, and this is a lot closer than Belvidere.  
4           So all of a sudden now we're going from a special  
5           use that was, quote, "limited to two years"; now  
6           it's an open-ended item.

7           I previously mentioned we're talking about  
8           dust and dirt, impact on not only my client's  
9           tenants but all of the other tenants that are  
10          around it.

11          Okay. Lastly, we talk about a diminishment  
12          in property values. If we've got a concrete  
13          plant located next to a light manufacturing  
14          facility, what kind of tenants are going to want  
15          to move in that require dust-free environments  
16          when we're going to have a cement factory  
17          basically across the street or around the corner  
18          from where they're located at?

19          It's going to cause a problem. You may  
20          have a tenant with a cement contract, but you may  
21          have a number of other vacancies in the  
22          surrounding area because people are -- in a light  
23          manufacturing area -- are not going to want to  
24          proceed and move into an area that's now a heavy

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1 manufacturing area, so you may be changing the  
2 entire complexity of the whole park right now.

3 And, lastly, I'm a little concerned because  
4 you're talking about approving this and, yet, you  
5 don't have all of the issues in front of you. We  
6 haven't heard what the environmental impact is  
7 going to be on this project; we haven't heard  
8 about some of the other issues that were brought  
9 up here this evening.

10 And here we are, we're ready to approve  
11 this, and we don't even know what's going to  
12 happen here.

13 CHAIRMAN WALLACE: Just to correct  
14 that, the Plan Commission does not approve  
15 anything.

16 MR. ANSANI: You're going to make a  
17 recommendation to the Board.

18 CHAIRMAN WALLACE: To the City  
19 Council, correct.

20 MR. ANSANI: To the City Council.

21 But that recommendation is going to have  
22 your approval on there subject to these issues.

23 What happens if the Plan Commission -- if  
24 the report -- then that would have to be reviewed

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1 by the City Council to determine that, and you  
2 will have not had the opportunity to review that  
3 and brought it before the public at your forum.

4 I think those are basically my main points  
5 that I was concerned about, is that I think we're  
6 changing the entire zoning of this area. I mean,  
7 if you look at all of the buildings -- I even  
8 drove by there again this evening on my way here  
9 just to see what was located in that area.

10 And there's nothing -- nothing -- to the  
11 west of Kirk Road, south of North Avenue of any  
12 type similar to this. You've got that grammar --  
13 the grammar school there -- I think it's a  
14 grammar school -- junior high school? -- that's  
15 located right off of Kirk Road there. You're  
16 going to have that. You're going to have that  
17 impacted by trucks, vehicles.

18 Has a traffic study been done on this to  
19 determine what kind of vehicles are going to be  
20 coming in here, what the impact of those vehicles  
21 are going to have on the surrounding areas? I  
22 don't think anybody mentioned that.

23 They just said they're going to be  
24 delivering semis with aggregate, sand, and stone,

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1 and then you're going to have concrete trucks  
2 going out.

3 Now, if we limit that to maybe 10 days a  
4 year, 12 days a year, put it a maximum of 20 days  
5 a year, that's one thing. But an open-ended  
6 approval of this kind of a thing I think is going  
7 to cause a serious impact.

8 And I have sympathy for the individuals on  
9 North Avenue because I drive through there all  
10 the time, trying to negotiate through there with  
11 the traffic, and I understand their requirements.

12 But to help alleviate them, you're putting  
13 a completely -- entire business park into  
14 potentially a serious situation unless a thorough  
15 study is permitted and completed before it's  
16 approved and sent forward to the Council.

17 Any questions?

18 VICE CHAIRMAN KESSLER: Yes.

19 I take from your tone that 10 to 20 days a  
20 year would not be injurious to your client.

21 MR. ANSANI: Well, that's one thing.  
22 I think -- if we have a limit on that, I think we  
23 can sell that better to a tenant than to say "You  
24 know what? We're going to be having trucks



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1 coming in every day."

2 VICE CHAIRMAN KESSLER: So it  
3 wouldn't be --

4 MR. ANSANI: Is it perfect? No. I  
5 don't think they're going to be real happy about  
6 it because we're still going to have the dust  
7 problems with that. But I think that if -- and,  
8 again, I'm trying to be sympathetic to their  
9 plight and to the plight of all the businesses on  
10 North Avenue.

11 If we have some kind of limitations on  
12 that -- you know, we're talking about -- for this  
13 year we're looking at -- what? -- 10 days,  
14 12 days in -- from the end of July, the beginning  
15 of August, through September, October when they  
16 finish pouring concrete? 12 days out of 65 or  
17 70 days?

18 And next year, maybe out of five months,  
19 12 or 20 days, and then that -- that terminates  
20 the permit because that job will be completed?

21 But, again, once the door is open, unless  
22 there are specific limitations put on there, we  
23 could be looking at this being there for the next  
24 5 years or 10 years, depending on what jobs

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1           they're given.

2                   VICE CHAIRMAN KESSLER:   Okay.

3                   MR. ANSANI:   Okay.   Thank you.

4                   Thank you for your time.

5                   CHAIRMAN WALLACE:   Any other  
6                   questions?   Hold on one second.

7                   Any other questions?

8                               (No response.)

9                   CHAIRMAN WALLACE:   Okay.

10                   Does any member of the audience wish to ask  
11                   questions of the testimony just presented here or  
12                   any of the previous testimony?

13                   Yes.

14                   MR. KUTROVATZ:   If I could address  
15                   your issue with the gravel.

16                   CHAIRMAN WALLACE:   Yeah.

17                   MR. KUTROVATZ:   The gravel that's  
18                   used in the concrete construction is a washed  
19                   gravel and a washed sand material.   There's -- I  
20                   mean, it's a statement of fact that it's a  
21                   Grade A material.   There is really no dust  
22                   present at all when it's delivered.

23                   Again, for the base that we're using, it's  
24                   an asphalt grindings material which is a

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1 free-flowing material, grain material. There is  
2 virtually no dust with that. We will have a  
3 water truck there and a sweeper available, also,  
4 before the pours and after the pours.

5 Okay?

6 MR. ANSANI: Could I respond?

7 CHAIRMAN WALLACE: Please.

8 MR. ANSANI: Very simply, a couple  
9 things.

10 First of all, who is going to be street  
11 sweeping Production, Dukane, and Stone Drive? Is  
12 that going to be part of the permit, that they're  
13 going to be required -- are they going to be  
14 required to keep that clean?

15 Secondly, I'm very familiar -- I represent  
16 a number of general contractors that do  
17 commercial construction projects. Take a ride  
18 along Higgins Road on the south -- I'm sorry --  
19 yes, on the -- that would be the north end --  
20 south end of the airport on Higgins between  
21 Mannheim and Route 83.

22 There's a couple of cement contractors.  
23 And just let me know what you think of the dust  
24 as you're driving through Higgins Road there, and

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1           then we can talk about what they use there.

2                   I'm not -- because I don't know. I can't  
3           answer a question as to what kind of dust. All I  
4           can tell you is drive along Higgins Road from  
5           Mannheim Road west to Route 83, and then we can  
6           talk about dust from concrete. There's two  
7           contractors -- two concrete places there where  
8           they pour concrete. I don't even know the names  
9           of them, but I drive by there a lot, so I'm  
10          familiar with that.

11                   CHAIRMAN WALLACE: Okay.

12                   MR. ANSANI: Thank you.

13                   CHAIRMAN WALLACE: Anything further?

14                   MS. SEATON: I'd like to say  
15          something.

16                   CHAIRMAN WALLACE: Go ahead.

17                   MS. SEATON: I've been in the  
18          trucking business for 25 years, so I do know  
19          trucks. And I do believe that the access in and  
20          out of there is slow traffic. We're not going to  
21          be going 45, 50 miles an hour into that.

22                   So as far as the dust from the trucks  
23          kicking up off the road, it's going to be any --  
24          like any other traffic going into this. We're

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1           going to go into it slow. We're not going to fly  
2           into there and fly out. So as far as that goes,  
3           I don't think that's -- won't be a concern. You  
4           know, it wouldn't be -- it won't be a problem, I  
5           should say.

6                     And as far as -- you know, we're willing to  
7           work with everybody. I do believe I heard --  
8           now, is this light manufacturing or heavy  
9           manufacturing?

10                    MR. ANSANI: It's -- light  
11           manufacturing is the current zoning.

12                    CHAIRMAN WALLACE: That's correct, M-2.

13                    MR. O'ROURKE: M-2, the technical  
14           name is "Limited Manufacturing."

15                    CHAIRMAN WALLACE: "Limited  
16           Manufacturing." And this is an  
17           allowed special use.

18                    MS. SEATON: What is the -- I'm  
19           sorry. What is the term on that, then,  
20           "limited"?

21                    CHAIRMAN WALLACE: What do you mean?

22                    MS. SEATON: Well, kind of like the  
23           definition of "limited" then. What is --

24                    CHAIRMAN WALLACE: I mean, there's a

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1 whole chapter in our Zoning Ordinance about that.

2 MS. SEATON: Okay.

3 Well, I did hear that there's a  
4 stone-cutting manufacturer in the same park.  
5 They cut stone. You know, I really don't know  
6 anything about them. I didn't -- if someone is  
7 cutting stone in there -- you know, for whatever  
8 reason, countertops or whatever -- there are, you  
9 know, potential dust from, you know, that  
10 manufacturer, and I don't think that's been an  
11 issue.

12 CHAIRMAN WALLACE: Well, for our  
13 purposes -- let me -- maybe I can shortcut this  
14 conversation.

15 For our purposes in the Limited  
16 Manufacturing District, this is allowed as a  
17 special use; correct?

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

19 CHAIRMAN WALLACE: Okay. Thank you.

20 Do you want to go ahead?

21 You . . .

22 VICE CHAIRMAN KESSLER: No. I  
23 thought you wanted me to read it.

24 Well, "M-1, Special Use" -- or "Special

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1 Manufacturing District."

2 "M-2, Limited Manufacturing District. The  
3 purpose of the M-2 limited manufacturing district  
4 is to accommodate a wide range of manufacturing,  
5 assembly, processing, warehouse, and office/  
6 research activities, both as individual users and  
7 in a business park setting. New development and  
8 redevelopment in this district shall focus on  
9 providing sufficient setbacks and adequate  
10 landscaping and buffering from adjacent  
11 nonindustrial uses and public rights-of-way.  
12 Outdoor storage and loading and other outdoor  
13 activities shall be adequately screened."

14 CHAIRMAN WALLACE: Okay.

15 VICE CHAIRMAN KESSLER: So that's  
16 essentially what the M-2 Limited is.

17 MR. ANSANI: Which is a far, far cry  
18 from a heavy manufacturing.

19 CHAIRMAN WALLACE: All right.

20 Any other questions, comments from any  
21 member of the public?

22 I think I saw another hand.

23 Yes. Were you sworn in?

24 MR. VALESH: Yes, I was.

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1 MR. ANSANI: Is that for me or can I  
2 sit down?

3 MR. VALESH: No.

4 MR. ANSANI: Thank you very much.

5 CHAIRMAN WALLACE: Thank you very  
6 much.

7 MR. VALESH: My name is Robert  
8 Valesh. I'm the owner of 2551 Dukane, which is  
9 directly across the street from this location.

10 CHAIRMAN WALLACE: Would you just  
11 mind spelling your last name.

12 MR. VALESH: V-a-l-e-s-h.

13 And one question I do have, do you have any  
14 pictures of what this looks like and what this --  
15 any kind of plan or what is going up at this  
16 location?

17 CHAIRMAN WALLACE: Yeah. It was --  
18 there was included as an exhibit to the  
19 application a couple of site plans, kind of crude  
20 site plans.

21 There was a . . . those are Exhibit C.  
22 Exhibit D is product information from RexCon,  
23 LLC. So there were a couple of things.

24 I don't know if there's any way we



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1 can . . . this is page 1 of Exhibit D.

2 And there's page 2 of Exhibit D.

3 MR. VALESH: Okay. The few concerns  
4 that I have, one is the sufficient infrastructure  
5 around there -- again, going back to the  
6 drainage, going back to the electrical. Where  
7 are they going to get the electric to put all the  
8 electrical in there?

9 The sewer system that's in there -- a  
10 fully loaded cement truck weighs, I believe --  
11 80,000 pounds? 70, 80,000?

12 MR. KUTROVATZ: 72,000 pounds.

13 MR. VALESH: 72,000 pounds.

14 A fully loaded semitruck weighs that, and  
15 we do not have that going down our block like  
16 that, specifically how many coming in every  
17 single day.

18 The other one is the effect on the nearby  
19 property. My unit is a multiunit, so I have  
20 tenants in my building. Once something like that  
21 goes up on the corner like that, I could see me  
22 losing tenants.

23 You already have three or four buildings on  
24 this lot that are vacant that people are trying

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1 to rent out and trying to get people in there.  
2 I don't see them renting them out with --  
3 especially with a picture of this on the corner.

4 The other one was the effect of the  
5 other -- of the areas, and my concern, again, is  
6 the dirt that's going to come and the dust that  
7 comes from this plant.

8 You're talking about cleaning the roads and  
9 cleaning all that, but my parking lot's directly  
10 across the street. Who's going to clean my  
11 parking lot? Who's going to be -- cars are going  
12 to come in; they're going to drag everything into  
13 my parking lot.

14 My employees, customers are going to be  
15 dragging that into my building. So it is going  
16 to be coming into my building. It's going to be  
17 coming into the buildings all around us.

18 And the other thing was just the general  
19 welfare of the area. I mean, I looked on the  
20 Internet, and there are some chemicals that are  
21 given off in some of these plants.

22 I just -- I firmly believe that it's too  
23 close to all the other businesses that are around  
24 there. The businesses that are there are light

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1 industrial. No matter how it's zoned in there,  
2 it's not heavy-duty manufacturing going in there.

3 You made a comment -- somebody made a  
4 comment about the stone company that was in the  
5 area. I purchased the building the stone company  
6 was in, and it was a mess when I bought it. I  
7 had to clean the whole building out and get it  
8 revamped before I could rent the building out.  
9 So the stone cutting and the concrete is a big  
10 mess.

11 Thank you.

12 CHAIRMAN WALLACE: All right.

13 Thank you.

14 Any other questions or comments from any  
15 member of the public?

16 (No response.)

17 CHAIRMAN WALLACE: All right.

18 Seeing none, anything else from the Plan  
19 Commission members?

20 MEMBER DOYLE: I have one question --

21 CHAIRMAN WALLACE: Brian.

22 MEMBER DOYLE: -- for the Plan  
23 Commission members about -- the suggestion that  
24 Rita made regarding July 3rd.

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1 I'm just curious of those Commission -- of  
2 how many of us here would be in a position to  
3 attend a meeting on July 3rd if we wanted to hold  
4 a special meeting.

5 VICE CHAIRMAN KESSLER: Well, mine  
6 would be -- not July 3rd, but that doesn't mean  
7 that we couldn't hold a special meeting on  
8 another date around that time.

9 MEMBER DOYLE: All right.

10 CHAIRMAN WALLACE: Well, and I  
11 think -- and this is open to debate if the  
12 Plan Commission feels that this is an error. But  
13 I think that the Plan Commission -- there's  
14 nothing in our Zoning Ordinance or our rules of  
15 procedure that would prevent us from making a  
16 recommendation on this either tonight or at an  
17 unscheduled meeting since the notice has already  
18 been given for the public hearing.

19 So . . . you know, it depends on how Plan  
20 Commissioners feel about it, but I think, in  
21 order to add it to the agenda tonight or to act  
22 on it at a future meeting, both of those things  
23 are something that can be done in accordance with  
24 our rules.

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1                   MEMBER DOYLE: Is it an appropriate  
2                   time for us to discuss whether we want to -- we  
3                   have -- the basic decision to make here is  
4                   whether we're going to continue this or whether  
5                   we're going to change our agenda tonight.

6                   CHAIRMAN WALLACE: Yeah.

7                   MEMBER DOYLE: Are we at the point  
8                   that we want to discuss that?

9                   CHAIRMAN WALLACE: Yeah. I think  
10                  that would be appropriate because, otherwise, we  
11                  don't know if we're going to be continuing a  
12                  public hearing or closing a public hearing  
13                  without knowing what the thought is on making a  
14                  vote on this.

15                  MEMBER PRETZ: I did want to ask a  
16                  question of staff before we get into that.

17                  The comment was made concerning a fully  
18                  loaded truck being the 70- to 80,000-pound range,  
19                  and I take a look at your -- the questions here.  
20                  And I may just be missing it but -- I do not have  
21                  my glasses on. Okay?

22                  But has that been considered by the City in  
23                  reference to the impact of that on that -- the  
24                  apron going in and going over the utilities? I

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1 know we mentioned briefly before the -- that was  
2 a very specific weight that they were talking  
3 about.

4 MR. O'ROURKE: I don't know if that  
5 particular item just -- being that specific up to  
6 the apron was considered.

7 I think, if you look in the staff  
8 memo, there's a -- under staff comments,  
9 "Recommendations," under "Street Network," the  
10 issue of the heavy trucks being on the road and  
11 knowing what the state of those roads is  
12 currently out there, we -- the City has done some  
13 inspections on it -- we have some -- there are  
14 some comments that are outlined by staff that we  
15 are still in the process of addressing.

16 MEMBER PRETZ: Okay. Thank you.

17 CHAIRMAN WALLACE: All right. Any  
18 other discussion or questions?

19 VICE CHAIRMAN KESSLER: About? About  
20 what?

21 CHAIRMAN WALLACE: Either about the  
22 testimony that was given -- if you don't have any  
23 other discussion or questions regarding that,  
24 I'll ask the Applicant to present any rebuttal

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1 evidence. Otherwise, I mean, if there -- is  
2 there any further discussion on that?

3 Yes. Go ahead.

4 MEMBER AMATANGELO: Mr. Chairman, I  
5 was wondering if I could ask for my two exhibits  
6 back.

7 CHAIRMAN WALLACE: Oh.

8 Sorry. Those were loaners. They're  
9 available online, sir.

10 MR. VALESH: Yes.

11 CHAIRMAN WALLACE: They're available  
12 online on the City's Web site. You can go on  
13 there and print those out.

14 Okay. Any other questions or comments?

15 MEMBER SCHUETZ: Are we going to  
16 discuss this -- are we going to discuss this, any  
17 conditions you want to do, or how do we want to  
18 proceed?

19 VICE CHAIRMAN KESSLER: I think Brian  
20 made the comment -- and I agree with him -- that  
21 we should discuss how we're going to proceed  
22 because if we're -- if we're not going to take  
23 action or close the public hearing tonight, we'll  
24 just continue it to a future meeting.

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1                   But I think we'd be wise at this time to  
2                   decide how we want to proceed, if we want to put  
3                   it on the agenda for action tonight or not. If  
4                   the answer is yes, then we'll -- then we can  
5                   start talking about conditions and closing the  
6                   public hearing.

7                   CHAIRMAN WALLACE: Well, and just for  
8                   information, I think that the Chair is going to  
9                   treat this -- our practice of voting on something  
10                  that is a public hearing at the next meeting --  
11                  as a standing rule of this Commission, and the  
12                  Commission has the ability to suspend or amend  
13                  standing rules. To suspend them would require a  
14                  majority vote. To amend them would require a  
15                  two-thirds vote.

16                  So just for information, I think that the  
17                  standing rule would be that a matter is -- no  
18                  action is taken on a matter unless it's shown on  
19                  the agenda. But as I said, if the Commission  
20                  feels that they want to, we can either suspend or  
21                  amend that standing rule.

22                  MS. TUNGARE: Can I add one other  
23                  comment for the Commission?

24                  CHAIRMAN WALLACE: Yes.



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1 MS. TUNGARE: If you do decide to  
2 continue the item, it has to be continued to a  
3 date specific.

4 CHAIRMAN WALLACE: Yeah. We  
5 cannot -- if we continue it generally, then new  
6 notice would have to go out in order for the  
7 public hearing to appear on future -- or to be  
8 heard at a future hearing.

9 MEMBER DOYLE: Well, if it's -- to  
10 expedite this, if it's -- now is the right time,  
11 I would like to argue in favor of continuing the  
12 public hearing.

13 I appreciate the urgency of the matter that  
14 the Applicant has argued. But we have a permit  
15 that is not in hand yet; the Commission doesn't  
16 have the staff recommendation in hand; we heard  
17 public testimony and questions on various  
18 conditions that might or might not be applied to  
19 our recommendation that I don't feel that we're  
20 in a position to answer tonight in absence of the  
21 information that we discussed.

22 And one of the factors here, the  
23 environmental factor, I -- I feel a little bit  
24 uncomfortable of having the Commission abrogate

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1           its responsibility to conduct the analysis and  
2           kick that over to the staff, particularly  
3           because, in the case of the environmental  
4           factors, the staff has been in a position of  
5           having to determine which priority is more  
6           important.

7                     Is the financial -- are the financial  
8           interests of the residents and businesses more  
9           important or are the environmental factors more  
10          important?

11                    And I don't think that's a fair position  
12          to put the staff in. I think that's our  
13          responsibility to determine that.

14                    And . . . since we have a permit  
15          application that is outstanding, I just feel like  
16          we need to continue this, collect that -- keep  
17          the public hearing open, and reconvene to make an  
18          informed decision.

19                    MR. O'ROURKE: I just want to clarify  
20          one point.

21                    I don't know if the stormwater permit  
22          application -- if that's what you're referencing.

23                    MEMBER DOYLE: Yes.

24                    MR. O'ROURKE: I don't think we would

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1           need that before the Plan Commission makes a  
2           recommendation. It's something we will need  
3           before they can get a permit, building permit.

4           What we would need is that plan that shows  
5           us how they're going to mitigate the concerns  
6           that staff's raised with regard to soil erosion  
7           and that sort of stuff.

8           We don't need the permit in hand to  
9           proceed.

10           MEMBER DOYLE: But the plan --

11           MR. O'ROURKE: We need the plan.

12           MEMBER DOYLE: But the plan is what  
13           you need in order to make your recommendation.

14           MR. O'ROURKE: We'll need a plan that  
15           shows us how they're going to mitigate the  
16           concerns that staff's raised. We won't need the  
17           permit in order to view that plan.

18           I just wanted to clarify.

19           MEMBER DOYLE: Thank you for the  
20           clarification.

21           So the fact is this is a special use, and  
22           special use rules dictate that we have to conduct  
23           a public hearing and we have to go through these  
24           steps, these due diligence steps, to make certain

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1           that all the interests of our community are  
2           safeguarded.

3                   And, unfortunately, that means that there's  
4           some red tape that we have to wade through.

5                   CHAIRMAN WALLACE: All right.

6                   Tim?

7                   VICE CHAIRMAN KESSLER: Well, you  
8           know, I'd like to make an argument in favor of  
9           closing the public hearing and putting it on the  
10          agenda for action tonight.

11                   And I think, you know, in many cases when  
12          applicants come before us, there is an argument  
13          made in findings of fact for the exceptional  
14          nature of the project.

15                   This is a public project. This is a State  
16          route that -- time is of the essence, that's  
17          affecting more than just the residents or the  
18          tenants in the neighborhood in which it occurs.

19                   I think, also, given the temporary nature  
20          of this project and given the fact that it is not  
21          going to be in continuous operation, that it  
22          mitigates many, many of the concerns that have  
23          been brought up and including the environmental  
24          issues. It's a low-impact use for a temporary

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1 time, not continuous.

2 And, you know, I wonder if we would -- we  
3 don't get road projects coming before us for  
4 approval, but yet they occur all the time, and  
5 the same impact or greater occurs in those  
6 neighborhoods when roads are rebuilt. The  
7 residents on either side of Route 64 where this  
8 road project is occurring are dealing with this  
9 every single day. So I think there's some  
10 exceptional considerations we need to make.

11 It's not a private project. It's not a,  
12 you know, for-profit enterprise. It's a way  
13 for -- you know, it affects us as state residents  
14 as well as city residents as well as regional  
15 residents. So I think it might be in our -- the  
16 interests of all of us to consider hearing this  
17 tonight, then we talk about the conditions.

18 I mean, I'm sensitive to the fact that  
19 there should be some conditions on this. You  
20 know, time -- you know, a period of time --  
21 sunset on the approval and when it will be used.

22 CHAIRMAN WALLACE: Hold on. Sue had  
23 something.

24 Go ahead, Sue.

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1 MEMBER AMATANGELO: Yes.

2 I drive down this road every single day, so  
3 nobody wants this done any quicker than I do.

4 However, I just feel strongly about having  
5 everything submitted as it's supposed to be  
6 submitted and having everything in front of us to  
7 consider. I just feel that's extremely  
8 important.

9 I do have a question for Robert.

10 Are you the only concrete company that is  
11 on this project or are there others?

12 MR. KUTROVATZ: We are -- we will be  
13 placing all the concrete work on both projects.

14 MEMBER AMATANGELO: Okay. Very good.

15 All right. Thank you.

16 CHAIRMAN WALLACE: Brian?

17 MEMBER DOYLE: Well -- I'm sorry. I  
18 guess I'll -- I'll withhold my --

19 CHAIRMAN WALLACE: Okay.

20 Any other questions or comments, members of  
21 the Planning Commission?

22 (No response.)

23 CHAIRMAN WALLACE: Okay. Does the  
24 Applicant wish to offer any type of a rebuttal?

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1 MS. SEATON: Sure.

2 Well, I just want to say that -- I mean,  
3 everybody has valid concerns. All of us have  
4 been in this business for many, many years.  
5 We've -- we do this day in and day out, different  
6 locations, different jobs, IDOT jobs, City jobs,  
7 and we do know what we're doing. We're very  
8 professional companies.

9 We can guarantee you that, you know,  
10 whatever concerns that you have, we have a plan  
11 that can meet those.

12 And, you know, the streets, you know, we  
13 want to make sure those are kept up. If there's  
14 any damage to those, you know, we will certainly  
15 repair them to where they were before.

16 And, you know, we're willing to meet with  
17 everyone with the City; we're willing to, you  
18 know, do whatever we can to expedite this and get  
19 the project rolling.

20 CHAIRMAN WALLACE: What would be the  
21 latest date that you could have an approval from  
22 the City that would not affect your schedule for  
23 work?

24 MR. KUTROVATZ: The -- ideally, you

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1 know, the third week; you know, a week or two,  
2 maybe, at the most. But if we get into, you  
3 know, August 20th, it really puts us into  
4 September with the holiday.

5 CHAIRMAN WALLACE: Okay. You said  
6 "the third week." You mean the third week of  
7 July?

8 MR. KUTROVATZ: What did I say?  
9 August?

10 CHAIRMAN WALLACE: You said "the  
11 third week."

12 MR. KUTROVATZ: Yeah. Third or  
13 fourth week of July would be ideal.

14 CHAIRMAN WALLACE: All right.

15 MR. KUTROVATZ: I -- you know, I'd  
16 like to say something else, too.

17 I mean, it's very important for me and  
18 plus, you know, I'm also a local resident  
19 and . . . you know, and for our other businesses  
20 to take place, it's in our best interest to get  
21 done as soon as possible.

22 And, obviously, the City -- I hear it from  
23 family and -- you know, a lot -- as you see the  
24 work take place.



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1                   We're -- currently, we're about our sixth  
2                   week into the project on both projects. I told  
3                   you before our paving schedule was scheduled for  
4                   the fourth week of July, first week of August.

5                   Right now, currently, on the west project,  
6                   which is the bad one, which is one lane each  
7                   direction, we're right now a few weeks ahead of  
8                   schedule on that. Ideally, we could be paving  
9                   that the week after the 4th of July.

10                  But, obviously, I mean, we're ahead of  
11                  schedule on it; we're just going to have to wait.  
12                  My goal was to have this roadway completed  
13                  through that section this year.

14                  The schedule with IDOT is two lanes for  
15                  both directions through the winter, which is  
16                  going to be very bad for all of us that live  
17                  here, to have that section closed.

18                  So everything we can do to expedite this is  
19                  going to really, I think, help the community  
20                  tremendously for that one section alone, let  
21                  alone the other project will also be ready in  
22                  about three weeks, also.

23                  If you've been watching, we've been -- I  
24                  think we've been progressing quite extensively on

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1 both projects.

2 CHAIRMAN WALLACE: All right.

3 Thank you.

4 Any other comments or questions?

5 (No response.)

6 CHAIRMAN WALLACE: Staff?

7 (No response.)

8 CHAIRMAN WALLACE: All right.

9 So at this time a motion would be in order  
10 either to keep the public hearing open to a date  
11 certain or to close the public hearing.

12 MEMBER DOYLE: Since we need a date  
13 certain in order to keep the public hearing  
14 open -- I guess the first comment I'd like to  
15 make is that I would -- given the urgency of  
16 this, I would be willing to make myself available  
17 for a special meeting.

18 And yet -- you know, I don't know how to  
19 craft a motion right now, you know, that includes  
20 a day without knowing what the feeling of other  
21 Plan Commissioners are as to whether or not we  
22 could bring together a quorum.

23 CHAIRMAN WALLACE: Well . . . I mean,  
24 the Planning Commission can make comments as to

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1           what they're in favor of or you can make the  
2           opposite motion and see how -- what the Plan  
3           Commissioners feel.

4                   VICE CHAIRMAN KESSLER: Well, now,  
5           how soon -- how soon can the Applicant get you  
6           the information you need? How much time do you  
7           need to review it?

8                   MR. O'ROURKE: That would be a  
9           question for the Applicant.

10                  VICE CHAIRMAN KESSLER: If you were  
11          to provide the information --

12                  MS. SEATON: Right here.

13                  VICE CHAIRMAN KESSLER: If you were  
14          to provide the information that the staff is  
15          asking for -- how soon could you do that?

16                  MS. SEATON: I would say between a  
17          week or two.

18                  VICE CHAIRMAN KESSLER: So it would  
19          take a couple weeks to do it.

20                  MS. SEATON: We have everything in  
21          the works. We just have to finalize everything  
22          and put it on paper and present it so . . .

23                  VICE CHAIRMAN KESSLER: So I'm trying  
24          to figure out this whole time thing. If we did

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1 continue the public hearing until they got the  
2 information and then held a special meeting, that  
3 would be around the 3rd of July, our next  
4 meeting.

5 CHAIRMAN WALLACE: Right.

6 MS. TUNGARE: But if it takes the  
7 Applicant two weeks to get us the information,  
8 that puts us to the 3rd of July so --

9 CHAIRMAN WALLACE: Well, I mean, that  
10 is up to the Applicant. If the Applicant doesn't  
11 get it to you until the 3rd of July, then you  
12 can't turn around with a recommendation.

13 If we continue it to then, then we may have  
14 to continue it to July 17th. It's up to the  
15 Applicant to get it to us in time. That's -- I  
16 mean, that's really not our problem.

17 MS. SEATON: Okay. All right. Well,  
18 I'm hearing that we can -- we can give it to you  
19 in five days. How about that?

20 CHAIRMAN WALLACE: Is that enough  
21 time for staff to turn around a recommendation?

22 MS. TUNGARE: Absolutely.

23 VICE CHAIRMAN KESSLER: Is anybody on  
24 the Plan Commission willing to meet sometime

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1 around the 3rd for a special meeting?

2 MEMBER PRETZ: I'm not going to be  
3 here.

4 MEMBER AMATANGELO: I will not be  
5 available that week.

6 VICE CHAIRMAN KESSLER: How about the  
7 week before?

8 MEMBER AMATANGELO: I will not be  
9 available that week.

10 MEMBER PRETZ: I can make that or the  
11 week after July 4th.

12 MR. O'ROURKE: The week before is  
13 next week. I don't know if we'll have enough  
14 time, as staff, to get plans, review plans.

15 MEMBER DOYLE: Is Tuesday night the  
16 only night that we'd be able to do that? Is  
17 there any other evening that's available?

18 MR. COLBY: We can't guarantee the  
19 availability of this room, so one of the best  
20 options is for Tuesday.

21 MEMBER DOYLE: What about Century  
22 Center?

23 MR. COLBY: We would have to check if  
24 that's available, also. The issue is, to

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1 continue the hearing, we have to have a specific  
2 location and time.

3 MS. TUNGARE: Besides, there are  
4 other commission and committee meetings that are  
5 held on -- we have City Council on Mondays, and  
6 we have the Historic Preservation meetings.

7 So it's possible, but we'd have to check on  
8 specific dates for them.

9 CHAIRMAN WALLACE: What about next  
10 Thursday, the 28th?

11 MEMBER AMATANGELO: That whole week  
12 I'm gone.

13 MEMBER DOYLE: I'm not certain if I'm  
14 available that evening. I don't have my --

15 CHAIRMAN WALLACE: Okay.

16 MEMBER AMATANGELO: I will be  
17 available the 10th.

18 CHAIRMAN WALLACE: Okay.

19 VICE CHAIRMAN KESSLER: I didn't say  
20 the week after, did I?

21 MEMBER AMATANGELO: That would be  
22 moved up a week then.

23 CHAIRMAN WALLACE: All right. Well,  
24 I don't want to substitute my own -- does anyone

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1 wish to make a motion?

2 The Chair will entertain a motion at this  
3 time.

4 VICE CHAIRMAN KESSLER: Well, I --  
5 you know what? I would make a motion that we  
6 close the public hearing.

7 CHAIRMAN WALLACE: Okay. Is there a  
8 second?

9 MEMBER SCHUETZ: I'll second it.

10 CHAIRMAN WALLACE: Okay. It's been  
11 moved and seconded.

12 Any discussion on the motion?

13 Did you have discussion, Sue?

14 MEMBER AMATANGELO: No. Thank you.

15 CHAIRMAN WALLACE: Okay. Brian?

16 MEMBER DOYLE: I -- I really would  
17 like to go forward with that, but I just feel  
18 like we don't have -- if the staff tells us that  
19 they can't make a recommendation because they  
20 don't have all the information at hand, the  
21 public hearing -- the purpose of the public  
22 hearing is to receive that information and to  
23 provide opportunity for the public to comment.

24 And I hate to stand on ceremony, but I feel

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1           like we're shooting from the hip to close the  
2           public hearing tonight.

3                   So I -- I will vote against it.

4                   MEMBER AMATANGELO:   Mr. Chairman --

5                   CHAIRMAN WALLACE:   Yes.

6                   MEMBER AMATANGELO:   -- you can have a  
7           quorum without me so . . . if there is at least  
8           additional members that will be on the Commission  
9           available.

10                  CHAIRMAN WALLACE:   Yeah.

11                  The one comment I would make regarding  
12           closing the public hearing is if the Plan  
13           Commission -- if we close the public hearing  
14           tonight and the Plan Commission does not vote  
15           successfully to make a recommendation tonight,  
16           the next time this matter would be on the agenda  
17           could be at the next scheduled meeting, which as  
18           of now is the July 17th meeting.

19                  So closing the public hearing but not  
20           voting on it tonight would preclude us from  
21           taking any action on this item until our next  
22           regularly scheduled meeting.

23                  MR. COLBY:   Unless the Commission was  
24           interested in scheduling a special meeting.   And



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1           since it's not a public hearing, all we would  
2           have to do is notice the hearing properly.

3                   CHAIRMAN WALLACE:   Okay.   And how  
4           long do you need to notice a meeting, a special  
5           meeting?

6                   MR. COLBY:   48 hours.

7                   CHAIRMAN WALLACE:   Okay.

8                   All right.   The motion is to close the  
9           public hearing.   Is there any further discussion  
10          on that motion?

11                                   (No response.)

12                   CHAIRMAN WALLACE:   Okay.   Let's take  
13          a roll call, Tim.

14                   VICE CHAIRMAN KESSLER:   Amatangelo.

15                   MEMBER AMATANGELO:   Yes.

16                   VICE CHAIRMAN KESSLER:   Schuetz.

17                   MEMBER SCHUETZ:   Yes.

18                   VICE CHAIRMAN KESSLER:   Doyle.

19                   MEMBER DOYLE:   No.

20                   VICE CHAIRMAN KESSLER:   Pretz.

21                   MEMBER PRETZ:   No.

22                   VICE CHAIRMAN KESSLER:   Henningson.

23                   MEMBER HENNINGSON:   Yes.

24                   VICE CHAIRMAN KESSLER:   Wallace.

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1 CHAIRMAN WALLACE: No.

2 VICE CHAIRMAN KESSLER: Kessler, yes.

3 CHAIRMAN WALLACE: All right. That  
4 motion passes, 4 to 3. The public hearing is now  
5 closed.

6 And at this point in time, if any -- that  
7 concludes Item No. 4 on the agenda.

8 Before going to Item 5, the Chair would  
9 entertain a motion to suspend the standing rules  
10 of the Plan Commission to allow for an addition  
11 of an action item to our agenda if there is such  
12 a motion.

13 VICE CHAIRMAN KESSLER: No. I  
14 wouldn't -- I would like to have the Applicant  
15 provide the information that staff would like and  
16 that we call a special meeting sometime on or  
17 around the 3rd.

18 CHAIRMAN WALLACE: Upon them  
19 providing that information?

20 VICE CHAIRMAN KESSLER: Upon them  
21 providing that information.

22 MEMBER SCHUETZ: Can we state some of  
23 the conditions or some of the suggestions at this  
24 time, or is it --

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1 CHAIRMAN WALLACE: No. Item 5 has  
2 already ended. The public hearing has ended.  
3 There is no other action item on the agenda.

4 So, no, we cannot further discuss the  
5 matter. All we can do is follow the order of the  
6 day, which is Agenda Item 6.

7 VICE CHAIRMAN KESSLER: But that's  
8 not to say, Tom, that we can't when it becomes an  
9 agenda item again.

10 MEMBER SCHUETZ: Okay. That's what  
11 I'm saying.

12 VICE CHAIRMAN KESSLER: And we will.

13 CHAIRMAN WALLACE: And we will, just  
14 not today.

15 So any questions regarding our procedure?

16 (No response.)

17 CHAIRMAN WALLACE: Staff, does that  
18 seem appropriate to you?

19 MR. O'ROURKE: Yeah. That's fine.

20 CHAIRMAN WALLACE: All right.

21 MEMBER DOYLE: Did I understand you  
22 saying that you would entertain a motion to --  
23 to -- we could make a motion right now to hold a  
24 special meeting?

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RA SEATON CONTRACTOR SERVICES

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1 CHAIRMAN WALLACE: We could -- we  
2 could make a motion to hold a special meeting.  
3 We could make a motion to suspend our standing  
4 rule to include this as an agenda item.

5 VICE CHAIRMAN KESSLER: Tonight.

6 CHAIRMAN WALLACE: Tonight.

7 Correct?

8 MS. TUNGARE: (Ms. Tungare nodded her  
9 head up and down.)

10 CHAIRMAN WALLACE: Either way or  
11 neither way.

12 If we don't do either, then we go to the  
13 next item on the agenda.

14 MEMBER DOYLE: We do have the room on  
15 July 3rd?

16 We could hold a meeting here on July 3rd;  
17 correct?

18 MS. TUNGARE: If we have a quorum,  
19 absolutely. It's absolutely up to you.

20 MEMBER DOYLE: I move that we -- that  
21 the Plan Commission hold a special meeting on  
22 July 3rd.

23 VICE CHAIRMAN KESSLER: Second.

24 CHAIRMAN WALLACE: All right. That's

REPORT OF PROCEEDINGS -- 06/19/2012  
RA SEATON CONTRACTOR SERVICES

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1 July 3rd, 2012, in Council chambers. And the  
2 agenda item to be placed on the agenda for that  
3 special meeting would be 2900 Dukane Drive?

4 MEMBER DOYLE: An action item on  
5 2900 Dukane Drive, special use.

6 CHAIRMAN WALLACE: Okay.

7 MEMBER AMATANGELO: I'd say yes.

8 CHAIRMAN WALLACE: And that's a  
9 second?

10 VICE CHAIRMAN KESSLER: That's a  
11 second.

12 CHAIRMAN WALLACE: All right. Is  
13 there any discussion on that motion?

14 MS. TUNGARE: Can we just try to get  
15 a quick idea of whether we will have a quorum on  
16 that night or not?

17 That would be good.

18 (Indicating.)

19 CHAIRMAN WALLACE: I'm available.

20 We need four so -- we have five. Not that  
21 we're trying to exclude anyone. Sorry.

22 VICE CHAIRMAN KESSLER: So we have a  
23 motion.

24 CHAIRMAN WALLACE: Yes. And any

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1 further discussion on the motion?

2 (No response.)

3 CHAIRMAN WALLACE: Tim.

4 VICE CHAIRMAN KESSLER: Amatangelo.

5 MEMBER AMATANGELO: Yes.

6 VICE CHAIRMAN KESSLER: Schuetz.

7 MEMBER SCHUETZ: Yes.

8 VICE CHAIRMAN KESSLER: Doyle.

9 MEMBER DOYLE: Yes.

10 VICE CHAIRMAN KESSLER: Pretz.

11 MEMBER PRETZ: Yes.

12 VICE CHAIRMAN KESSLER: Henningson.

13 MEMBER HENNINGSON: Yes.

14 VICE CHAIRMAN KESSLER: Wallace.

15 CHAIRMAN WALLACE: No.

16 VICE CHAIRMAN KESSLER: Kessler, yes.

17 CHAIRMAN WALLACE: All right. That

18 motion passes, 6 to 1.

19 And if there are -- if there is no other

20 business, then we will go on to Item No. 5.

21 (Which were all the proceedings

22 had in the above-entitled matter

23 at the hour of 8:16 p.m.)

24

1           STATE OF ILLINOIS    )  
  ) SS.

2           COUNTY OF DU PAGE    )

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I, MELANIE L. HUMPHREY-SONNTAG,  
Certified Shorthand Reporter No. 084-004299, CSR,  
RDR, CRR, FAPR, and a Notary Public in and for  
the County of DuPage, State of Illinois, do  
hereby certify that I reported in shorthand the  
proceedings had in the above-entitled matter and  
that the foregoing is a true, correct, and  
complete transcript of my shorthand notes so  
taken as aforesaid.

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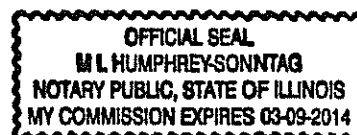
IN TESTIMONY WHEREOF I have hereunto set my  
hand and affixed my Notarial Seal this 26th day  
of June, 2012.



*M L Humphrey-Sonntag*

Certified Shorthand Reporter  
Registered Diplomate Reporter  
Certified Realtime Reporter  
Fellow of the Academy of  
Professional Reporters

My commission expires  
March 9, 2014



1           S61452B

2                   STATE OF ILLINOIS           )  
  ) SS.

3                   COUNTY OF K A N E           )

4                               BEFORE THE PLAN COMMISSION  
                                  OF THE CITY OF ST. CHARLES

5

6                   In the Matter of:           )  
  )

7                   Corporate Reserve of       )  
                              St. Charles PUD.       )

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11                               REPORT OF PROCEEDINGS had at the  
12                   meeting of the City of St. Charles Plan  
13                   Commission in the St. Charles City Hall,  
14                   2 East Main Street, St. Charles, Illinois, on  
15                   June 19, 2012, at the hour of 8:16 p.m.

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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          MR. RUSSELL COLBY, Planning Division Manager; and

12          MR. MATTHEW O'ROURKE, Planner.

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REPORT OF PROCEEDINGS -- 06/19/2012  
CORPORATE RESERVE OF ST. CHARLES, LLC

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1                   CHAIRMAN WALLACE: Item 5 is  
2                   Corporate Reserve of St. Charles PUD, corporate  
3                   residential development, Corporate Reserve  
4                   Development, LLC, application for amendment to  
5                   Special Use Ordinance 2008-Z-18 to permit  
6                   residential use, application for map amendment  
7                   from the OR Office Research District to the  
8                   RM-3 General Residential District, application  
9                   for PUD preliminary plan. The supporting  
10                  documents: PUD preliminary plans dated 5/14/12,  
11                  landscape plans dated 5/16/12, preliminary  
12                  engineering plans dated 5/16/12.

13                 This item on the agenda, just for  
14                 information, is not a public hearing. We already  
15                 conducted a public hearing on this matter, which  
16                 was at the last Plan Commission meeting, and that  
17                 public hearing was closed.

18                 At the time we did have evidence submitted  
19                 by the Applicant. There was testimony both for  
20                 and against the application, and questions were  
21                 asked and answered. The -- all of those items  
22                 are contained in the public record.

23                 And so at this time this is -- this matter  
24                 is up for action. The Plan Commission can take

REPORT OF PROCEEDINGS -- 06/19/2012  
CORPORATE RESERVE OF ST. CHARLES, LLC

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1           action on this matter tonight pursuant to a  
2           motion, but before we do that, I'll see if staff  
3           has any comments.

4                       MR. O'ROURKE: Just to point out that  
5           in the packet for this -- for tonight's meeting  
6           there was a staff report in there with a detailed  
7           kind of summary of staff's analysis of the  
8           project and how it relates to the provisions of  
9           the Zoning Ordinance, particular to bulk  
10          standards, architectural standards, and landscape  
11          standards and deviations that were requested as  
12          part of the amendment to the PUD.

13                     Staff has also included a recommendation  
14           for approval, and we provided findings of fact  
15           for all the applications that require them. I  
16           drafted those for your consideration as part of  
17           that recommendation for tonight's meeting.

18                     CHAIRMAN WALLACE: Question for  
19           staff: Regarding the application, I reviewed the  
20           application, and the application itself I don't  
21           believe contained a request for a deviation from  
22           the affordable housing ordinance. But that was  
23           later included in an e-mail; is that correct?

24                     MR. O'ROURKE: What it was is there

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1           were -- there's a work sheet that is part of the  
2           application, and it was on -- it was made on that  
3           as part of the application but that -- and then  
4           staff later said, "Well, what is your intention?"  
5           because it just said, "We are requesting this  
6           variation."

7                       So the e-mail that was included was a  
8           response to staff comments, basically getting  
9           that request in there.

10                      CHAIRMAN WALLACE: And if the Plan  
11           Commission feels that this deviation from the  
12           inclusionary housing requirement -- or that -- I  
13           guess my question is, can the Plan Commission  
14           make a recommendation for approval without the  
15           portion that they've requested for the deviation  
16           from the inclusionary housing?

17                      MS. TUNGARE: Yes. You can make that  
18           exception as a condition of your approval.

19                      CHAIRMAN WALLACE: Got it. Okay.

20                      MS. TUNGARE: So you can require the  
21           Applicant to comply with the inclusionary housing  
22           ordinance.

23                      CHAIRMAN WALLACE: As a condition.  
24           Got it. Okay.

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1 All right. Any discussion or motions on  
2 this?

3 Yes.

4 MEMBER SCHUETZ: Chairman, just so I  
5 understand --

6 CHAIRMAN WALLACE: Yes.

7 MEMBER SCHUETZ: -- can we make a  
8 recommendation either way with conditions, or is  
9 it --

10 CHAIRMAN WALLACE: Well, I mean, if  
11 it's a recommendation for denial, then there's no  
12 conditions, but for approval, yes.

13 MEMBER SCHUETZ: Sure.

14 CHAIRMAN WALLACE: Any . . . any  
15 motions?

16 (No response.)

17 CHAIRMAN WALLACE: Discussions?  
18 Questions? Clarifications?

19 MEMBER DOYLE: I always go first.  
20 Why is it?

21 Well, so the first item up is the map  
22 amendment, application for a map amendment to  
23 RM-3 General Residential.

24 I've been thinking about this quite a bit,

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1           and I would start by arguing against the map --  
2           the amendment to RM-3.

3                   Our comprehensive plan specifies that  
4           10 dwelling units per acre is generally the  
5           maximum that's desired in the city except in  
6           exceptional cases, special cases like we saw, for  
7           instance, with the Towne Centre.

8                   The comprehensive plan also says that  
9           the sort of macrotrend in this area in the  
10          West Gateway is retail on Randall followed by  
11          more intense uses just west of Randall and  
12          transitioning into country subdivisions.

13                  The RM-2 zoning category is actually  
14          defined as urban residential, so 6.5 to  
15          10 dwelling units per acre is what our  
16          comprehensive plan terms as urban residential.

17                  There was an interesting discussion at the  
18          last hearing about whether this is an urban  
19          development or a suburban development or a  
20          semirural development.

21                  And either way, whether it's urban or  
22          semirural or suburban, the fact is that RM-2 is  
23          defined by our comp plan as urban residential,  
24          and, therefore, RM-3, 10 to 20 dwelling units per

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1 acre would be dense residential.

2 I -- a couple of other things.

3 In the findings of fact -- by the way,  
4 that -- what I just described is discussed in the  
5 findings of fact on page 12, in Findings of  
6 Fact 7, consistency of the proposed amendment to  
7 the comprehensive plan.

8 And that language does specify that -- that  
9 most new developments should fall within the  
10 dwelling-unit-per-acre limitation, and then it  
11 specifies that exceptions remain for unique  
12 projects that have demonstrated substantial  
13 benefit to the community.

14 The other . . . so RM-3 allows a maximum of  
15 19.8 dwelling units per acre, and I did some  
16 calculations. We're talking about a 22.6-acre  
17 parcel times 19.8 dwelling units per acre comes  
18 to 447 units. If the requirement for  
19 inclusionary housing ordinance is complied with,  
20 that's another 67 bonus units for 514 total units  
21 on the parcel, according to my calculations.

22 And then except -- withstanding any  
23 corrections to that in terms of the gross  
24 density.

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1 I think our comp plan requires that a -- an  
2 affirmative argument can be made that an  
3 exception should be made to --

4 CHAIRMAN WALLACE: For unique  
5 projects which demonstrate a substantial benefit  
6 to the community?

7 MEMBER DOYLE: Right. And I just  
8 don't see this parcel as being substantially  
9 different from the parcel immediately west of it,  
10 the parcel immediately east of it. It's not in a  
11 TOD area. There is no RM-2 around it. It goes  
12 from RM-3 to RM-1.

13 And the underlying zoning, if we make an  
14 amendment to RM-3, would actually allow more  
15 intensive use than the PUD application itself, if  
16 I'm correct. The PUD application is calling for  
17 341 units, I believe -- I calculated --

18 MR. O'ROURKE: 331.

19 MEMBER DOYLE: I'm sorry.

20 331 comes to about 14-point-some dwelling  
21 units per acre.

22 So if the -- the thing that is curious to  
23 me here is, if the map amendment were approved  
24 and the PUD were not approved, the map amendment



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1           would actually allow the developer to come back  
2           with a potentially more intensive proposal than  
3           what we have here in the PUD application.

4                       So I'm inclined to say that -- to argue  
5           that I think RM-1 or RM-2 are the appropriate  
6           zoning classifications for this parcel if it's  
7           going to go residential and that there's not  
8           sufficient justification for me to approve or to  
9           recommend approval to RM-3.

10                      CHAIRMAN WALLACE: Can I . . . one of  
11           the things that stood out to me was comments  
12           regarding consistency with our comprehensive  
13           plan. And I know over the last -- as long as  
14           I've been on the Plan Commission, a lot of  
15           comment has been made dismissing the  
16           comprehensive plan since we're in the process of  
17           drafting a new one.

18                      I don't agree with that. I think, if the  
19           comprehensive plan is in place, it should be  
20           followed. That's what our Zoning Ordinance  
21           states, and I don't think there's any gray area  
22           there.

23                      But as an aside, I'm wondering if staff can  
24           provide any -- or maybe, Brian, you can --

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1 provide any type of a comment on what stage the  
2 comprehensive plan -- the new comprehensive plan  
3 is and whether any consideration has been given  
4 to the West Gateway and how it should be  
5 classified differently in the new comprehensive  
6 plan.

7 MEMBER DOYLE: The last workshop that  
8 we had on this for the west side, there was a  
9 discussion about previous PUD applications,  
10 controversial PUD applications that came forward,  
11 and there was at least one other member of the  
12 task force, who also was an Alderman, who  
13 commented that the main issue that was  
14 problematic with the Towne Centre proposal was  
15 density.

16 We heard from members of the public who  
17 opposed any residential development whatsoever,  
18 and I would hazard that the task force has not  
19 yet determined what levels of density are  
20 appropriate, nor has the task force determined  
21 whether or not the comprehensive plan is going to  
22 specify specific densities the way our current  
23 plan does.

24 If it is, those -- those criteria have not

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1 yet been agreed upon.

2 So my sense is that there is an ongoing  
3 debate about what appropriate density levels are,  
4 whether they are quantified as a certain number  
5 of dwelling units per acre, whether they are  
6 labeled according to certain labels like urban or  
7 suburban or rural.

8 So I don't think that that, those  
9 proceedings, are able to provide us with any  
10 guidance right now.

11 CHAIRMAN WALLACE: Okay.

12 All right. Any discussion? Any further  
13 discussion?

14 MEMBER PRETZ: Can I just ask, then,  
15 what is your recommendation? Not the RM-3 but is  
16 your recommendation 2, then?

17 MEMBER DOYLE: Well, I don't know  
18 whether we have any procedural grounds to make a  
19 recommendation for a map amendment that's not  
20 presented in the application.

21 CHAIRMAN WALLACE: No. I mean, we  
22 can -- at this point regarding the map amendment,  
23 if that's the issue you want to take first, then  
24 I think it's appropriate to make a motion

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1           regarding that one way or another --

2                   MEMBER DOYLE:   Well --

3                   CHAIRMAN WALLACE:  -- but only  
4           regarding that application, not what it should or  
5           shouldn't be.

6                   MEMBER DOYLE:   Correct.   And since  
7           it's a fairly straight, up-and-down sort of  
8           decision and I don't have any recourse to  
9           recommend something other than what the  
10          application requests, I would have to recommend  
11          against approval of the application for a map  
12          amendment to rezone the property to RM-3 General  
13          Residential.

14                  CHAIRMAN WALLACE:   So your motion is  
15          to recommend denial to the City Council of that  
16          application?

17                  MEMBER DOYLE:   If we're at that  
18          point, yes, I move that we recommend denial of  
19          the map amendment to rezone the property from  
20          OR Office Research to RM-3 General Residential.

21                  CHAIRMAN WALLACE:   All right.   Is  
22          there a second?

23                  MEMBER PRETZ:   I will second that.

24                  CHAIRMAN WALLACE:   Okay.   It's been

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1 moved and seconded.

2 Discussion on that motion?

3 MEMBER HENNINGSON: Would this end  
4 the project as it sits?

5 CHAIRMAN WALLACE: I think -- I think  
6 it --

7 MR. O'ROURKE: I think procedurally  
8 you'd probably still want to vote on all the open  
9 applications.

10 CHAIRMAN WALLACE: Yeah. We'd have  
11 to vote on all of them --

12 MR. O'ROURKE: But it would be  
13 zoning --

14 CHAIRMAN WALLACE: -- and then the  
15 City Council would have to hash it out based on  
16 what our representations are.

17 MS. TUNGARE: I think from a  
18 practical standpoint, once you vote down the map  
19 amendment, the other applications in and of  
20 themselves become moot.

21 But Matt is correct that, procedurally, it  
22 would make sense to vote on -- make a  
23 recommendation on each of the applications.

24 With relation to the map amendment, Brian,

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1 I think you raised a good point.

2 Yes, definitely you would have to react to  
3 and make a recommendation on the request that's  
4 before you.

5 The Applicant's request is for RM-3, so you  
6 would have to vote it up or down, one way or  
7 another. But once that happens, you could also  
8 forward a statement to City Council or -- or not  
9 just City Council but also to the Applicant for  
10 consideration -- as to what you believe would be  
11 an appropriate zoning classification, if they  
12 chose to modify their request and went forward or  
13 if they chose to come back with a new request.

14 So you can always incorporate that as a  
15 statement once you make a recommendation on the  
16 request that's before you.

17 MEMBER DOYLE: I'd be willing to  
18 entertain that as a second motion.

19 CHAIRMAN WALLACE: All right.

20 Any -- oh, I'm sorry. Sue.

21 MEMBER AMATANGELO: Just for  
22 clarification, then, what would that be -- what  
23 would your recommendation be and why?

24 MEMBER DOYLE: I would recommend --

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1 well, the statement -- the statement that I would  
2 put forward is that -- well, I generally agree  
3 with the finding of fact that the trend of  
4 development in this area is residential.  
5 Certainly, there is grounds to recommend for RM-1.

6 And I . . . I believe that I would . . .  
7 I'm open to RM-2. I'd like to hear discussion  
8 about that from members of the Plan Commission.

9 But just to sort of put a straw man out  
10 there, I would recommend RM-2.

11 MEMBER AMATANGELO: Why?

12 MEMBER DOYLE: I think that the --  
13 the Applicant in the public hearing made an  
14 argument that the existing PUD is already  
15 legislated and approved as an intense use, you  
16 know, a use that includes five-story buildings  
17 and a very large office research development.

18 I think that Office Research and  
19 Residential are different animals, and,  
20 therefore, you can't equate the intensity of the  
21 building space to -- to -- between those two  
22 different uses.

23 But I do think that -- I'm persuaded by the  
24 argument that this could be a necessary -- a

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1           useful catalyst to promote development in the  
2           area.

3                   And . . . and I . . . I don't know. I  
4           don't know what else to say. I just -- I'm  
5           inclined to think that RM-2 -- certainly,  
6           compared to RM-3 -- is a more appropriate land  
7           use designation, but like I said, I'm -- I'm more  
8           undecided on that. I'm sort of -- you know, I'm  
9           80 percent there on RM-2.

10                   CHAIRMAN WALLACE: Okay.

11                   MEMBER HENNINGSON: I've got a  
12           question.

13                   How is RM-3 decided upon? Between the  
14           staff and the Applicant?

15                   MR. O'ROURKE: Why was that request  
16           made?

17                   MEMBER HENNINGSON: Yeah.

18                   MR. O'ROURKE: That is the zoning  
19           district that would accommodate this type of  
20           project based on density, bulk standards, all  
21           those things.

22                   MEMBER HENNINGSON: And would the  
23           other districts allow for this?

24                   MR. O'ROURKE: It's -- again, the



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1 maximum density allowed would be lower, so I  
2 don't -- I don't know what the -- it's not --  
3 nothing is intensive up to that point.

4 MS. TUNGARE: They would have to  
5 modify the project to fit within those other  
6 zoning districts. That would be the end result.  
7 The density of the project would be lowered.

8 CHAIRMAN WALLACE: Okay.

9 MEMBER DOYLE: Let me make one more  
10 comment.

11 I find -- I started writing on the  
12 applications themselves. I would also want to  
13 express, whether formally or informally, that I  
14 find a lot of merit in the proposed PUD.

15 I'm sorry. I -- I do find some merit in  
16 the PUD application. I think that the clubhouse  
17 is extremely well designed, and I -- and I think  
18 it's compelling. I appreciate the inclusion of  
19 more open space. That's a priority that I would  
20 want to see continued in any other proposal that  
21 comes back to us. I appreciate the connectivity  
22 to bike paths.

23 And I think that the proposal made a lot of  
24 progress between the concept plan phase and what

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1 was presented at the public hearing.

2 So I don't think that it's a monstrosity,  
3 as one member of the public commented last time.  
4 I do think that it's inconsistent with the  
5 comprehensive plan and that it needs to be  
6 modified down a little bit.

7 But I think that the RM-2 zoning category  
8 would accommodate and guide the proposal to  
9 something that I would feel more comfortable  
10 approving.

11 MEMBER HENNINGSON: Brian, you're  
12 obviously opposed to the project.

13 MEMBER DOYLE: Well, I'm  
14 opposed . . . I guess, if it comes down to  
15 that, yes.

16 MEMBER HENNINGSON: Yes, you are, and  
17 I think you're using the RM-2 and RM-3 to oppose  
18 it and that's fine. You've got a right to do  
19 that.

20 When we first looked at this project, we  
21 looked at -- there were three issues, land use,  
22 density, and height. Those were the three things  
23 that I remember.

24 The land use, we all agreed that part made

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1           sense, and Planning and Development were very  
2           much in favor of this project.

3                   On the density, it's been reduced from  
4           407 down to 331, which is -- I don't know --  
5           14, 15 units per acre. The AMLI project is  
6           around 20 units per acre.

7                   And the height of the project has been  
8           reduced, as well. There was a height there; they  
9           reduced that, as well.

10                   So I think the developer has come a long  
11           way in improving the project. I think it has  
12           great access to open space. I like the detention  
13           areas that they have now, and I think it would be  
14           a benefit to the community.

15                   MEMBER DOYLE: Well, I agree with  
16           most of what you're saying.

17                   I also would point out that RM-3 would  
18           permit -- if you include inclusionary housing  
19           densitywise -- would allow densities of up to  
20           more than 22 dwelling units per acre and  
21           500 units on this parcel.

22                   So we've come down to 330. We could add  
23           another -- really -- another 200 back under the  
24           underlying zoning, and that's why I say -- the

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1           irony is that the underlying zoning would allow  
2           more intensive use than the PUD itself.

3                   And if I'm wrong about that, someone  
4           please let me know because that's the way I'm  
5           reading it.

6                   MEMBER HENNINGSON: I'd like to  
7           address the inclusionary housing.

8                   CHAIRMAN WALLACE: Just one second.  
9           Go ahead.

10                   MEMBER PRETZ: I'd like to ask a  
11           question of staff because it may be my  
12           misunderstanding.

13                   Are you saying that RM-2 would not  
14           accommodate the plan as it is in front of us  
15           right now?

16                   MS. TUNGARE: That is correct. In  
17           terms of the density of the number of dwelling  
18           units per acre, it would not accommodate the plan  
19           as it is before you unless you granted the higher  
20           density to a field.

21                   But the RM-2 in and of itself will not --

22                   MEMBER PRETZ: -- will not  
23           accommodate that?

24                   MS. TUNGARE: No. I believe it

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1 accommodates a maximum of 10 --

2 MR. COLBY: Yeah, about 10 dwelling  
3 units per acre.

4 MEMBER PRETZ: Based on that,  
5 Mr. Chairman, I'd like to withdraw my second from  
6 the motion, if that is possible.

7 CHAIRMAN WALLACE: Okay.

8 All right. So is there another second to  
9 the motion to recommend to the City Council  
10 denial?

11 VICE CHAIRMAN KESSLER: I'll  
12 second it.

13 CHAIRMAN WALLACE: Okay. The motion  
14 is still then on the table.

15 Any other discussion -- I'm sorry.

16 Curt, did you have something?

17 MEMBER HENNINGSON: Yes. I wanted to  
18 just address the inclusionary housing issue.

19 (There followed a discussion  
20 outside the record.)

21 MEMBER HENNINGSON: I sit as a  
22 representative from the Plan Commission on the  
23 Housing Commission, and I believe it's an issue  
24 that we should not get involved with because it's

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1 a -- it's a City ordinance. It's a compliance  
2 issue at the City Council level.

3 VICE CHAIRMAN KESSLER: I might be  
4 inclined to agree with you if it wasn't included  
5 in the Planning and Zoning Act as an item.

6 You know, I'm a -- I think that switching  
7 this project from OR to residential is a smart  
8 move. I definitely don't argue with the fact  
9 that it's important in this economy and what's  
10 happened in the last few years.

11 If a company isn't making an adjustment it  
12 should be quickly, they aren't here anymore,  
13 those people that didn't make changes. So I  
14 don't find it unusual or -- or necessarily odd  
15 that they would want to do something like this.

16 I think it would be a better residential  
17 project, regardless of the economy, than it would  
18 be an office research, based on what's around it.

19 But there are two things that I'm stuck on.  
20 One is the density and the other is the  
21 inclusionary housing issue, and those two issues  
22 are making me lean towards saying we need to put  
23 some brakes on here.

24 I agree with Curt that you've come a long

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1 way, but I don't think it's quite there yet. I  
2 just don't think it's quite there yet.

3 And if the control comes through the denial  
4 of the RM-3 -- I don't even want to get into the  
5 discussion of whether it should be RM-1 or RM-2  
6 because we don't have an application in front of  
7 us for that.

8 So if the control comes through the  
9 underlying zoning, then I'm inclined to agree  
10 that we need to follow that. I mean, we could  
11 make a recommendation -- or a statement to come a  
12 different direction, but I have to agree with  
13 Brian.

14 MS. TUNGARE: Can I offer some  
15 comments or suggestions? And, hopefully, it  
16 won't add more confusion to the discussion that's  
17 ongoing.

18 I think what I'm hearing is not an  
19 objection necessarily to the proposal that's  
20 before us tonight -- that has been presented to  
21 us -- as much as the concern of granting the  
22 underlying zoning and, if the PUD and the  
23 underlying zoning get bifurcated in any way,  
24 shape, or form or get separated, what the

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1 argument, in fact, could be because of the  
2 underlying zoning being granted.

3 Having said that, let's not lose sight of  
4 the fact that, in this particular instance, the  
5 PUD is what is allowing for the uniqueness of the  
6 special elements of the project that individuals  
7 on this Commission are finding desirable.

8 The PUD in and of itself is reducing the  
9 density from the underlying zoning because what  
10 they're requesting is lower than what the  
11 underlying zoning would allow by right -- the  
12 proposed underlying zoning, the RM-3, would allow  
13 by right.

14 But it's also allowing for other amenities  
15 to be incorporated within that PUD plan, and it's  
16 allowing the City some control in reviewing that  
17 PUD plan.

18 But for the PUD, the City wouldn't have  
19 much to say about the plan itself. Any developer  
20 could go in straight for a building permit with  
21 the underlying zoning if that was the case.

22 So as much as I can appreciate what  
23 Commission Member Doyle is saying and his thought  
24 process -- I think it's absolutely accurate -- I



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1           would urge the Commission to not look at these  
2           various components separately but to look at them  
3           together because, when you look at them as a  
4           whole, that's when you're achieving that end  
5           product, what is before you tonight.

6                     Now, if the concern, indeed, is the density  
7           that's being proposed, the 14.8 or the  
8           15 dwelling units per acre are the concerns in  
9           relation to the plan, then there are other ways  
10          of achieving that, by either establishing  
11          conditions to the PUD, establishing conditions on  
12          the special use or the preliminary plan, or  
13          actually engaging in that discussion with the  
14          developer as to whether they're open to certain  
15          changes in the plan that the Commission would  
16          find desirable.

17                    So I just offer that for your  
18          consideration.

19                             CHAIRMAN WALLACE: Brian?

20                            MEMBER DOYLE: One question and then  
21          a comment.

22                            So are you saying, Rita, that if the PUD is  
23          approved and there's underlying zoning of RM-3  
24          and the PUD specifies that the density shall be

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1           14 dwelling units per acre, then that's it? The  
2           underlying zoning --

3                   MS. TUNGARE: That's it.

4                   MEMBER DOYLE: That -- that trumps  
5           the underlying zoning?

6                   MS. TUNGARE: Absolutely. The PUD  
7           supersedes the underlying zoning.

8                   MEMBER DOYLE: Okay. So -- thank you  
9           for that information.

10                   So then the next thing is --

11                   CHAIRMAN WALLACE: Hold on a second.  
12           Let me just clarify that.

13                   If somebody, though, wanted to construct  
14           units that otherwise were in compliance with RM-3  
15           and that didn't include any variances, then,  
16           regardless of the PUD being in place, they could  
17           construct 20 dwelling units per acre if it's  
18           zoned RM-3?

19                   MS. TUNGARE: Not if there is a PUD  
20           on the property. The PUD stays with the land.  
21           Once a PUD is granted, a special use for a PUD,  
22           it stays with the land, and it trumps or  
23           supersedes the underlying zoning.

24                   CHAIRMAN WALLACE: Even if the

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1           underlying zoning is more generous than the terms  
2           of the PUD?

3                   MS. TUNGARE: Yes. Yes. Exactly.

4                   CHAIRMAN WALLACE: Okay.

5                   MEMBER DOYLE: Okay. So then the  
6           next question is the density itself.

7                   And the Chairman mentioned earlier the  
8           comprehensive plan and the sort of discussions  
9           that we've had about whether the comprehensive  
10          plan is outdated or whether it still has any  
11          legs.

12                   When I read the comprehensive plan and  
13          specifically the narrative about what it  
14          envisions in terms of long-term land use for this  
15          area, the more intensive uses being along Randall  
16          Road and gradual stepping down and transitioning  
17          into country subdivisions, I think that  
18          that . . . I read that and I think that -- yes,  
19          that that seems to remain a valid goal, a valid  
20          objective in terms of planning.

21                   When I think about density as a whole and  
22          having a sort of a baseline maximum to say "This  
23          is sort of what we see as being the upper limit  
24          and then there are certain exceptional cases

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1           where we'll go above this," that complements a  
2           planning vision that I have, which calls for  
3           strategic use of density in particular areas,  
4           around transit-oriented development, so-called  
5           smart development.

6                       So we will have areas that are very urban  
7           and very intense use, and the trade-off is that,  
8           in the outlying green fields and brown fields,  
9           we'll preserve open space by having this sort of  
10          localized, you know, lopsided development, kind  
11          of where we focus intensity in certain areas,  
12          rather than having the sort of low- or  
13          medium-grade density that just sprawls out  
14          everywhere and pretty soon all the open space is  
15          consumed and traffic everywhere is just a snarl  
16          no matter where you go.

17                      So I believe in that vision of long-term  
18          planning, and, therefore, I have been inclined in  
19          past proposals to support very intensive uses.  
20          And I don't want to establish a precedent or  
21          grant a level of density in a particular area  
22          that -- in the absence of an argument -- in the  
23          absence of a justification being made that "This  
24          site is exceptional; this site warrants this very

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1 intensive, urban use because of X, Y, and Z."

2 And I just don't feel that that argument  
3 has been made here, that this is a St. Charles  
4 mall site or this is a site like over on the  
5 corner of -- what was the other RM-3 to be  
6 approved a year and a half ago on the east side?

7 On -- just . . .

8 MR. O'ROURKE: Are you referring to  
9 the Oliver-Hoffmann property?

10 MEMBER DOYLE: Yes. Yes. So that  
11 also was one that was very proximate to  
12 transportation.

13 So I want to see us reserve that most  
14 intensive use for those parcels that really have  
15 that strategic significance. And I think that  
16 10 dwelling units per acre is -- you know, our  
17 comprehensive plan does say it's urban.

18 There was this discussion about whether  
19 this is urban or not, and the developer at one  
20 point -- I'm sorry, the Applicant -- at one point  
21 in time said it's urban. There was a comment  
22 from a member of the public who questioned that,  
23 and then it went back and forth and I misspoke.  
24 It's not urban; it's something else.

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1                   And in the absence of any consensus on what  
2                   densities are appropriate and how we define these  
3                   things, I feel that it's prudent to adhere to the  
4                   comprehensive plan and continue to affirm it as a  
5                   guideline.

6                   So that's part of it.

7                   CHAIRMAN WALLACE: Okay.

8                   Any other comments?

9                   (No response.)

10                  CHAIRMAN WALLACE: Are we ready to  
11                  call the question?

12                  MEMBER DOYLE: So to -- this is a  
13                  motion to deny -- to recommend denial of the map  
14                  amendment?

15                  CHAIRMAN WALLACE: Correct. Yes.

16                  All right.

17                  VICE CHAIRMAN KESSLER: Amatangelo.

18                  MEMBER AMATANGELO: No.

19                  VICE CHAIRMAN KESSLER: Schuetz.

20                  MEMBER SCHUETZ: No.

21                  VICE CHAIRMAN KESSLER: Doyle.

22                  MEMBER DOYLE: Yes.

23                  VICE CHAIRMAN KESSLER: Pretz.

24                  MEMBER PRETZ: No.

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1 VICE CHAIRMAN KESSLER: Henningson.

2 MEMBER HENNINGSON: No.

3 VICE CHAIRMAN KESSLER: Kessler, yes.

4 Wallace.

5 CHAIRMAN WALLACE: Yes.

6 However, the motion fails, 4 no votes to

7 3 yes votes.

8 Is there another motion?

9 Curt?

10 MEMBER HENNINGSON: I'd make a motion

11 to approve the application for a map amendment,

12 the application for an amendment to a special

13 use, and the application for a PUD preliminary

14 plan, contingent upon resolution of any

15 outstanding staff comments.

16 CHAIRMAN WALLACE: Is there a second?

17 MEMBER SCHUETZ: Can I second it with

18 a condition?

19 CHAIRMAN WALLACE: No.

20 MEMBER SCHUETZ: Second.

21 CHAIRMAN WALLACE: All right. It's

22 been moved and seconded.

23 Discussion on the motion?

24 (No response.)

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1 CHAIRMAN WALLACE: Are we ready for  
2 the question to be called?

3 VICE CHAIRMAN KESSLER: Apparently.  
4 Amatangelo.

5 MEMBER AMATANGELO: Yes.

6 VICE CHAIRMAN KESSLER: Schuetz.

7 MEMBER SCHUETZ: Yes.

8 VICE CHAIRMAN KESSLER: Doyle.

9 MEMBER DOYLE: No.

10 VICE CHAIRMAN KESSLER: Pretz.

11 MEMBER PRETZ: Yes.

12 VICE CHAIRMAN KESSLER: Henningson.

13 MEMBER HENNINGSON: Yes.

14 VICE CHAIRMAN KESSLER: Wallace.

15 CHAIRMAN WALLACE: No.

16 VICE CHAIRMAN KESSLER: Kessler, no.

17 CHAIRMAN WALLACE: All right. That  
18 motion passes, 4 to 3, and that concludes Item  
19 No. 5 on the agenda.

20 Item No. 6 is meeting announcements.

21 Although the agenda says that the July 3rd,  
22 2012, meeting has been canceled --

23 MEMBER DOYLE: Mr. Chairman, you have  
24 two more applications.



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1 CHAIRMAN WALLACE: No. That was  
2 voting on all three of them. The motion was all  
3 three applications.

4 MEMBER DOYLE: Oh, all three. Okay.

5 CHAIRMAN WALLACE: That is the motion  
6 that was seconded; correct?

7 MEMBER DOYLE: I stand corrected.

8 Thank you.

9 MEMBER SCHUETZ: Yes.

10 CHAIRMAN WALLACE: And everyone  
11 understood that to be the motion that we voted  
12 on; correct?

13 MEMBER AMATANGELO: Yes. Yes.

14 CHAIRMAN WALLACE: Okay. That  
15 concludes Item 5 on the agenda.

16 All right. Item 6, meeting announcements.

17 The July 3rd meeting is not canceled.

18 MS. TUNGARE: We will have a meeting  
19 on July 3rd.

20 CHAIRMAN WALLACE: Now, when are City  
21 fireworks?

22 Anybody?

23 MR. COLBY: I think they're on the  
24 4th. I can look it up right now.

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1 CHAIRMAN WALLACE: While we're  
2 sitting here --

3 MR. COLBY: I think it's on the Park  
4 District Web site.

5 CHAIRMAN WALLACE: Hold on one  
6 second.

7 (There followed a discussion  
8 outside the record.)

9 CHAIRMAN WALLACE: Okay. Well, I  
10 can't really find anything here.

11 MR. COLBY: I'm looking at the Park  
12 District Web site because I think it has  
13 information. I'm not finding it right now.

14 CHAIRMAN WALLACE: Are you  
15 finding it?

16 MR. BURRELL: When does this go to  
17 the City Council? Is that the August meeting?

18 CHAIRMAN WALLACE: I'm sorry? I  
19 can't hear.

20 MR. BURRELL: When would the last  
21 motion go to the City Council? At the  
22 August meeting?

23 MS. TUNGARE: If it moves, it will go  
24 in --

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1 MR. O'ROURKE: We're not sure because  
2 of the cancellation of the Planning and  
3 Development Committee meeting in July. There  
4 could be a special meeting requested by the  
5 Applicant for that project.

6 MR. BURRELL: Okay.

7 MR. O'ROURKE: Similar to what was  
8 discussed with the comprehensive plan, we're not  
9 sure yet.

10 MS. TUNGARE: Check with our office  
11 in a couple of weeks. In a couple of weeks we  
12 should have more idea.

13 MR. BURRELL: Okay. Will do.

14 Thank you.

15 CHAIRMAN WALLACE: All right.

16 Well, all I've been saying is if the  
17 fireworks are that evening --

18 MEMBER HENNINGSON: They are on  
19 the 4th.

20 CHAIRMAN WALLACE: They're on the  
21 4th? Okay. Never mind.

22 Okay. Any additional business from Plan  
23 Commission members?

24 (No response.)

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1 CHAIRMAN WALLACE: Staff?

2 (No response.)

3 CHAIRMAN WALLACE: Citizens?

4 (No response.)

5 MR. BURRELL: Well, since you bring  
6 that up, I have a question for you.

7 CHAIRMAN WALLACE: Yes, sir.

8 MR. BURRELL: You know, I enjoyed  
9 being here.

10 How many was on the Commission when they  
11 originally did the project out there, Corporate  
12 Reserve? A lot of you were on there.

13 CHAIRMAN WALLACE: I think the  
14 majority of us were, actually.

15 MR. BURRELL: I caution you -- think  
16 what the vision was back -- remember what the  
17 vision was for that? Once that is gone, you'll  
18 never see that type of land available for what  
19 you want to do.

20 And there was a reason why we looked at how  
21 that was zoned and how it was laid out. The  
22 vision was so great for the City of Chicago to  
23 look at the western edge of the community, what  
24 we were going to show.

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1                   So be very cautious -- I looked at this.

2                   I don't think anybody that I know is against the  
3                   apartment buildings, but we think the density is  
4                   a killer out there. It is just a killer out  
5                   there.

6                   But I caution you to look at the vision out  
7                   there because -- you need to get that in your  
8                   mind because, once that land's gone, there's no  
9                   other place to go out there.

10                  Thank you.

11                  CHAIRMAN WALLACE: All right.

12                  Thank you.

13                  THE COURT REPORTER: Do you want his  
14                  name for the record? Do you care?

15                  CHAIRMAN WALLACE: Roger, what's your  
16                  last name? What's your last name for the record?

17                  MR. BURRELL: Oh, I'm not going to  
18                  give you that -- no. Burrell, B-u-two rs,  
19                  -e-l-l, 283 Birch Lane, St. Charles.

20                  CHAIRMAN WALLACE: Thank you.

21                  MR. BURRELL: Have a good one, guys.

22                  CHAIRMAN WALLACE: Move to adjourn?

23                  MEMBER AMATANGELO: Second.

24                  CHAIRMAN WALLACE: Moved and

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1                   seconded. Any discussion on the motion?

2                                   (No response.)

3                   CHAIRMAN WALLACE: All in favor?

4                                   (The ayes were thereupon heard.)

5                   CHAIRMAN WALLACE: Opposed?

6                                   (No response.)

7                   CHAIRMAN WALLACE: The meeting of the  
8                   St. Charles Planning Commission is adjourned at  
9                   9:56 p.m.

10                                   (There followed a discussion  
11                                   outside the record.)

12                   CHAIRMAN WALLACE: I'm sorry. 8:56.

13                                   (Which were all the proceedings  
14                                   had in the above-entitled matter  
15                                   at the hour of 8:56 p.m.)

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