

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, AUGUST 12, 2013 7:00 P.M.**

Members Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Martin, Krieger, Bessner, Lewis

Members Absent: None

Others Present: Mayor Raymond Rogina; Brian Townsend, City Administrator; Mark Koenen, Director of Public Works; Rita Tungare, Director of Community Development; Russell Colby, Planning Division Manager; Matthew O'Rourke, Planner; Chris Tiedt, Development Engineering Division Manager; Bob Vann, Building & Code Enforcement Manager
John McGuirk, City Attorney

1. CALL TO ORDER

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

2. ROLL CALLED

Roll was called:

Present: Silkaitis, Payleitner, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner, Lewis

Absent: None

3. COMMUNITY DEVELOPMENT

- a. Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding residential fences.

Mr. Colby said in 2006 new restrictions were imposed on corner lots, specifically in the exterior or corner side yard. He said a 6ft. privacy fence under current requirements is to be setback 5 ft. from the property line along the street and also landscaped on the outside of the fence. He said prior to 2006 the setback was only 1ft. from the sidewalk in a corner side yard, and staff is finding that applying the 5 ft. requirement is problematic in yards where there are already existing fences built up to the 1 ft. line away from the sidewalk. He said the amendment would eliminate the 5 ft. requirement where a corner side yard abuts either another side yard or a rear yard, but would keep the 5 ft. setback where an adjacent yard is a front yard. He said the amendment also proposes to increase the allowable height for a fence in the front yard or corner side yard from 42", or 3.5 ft. to 4 ft., to be consistent with requirements for fencing around swimming pools, and it is a more standard size for fence height. He said Plan Commission recommended approval and suggested the Committee consider whether landscaping should be placed within the 1 ft. setback between the sidewalk and the fence, but it was not part of their recommendation, and staff recommends approval of the amendment as presented.

Aldr. Silkaitis asked if there was still a 1 ft. setback from the sidewalk. Mr. Colby said typically the property line is 1 ft. in from the sidewalk and the requirement states that the fence cannot be within 1 ft. of the sidewalk, which may or may not be a setback from a property line, but it at least keeps the fence separated from the sidewalk by 1 ft.

Aldr. Martin said there is a resident at 7th and Fern that has the same situation with a fence across the front and wants to put a 6 ft. fence along the exterior side and he asked how the new ordinance would affect him. Mr. Colby said if his lot is configured to where the neighbor's front yard is adjacent, they would need to still maintain the 5 ft. setback for the fence. Aldr. Krieger asked if that would be for the side next to the street as well and if so why. Mr. Colby said correct, because the requirement was put into the new Ordinance in 2006 primarily for aesthetic reasons, to keep the fences back from the sidewalk and landscape to soften the appearance. He said staff recommends keeping the 5 ft. setback along the exterior side yards that abut front yards because generally those streets will have a number of front yards in a row, which would appear to be a series of front yards and then getting to the end of the street, there is a fence going all the way out to the street, which can look awkward.

Aldr. Turner asked if landscaping is required, or could it just be grass. Mr. Colby said where the 5 ft. setback is required, the requirement for landscaping is 1 shrub for every 5 ft. of the length, and that is a requirement that's imposed at the time the permit is issued.

Chairman Stellato clarified that if there is a resident currently with a fence setback 5 ft. and not landscaped, they would not now have to do that. Mr. Colby said no, it's an existing requirement for any newly permitted fence.

Aldr. Turner made a motion to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding residential fences. Motion was seconded by Aldr. Bancroft.

Roll Call Vote:

Ayes: Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner, Lewis, Silkaitis
Nays:
Abstain:
Motion Carried. 9-0.

- b. Recommendation to Approve an Amendment to Special Use for a Planned Unit Development (First Street Redevelopment – Building 7A 401-409 S. First Street).

Mr. Colby said this amendment is to allow office uses on the first floor of building 7A, which is the building that houses the Harris Bank. He said the Ordinance for First St. PUD currently restricts the uses of the 1st floor of the building to specific types of businesses, such as retail, restaurant or personal service uses. He said the space in building 7A has been vacant since 2008 when it was constructed and is located outside of the Downtown Overlay District, which is up for discussion later that evening on the agenda. He said the southern boundary of the Downtown Overlay District is Indiana St., in front of the Blue Goose, and additionally the businesses located directly across from Building 7A in Milestone Row are generally office uses. He said Plan Commission and Staff recommend approval of the amendment. He noted that there was a representative for the applicant present for questions.

Aldr. Turner made a motion to Approve an Amendment to Special Use for a Planned Unit Development (First Street Redevelopment – Building 7A 401-409 S. First Street). Motion was seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.

- c. Presentation by First Street LLC of a concept for the Phase 3 property of the First Street Redevelopment Project.

Ms. Tungare said the Phase 3 property is the area between Illinois St. and Main St. on the east side of First St. She said there was a plan approved in 2006 for residential development along with retail and unfortunately with the economic downturn, the property remains to be developed. She said that First Street LLC was there to present a revised proposal and receive the Committee's feedback.

Bob Rasmussen-37W265 Mission Hills Dr., St. Charles-thanked the Committee for having them there that evening and said he and his partners were excited to be back in front of the Council to present a concept that they believe can be accomplished on the riverfront, which is the most important part of First St. He said they have seen success of the buildings that were put in place 5-6 years ago even through the economic times and they are now looking to go with a similar concept just a little bit smaller and incorporating residential rental units, not just "for sale" units.

Mr. Rasmussen then showed a PowerPoint presentation of the concept plan. He said in trying to go back to the original TIF and trying to work some of the financial end of it, they tried to come up with square footage that was somewhat similar to the plan back in 2005-2006. He said they are still short a little square footage from the original TIF, which at the time was 212,000 sq. ft. approved for the site, and the proposed plan is 171,000 sq. ft. He said the plan is to have a set of 4-buildings, 2-story parking garage with ground level parking and then one floor above ground, which they think that will be a lot less cumbersome, easier to financially control and would work for the project. He said the garage would be surrounded by 4 different buildings with #1 and #2 being residential rental units on the top 3-floors, and the first floor being office retail space along First St. He said #3 and #4, the top 3-floors would be residential "for sale" condominiums, very similar with Milestone Row, with the first floor being in building #3 being office retail and building #4 on the first level would be parking. He said for building #4 they cannot get underground for parking, #3 will have underground parking which will be a requirement in the "for sale" market in order to sell the condominiums.

Mr. Rasmussen said based on his research for the soil borings done back in 2004-2005 with Shaw Environmental, he knows where the bedrocks sits, where the groundwater is, the floodplain, where all the existing engineering is and what was done with the remapped floodplain there, so he is pretty familiar with what can and cannot be done from a water standpoint with the parking, underground parking and at grade parking. He said the rendering would be a combination of stucco and brick for the 2 retail office buildings, and for the residential rental units each floor would consist of 4 large apartments on the outer corners that are 2-bedrooms, and in between there would be a combination of studios and 1-bedroom among the other 8-units, making 12 units per floor, making it 36 units a building, and between the 2-buildings, there are 72 rental units proposed. He said for building #3, 24 residential "for sale" units over 3-stories is being proposed, but that is hard to determine at this point because the exact

sq. footage is unknown and the building will probably be designed as a shell and then do interior built outs as units are being sold. He said building #4 would be about 10-condominiums units in the building, so the combination of “for sale” would be about 34-units, at a total of 72-for rent, 34-for sale. He said previously they had about 61-residential units which were bigger, but they are shrinking things down to meet the economy today.

Mr. Rasmussen said there is pretty good demand right now, and they sold some units this year at Milestone Row, for the first time in 3-years, which got them past the 50% “sold” mark that the bank requires before lending on a condominium. He said he believes they can come up with 50% “sold” before ground is even broken, and that there is a new bank in town-Sterling Bank, who is looking hard at this point to finance individuals going into the proposed condominiums, as well as financing the construction of the project. He said that may be a fundamental difference in how a building is built these day, we have a bank that will work with the clients, and not just the developer.

Mr. Rasmussen showed a plan B-which would increase the parking, the garage and the open space, and they would not worry so much about the financial constraints of the TIF and allow for a little more open space for outdoor dining and restaurants. He said plan B would eliminate the 4th building, with the end of building 3 having a restaurant with an open court yard, and the end of building 2 having a significant area for outdoor dining between the building and the river.

Mr. Rasmussen said St. Charles needs more restaurants, Wok n Fire across the street is the #1 performing out of their 5 locations, the new Puebla restaurant coming is expected to be successful, and the Neo space performs great, but the steak and seafood type of restaurant is missing. He said they have been in contact with a couple of establishments over the last 2-3 years for the next phase and that type of restaurant would most likely be a significant amount of the first floor in building 2 to create that outdoor dining experience. He said the rest of the space would be worked on as it goes to see what type of tenants could go in there, but as far as residential, there are 56 apartments they currently own as a group in the downtown area, and they are 100% lease at all times. He said we need to get more bodies and more office space, which will fill the restaurants and retail, which will make for a successful downtown project.

Chairman Stellato clarified that the original proposed building was 6-stories high, and the new proposal is 4-stories. Mr. Rasmussen said correct, the approved building height was 78 ft. and the new proposed building will be 50 ft. to the parapet wall at the top.

Chariman Stellato said because this is a concept presentation there would not be a formal vote, but there would need to be a discussion on an extension for the PUD plan approval.

Aldr. Silkaitis said he supports the plan with more open space because he prefers to not have a building 4 and he thinks it a good concept plan and he’s interested to see how it progresses.

Aldr. Payleitner agreed with Aldr. Silkaitis and then asked when the TIF discussion would take place. Mr. Rasmussen said those discussion had not happened with Chris Minick yet. Chairman Stellato said to be sure to make that part of their checklist.

Aldr. Lemke said he is somewhat indifferent about building 4, but he is encouraged that there is not a helix to get to the upper deck. He said more parking would be needed for a taller building

and he thinks the smaller building is preferable and that there is a quicker opportunity to move forward rather than trying to get money up front for a larger building.

Aldr. Turner said he would go with the 3-building concept but leave open the option for a 4th. He asked if there a reason there cannot be underground parking under building 1, like is being done for building 3. Mr. Rasmussen said at some point building 4 will need to be decided on because it effects the parking structure. He said they did not put a helix in because it takes a lot of space and is very expensive, and the current 5-story parking garage fills up on a Friday or Saturday night, so a decision would need to be made because it would make more sense to expand the garage rather than to build a shorter garage that would be left open. He said the challenge for building 1 and 2, to make it work just like building 3, you would need an extended parking lot to go underneath building 2. He said under building 1 and 2 there is about 4 ½ ft. down to bedrock which is very expensive from that point and become a financial question, which he intends do to a full analysis. He said building 3 bedrock is down at 9-10 ft. which is a very good situation to dig down without an astronomic expense. He said they would look into it and they plan to do some additional soil borings, not that the bedrock would change, but it would determine a cost to adding that because they would gain about 36-38 parking spaces.

Aldr. Bancroft asked about the phasing. Mr. Rasmussen said they are not sure whether they build 1 or 2 first, but they are looking for input because if building 2 is built first the rest of the plaza will need to be put in that goes down to the river. He said after that building 3 would be built and then the “for rent” building, but it would probably depend on the pre-sales for building 3, but they have confidence and he expects one to follow the other by 6-months each time. Aldr. Bancroft asked if they would start pre-sales for building 3 immediately. Mr. Rasmussen said yes, they would get signs up a couple months from now after there is some serious architecture work done to get the pre-sales started to promote the April 1st groundbreaking of building 1 or 2. Aldr. Bancroft asked for clarification on number of units for building 3. Mr. Rasmussen said they are speculating 24, but it depends on the buyers, because they will create a shell and the buyer will decide their sq. footage. Aldr. Bancroft asked how much parking is underneath building 3. Mr. Rasmussen said 38 stalls, and they have found that 1 ½ per unit is really good. Aldr. Bancroft asked what Mr. Rasmussen’s decision is toward building 4, or the open space plan. Mr. Rasmussen said his partnership would prefer to build the 3 building plan to get started, and the responsible thing would then be to get to building 6 because that would help the TIF a lot more than building 4.

Aldr. Martin said he is encouraged to hear some progress being made, finally. He said he understands the problems with bedrock because he remembers the explosions from Milestone Row. He said he prefers the 3 buildings, and he sees no other problems with it and get some retail going.

Aldr. Krieger said she prefers the 3 building plan with more open space for some outdoor dining and she also encourages seeing some progress to move forward quickly.

Aldr. Bessner said he encourages plan B with the 3 buildings. He asked if building 4 originally had parking. Mr. Rasmussen said it was going to have ground level parking within the building. Aldr. Bessner said he would prefer to see building 2 built first because it would add a lot of value to the whole area to build the plaza. He asked if plan B were built, which excludes building 4,

does it economically affect anything. Mr. Rasmussen said not to their partnership, each building stands on its own and financially takes care of itself, it would be no different than going on to the next building, whether its building 6 or 7B. Aldr. Bessner asked if there were a timeline. Mr. Rasmussen said it would be based on the feedback heard today, to move forward with architecture and engineering as quickly as they can. He said he has already been working with the city's engineer because they already spent \$250,000 putting in the infrastructure before the economy collapsed, and they would like to save as much of it as they can, and that the city spent a lot of money as well. He said they would like get going on the architecture, then the permit process after the 1st of the year, and try to break ground in April.

Aldr. Lewis asked for clarification on the concept. Mr. Rasmussen said all 3-buildings will have retail/office so the restaurants or offices go could be anywhere, 2 of the buildings will have 3-floors of "for rent" apartments, and all 3-buildings will look similar in architecture. Aldr. Lewis asked about the parking lot that would pulled into off of Illinois St. Mr. Rasmussen said there is a 12,000 per floor restriction in the building codes to keep it within the cost constraints, and there is a reason the buildings are the size they are, which moves the entrance. Aldr. Lewis asked if they envision retail on both sides of the building. Mr. Rasmussen said no, it would all be back loaded with a front door. Aldr. Lewis said so in wanting to shop, one would have to park off Illinois and then walk all the way around. Mr. Rasmussen said correct. Aldr. Lewis asked if there would be anyway to have a pedestrian entrance from the back, or if that would be trash enclosure in the back. Mr. Rasmussen said all the area behind will be pedestrian friendly and look attractive. Aldr. Lewis asked if there would be any amenities for the apartment buildings. Mr. Rasmussen said no, they thought about X-Sport Fitness at one time, but they would rather leave that space for someone to use. Aldr. Lewis asked if the plaza would be on the side of building 2 which would line up with the plaza across the street. Mr. Rasmussen said correct, and the city builds the plaza portion of the plan, which is already engineered and ready to be built and the river walk would all stay the same, just with a lot more outdoor open space.

Heidi Hughes-68 Dunham Place-asked how many parking spaces are in the garage. Mr. Rasmussen said 58 ground level and 57 on the 1st level.

Vanessa Bell-Lasota-1610 Howard St.-said building 3 comes right up against the riverfront and she asked if the architect and engineering team had looked at the River Corridor Master Plan in designing the walkability of it. Mr. Rasmussen said building 3 is 20-30 ft. off the river and where the new retaining wall has been put in there is quite a bit of space between that and the buildings. Ms. Bell-Lasota asked how the in/out on Illinois St. would affect the left turn at the corner on 1st St. which is right across from Fox Island Square. Mr. Rasmussen said they looked at that 7-years ago and it was designed for that space and the good news is there is a left turn lane that widens Illinois St. before 1st St.

John Rabchuk-914 Ash St.-asked if the parking garage is a blind end. Mr. Rasmussen said very similar except there will be a turnaround at the end that will be put in the last 2 stalls. Mr. Rabchuk said he likes the basic concept and it is a unique spot in St. Charles and he hopes that the architect take in to account, to try and make the space as unique as possible. He suggested maybe making the ceiling a foot or 2 higher and making the outer architecture to have some variety to make it unique to really stand out.

Chairman Stellato said now that we have feedback, the extension needs to be discussed.

Ms. Tungare said given that the concept needs to develop further, at the least 60-90 days would be prudent. Chairman Stellato said that would allow Mr. Rasmussen to work with staff to come back, and as long as progress is seen there should not be a problem to go further. He noted that at some point there will need to be a longer extension once the commitment is made to get some work involvement. Mr. Rasmussen said they will continue to work with staff and as soon as there is a final concept they will ask for a longer extension to get to the April dig date, before too much money is spent.

Aldr. Turner made a motion to extend the agreement by 90 days. Motion seconded by Aldr. Martin. No additional discussion. Approved unanimously by voice vote. Motion carried.

- d. Recommendation to direct staff to file a General Amendment application to amend the Downtown Overlay District.

Ms. Tungare said in March 2013, 3-options were presented to revise/amend the Downtown Overlay District regulations and at that point some direction was obtained by the Committee. She said the Committee indicated that they wanted staff to come back with a revised proposal before moving forward with the approval process. She then showed a PowerPoint Presentation to establish a frame of reference for those who were not a part of the previous discussion. The Presentation outlined the:

Background

- “Overlay” zoning district in Downtown
 - More restrictive list of uses/businesses for first floor spaces
- Enacted in 2006
 - Concern about banks, offices occupying prominent storefronts
 - Potential to disrupt a pedestrian shopping district
- Not a true “retail only” district
 - Uses or businesses that generate pedestrian traffic

How it works

- First floor can only be occupied by certain types of businesses
- Existing businesses considered “legal non-conforming”
 - Can continue to exist or be reoccupied within 180 days by the same type of business
- Exemption process
 - Administrative determination by the Community Development Director based on Ordinance criteria only
- Boundaries of district can be changed by zoning map amendment (rezoning)

Uses in Downtown Overlay

- Allowed on First Floor in the Downtown Overlay District: Art Gallery/Studio, Theater, Indoor Recreation, Hotel, Personal Services (Salons, Funeral Home, Tailor, Peg Grooming, Dry Cleaner, etc.), Retail, Restaurant and Tavern.
- Not Allowed on First Floor, but allowed on the 2nd floor and elsewhere in Downtown: Business and Professional Office, Medical/Dental Office, Bank and Financial Institution (such as mortgage service)

Current Downtown Overlay Ariel

Issues with the Overlay

- Exemption process can undermine the long-term purpose of the district.
- Market conditions have changed since 2006.
 - Visible, long-term storefront vacancies on Main Street.
- Draft Comprehensive Plan recommendations

Comprehensive Plan

- Observations:
 - Potential missed opportunities, need for mix of uses to generate activity at all periods of the day and Market for key retail categories is saturated.
- Draft Recommendation:
 - Relax use restrictions on a temporary basis until demand for retail space is stronger.

Proposal for Changes-Based on March P&D discussion:

- **No changes to Overlay District boundaries.**
- **Allow certain types of office uses in spaces fronting Main St.**
 - Can be temporary, with and end date, or permanent.
 - Only office uses that generate daytime population and/or pedestrian traffic.
 - Option: Council review process for each office use proposal.
- **Revise the exemption criteria.**
 - Exempt buildings historically constructed for office or bank use.
 - Consider a Council process to appeal denied exemptions.
- **Note: Changes will not affect First St. PUD restrictions.**

Pros of proposed changes

- Reduce vacancies in Main Street storefronts.
- Potential for more daytime population/pedestrian traffic.
- Allows the market to decide if retail will out-bid office uses.

Cons of proposed changes

- May limit the future potential of a retail concentration.
- May be difficult to distinguish between office uses.
- Difficult to monitor when office tenants change.
- City cannot force office uses to convert to retail use after the space is occupied.

Considerations

- Set a specific date to reassess the regulations?
- Expand office use to the entire district or limit it to Main St.?
- Administrative process or Council appeal process?

Next Step

- Staff is looking for direction.
- Process:
 - General Amendment application
 - Plan Commission public hearing and recommendation
 - P&D Committee recommendation
 - City Council Vote

Chairman Stellato asked if there was an agreement to put a moratorium on this to allow 2-years for office or retail, does criteria still need to be met that any office user has to generate day time population. Ms. Tungare said it's the Committees prerogative, it could be done either way, but it goes back to what we want accomplished and if the goal is to bring in the day time population, she recommends having criteria to keep the limitations in place, but it could also be opened up to all types of office use.

Aldr. Lewis said she has a concern with eliminating retail on Main St. now that Vertical Drop is opened up, because that would be a large space to not have retail. Chairman Stellato agreed and also added the area around Copper Fox, Scotland Yard and Magoos. He said the market would dictate uses for those and based on the fact that there are already kitchens in there and are set up for restaurant/bars, his concern is that if something is not done to allow other uses for landlords to have a choice, people will take the easiest path. Aldr. Lewis asked about 2006 when it was enacted, and what were they hoping to accomplish and what the thinking behind it was. Chairman Stellato said the market changed.

Aldr. Bessner asked about the leasing, and if someone wanted to sign a lease for 5-years, would they be grandfathered in. Ms. Tungare said the 180 day rule says if a space becomes vacant and remains vacant for 180 days, that's when they need to come in to conformance. If it gets filled with a similar use within 180 days, it's legal nonconforming.

Aldr. Krieger said she is glad the shape of the overlay is not changing and she sees the benefits of opening it up to some office because they could generate some foot traffic. She said she is in favor, and she would like the 2-year and the 180 day to stay.

Aldr. Martin agreed with Aldr. Krieger on the 2-year and 180 day, but is concerned about the city's control of getting someone stuck in a building where there is an opportunity for retail, but there's a long term lease for an office, it's a missed opportunity. He is also concerned about the interruption of the flow of the retail pedestrian user.

Aldr. Bancroft said he also likes the 2-year but has concerns as far as opening the door and it being hard to close it. He is also concerned about the criteria of identifying businesses that have foot traffic, will the process continue where the exception becomes the rule, and then having to

look at each and every one of them. Chairman Stellato said he agrees but he would like to add the appeal process, that someone would have the right to come to Council and appeal any denial.

Aldr. Turner likes the 2-year and 180-days and also the right to come to Council for appeal.

Aldr. Lemke agreed with Aldr. Turner.

Aldr. Payleitner also agreed, but said she likes letting the market dictate, because if there is pedestrian generated business traffic, it will encourage retail to come to the First St. development.

Aldr. Silkaitis said in talking about First St., in 2-years hopefully it will be built, it will generate the traffic, which should in turn bring the retail in, he just doesn't want to lose retail because we are reacting too fast. He said he is a little unsure what he wants yet.

Aldr. Payleitner asked Ms. Tungare in her experience, will foot traffic bring retail, or is it vice versa. Ms. Tungare said we are lacking in the day time/lunch time population especially if we want to see restaurants and other retail thrive. He said office users have the potential to bring in customers which gives us visibility.

Chairman Stellato said the city turned down some people for an exemption because they did not qualify as per the code, of those denied, how many are still vacant. Ms. Tungare said it's about a 50/50 split for occupied and not occupied.

Aldr. Lewis asked if all day employees would affect the parking. Ms. Tungare said we count on the concept for shared parking, and having parking spaces filled up is not a bad thing to have. Aldr. Lewis said yes but if they are full with all day employees, where will the foot traffic we want to bring in park. Aldr. Payleitner noted that employees go shopping and to lunch on their breaks.

Ryan Corcoran-40W955 Brown Rd.-Owner of Corcoran Commercial Real Estate- said in the last year there have been quite a few retailers looking at First St. He said he owns a 1,000 sq. ft. of the 25,000 that is still available and he tries to show retailers downtown spaces and inevitably they have difficulty with the drive by traffic because it's more of an arterial highway. He said they have 4 or 5 office people that would love to be in downtown and he thinks it would be good to let the market dictate who goes in those spaces. He said with the change he thinks the ball can get rolling in the right direction and he thinks retail is attracted to offices as well, it brings in people, and there are some retail establishments that will not go where there is no office space. He said the perfect scenario is Vertical Drop; it's been empty for quite some time and is an ideal retail spot. He thinks it will help out businesses and building owners downtown and he knows a client of his would consider redoing the façade of the building and repositioning it. He thinks changing the Main St. designation for offices is definitely the way to go and in regards to time frame, he suggests reviewing it after the 2-year process. He said the market is slowly coming back, it's not going to jump back with how far out west we are, so it would be good for Council to review the process before the 2-year timeframe is up.

Chairman Stellato said no matter what is done tonight, there are still many meetings along with a public hearing to go through and asked if staff had enough direction to move forward. Ms. Tungare clarified if the consensus was to amend the regulations to allow office uses only along the Main St. strip, or for the entire overlay. Chairman Stellato said the whole district.

- e. Recommendation to approve proposed Intergovernmental Agreements with the City of West Chicago regarding Jurisdictional Boundary Lines and Jurisdiction of Kautz Road.

Mr. Colby said in terms of the boundary line location, 3 areas of property would be shifted from the West Chicago to St. Charles side, area 1 would be subject to development restrictions which would limit it to residential or office research uses. He said West Chicago has agreed to assist with the roadway extension from Charter One Ave. to King Edward Ave. should the city ever construct it, and the city is also entitled to ask for the developer to pay the money back and West Chicago would be entitled to half of whatever was refunded to the city. He said Kautz Road has a separate agreement where the city would take over jurisdiction of the entire stretch of Kautz Rd. south of E. Main St. all the way down to the township line. He said additionally the agreement states that both cities are to continue to cooperate to provide utility service, any of the DuPage Airport owned property would be annexed to West Chicago, and the term is 20-years. He said the agreement was being presented to the West Chicago Development Committee as well, so we are awaiting their feedback and a dedication of some right of way along Kautz Rd before the agreement is presented to City Council.

Chairman Stellato commented that he and people in his ward are not happy about a possible Division St. extension, but he has no problem with the boundary line agreement.

Aldr. Payleitner asked if area 3 on the map would be St. Charles, or township. Mr. Colby said it is township now but could be annexed based on the boundary line to St. Charles. Aldr. Payleitner asked what West Chicago's interest is in the future completion of Charter One Ave. Mr. Townsend said their concern for many years has been cut through traffic in the adjacent neighborhood.

Aldr. Lemke asked if there is anything in area 1 that would limit the density if it were residential. Mr. Colby said yes, there are density restrictions that apply to the northern 300 ft. of the property and the intent is to limit the density that's adjacent to Cornerstone Lakes to 7.5 units per acre.

Aldr. Silkaitis asked what kind of shape Kautz Road is in since the city will be maintaining it. Aldr. Krieger said not bad. Mr. Colby said the portion shown on the map is not under the city's jurisdiction right now, the portions north of there have been improved as an industrial collector street, the portion south of there is a rural cross-section, but he doesn't believe there is an immediate need to improve the roadway.

Aldr. Martin asked if there is any intent or interest in annexing the properties. Mr. Colby said the city hadn't heard of any interest in developing those properties.

Aldr. Turner clarified that the city is not really annexing the land, it's just a new agreement, but if the owner wanted to move to a city, it would have to be St. Charles.

Aldr. Turner made a motion to approve proposed Intergovernmental Agreements with the City of West Chicago regarding Jurisdictional Boundary Lines and Jurisdiction of Kautz Road. Motion seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.

4. ADDITIONAL BUSINESS –None.

5. EXECUTIVE SESSION

- Personnel

Aldr. Bancroft made a motion to go into Executive Session to discuss a personnel matter. Motion was seconded by Aldr. Turner. Motion carried.

Roll Call:

Ayes: Payleitner, Lemke, Turner, Bancroft, Martin, Krieger, Bessner, Lewis, Silkaitis

Nays:

Abstain:

Motion Carried. 9-0.

Aldr. Monken made a motion to adjourn from Executive Session at 8:29 PM. Motion was seconded by Aldr. Turner and approved unanimously by voice vote. Motion carried.

6. ADJOURNMENT-Aldr. Martin made a motion to adjourn at 8:35PM. Seconded by Aldr. Turner at 8:35pm. No additional discussion. Approved unanimously by voice vote. Motion carried.