

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, AUGUST 21, 2012**

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

Members Absent: Sue Amatangelo
 Curt Henningson

Also Present: Matthew O'Rourke, Planner
 Christopher Tiedt, Development Engineering Manager
 Sonntag Court Reporter

1. Call to order

The meeting was called to order at 7:03 p.m. by Chairman Wallace.

2. Roll Call

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

Roll Call -	Chairman Todd Wallace	Brian Doyle	Thomas Pretz
	Vice Chairman Tim Kessler	Tom Schuetz	

3. Presentation of minutes of the July 3, 2012 meeting.

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the July 3, 2012 meeting.

PUBLIC HEARING

4. Bucki Single-Family Subdivision (Terrance Bucki)

Application for Map Amendment, Upon Annexation, from RE-1 Single-Family Estate to RS-1 Low Density Suburban Single-Family

Application for Preliminary Subdivision Plan:

- Preliminary Subdivision Plan; dated 7/8/2009.
- Preliminary Engineering Plans; dated 7/8/2009.
- Landscape Plan; dated 7/8/2009.

Minutes – St. Charles Plan Commission

Tuesday, August 21, 2012

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

Mr. Doyle made a motion to close the public hearing and proceed with deliberating on the applications themselves. The motion was seconded.

Roll Call Vote:

Ayes: Scheutz, Doyle, Wallace, Kessler, Pretz

Nays: None

Absent:

Motion carried.

MEETING

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

5. Bucki Single-Family Subdivision (Terrance Bucki)

Application for Map Amendment, Upon Annexation, from RE-1 Single-Family Estate to RS-1 Low Density Suburban Single-Family

Application for Preliminary Subdivision Plan:

- Preliminary Subdivision Plan; dated 7/8/2009.
- Preliminary Engineering Plans; dated 7/8/2009.
- Landscape Plan; dated 7/8/2009.

Mr. Kessler made a motion to approve the application for Map Amendment, upon annexation, from RE-1 Single Family Estate to RS-1 Low Density Residential and application for Preliminary Subdivision Plan. Motion was seconded by Mr. Scheutz.

Roll Call Vote:

Ayes: Scheutz, Doyle, Wallace, Kessler, Pretz

Nays: None

Absent:

Motion carried.

6. Meeting Announcements

Tuesday, September 4, 2012 at 7:00pm in Century Station, 112 N. Riverside Ave

Tuesday, September 18, 2012 at 7:00pm in the Council Chambers

Tuesday, October 2, 2012 at 7:00pm in Council Chambers

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

Update on the Concrete Batch Plant.

8. Adjournment at 8:06PM.

REPORT OF PROCEEDINGS had at the hearing of the above-entitled matter before the Plan Commission of the City of St. Charles in the St. Charles City Hall, 2 East Main Street, St. Charles, Illinois, on August 21, 2012, at the hour of 7:03 p.m.

1 PRESENT:

2 MR. TODD WALLACE, Chairman;

3 MR. TIMOTHY KESSLER, Vice Chairman;

4 MR. BRIAN DOYLE, Member;

5 MR. THOMAS PRETZ, Member; and

6 MR. TOM SCHUETZ, Member.

7

8 ALSO PRESENT:

9 MR. MATTHEW O'ROURKE, Planner, and

10 MR. CHRISTOPHER E. TIEDT, Development Engineering
Division Manager.

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1 CHAIRMAN WALLACE: St. Charles
2 Planning Commission, come to order.

3 Tim.

4 MEMBER KESSLER: Schuetz.

5 MEMBER SCHUETZ: Here.

6 MEMBER KESSLER: Doyle.

7 MEMBER DOYLE: Here.

8 MEMBER KESSLER: Pretz.

9 MEMBER PRETZ: Here.

10 MEMBER KESSLER: Wallace.

11 CHAIRMAN WALLACE: Here.

12 MEMBER KESSLER: Kessler. Here.

13 CHAIRMAN WALLACE: Item 3 on the
14 agenda, presentation of the minutes of the
15 July 3, 2012, meeting. Is there a motion to
16 approve?

17 MEMBER KESSLER: So moved.

18 MEMBER DOYLE: Second.

19 CHAIRMAN WALLACE: It's been moved
20 and seconded. All in favor.

21 (The ayes were thereupon heard.)

22 MEMBER PRETZ: I'm going to abstain.

23 CHAIRMAN WALLACE: That motion passes
24 by a majority.

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1 Next on our agenda is a public hearing,
2 Item No. 4, Bucki Single-Family Subdivision
3 (Terrance Bucki) Application for Map Amendment,
4 Upon Annexation, from RE-1 to RS-1, Low Density
5 Suburban Single-Family Application for
6 Preliminary Subdivision Plan, with a preliminary
7 subdivision plan dated 7/8/2009, preliminary
8 engineering plans dated 7/8/2009, and a landscape
9 plan dated 7/8/2009.

10 For the record, we have several exhibits.

11 Exhibit A is a staff report dated
12 8/17/2012; B, zoning map amendment application,
13 upon annexation, from RE-1 single-family estate
14 to RS-1 low density suburban single-family,
15 submitted by Terrance F. Bucki, received
16 1/29/2008; Exhibit C is an application for
17 subdivision preliminary plan for a five-lot
18 single-family residential subdivision submitted
19 by Terrance F. Bucki, received 1/3/2008;
20 Exhibit D, traffic memorandum, Western Surveying
21 & Engineering, P.C., and Trans/Land, dated
22 10/29/2008; E, letter from Thomas Gallenbach,
23 IDOT, dated 6/29/2009; F, engineering review
24 letter from Greg Chismark, Wills, Burke, Kelsey

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1 Associates (WBK), dated 8/13/2009; G is Exhibit C
2 from the 11/4/2008 public hearing, photos
3 submitted by neighboring property owner of rain
4 event conditions, received 11/4/2008; Exhibit H
5 is Exhibit D from the 11/4/2008 public hearing,
6 photos submitted by neighboring property owner of
7 rain event conditions, received 11/4/2008;
8 Exhibit I is preliminary subdivision plans for
9 the Bucki subdivision, Western Surveying &
10 Engineering, P.C., and Trans/Land, dated
11 7/8/2009; Exhibit J is preliminary engineering
12 plans, Western Surveying & Engineering, P.C., and
13 Trans/Land, dated 7/8/2009; and Exhibit K is
14 landscape plan, Western Surveying & Engineering,
15 P.C., and Trans/Land, dated 7/8/2009.

16 All right. This item is a public hearing,
17 and for those of you who have not been here
18 before, the Plan Commission is commissioned by
19 the City Council to conduct public hearings on
20 applications -- on certain applications that come
21 before it such as this one.

22 What we do is we receive all testimony both
23 for and against any application, and we consider
24 that evidence, and based on the standards that

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1 are set forth in our zoning ordinance, we
2 determine whether to recommend approval or denial
3 of the application to the City Council.

4 Tonight what we will do is we will receive
5 testimony both for and against in accordance with
6 a certain process which I'll lead us through,
7 and, actually, we are voting on it tonight. This
8 is included as an action item after the public
9 hearing tonight, so we will -- if we feel that we
10 have sufficient evidence, we will close the
11 public hearing, and we will take action either
12 recommending or denying approval to the City
13 Council tonight.

14 Any questions regarding the process?

15 (No response.)

16 CHAIRMAN WALLACE: Okay. At this
17 time anyone who will give testimony either for or
18 against the application, including asking any
19 questions, please raise your right hand and be
20 sworn in.

21 (Whereupon, the four witnesses
22 were thereupon duly sworn.)

23 CHAIRMAN WALLACE: Thank you. Anyone
24 who wishes to speak, including asking any

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1 questions, just please note there is a Court
2 Reporter in the room today, so we can only have
3 one speaker at a time. So until you're recognized
4 by the Chair, please don't say anything.

5 And when you do speak, I ask that you come
6 up here to the lectern, and there's a microphone
7 so that everyone can hear what you're saying.
8 Please state your name, spell your last name for
9 the record, and also state your address.

10 Matt, are you ready to go?

11 MR. O'ROURKE: I am.

12 CHAIRMAN WALLACE: Go ahead.

13 MR. O'ROURKE: Matthew O'Rourke,
14 staff of the City of St. Charles.

15 We have two applications in front of the
16 Plan Commission this evening, one for a map
17 amendment to the zoning map of the City of
18 St. Charles, upon annexation, should the City
19 Council vote to annex this.

20 This might be a little newer for some of
21 the newer members of the Plan Commission. So
22 essentially what would happen is if it gets to be
23 voted as annexed, it automatically comes into the
24 city as something called RE-1, which is a very

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1 low density, the lowest density zoning district
2 that we have in the city of St. Charles, and then
3 would get amended to this zoning district if the
4 City Council so sees fit and the Plan Commission
5 approves it. It's kind of the formal nature of
6 our process; that's why it's called "Upon
7 Annexation."

8 So that being submitted, we've also
9 submitted an application for subdivision plan,
10 preliminary subdivision plan, which essentially
11 it's four single-family lots added to the existing
12 single-family home, for a total of five single-
13 family lots. We have it on the map here.

14 This is the existing boundary of the
15 property here. It's kind of this solid black
16 line. What is being proposed is a new
17 cul-de-sac, Fred Bucki Circle, and then there
18 would be three lots here that would access this
19 circle.

20 This is the existing home here which
21 currently has this horseshoe-shaped access point
22 off Route 31. This would be combined into a
23 shared access drive that would provide access to
24 the existing home and also Lot 4.

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1 There's a storm water detention facility
2 being proposed on portions of Lot 1 and Lot 2 here
3 at the southwest corner of the property kind of
4 in this semicircle shape.

5 At this time what is being contemplated is
6 just preliminary subdivision approval. There
7 hasn't been detailed final subdivision
8 engineering plans or anything of that nature.
9 What staff is examining is basically to make sure
10 that at a preliminary level everything is sized
11 appropriately, some infrastructure is in place,
12 the dimensions work, there's enough landscaping.

13 Just to give you a little bit of background
14 on the project, this was before the Plan Commission
15 before as a public hearing in 2008. That public
16 hearing was closed. After that it was before the
17 Plan Commission for a recommendation in August of
18 2009. Since then, due to reasons outside the
19 City's control, it had been postponed. Any sort
20 of action -- normally it would have gone on to
21 the planning and development committee, but it
22 didn't due to outside circumstances.

23 We've conferred with legal counsel, and
24 they suggested that it come back to this group,

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1 be renoticed for a new public hearing simply
2 because there could have been a change in
3 ownership of the surrounding property owners.
4 Our legal counsel felt we should redo the process
5 to make sure those owners were notified that a
6 proposed zoning change might happen.

7 The staff has gone through it in detail in
8 the staff report, and we're here to answer any
9 questions you have about that, and that will kind
10 of conclude my remarks.

11 MEMBER KESSLER: My question is, we
12 approved it in 2009; correct?

13 MR. O'ROURKE: Correct.

14 MEMBER KESSLER: Has anything changed
15 in the plan?

16 MR. O'ROURKE: Absolutely nothing.
17 It's the same plan that you reviewed in 2008.

18 MEMBER KESSLER: Okay. So the whole
19 purpose is not to review this plan because we've
20 already approved it but to renotice the
21 surrounding neighbors?

22 MR. O'ROURKE: That was the majority
23 of the reason.

24 MEMBER KESSLER: But there's really

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1 no reason for us to rereview this whole thing
2 again because we have already approved it.

3 MR. O'ROURKE: If that's the way the
4 whole Plan Commission feels, that's fine. There
5 are several new members who might be asked to
6 vote on this. I think there's been at least
7 four new members since the last time this was here.

8 MEMBER KESSLER: I just want to go on
9 record that I think it's unfair to the Applicant
10 to have to expose themselves to scrutiny a second
11 time for everything we've already approved, but I
12 understand that legal counsel has recommended
13 renoticing the property owners. And for that I
14 expect that, you know, they may have something to
15 say, but as far as this panel rereviewing what
16 we've already approved because there's new members
17 here I don't think is fair to the Applicant.

18 CHAIRMAN WALLACE: Is there a
19 specific rule on change of ownership between the
20 time that an application is originally -- public
21 hearing is originally conducted? I mean, if
22 there's a change in ownership of neighbors within
23 250 feet, it seems that that's what the legal
24 counsel is basing his opinion on.

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1 MR. O'ROURKE: That was his opinion
2 to us.

3 There's nothing in the City code that I
4 know that would require renoticing it. It might
5 be a state law. It might be just that they felt
6 from a conservative aspect it's best to do this
7 so there isn't any sort of problem later down the
8 road with a property owner coming back to the
9 City and saying, "I never got notified of the
10 changes."

11 CHAIRMAN WALLACE: I'm just concerned
12 with trouble if we ever did not do that. What
13 kind of backlash are we going to have? Because
14 we're setting precedence here.

15 MEMBER KESSLER: We are.

16 CHAIRMAN WALLACE: All right. Well,
17 we are here at the public hearing.

18 MR. O'ROURKE: I'll make sure that I
19 bring that up.

20 CHAIRMAN WALLACE: Just a couple
21 questions.

22 I know that in the original plan we had
23 some issues regarding tree conservation, storm
24 water retention. I see that both of those are

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1 addressed in the staff report, as well as the
2 bike path.

3 Specifically, in regards to the storm water
4 retention, there were some neighbors that
5 delivered evidence regarding runoff onto their
6 property. However, that variance was withdrawn;
7 correct?

8 MR. O'ROURKE: Going back to 2006 at
9 a concept plan level there was no retention
10 facility shown in the plans. Even at the last
11 review in front of us the pond was there, and
12 that was being addressed through actual
13 engineering of the site plan.

14 CHAIRMAN WALLACE: So any runoff then
15 would go to where?

16 MR. O'ROURKE: Any runoff -- per code,
17 any runoff generated by the development of this
18 property would go there before it could leave the
19 site. Any more water couldn't leave the site any
20 quicker than it does now.

21 CHAIRMAN WALLACE: That's the concern
22 is under the existing conditions there's an issue.
23 The only thing the Applicant has the obligation
24 to do is make sure that doesn't worsen; correct?

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1 MR. O'ROURKE: That's correct. I
2 would defer to Chris Tiedt to get more detailed
3 in that.

4 CHAIRMAN WALLACE: Do you have
5 anything more on that?

6 MR. TIEDT: No. I think he
7 accurately stated that the Applicant cannot --
8 essentially, I really don't have much more to
9 add. The Applicant cannot increase runoff from
10 his property for any proposed development if
11 currently what they're proposing with the storm
12 water is in compliance.

13 CHAIRMAN WALLACE: All right. Are
14 there any other questions from the Plan Commission
15 members before we go to the audience?

16 MEMBER DOYLE: I just have one
17 question about the land cash formulas for the
18 school and park districts.

19 There is on the worksheet -- at the bottom
20 of the worksheet there is a fair market value
21 constant that's provided that's used with a
22 multiplier to determine the cash-in-lieu donation.

23 MR. O'ROURKE: Are you talking about
24 the fee-in-lieu, per-acre fee-in-lieu equivalent?

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1 MEMBER DOYLE: That's correct. If
2 you can give me one second, I'll find the --

3 MR. O'ROURKE: Yeah, I'll find it here.

4 MEMBER DOYLE: So on page 30, for
5 instance, School Land/Cash Worksheet, the bottom
6 of the sheet, \$240,500 is the fair market value
7 for improved land, which has been multiplied with
8 the total site acres to yield 48,833.24.

9 This was in 2008?

10 MR. O'ROURKE: Correct.

11 MEMBER DOYLE: A lot has changed in
12 the market since 2008. Is this fair market value
13 for improved land amount constant? That remains
14 constant from 2008 to 2012?

15 MR. O'ROURKE: Yeah. The shorter
16 answer is that the fee has not changed.

17 Essentially, that's a fee that goes through
18 a review every so often, and it's set by City
19 Council through Title 16, the subdivision and
20 land improvement ordinance, and that has not been
21 amended since this time.

22 MEMBER DOYLE: Okay. I just wanted
23 to make certain.

24 CHAIRMAN WALLACE: All right. Any

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1 other questions, Plan Commission?

2 (No response.)

3 CHAIRMAN WALLACE: All right. At
4 this time if any member of the audience wishes to
5 ask a question, right now a question based on the
6 evidence that's been presented, and then if
7 anybody wishes to offer a comment, then we'll do
8 that after questions.

9 So if anybody has a question -- yes, ma'am,
10 just come on up.

11 MS. FORBES: Hi, I'm Carol Forbes. I
12 live at 5N275 Fox Bluff Drive. I live right in
13 back of them.

14 I didn't realize this was already approved.
15 That was probably my error in keeping up with
16 things. I didn't even know it was a second
17 hearing until I was notified a few weeks ago.

18 CHAIRMAN WALLACE: Just so you're
19 clear, what we were talking about -- I mean, this
20 is an application that's before us to recommend
21 approval to the City Council or deny it to the
22 City Council.

23 MS. FORBES: I thought it was approved.

24 CHAIRMAN WALLACE: Well, it previously

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1 had been approved back in 2009, and it was the
2 opinion of the City's counsel, legal counsel that
3 it be re -- that the application be renoticed and
4 that we go through this process again.

5 So the discussion that we had at the
6 beginning was just regarding our legal counsel's
7 advice on that.

8 MR. O'ROURKE: Can I just clarify
9 one thing?

10 CHAIRMAN WALLACE: Yes.

11 MR. O'ROURKE: It has not been approved
12 yet by City Council. It was not approved in the
13 sense that everything was said and done. It was
14 recommended for approval by this body. I just
15 wanted to clarify that.

16 MS. FORBES: I think his
17 modifications are such to where before there was
18 another property trying to be squeezed into his
19 entire estate, and now they have kind of
20 downsized it. Is that correct?

21 MEMBER KESSLER: It's exactly the
22 same as it was when it was recommended for
23 approval by us in August of 2009. Nothing has
24 changed.

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1 MR. O'ROURKE: I can clarify. The
2 concept plan did have one more lot.

3 MS. FORBES: Thank you.

4 I just have a couple questions. Can I
5 direct them to --

6 CHAIRMAN WALLACE: Sure.

7 MS. FORBES: Are you leaving --

8 CHAIRMAN WALLACE: Hold on. You do
9 have to speak into the microphone.

10 MS. FORBES: Are you leaving the
11 barns up? I don't even know. I just know kind
12 of some things that your plans are.

13 MR. BUCKI: My plans are --

14 CHAIRMAN WALLACE: Terry, hold on.
15 You have to come over here and state your name.

16 MR. BUCKI: I am Terrance Bucki but
17 nobody calls me Terrance.

18 CHAIRMAN WALLACE: Thank you. State
19 your address for the record.

20 MR. BUCKI: 5N264 Route 31,
21 St. Charles, Illinois 60175.

22 CHAIRMAN WALLACE: Thank you.
23 Go ahead.

24 MR. BUCKI: I can answer the question

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1 very easily.

2 CHAIRMAN WALLACE: Please.

3 MR. BUCKI: My intent and I know my
4 wife's intent is to stay there for the rest of
5 our lives. We love the place there, and we're
6 not taking down the barns.

7 In fact, just recently a very large tree
8 fell on the original 1860 Fieldcrest Farm barn,
9 and the insurance company wanted to total it and
10 would give me a lot of money to do that. And I
11 need a lot of money right now, but I decided that
12 was not the way to go, and I have people there
13 now repairing the barn.

14 The tree hit the barn and fell in the
15 fountain that we have in the yard there. We're
16 going to repair it. In fact, they really pushed
17 it back. It was 2 inches off of the foundation.

18 I love those barns. We don't know what
19 we're going to do with them right now; they're
20 just vacant but for my tools and a car and things
21 in there.

22 So, no, we're not going to tear it down.

23 MS. FORBES: Okay. So the barn is
24 staying? Because that I thought was going to be

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1 a conditional lot or that's an extra space, so to
2 speak, if I'm reading that correctly.

3 MR. BUCKI: It is.

4 MS. FORBES: Okay. Could you just
5 tell me, is there going to be a minimal square
6 footage of building of these homes? I mean, what
7 standard is being set?

8 MR. BUCKI: I know that we had broken
9 down the four lots so that they were large enough
10 to accommodate a house of some means.

11 CHAIRMAN WALLACE: I'm sorry; I can't
12 hear you.

13 MR. BUCKI: The lots are large enough
14 to accommodate a house in like the 2,000-square-
15 foot category. I never thought -- my wife and I
16 will keep the house we live in now and the barn
17 that's on the other lot.

18 There's also a very nice bridge. I don't
19 know where that bridge is going to, but the story
20 is that that was the original bridge going to
21 Route 31 so the farmers could get across the
22 fields and what have you. It's still there.
23 It's still in existence and still works very well.

24 MS. FORBES: So the minimum is going

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1 to be 2,000?

2 MR. BUCKI: That's correct.

3 CHAIRMAN WALLACE: Just so you know,
4 there's certain bulk requirements and lot
5 requirements that are set up in our zoning
6 ordinance, and the proposal is to -- after
7 annexation, then this would be RS-1. If you look
8 in our zoning ordinance, all of the requirements
9 are set forth in the zoning ordinance for RS-1 as
10 far as what the maximum lot coverage is, house
11 size, setbacks, lot size, et cetera, and those --
12 all of the lots that are proposed comply with the
13 requirements of RS-1 without variance.

14 MS. FORBES: So what is the projected
15 date if this is all through that you would start
16 the digging?

17 MR. BUCKI: Never probably.

18 MS. FORBES: Never?

19 MR. BUCKI: I want to be annexed into
20 the city for reasons of my own, and we intend to
21 live there forever. So I have made no
22 arrangements with -- you came to me and asked me
23 the other day whether we were going to divide it
24 and that you are in the subdivision business and

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1 that you would help us do that. We're not
2 anxious to do that.

3 We just want to be annexed into the city.
4 That was our initial thought. Nobody is pushing
5 anybody to do this particular thing. We're just
6 going along.

7 MS. FORBES: I thought that's why
8 we're here because you were dividing it to build
9 homes on your property.

10 MR. BUCKI: To divide it but not to
11 build homes now.

12 MEMBER KESSLER: There's no plan for
13 construction. It's a subdivision.

14 MS. FORBES: Okay.

15 MR. O'ROURKE: In terms of process,
16 there's a proposed map amendment on the table
17 that is for RS-1. So as part of that annexation
18 process the staff wanted to look at a plan which
19 shows which meets the standards of that
20 ordinance. That's where we're at.

21 There would still be another set of
22 engineering reviews called "final engineering,"
23 and it would have to come back to this body and
24 also to the City Council at a later date for

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1 what's called a "final plat of subdivision" and
2 reviewed again to ensure that all those lots meet
3 the standards of the zoning ordinance at
4 that time.

5 So this is more of determining if the land
6 can be configured in a way that's consistent with
7 the zoning ordinance.

8 MS. FORBES: Okay. Thank you.

9 CHAIRMAN WALLACE: All right. Any
10 other questions from members of the audience?

11 Yes, sir. You weren't previously sworn.
12 Come on up. If you'd just raise your right hand.

13 (The witness was thereupon duly
14 sworn.)

15 CHAIRMAN WALLACE: All right. Just
16 state your name and spell your last name and also
17 state your address.

18 MR. CALVIK: Ted Calvik, 5N237 Fox
19 Bluff, which is just west of the property, and
20 thank you for explaining that.

21 However, there is a contour of the houses
22 here, and I have a question with regards to
23 especially House No. 2 which was put on the plan.

24 Is there any requirements of how far from

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1 the border that proposed building is supposed to
2 be? Which if you don't mind, someone can
3 operate this.

4 Okay. I am talking about this property
5 which seems to me -- I don't know if that shows
6 the border of my property -- and if there is any,
7 you know, requirements in the ordinance that
8 would describe what is the minimum space between
9 the border of the property which is unincorporated.
10 Because that would be different zoning,
11 unincorporated and incorporated.

12 MR. O'ROURKE: The way our zoning
13 ordinance works, this is -- would either be --
14 this is basically the side yard of the property
15 because of the shape of it. So we would use our
16 zoning ordinance to figure out how far the
17 building had to be from the side property line,
18 and I believe in this zoning district it's
19 10 feet.

20 MR. CALVIK: Just 10 feet.

21 MR. O'ROURKE: 10 feet from this
22 property. It would basically become a rear yard
23 at this point, and it would extend 50 feet.

24 MR. CALVIK: We are in

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1 unincorporated. The houses are apart like
2 100 feet, almost 50 feet that would be different.

3 MR. O'ROURKE: Yeah. But, I mean,
4 the City needs to review plans as it refers to
5 the City's zoning ordinance. We can't enforce
6 the ordinances of other municipalities within our
7 corporate limits.

8 MR. CALVIK: Is there any way to put
9 in such a case -- I understand the zoning would
10 be incorporating two different borders. Does
11 that mean some exceptions?

12 MR. O'ROURKE: I think what you're
13 referring to is called a buffer yard, and the
14 only time they're required in our zoning
15 ordinance is when you go from a city commercial
16 property that is boundary to a residential
17 property, industrial to residential, even large
18 multi-family developments that would share a
19 zoning lot line with a single-family development.
20 But since this is a single-family to a
21 single-family, our ordinance does not require any
22 extra buffer.

23 MR. CALVIK: Some of this property
24 there is tree preservation. Can this tree

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1 preservation area be extended along the border?

2 MR. O'ROURKE: It can be if the
3 Applicant wants to do that or the City wants to
4 ask the Applicant to do that. I don't -- I mean,
5 it's been considered by the Applicant's land
6 planner that these are the appropriate
7 boundaries. We don't have any requirements to
8 make that any bigger.

9 MR. CALVIK: Just asking.

10 MEMBER KESSLER: This isn't under
11 review right now, is it? I mean, we're working
12 on a map amendment at this time.

13 MR. O'ROURKE: And a subdivision
14 preliminary plan. So we're looking at the lot,
15 basically, and how that fits in the zoning
16 ordinance.

17 MEMBER KESSLER: Okay.

18 MEMBER DOYLE: May I ask a question
19 about that?

20 Mr. Bucki, you indicated that you have no
21 intention right now of pursuing a subdivision, so
22 is the basis of the application for the
23 preliminary subdivision plan that it's a
24 requirement of the annexation agreement or a

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1 requirement of the map amendment?

2 MR. BUCKI: This is probably a year
3 away from something that we would do just before
4 it came through all your plans and committees and
5 what have you.

6 You are trying to pigeonhole me into an
7 area. I started this in 2009. The economy got
8 to a point -- we had gone through this meeting
9 already, and we were ready to go on to the next
10 meeting. Unfortunately, the economy kept getting
11 worse and worse, and it was just good thinking on
12 our part not to go any further with it.

13 Things are getting a little bit better, and
14 we thought this may be an ideal time to subdivide
15 this piece of property, and we want to do that.

16 We never intended on taking any of the
17 trees out. I don't know where that came from.
18 Those trees have been there forever. I love them.

19 This gentleman's house and this young
20 lady's house are a distance from the borders on
21 the west side of our property and that's a good
22 thing. The trees will always be there. Some of
23 those trees are 50 to 100 years old and what have
24 you and we love them.

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1 We're very much in tune to the community
2 and our neighbors. There was never an intent to
3 hurt anybody or make something that's unsightly.

4 MEMBER DOYLE: Thank you. That's not
5 my concern, actually. I just want to understand,
6 since we're going to be taking up the questions
7 after this public hearing is closed.

8 MR. BUCKI: I know that I have a
9 certain period of time after everything is
10 approved that I have to actually be annexed into
11 the City, and we intend to do that.

12 MEMBER DOYLE: I guess the bottom
13 line is that you're submitting the application
14 for -- both for the map amendment and for the
15 preliminary plan for the subdivision --

16 MR. BUCKI: Yes.

17 MEMBER DOYLE: -- and, therefore, you
18 would like to consider -- I mean, you do retain
19 the option of subdividing the property in the
20 future.

21 MR. BUCKI: Yes, I do. I wouldn't do
22 it without that, sir.

23 MEMBER DOYLE: I just want to make
24 certain -- because you indicated earlier that you

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1 had no intention of doing this, so I was just
2 wondering what the basis of the application was.

3 MR. BUCKI: We have a great deal of
4 money involved in this -- I don't want to even
5 bring that up -- and what have you, but it
6 started out and, as I said, the economy got bad
7 so we kind of held back a little bit on that, but
8 this is I think a good plan. I think that it
9 will help the community. It will go right next
10 to the school.

11 When the school needed to get the water and
12 sewer, they came through our property to get to
13 that. I'm willing to work with the City. I
14 think that there should be a path or a sidewalk,
15 and we'll get that right-of-way in front of our
16 house over there. I think it should extend all
17 the way down from 31 so the kids don't get killed
18 on that highway.

19 We're very much in tune to the community.
20 I've been here a long time, and I hope to
21 continue to be there.

22 Even if we subdivided the property, we'd
23 keep the house and the barns.

24 MEMBER DOYLE: Okay.

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1 MS. FORBES: Do I have to repeat my
2 name again?

3 CHAIRMAN WALLACE: No.

4 MS. FORBES: I'm not trying to pigeon
5 trap you whatsoever. However, I do agree with my
6 other neighbor, I didn't realize there was a tree
7 preservation to a certain point, and I would
8 probably ask that that be extended, as well.

9 CHAIRMAN WALLACE: I'm sorry. Say
10 that again.

11 MS. FORBES: There is a tree
12 preservation apparently from the properties with
13 the extent of the trees in the back that only go
14 to a certain point. However, the trees, though,
15 if you get out to the property, turn and
16 continue, and I think possibly that should all be
17 extended, and all those trees that are there now
18 should be in that tree preservation so nobody can
19 in the future --

20 CHAIRMAN WALLACE: This is at the
21 election of -- the City doesn't have any
22 authority to require anything of the sort. I
23 mean, if the property owner voluntarily wants to
24 do it, he can do it. We don't have any authority

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1 to do that, to require tree preservation or
2 anything like that.

3 MR. BUCKI: We have no intention of
4 cutting any trees down. Come see this property.
5 It is a beautiful piece of property.

6 MS. FORBES: Please do.

7 MR. BUCKI: It's very nice. I think
8 that enough separates by distance without the
9 trees being there between your house and this
10 gentleman's house that I would never, ever take
11 those trees down. They are 50- to 100-year-old
12 oak trees. We planted before you or you were in
13 that area all the pine trees, and my wife loves
14 the blue spruce, and we would never cut those
15 trees down. I just lost a tree due to the
16 storms, and it hurts me big time to see that
17 particular thing go.

18 So I would -- I want as much privacy from
19 my neighbors and I'm sure that they want it from
20 me, too. Not that we're bad neighbors or
21 anything; we're just in an area that I think is a
22 very, very, very nice area.

23 MEMBER KESSLER: Can I ask a
24 question?

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1 MR. O'ROURKE: I just want to
2 clarify. There are trees proposed to be removed
3 should the property be developed. I don't want
4 anything to be misrepresented.

5 MR. BUCKI: But those trees are not
6 on the border.

7 MR. O'ROURKE: If you look at the
8 landscape plan, those will be removed at
9 some point.

10 MR. BUCKI: Yes, but not the -- if
11 you -- these trees all over here, we planted all
12 these trees. All of this -- not this one here.
13 And then -- these are huge oak trees right here.
14 These are not -- these are some mulberry trees
15 and what have you. But I would never cut
16 them down.

17 This tree here, this one here is gone.
18 That's the one that fell on this barn here. It
19 was a huge tree.

20 I doubt very much that they would take any
21 of these big oak trees over here. This is an oak
22 tree. These are all oak trees. These are nicer
23 trees in here, but these trees are all staying.
24 I bought that property because of those trees.

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1 MEMBER KESSLER: I have a question.

2 Sir, were you living on your property in 2009?

3 MR. CALVIK: Yes.

4 MEMBER KESSLER: Were you there
5 in 2009?

6 MS. FORBES: Yes.

7 MEMBER KESSLER: Matt, is there a
8 time limit between when we recommend approval and
9 he can move to the next step? Is there a time
10 limit, or did we do this simply because we wanted
11 to make sure it renoticed people who may have
12 moved into the area since that was approved?

13 MR. O'ROURKE: It's a little bit --
14 it's quasi both. There are requirements in the
15 ordinance that after the preliminary subdivision
16 plan has been approved by the Council, there is a
17 time limit on how long the Applicant can apply.

18 MEMBER KESSLER: We're not at that
19 time limit.

20 MR. O'ROURKE: We never got there.
21 It was more because of legal counsel's opinion.

22 MEMBER KESSLER: And legal counsel's
23 opinion was that we should renotify the matter
24 for people who were not there at the time and

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1 weren't able to speak to this?

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

3 MEMBER KESSLER: Okay. That's what I
4 wanted to know because I am as concerned for
5 those people as I am for the Applicant because
6 for me it's an uncomfortable precedent to have
7 him have to go through this again for people that
8 were there at the time. This is specifically for
9 those people who weren't able to speak to this
10 application back then and they're not here.

11 MR. O'ROURKE: That is what legal
12 counsel's opinion was. I think it is a public
13 hearing so anybody -- any member of the public
14 does have the right to ask questions regardless
15 of whether it's for the benefit of new ownership
16 or not.

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

19 MR. CALVIK: I like very much what
20 Mr. Bucki said about preserving the trees. I
21 know he's very active; he's a very outdoor man
22 and that's great. However, saying that the tree
23 preservation area is there along the line as set
24 by Mr. Bucki should be on the map.

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1 This is my first comment. Second comment
2 would be to obtain a legend how to read this map.
3 Because I just learned that certain trees will be
4 removed, and I cannot tell which ones. This is
5 not labeled. I would like to have access to
6 either a bigger map or have a copy of this map.

7 MR. O'ROURKE: Any member of the
8 public can come to the City's office and review
9 copies of the plan. You can also submit what's
10 called a FOIA to get copies of those plans.

11 MR. CALVIK: Can I do it now?

12 MR. O'ROURKE: No. It's a formal
13 application that you have to do this.

14 MR. CALVIK: This?

15 CHAIRMAN WALLACE: Yes.

16 MR. CALVIK: So this is -- what can I
17 do myself right now?

18 CHAIRMAN WALLACE: Just go to the
19 City Web site, and there is a link for meetings,
20 and if you just click on Plan Commission,
21 August 21st, then there will be a link.

22 All right. Any other questions, sir?

23 MR. SWEENEY: As long as I'm here,
24 I'll say something.

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1 MR. CALVIK: Thank you.

2 CHAIRMAN WALLACE: Yes, sir.

3 MR. SWEENEY: Edwin Sweeney,
4 S-w-e-e-n-e-y, 35W940 Fieldcrest Drive.

5 My concern is the detention pond, that if
6 and when these houses get built and it doesn't
7 hold the water that, you know, his hired engineer
8 says it will, what is the City and the City
9 engineer going to do? They'll come in and have
10 someone correct it? Because he'll be long gone
11 by then. And who is at fault?

12 I mean, the City approves the plan, but
13 it's not only water from this 4 1/2 acres; it's
14 St. Charles North; it's other areas that it's
15 running into. And this underground storm pipe is
16 12, 18 inches. It's not a huge concrete pipe;
17 it's a 12-, 18-inch metal pipe.

18 CHAIRMAN WALLACE: Chris, do you want
19 to address that?

20 MR. TIEDT: Certainly.

21 As part of the review of the storm water
22 permit for this project, they do analyze all areas
23 tributary to this site, such as the 275 acres to
24 the north that come through the site. And,

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1 basically, when the development and the storm
2 water management plan is designed, that is all
3 taken into account. Staff does review the
4 application and the permit report to ensure that
5 all that is taken into account.

6 To answer your question, though, I think
7 what you're asking is, should a pond fall in
8 disrepair or something like that. Typically,
9 with most subdivisions what happens is there's a
10 detention easement placed over that pond, and
11 then there's a backup SSA form. And that backup
12 SSA, should the homeowner's association or
13 whoever is responsible for owning and maintaining
14 that pond not do what they're supposed to do --
15 and every year City staff goes out and inspects
16 every detention pond within the city corporate
17 limits, and if we notice any deficiency, we
18 notify the person who should be maintaining that
19 of those deficiencies, and we follow up and
20 ensure that those deficiencies are corrected so
21 ponds don't fall into disrepair or not function
22 properly.

23 But going back to should somebody not
24 maintain the pond, this backup SSA is a mechanism

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1 that the ordinance has in place. So, therefore,
2 the City could go and do what work is needed to
3 restore the pond to its original design, and then
4 a backup tax would be proposed through this SSA
5 to the property owners responsible in that
6 subdivision, and that's how the City --

7 MR. SWEENEY: Let's say the
8 engineering is off by a factor, and the detention
9 pond is not in disrepair, it's just not large
10 enough or deep enough to detain the water and
11 release it into this pipe as it's supposed to?

12 MR. TIEDT: Typically -- I guess
13 should that happen, obviously, the City would
14 work with the developer to improve that
15 condition.

16 It's been my experience here in the last
17 10 years that that has never really happened. I
18 mean, the storm water reports are examined
19 thoroughly, and there's a professional engineer
20 who does design it, sign and seal it, and then
21 another professional engineer does review these
22 reports. And, basically, there's a lot of going
23 back and forth through the review process of
24 tweaking these numbers and things of this nature,

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1 and there's a lot of safety factors built into
2 the assumptions made during the pond design,
3 as well.

4 So should -- let's say, you know, there be
5 an assumption or something tributary that maybe
6 was unknown at the time, a lot of times these
7 additional safety factors, as small as they may
8 be, account for some of those, I guess somewhat
9 of fudge factors.

10 Typically I haven't seen that but should
11 there be an issue, it's something that the City
12 would probably know prior to a large storm in a
13 smaller rain event if something isn't functioning
14 properly because we'd have residents contacting
15 the City and saying, "This isn't working right,"
16 and we'd come out and investigate it.

17 MR. SWEENEY: Without the homes,
18 without the cul-de-sac this area multiple times a
19 year floods, not only from the storm pipe, but it
20 comes above ground and follows that same path.
21 So it's a concern that I have with this many
22 houses. And the plan is reduced one house, so
23 things have changed since 2009, but, I mean,
24 that's my concern.

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1 So if the City is going to work with the
2 developer or whatever, I just don't want to be
3 stuck that the plan gets approved and the
4 engineering is wrong and my yard floods every
5 time it rains.

6 MEMBER KESSLER: I think that was the
7 number one certain when it was in front of us in
8 2009 is the runoff, especially from North high
9 school. The school didn't -- the district
10 didn't -- they had to improve the storm water
11 retention there to help your neighborhood.

12 I think that what we heard from the
13 engineers back in 2009 was that there is going to
14 be that retention there. And as Chris says, he
15 hasn't seen one fail yet. Believe me, there's
16 nothing perfect; I know that.

17 But I think another issue that you haven't
18 brought up is that the subdivision you're in was
19 built before the current storm water standards
20 were in place and that they don't meet -- the
21 subdivision you're in, that's why you get all
22 that groundwater is because they don't meet the
23 current standard for storm water removal and
24 detention, and I understand that could be a big

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1 concern.

2 I also know at our last hearing Mr. Bucki
3 made it clear that he was willing to work with
4 the residents to try to mitigate that deficiency
5 in your subdivision as much as he possibly could,
6 and I do understand your concern -- I mean, I
7 don't know what you can do about it, I really
8 don't -- in your area.

9 MR. SWEENEY: One thing that the City
10 can do is put in storm sewers, but based on the
11 cost, they don't want to do that along 31, so
12 they're tapping into an existing 18-inch metal
13 pipe. That's what it comes down to is cost.

14 MEMBER DOYLE: Can I ask a follow-up
15 question there?

16 I'm looking at the map on page 3, and my
17 understanding from this map is that with the
18 exception of the public land to the north, the
19 high school, the land immediately west, south,
20 and east of the parcel in question is all
21 unincorporated Kane County.

22 MR. SWEENEY: That would be correct.

23 MR. TIEDT: That's correct.

24 Everything west this way and south and east here,

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1 that is all unincorporated Kane County.

2 MEMBER DOYLE: So the City wouldn't
3 have any oversight or responsibility for storm
4 water management in unincorporated areas.

5 MR. SWEENEY: But why are they
6 tapping into the line that's under currently
7 unincorporated now?

8 MR. BUCKI: Let me address that for
9 just a second.

10 MR. SWEENEY: We don't want to hear
11 the history of you put it in for the school. I
12 mean, we've heard that.

13 MR. BUCKI: It's the truth. They
14 didn't want to go to your property. They wanted
15 to end at my property, and I said that's not fair
16 to you.

17 MR. SWEENEY: But that's --

18 MR. BUCKI: The detention --

19 CHAIRMAN WALLACE: Hold on. One
20 person at a time, please.

21 Sir, go ahead.

22 MR. BUCKI: We made the detention
23 pond deeper and broader to accommodate any
24 mistakes that the City may have made or the

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1 school may have made in regards to -- don't
2 believe the City is tapping into that pipe. It
3 ends at your property.

4 MR. SWEENEY: It will now. It will
5 now. You'll be annexed into the City, and that's
6 where you're tapping into.

7 MR. BUCKI: I'm missing that part now.

8 MR. SWEENEY: When the homes get
9 built.

10 MR. BUCKI: Okay.

11 MR. SWEENEY: That's what you're
12 doing; you're tapping into this underground pipe.
13 Where do you think the detention pond is
14 draining into?

15 MR. BUCKI: The surface water comes
16 and drains into that detention pond, not through
17 that pipe. The only thing that pipe only
18 connects --

19 MR. SWEENEY: Where does it go? It
20 goes into the pipe. That's where it gets
21 reduced.

22 MR. BUCKI: All the water originally,
23 if you go back several years anyway, went above
24 ground. If it was going to go anywhere in these

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1 100 year rains that you're talking about, it came
2 through my property. That's why that bridge is
3 there. It came through your property above the
4 ground.

5 MR. SWEENEY: It's not 100 years; it
6 happens multiple times a year.

7 MEMBER KESSLER: Has there been any
8 discussion in your neighborhood about doing
9 anything to mitigate the storm water?

10 MR. SWEENEY: I have called the
11 County, and they are going to check to see if
12 maybe they need to dig out, dredge the detention
13 basin that's in the southwest corner of my
14 property. I asked for that actually today.

15 MEMBER KESSLER: Have they created
16 any kind of SSA?

17 MR. SWEENEY: Not that I'm aware of.
18 I've been there eight -- nine years. The only
19 guy who is maintaining the detention basin on my
20 property is me, weeds, kind of digging it out,
21 digging some trenches so it drains a little
22 better.

23 MEMBER KESSLER: I understand it's
24 been a problem out there, has been for years ever

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1 since it was built.

2 MR. SWEENEY: Right. It's more of a
3 concern now with four additional houses, a
4 street. You know, that's a concern I have.

5 CHAIRMAN WALLACE: Yes, sir.

6 MR. CALVIK: Yes. Discussing the
7 safety factor, one of the safety factors I would
8 like to ask is if the City is going to
9 incorporate the driveway plus the houses, it's
10 going to be taking away approximately between
11 30 to 50 percent of the property. The absorption
12 of the water, that natural reservoir that the
13 water goes in, how it is incorporated into the
14 formula? This is a big, big thing. This water,
15 I understand this would be whatever nature gave
16 us, that's how much water. However, also the
17 nature gave us the natural reservoir for the
18 water. That's hundreds of gallons, if not
19 thousands of gallons goes under every house, and
20 it will not go under every driveway because it
21 will be solid surface.

22 MEMBER KESSLER: I would like to
23 answer that, and I think the best way for me to
24 answer that is there have been no final

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1 engineering plans presented to us, and we're not
2 voting on that today. When that does get to that
3 point, then I think those questions could be
4 answered by staff.

5 MR. TIEDT: I would just add, though,
6 that at least during the analysis, the
7 preliminary storm water analysis, when the pond
8 is sized, the pond is sized for the hydraulically
9 impervious areas, and essentially through a lot
10 of empirical mathematical calculations that is
11 taken into account. We look at the impervious
12 surface versus pervious surface. Through various
13 calculations and curve numbers, that's how you
14 get to the point that the pond is sized correctly.

15 MR. CALVIK: Are these formulas
16 publicly available?

17 MR. TIEDT: Certainly. You can go
18 onto the City's Web site, and you can review the
19 storm water ordinance, and it talks about, you
20 know, the -- basically, how to apply it and what
21 kind of rules to follow or steps to follow to a
22 certain extent.

23 Essentially what it does is -- you know, a
24 detention pond, it holds the water back and

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1 releases it in a much slower, more regulated
2 manner.

3 So rather than having -- a paved surface
4 where your water would run off quicker, that's
5 the purpose of a detention pond is that your
6 paved surfaces, the water runs off quicker is
7 retained in the pond and then released at a
8 slower, more constant rate.

9 MR. CALVIK: Going along with my
10 other neighbor, so if I understand correctly --
11 correct me if I'm wrong. So if the water goes
12 after the City property to unincorporated, the
13 City will wash their hands of this water?
14 Because the pipe -- definitely the 18-inch pipe,
15 whatever is there is not enough at this point
16 in time.

17 MR. TIEDT: I'm not sure I understand
18 your question.

19 MR. CALVIK: In other words, if the
20 property will become part of the City of
21 St. Charles, the water would go -- even from the
22 detention pond will go into an unincorporated
23 area. So when the water goes into an
24 unincorporated area, the City washes their hands

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1 of this water? It's not responsible at that time?

2 MR. TIEDT: I don't know if the City
3 necessarily washes their hands of this issue.
4 There are laws such as the Illinois drainage that
5 talk about who is responsible for water flowing
6 through properties and things of that nature.

7 Currently right now, without the retention
8 pond or detention pond or any development out
9 there, there's a large overland flow route that
10 runs through Mr. Bucki's property and continues
11 further south into the subdivision.

12 MR. CALVIK: That's right.

13 MR. TIEDT: Without any development
14 out there, that overland flow route floods fairly
15 frequently. With this development and some of
16 retention, some of that volume of water that
17 would flow through that flood route is retained.
18 So there is some benefit to the watershed.

19 MR. CALVIK: I understand.

20 MR. TIEDT: Some of that volume is
21 being reduced.

22 Now, certainly this development's detention
23 pond is not resolving all overland flow route
24 issues down the stream. Mr. Bucki is responsible,

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1 obviously, for his runoff per the ordinance on
2 his property but not for solving regional storm
3 water problems.

4 MR. CALVIK: Are there any options
5 that we can tie down this -- I don't want to say
6 tie down, but to have the City and County resolve
7 the issue?

8 MR. TIEDT: Certainly. The City
9 staff has worked with the County before on some
10 storm water-related issues in subdivisions where
11 the one subdivision is in the city and the other
12 subdivision is unincorporated. We have certainly
13 worked previously with Kane County staff when
14 there's been issues that come up.

15 MR. CALVIK: Are there any ways we
16 can mitigate as residents?

17 MR. TIEDT: Mitigate?

18 MR. CALVIK: To cooperate with the
19 City and the County, especially with this issue.

20 MR. TIEDT: Certainly. Like
21 Mrs. Kessler indicated, you should contact the
22 County. If there are storm water-related or
23 drain issues within your subdivision, and if the
24 County feels that those issues are caused by

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1 something from the City, they would certainly
2 contact the City, and then we would work to
3 resolve those issues.

4 MR. CALVIK: Okay. Thank you.

5 MEMBER DOYLE: I have a procedural
6 question for Matt.

7 Going back to the application, we have an
8 application for map amendment, an application for
9 a preliminary subdivision plan.

10 MR. O'ROURKE: Right.

11 MEMBER DOYLE: Just in the interests
12 of understanding what information we need to
13 gather for the public hearing to close the
14 hearing and proceed through our agenda, what is a
15 preliminary subdivision plan, and what are the
16 phases of development that come after that
17 preliminary plan, and what are the review steps
18 that come after the -- this step?

19 MR. O'ROURKE: Right. The
20 preliminary subdivision plan is really just that.
21 It's preliminary. It shows you enough detail to
22 understand if a proposed subdivision can
23 theoretically work. Does it meet the standards
24 of the zoning ordinance; does it meet preliminary

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1 standards such as the size of the pond? You're
2 looking at these big ticket, broad items to make
3 sure everything that what's being proposed is
4 feasible. Maybe that's the best word to use is,
5 is it feasible to make sure it will work should
6 they want to come back.

7 In this particular case, because there's
8 annexation involved, it will go to the planning
9 and development committee, and they will review
10 the same staff material and review the same
11 findings of fact, and they will also be voting on
12 whether or not to annex the property at that
13 time, which actually goes through another public
14 hearing in front of the Council specifically for
15 the annexation of the property. And then if it
16 would be rezoned at that time, there would also
17 be an annexation agreement involved that lays out
18 certain requirements that the property may or may
19 not have to do over the course of 20 years.

20 Once that's all said and done and the
21 Applicant is ready to come back, they will submit
22 what's called a final plat of subdivision, and
23 with that will be final engineering plans. At
24 that time staff will review those, and that's

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1 when we get into the details, sort of the minutia
2 of making sure everything works, everything meets
3 the zoning ordinance.

4 At that time is when we really look at all
5 the details, make sure everything -- there can't
6 be any comments left when that final plat of
7 subdivision and engineering plans get reviewed,
8 and that would come back to the Plan Commission,
9 as well, and be voted on by the City Council at a
10 later date.

11 MEMBER DOYLE: And is there a public
12 hearing for the application for a final plat of
13 subdivision.

14 MR. O'ROURKE: There is no public
15 hearing required for a plat of subdivision, only
16 for zoning-related changes such as a map
17 amendment, PUD, special use. Anything that
18 changes the intensity of the use of the land is
19 when a public hearing is required.

20 Since the zoning would potentially already
21 be in place and it meets that zoning district's
22 standards, there would be no hearing requirement.

23 MEMBER DOYLE: What I'd like to
24 suggest for the Commission as a path forward here

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1 is for us to -- I'd like to move that we consider
2 whether we have received enough testimony and
3 information to consider the question, as Matt
4 describes, of the map amendment application and
5 preliminary plan application in these broad
6 strokes in terms of feasibility to meet the
7 zoning requirements, et cetera, knowing that
8 there is a subsequent review phase and detailed
9 engineering review and opportunity for counsel to
10 conduct oversight.

11 CHAIRMAN WALLACE: Prior to
12 recognizing the motion --

13 MEMBER KESSLER: It's not a motion.

14 MEMBER DOYLE: It's not a motion yet,
15 no, but I'd like to see if we could turn a
16 corner here.

17 CHAIRMAN WALLACE: We'll, I'm
18 thinking that a motion probably would be in
19 order, and then we can discuss the motion if a
20 motion to close the public hearing is in order,
21 which I think that's what we're asking, if we
22 have enough evidence in order to close the public
23 hearing.

24 MEMBER KESSLER: Well, I would argue

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1 that this Commission has already recommended
2 approval of this, and the only reason we're here
3 is not because the Applicant didn't respond in a
4 timely matter but because the City Attorney
5 believed that people who may have moved into the
6 area should be renoticed.

7 That hasn't occurred and I think that
8 we're -- I think we've got all the information.
9 We've already approved this. I understand that
10 perhaps some of you weren't here when we did
11 approve it, but there's no reason that we should
12 revisit this, other than there may be people in
13 the public who weren't living there or noticed at
14 the time.

15 You know, I would make a motion to close
16 the public hearing.

17 CHAIRMAN WALLACE: All right.

18 There's a motion --

19 MEMBER PRETZ: I will second it.

20 CHAIRMAN WALLACE: -- and the motion
21 has been seconded. Now, any further discussion
22 on the motion -- and, Brian, I understand your
23 point that at this point in time, I mean there
24 are subsequent applications that will have to be

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1 filed by the City, and the Applicant will have to
2 be before us again in order for some of the
3 things that we're discussing here tonight to end
4 up being subject to review by this body.

5 MEMBER DOYLE: Yeah. I just want to
6 be clear on what we're voting on and exactly what
7 that represents. We're not voting to approve the
8 application; we're not voting on the subdivision
9 application. We're voting on a preliminary plan
10 and map amendment.

11 So if we're clear on what we're voting on
12 and what it represents and what comes afterwards
13 procedurally, then -- going back to the original
14 motion, we're in a public hearing right now.
15 Whether we should be or shouldn't be is
16 intriguing, but I think it's effectively a public
17 hearing.

18 So we've heard public testimony. I want to
19 take the public testimony seriously, and I am
20 inclined to agree that I think we have enough
21 information and evidence and testimony to proceed
22 with -- to close the public hearing and proceed
23 with the -- with deliberating on the applications
24 themselves.

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1 CHAIRMAN WALLACE: All right. Any
2 further discussion?

3 (No response.)

4 CHAIRMAN WALLACE: Tim, can we have
5 a roll call on the motion to close the public
6 hearing.

7 MEMBER KESSLER: Schuetz.

8 MEMBER SCHUETZ: Yes.

9 MEMBER KESSLER: Doyle.

10 MEMBER DOYLE: Yes.

11 MEMBER KESSLER: Pretz.

12 MEMBER PRETZ: Yes.

13 MEMBER KESSLER: Wallace.

14 CHAIRMAN WALLACE: Yes.

15 MEMBER KESSLER: Kessler. Yes.

16 CHAIRMAN WALLACE: All right. The
17 public hearing is now closed, and that concludes
18 Item 4 on the agenda.

19 Item 5 on the agenda is Bucki single-family
20 subdivision application for map amendment, upon
21 annexation, from RE-1 single-family estate to
22 RS-1 low density single-family, application for a
23 preliminary subdivision plan dated 7/8/2009,
24 preliminary engineering plans dated 7/8/2009, and

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1 landscape plan dated 7/8/2009.

2 Is there a motion on these applications?

3 MEMBER KESSLER: I would make a
4 motion to recommend approval to the City Council
5 for the preliminary subdivision plan dated
6 7/8/2009, the preliminary engineering plans dated
7 7/8/2009, and landscape plan dated 7/8/2009.

8 CHAIRMAN WALLACE: Well, those are
9 the supporting documents.

10 MEMBER KESSLER: Oh, I'm sorry; I
11 mean the applications. Application for map
12 amendment, upon annexation, from RE-1
13 single-family estate to RS-1 low density and
14 application for preliminary subdivision.

15 CHAIRMAN WALLACE: Approval on both?

16 MEMBER KESSLER: Approval on both.

17 MEMBER SCHUETZ: Second.

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

20 Discussion on the motion?

21 (No response.)

22 CHAIRMAN WALLACE: Tim.

23 MEMBER KESSLER: Schuetz.

24 MEMBER SCHUETZ: Yes.

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1 MEMBER KESSLER: Doyle.

2 MEMBER DOYLE: Yes.

3 MEMBER KESSLER: Pretz.

4 MEMBER PRETZ: Yes.

5 MEMBER KESSLER: Wallace.

6 CHAIRMAN WALLACE: Yes.

7 MEMBER KESSLER: Kessler. Yes.

8 CHAIRMAN WALLACE: All right. That

9 motion passes unanimously, and that concludes

10 Item 5 on your agenda. Thank you.

11 Item 6 is meeting announcements. Our next
12 meeting is September 4th. Do we have agenda
13 items for that meeting?

14 MR. O'ROURKE: We don't have anything
15 at this time.

16 CHAIRMAN WALLACE: Do you expect that
17 that may be not happening?

18 MR. O'ROURKE: I'd say that there's a
19 pretty good chance.

20 MEMBER KESSLER: Is that a holiday
21 weekend?

22 MR. O'ROURKE: Yes.

23 MEMBER KESSLER: We met the day
24 before the 4th so we could meet.

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1 MR. O'ROURKE: We'll see what comes in.

2 CHAIRMAN WALLACE: Item 7, additional
3 business.

4 Matt, do you have any additional business?

5 MR. O'ROURKE: Yes. I believe
6 there's an update on the concrete batch plant
7 proposal. That was approved by City Council in
8 the beginning of August and it's under
9 construction. It might even be up at this point.

10 CHAIRMAN WALLACE: Are they storing
11 cement on that lot off of Tyler Road?

12 MR. O'ROURKE: No. That is all just
13 construction materials.

14 CHAIRMAN WALLACE: I mean torn up
15 cement. Because I've seen piles of cement
16 over there.

17 MR. TIEDT: It's a material storage
18 yard. They're storing black dirt, broken up
19 concrete, broken up asphalt.

20 CHAIRMAN WALLACE: I had no idea.

21 MR. TIEDT: It's all for the Route 64
22 project.

23 CHAIRMAN WALLACE: One other question
24 I had was regarding The Corporate Reserve. I

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1 read in the paper that it was continued by City
2 Council. Do you know when it's back before
3 planning and development?

4 MR. O'ROURKE: It was tabled until
5 the September 10th meeting.

6 MEMBER DOYLE: Todd, I had one issue
7 regarding our sign ordinance.

8 On Randall Road, the bus barn, I was
9 driving past it a couple weeks ago, and I noticed
10 a bus out in front of the buildings immediately
11 adjacent to the railroad with a big banner on
12 both sides of the bus, and I took a picture of it
13 on my phone.

14 Is that in violation of the -- of our
15 signage ordinance?

16 CHAIRMAN WALLACE: Yes.

17 MEMBER SCHUETZ: As long as they move
18 it.

19 CHAIRMAN WALLACE: Take a look.

20 MR. O'ROURKE: If it was permanently
21 painted on the bus, that would be "This is our
22 business," but I think since they're hanging
23 it --

24 CHAIRMAN WALLACE: Since we're

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1 discussing it, can I provide an answer?

2 MEMBER DOYLE: I'd love to debate
3 this, yes. We have at least another hour or so.

4 CHAIRMAN WALLACE: Okay. 17.28, let
5 me just tell you real quick. This says,
6 "prohibited signs." This is 17.28.80(e).

7 "Signs on Parked Vehicles: No sign shall
8 be displayed on a vehicle parked in an off-street
9 parking or loading area or in an outdoor motor
10 vehicle display area except in the following
11 instances:

12 "1. The sign pertains to the lease, sale,
13 or rental of the vehicle upon which it is
14 displayed; or

15 "2. The sign is painted or otherwise
16 affixed to a truck, bus, or other vehicle that is
17 used to carry goods or people or to provide
18 services at least one day per week as an
19 accessory use to the business identified on the
20 sign, and signs resting on or attached to
21 vehicles or trailers used as a means to
22 circumvent the provisions of this chapter are
23 prohibited."

24 MEMBER KESSLER: What does that

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1 second in "2" mean there?

2 CHAIRMAN WALLACE: If you have a
3 delivery truck and you have a sign on the side of
4 your truck but you use the truck for your
5 business, then that's okay.

6 MEMBER KESSLER: They use that bus
7 for hauling people around.

8 MR. O'ROURKE: They don't use the
9 sign for the bus; they use the sign to hire
10 people.

11 CHAIRMAN WALLACE: Exactly. So it's
12 not approved.

13 MEMBER DOYLE: So other people have
14 noticed this particular sign. Since it came in
15 front of us and it caused so much consternation --

16 MR. O'ROURKE: I'm sure that's
17 something Bob Sirott is looking into.

18 MEMBER KESSLER: We've already banned
19 them from driving in the city because the 5,000 --
20 our city buses can drive on them but they can't.

21 CHAIRMAN WALLACE: Anything else?

22 MEMBER KESSLER: I think a motion to
23 adjourn.

24 CHAIRMAN WALLACE: All right. Is

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1 there a second?

2 MEMBER SCHUETZ: Second.

3 CHAIRMAN WALLACE: In all favor.

4 (The ayes were thereupon heard.)

5 CHAIRMAN WALLACE: Opposed.

6 (No response.)

7 CHAIRMAN WALLACE: City Council Plan

8 Commission is adjourned at 8:06 p.m.

9 (Which were all the proceedings

10 had in the above-entitled matter

11 at the hour of 8:06 p.m.)

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