

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, OCTOBER 22, 2013**

Members Present: Todd Wallace, Chairman
 Brian Doyle
 Curt Henningson
 Tom Schuetz
 Tom Pretz

Members Absent: Tim Kessler
 Sue Amatangelo

Also Present: Russell Colby, Planning Division Manager
 Rita Tungare, Director of Community Development
 Matthew O'Rourke, Planner

Sonntag Court Reporter

1. Call to order

The meeting was called to order at 7:00 p.m. by Chairman Wallace.

2. Roll Call

Chairman Wallace called the roll. A quorum was present.

3. Presentation of minutes of the October 8, 2013 meeting.

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the October 8, 2013 meeting.

CONTINUED PUBLIC HEARING

4. Charlestowne Mall PUD Redevelopment (SC 3800 Main, LLC)

Application for Amendment to Special Use for Planned Unit Development Ordinance No. 1988-Z-10 (Charlestowne Mall PUD) and its subsequent amendments (Ords. 1989-Z-8, 1991-Z-2, 1994-Z-8, 1995-Z-16) for the purpose of establishing new planned unit development standards for the redevelopment of Charlestowne Mall.

Supporting Documents:

Conceptual Site Plan dated 10/9/13
Conceptual Site Improvement Plans dated 9/19/13
Conceptual Landscape Plan dated 10/1/13
Pedestrian Circulation Plan dated 10/9/13

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

Mr. Schuetz made a motion to close the public hearing. Mr. Pretz seconded the motion.

Minutes – St. Charles Plan Commission

Tuesday, October 22, 2013

Page 2

Roll Call Vote:

Ayes: Scheutz, Pretz, Doyle, Wallace

Nays: Henningson

Absent: Kessler, Amatangelo

Motion carried: 4-1

MEETING

5. Charlestowne Mall PUD Redevelopment (SC 3800 Main, LLC)

Application for Amendment to Special Use for Planned Unit Development Ordinance No. 1988-Z-10 (Charlestowne Mall PUD) and its subsequent amendments (Ords. 1989-Z-8, 1991-Z-2, 1994-Z-8, 1995-Z-16) for the purpose of establishing new planned unit development standards for the redevelopment of Charlestowne Mall.

Supporting Documents:

Conceptual Site Plan dated 10/9/13

Conceptual Site Improvement Plans dated 9/19/13

Conceptual Landscape Plan dated 10/1/13

Pedestrian Circulation Plan dated 10/9/13

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 approve the Charlestowne Mall PUD Redevelopment (SC 3800 Main, LLC) Application for Amendment to Special Use for Planned Unit Development Ordinance No. 1988-Z-10 (Charlestowne Mall PUD) and its subsequent amendments (Ords. 1989-Z-8, 1991-Z-2, 1994-Z-8, 1995-Z-16) for the purpose of establishing new planned unit development standards for the redevelopment of Charlestowne Mall, contingent upon resolution of Staff comments and changes as outlined in the Staff Memorandum of October 18, 2013. Mr. Pretz seconded the motion.

Roll Call Vote:

Ayes: Scheutz, Pretz, Doyle, Wallace

Nays: Henningson

Absent: Kessler, Amatangelo

Motion carried.

6. Meeting Announcements

Tuesday, November 5, 2013 at 7:00pm Council Chambers

Tuesday, November 19, 2013 at 7:00pm Council Chambers

Tuesday, December 3, 2013 at 7:00pm Council Chambers

7. Additional Business from Plan Commission Members, Staff, or Citizens-None.

8. Adjournment at 8:50 p.m.

1 S63165

2 STATE OF ILLINOIS)
3) SS.
4 COUNTY OF K A N E)

5 BEFORE THE PLAN COMMISSION
6 OF THE CITY OF ST. CHARLES

7 In the Matter of:)
8)
9)
10 Charlestowne Mall PUD)
11 Redevelopment.)
12)

13 REPORT OF PROCEEDINGS

14 City of St. Charles, Council Chambers
15 2 East Main Street
16 St. Charles , Illinois

17 October 22, 2013
18 7:00 p.m.

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23

24 Reported by: Geri L. Denson

1 PRESENT:

2 MR. TODD WALLACE, Chairman;

3 MR. BRIAN DOYLE, Member;

4 MR. CURT HENNINGSON, Member;

5 MR. THOMAS PRETZ, Member; and

6 MR. THOMAS SCHUETZ, Member.

7

8 ALSO PRESENT:

9 MR. RUSSEL COLBY; Planning Division Manager;

10 MR. MATTHEW O'ROURKE, Planner; and

11 MS. RITA TUNGARE, Community Development

12 Director.

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REPORT OF PROCEEDINGS -- 10/22/2013

3

1 CHAIRMAN WALLACE: This meeting of the
2 St. Charles Plan Commission will come to order. I
3 guess I will do the roll.

4 Kessler.

5 (No response.)

6 CHAIRMAN WALLACE: Schuetz.

7 MEMBER SCHUETZ: Here.

8 CHAIRMAN WALLACE: Doyle.

9 MEMBER DOYLE: Here.

10 CHAIRMAN WALLACE: Pretz.

11 MEMBER PRETZ: Here.

12 CHAIRMAN WALLACE: Henningson.

13 MEMBER HENNINGSON: Here.

14 CHAIRMAN WALLACE: Amatangelo.

15 (No response.)

16 CHAIRMAN WALLACE: Wallace, here.

17 All right. Item 3 on the agenda,
18 presentation of minutes on the October 8th, 2013,
19 meeting.

20 Is there a motion?

21 MEMBER SCHUETZ: I motion to approve as
22 written.

23 MEMBER PRETZ: Second.

24 CHAIRMAN WALLACE: All right. Moved and

REPORT OF PROCEEDINGS -- 10/22/2013

4

1 seconded.

2 All in favor?

3 (Ayes heard.)

4 CHAIRMAN WALLACE: Opposed?

5 (No response.)

6 CHAIRMAN WALLACE: Motion passes
7 unanimously.

8 Item 4 on our agenda is the continued public
9 hearing, Charlestowne Mall PUD Redevelopment, SC 3800
10 Main, LLC. Applicant for Amendment to Special Use for
11 Planned Unit Development Ordinance No. 1998-Z-10
12 Charlestowne Mall PUD and its subsequent amendments,
13 Ordinances 1989-Z-8, 1991-Z-2, 1994-Z-8, 1995-Z-16, for
14 the purpose of establishing new planned unit
15 development standards for the redevelopment of
16 Charlestowne Mall.

17 Supporting documents are Conceptual Site Plan
18 dated 10/9/13, Conceptual Site Improvement Plan dated
19 9/9/13, Conceptual Landscape Plan dated 10/1/13, and
20 Pedestrian Circulation Plan dated 10/9/13.

21 Were there -- were there any additions to the
22 list of exhibits from last week?

23 MR. COLBY: The only item would be the
24 Staff Report.

REPORT OF PROCEEDINGS -- 10/22/2013

5

1 CHAIRMAN WALLACE: Okay.

2 And do you have in your records what the
3 next -- do we need to name that as a lettered exhibit?

4 MR. COLBY: It was letter G.

5 CHAIRMAN WALLACE: Letter G. Okay.

6 The Staff Report dated -- sorry. I am trying
7 to pull it up here. We have a Staff Report dated
8 today, 10/22 -- no. I am sorry -- 10/18/2013, which is
9 Exhibit G.

10 All right. This is a continued public
11 hearing.

12 MEMBER DOYLE: Is the Pedestrian
13 Circulation Plan also a new exhibit? I don't remember
14 it from the last packet.

15 MEMBER HENNINGSON: That is in the list
16 that he just --

17 CHAIRMAN WALLACE: Yeah. We should
18 designate it, though, as an exhibit. So that would be
19 Exhibit H, the Pedestrian Circulation Plan without
20 objection.

21 All right. Any other exhibits?

22 (No response.)

23 CHAIRMAN WALLACE: Okay. This is a
24 continued public hearing from our last meeting date.

REPORT OF PROCEEDINGS -- 10/22/2013

6

1 The Plan Commission -- welcome, everyone.

2 The purpose of the Plan Commission is to
3 review applications for certain projects that
4 developers bring before the City.

5 The Plan Commission's purpose is to examine
6 evidence both from the developer, as well as from any
7 other interested party. This is the opportunity for
8 the public to ask questions or present other evidence
9 for the Plan Commission to consider.

10 Ultimately, the Plan Commission presents a
11 recommendation to the City Council. It is our job to
12 know what the Zoning Ordinance is. And based on the
13 provisions of the Zoning Ordinance, we will either
14 recommend approval or denial of an application to the
15 City Council.

16 And the next item on the agenda is exactly
17 that. We intend -- if we have all the evidence that we
18 need, we intend to close the public hearing tonight and
19 make a recommendation to the City Council.

20 Then at a future date at a Planning
21 Development Committee meeting --

22 Do you know which date that will be yet?

23 MS. TUNGARE: That will be next Monday,
24 October 28th.

REPORT OF PROCEEDINGS -- 10/22/2013

7

1 CHAIRMAN WALLACE: So on October 28, the
2 City Council will have our recommendation; and they
3 will consider what action they wish to take on it.

4 Any questions regarding that?

5 (No response.)

6 CHAIRMAN WALLACE: All right. At this
7 time, because this is a public hearing, anyone who
8 offers any testimony does so under oath. And anyone
9 who wishes to offer testimony, including even asking
10 any questions, must now be sworn in.

11 So I would ask everyone who wishes to either
12 offer testimony or ask a question raise your hand.

13 (Witnesses duly sworn.)

14 CHAIRMAN WALLACE: Thank you.

15 And please note that there is a court
16 reporter in the room. So every word that is spoken
17 will be taken down by her. And although she is
18 talented, she can only record one person at a time.

19 So for that purpose, I ask that if you have
20 make any comments, ask any of questions -- it is
21 completely appropriate to do so, but I ask that you be
22 recognized by me before doing so.

23 Anyone who does so, please, come up to the
24 lecturn, tell everybody your name, spell your last name

REPORT OF PROCEEDINGS -- 10/22/2013

8

1 for the record, and also state your address.

2 What we will do tonight is I will ask the
3 developer to go ahead and present any additional
4 evidence that they have from last time. And then the
5 Plan Commission will ask questions of the developer.
6 And after that, anyone who wishes to offer additional
7 testimony may do so.

8 At the end, I will ask the developer if he
9 has anything further. And if we feel that we have
10 enough evidence, we will close the public hearing.

11 Any questions regarding our procedure?

12 (No response.)

13 CHAIRMAN WALLACE: All right.

14 Staff, is there anything -- is there anything
15 you have before we begin with the developer?

16 MR. COLBY: I just wanted to advise the
17 Plan Commission in the packets is the updated Staff
18 Report that follows up on some of the Plan Commission's
19 comments, as well as an update to the Exhibit A of that
20 table which is the PUD standard. And the revisions
21 that are shown in that table are in bold and italics.

22 CHAIRMAN WALLACE: Okay. That was --
23 sorry. That is attached to the Staff Report itself?
24 The Exhibit A?

REPORT OF PROCEEDINGS -- 10/22/2013

9

1 MR. COLBY: Yes.

2 MEMBER HENNINGSON: And that is the
3 Staff Report dated October 18th?

4 MR. COLBY: Yes.

5 CHAIRMAN WALLACE: Okay. Anything else?

6 MR. COLBY: No.

7 CHAIRMAN WALLACE: Is the developer
8 ready?

9 MR. PYLE: Yes.

10 THE COURT: Go ahead.

11 MR. PYLE: Hi. David Pyle, 44 Montgomery
12 Street, San Francisco, California.

13 CHAIRMAN WALLACE: And how do you spell
14 the last name?

15 MR. PYLE: P-y-l-e.

16 I want to thank everybody for coming out
17 again this evening. It was two weeks ago. We have
18 been working on this stuff. It feels like a week ago.
19 We have done a lot of work, especially with Staff. And
20 there were a lot of constructive comments from the
21 Commission that we wanted to address. So I think I
22 will try to find the drawing.

23 Once again, this is our conceptual plan
24 of what is our idea of the improvements, our vision of

1 the Charlestowne Mall.

2 And this is a little more realistic
3 compared to the colored drawing we have been using. So
4 I would like to work off of that one this time.

5 Some of our earlier comments that we
6 discussed last week or two weeks ago was the setbacks
7 of the parking in this area. And part of that had to
8 do with -- with potential future sidewalks. There are
9 some sidewalks out there on the highway. And in some
10 areas, like in this area, there are not.

11 And we came to agree to -- we have
12 changed the proposed PUD standards for this project to
13 have a 20-foot back off -- setback from the street,
14 from the property line, wherever there is parking
15 stalls here for room for future sidewalks.

16 We have out here -- there is a sidewalk
17 where I have the cursor and then there is a future
18 sidewalk. With 15-foot, there is plenty of room. But
19 we have decided to move the parking back to a 20-foot
20 setback.

21 And in areas where there would be drive
22 aisles for potential future, say, drivethroughs like
23 for a financial institution, we've suggested they have
24 a 15-foot setback because we don't have car overhang?

REPORT OF PROCEEDINGS -- 10/22/2013

11

1 You know, there is more room there. But we still have
2 plenty of room for sidewalks.

3 So we revised the PUD standards for a
4 15-foot setback for a drivethrough and a 20-foot
5 setback for parking.

6 Okay. Another big discussion we had was
7 parking on -- for these outbuildings -- financial
8 institutions, restaurants, fast food, different uses
9 out here. And there was a very good point made that if
10 we are too tight on the parking spaces in this area on
11 this side of the ring road versus that side of the ring
12 road, you get a lot of traffic -- foot traffic going
13 back and forth.

14 And we have -- we've done two things.
15 We have got a better drawing, for example, that would
16 show the parking.

17 The other -- I have another drawing. I
18 wanted to show you this, as well. We stated that we
19 were going to realign the ring road. That is not
20 the --

21 Excuse me. I am learning the
22 technology. Oh. Here it is.

23 Here is an example of the -- the red is
24 the existing ring road that is on the project, and this

REPORT OF PROCEEDINGS -- 10/22/2013

12

1 green line is how we are proposing to move the ring
2 road so that we are moving more parking areas between
3 the ring road and between these buildings here so you
4 have more customers -- you have customers parking next
5 to the building and not having to cross the ring road.

6 And we also amended the standards for
7 the PUD that in these areas here where there is parking
8 on the -- what we call the outside of the ring road,
9 that we would maintain a four-car-per-thousand parking
10 standard; and that if we had financial institutions or
11 furniture stores or something that uses less parking,
12 we would always try to maintain balanced parking and
13 shared parking lots between these type -- like, where
14 they are sharing a parking lot here and sharing a
15 parking lot here.

16 So I think we -- I think we -- we
17 accepted what you were talking about, this parking.
18 And I think we have come to a reasonable solution
19 for it.

20 MEMBER HENNINGSON: Is that change in
21 the ring road shown on the new concept plan?

22 MR. PYLE: Yeah, it is.

23 MEMBER HENNINGSON: That is what I
24 thought.

REPORT OF PROCEEDINGS -- 10/22/2013

13

1 MR. PYLE: It just wasn't clearly
2 illustrated two weeks ago, so I think this is a better
3 illustration to show the parking. You can see the new
4 configuration.

5 I am trying to -- this was another good
6 discussion for us all to have. This is another -- we
7 created this exhibit. And this is an example of the
8 red lines are the existing crosswalks and pedestrian
9 connections around the mall and to the mall. The blue
10 lines are -- are hard to read -- some proposed
11 sidewalks. And then the blue ones -- the other blues
12 are crosswalks and additional sidewalks that we are
13 proposing to the site.

14 And one of the big ones here -- because all
15 the residential is back here. There is -- this is
16 commercial. This is the unknown commercial.
17 Everything is commercial around here. So it is really
18 to connect the residential back here.

19 So we thought if we took this existing
20 walkway and then continued a walkway -- both of
21 these -- continued them in here into the site and
22 either come up through here or around to the theater
23 and get on the site without having to walk across the
24 parking lot.

REPORT OF PROCEEDINGS -- 10/22/2013

14

1 We also created another one over here from
2 Stuart's Crossing for future bridging there.

3 And then any -- any connection from the
4 highway where there is this existing sidewalk to the
5 pad buildings or from the pad buildings over to the
6 mall entrance and the Von Maur, this Retail B we are
7 connecting -- we basically are trying to make it so it
8 is not all cars. I think that was a really good
9 solution. I liked the suggestion. I liked the
10 solution.

11 The other thing that was a conversation -- I
12 forgot who I had it with -- about moving these
13 crosswalks instead of having them right there at the
14 corner where you come off the mall, you are making a
15 right turn, you are looking to the left, and then
16 there is a person there. So we moved them so there is
17 some area so you can make the turn and see the roadway
18 and see any potential people. That was a great
19 solution, too.

20 CHAIRMAN WALLACE: What is this notation
21 over here? I can't quite read it. What is that
22 showing?

23 MR. PYLE: Oh. This rectangle?

24 CHAIRMAN WALLACE: Yes.

REPORT OF PROCEEDINGS -- 10/22/2013

15

1 MR. PYLE: This was another comment.

2 It is an area of -- where we were working on
3 connectivity to Stuart's Crossing, possibly bringing
4 this ring road here to cross here. There is a roadway.
5 So anywhere along here, we could connect over to
6 Stuart's Crossing.

7 You know, this is our conceptual plan. We
8 are actually working a little on the plan to maybe
9 shift this parking area and bring this road so that
10 maybe in the future we could cross over to the highway
11 over here next to the drug store. That is vacant land
12 there. That is hard to read.

13 We also asked for -- we made a change in the
14 PUD standards. And so these pad buildings out here on
15 the main highway, we understand there is a whole
16 procedure to go through to get a drivethrough.

17 And -- and what we would like to do is in
18 this process get preapproved three drivethroughs, if
19 possible. And the thinking behind that is market
20 driven. If you are working with a tenant and there is
21 timing on getting somebody to move in, we would like to
22 shortcut the approval process.

23 Now, drivethroughs are tricky. They need
24 lots of space. They need a stacking area. And

REPORT OF PROCEEDINGS -- 10/22/2013

16

1 everybody that has a drivethrough or anybody that has
2 built a drivethrough really understands that it is a
3 different configuration than just putting a window next
4 to an existing building.

5 Lighting and noise is often an issue. And I
6 believe that in a residential area that that is very
7 important. You have the speakers and all the lights.

8 But we are out there on the main highway. So
9 I don't think it is an issue of being a problem with
10 the residents with our locations out here. And I know
11 you have standards, and I know Staff has standards and
12 we have standards for drivethroughs because if they
13 don't work, they really don't work.

14 And so we were -- we would like to work with
15 Staff with any future drivethroughs. But we would like
16 to know that we could get three out there if necessary.
17 These drivethroughs -- every -- every new tenant like
18 financial institutions, say Starbuck's, and even some
19 casual food, that is a yes or no. If they can't get a
20 drivethrough, they just move on to somewhere else. We
21 are trying to streamline that process.

22 So we have included in the proposed standards
23 to include three drivethroughs in those pad buildings
24 out there on the main highway.

REPORT OF PROCEEDINGS -- 10/22/2013

17

1 MEMBER DOYLE: Are there particular pads
2 that -- would the proposal identify particular pads for
3 the drivethroughs? Or is it just --

4 MR. PYLE: It was just these out here.

5 MEMBER DOYLE: There is five. So that
6 doesn't identify which ones?

7 MR. PYLE: We haven't identified them at
8 this point, no.

9 Again, that is a matter of tenant mix and --
10 yeah. I mean, you don't want two of them right next to
11 each other because we just need to be careful on how we
12 design these.

13 MEMBER HENNINGSON: Dave, which five
14 were you indicating? I missed that.

15 MR. PYLE: Which -- oh. Any of these
16 out here on the -- on that main highway.

17 MEMBER HENNINGSON: So not No. 1;
18 correct?

19 MR. PYLE: Is this No. 1?

20 MEMBER HENNINGSON: That is what --

21 MR. PYLE: That possibly could do one.
22 But we have to be creative on how to lay it out.
23 Again, it has to do with the stacking. You know,
24 drivethroughs eat up a lot of the parking. We have to

REPORT OF PROCEEDINGS -- 10/22/2013

18

1 be careful on how we -- where we place these.

2 MEMBER DOYLE: Mr. Pyle, is that part of
3 your application? Is there some component of the
4 application that is in front of us that relates to
5 this -- I am not quite clear on what the request is.

6 Is the request --

7 MR. PYLE: It was a -- we are -- I am
8 looking at the Charlestowne Mall PUD Standards, Exhibit
9 A. And that was included in that.

10 MS. TUNGARE: Staff may be able to
11 verify that for you.

12 MR. COLBY: Through the PUD, the
13 developer would be requesting to have three special
14 uses granted as permitted uses. Essentially, when a
15 drivethrough is proposed, the special use hearing would
16 not be required. But because it is a PUD, there would
17 be a PUD preliminary plan that would be reviewed by the
18 Plan Commission to review the circulation and the
19 parking plan but does not require a public hearing or a
20 specific special use approval.

21 CHAIRMAN WALLACE: I am a little
22 confused as to how we can do that under the Zoning
23 Ordinance because we can't -- I mean, there are certain
24 standards that are set forth for drivethrough

REPORT OF PROCEEDINGS -- 10/22/2013

19

1 facilities but yet nothing -- we are looking at a blank
2 piece of paper and trying to determine if that meets
3 the standards.

4 MS. TUNGARE: But you have the right to
5 do it with a special use for planned unit development.

6 CHAIRMAN WALLACE: But we have to
7 consider the standards such as how many stacking spaces
8 it has, what direction it faces. I mean, there is
9 certain standards in the Zoning Ordinance.

10 MS. TUNGARE: Well, regardless, they
11 will have to meet those standards. Regardless of
12 whether they come in for a special use or
13 administrative approval from Staff.

14 Really, in a sense, what they are requesting
15 is for the Plan Commission and City Council to pass the
16 authority on to Staff to review it on an administrative
17 level. We would still be reviewing against the same
18 standards because those standards are a part of the
19 Zoning Ordinance.

20 Now, if the Plan Commission wants to take a
21 different approach, we can recreate or echo those
22 standards in the PUD ordinance that will get approved.
23 We can make reference to those, as well, and
24 acknowledge the fact that they still remain in the

REPORT OF PROCEEDINGS -- 10/22/2013

20

1 Zoning Ordinance.

2 But you have the right to do that through the
3 special use for PUD, grant it as a deviation.

4 CHAIRMAN WALLACE: But that doesn't
5 require a public hearing; correct?

6 MS. TUNGARE: You are under the public
7 hearing right now.

8 CHAIRMAN WALLACE: Yes.

9 MS. TUNGARE: Under that big umbrella
10 for a PUD, you have the authority to grant --

11 CHAIRMAN WALLACE: No. I understand
12 that it would have to come back before the Plan
13 Commission. But the purpose of having the public
14 hearing is to require the evidence be presented both in
15 favor of the idea, as well as if there is any that
16 exist, on the other side so that cross-examination can
17 occur.

18 I am just -- I am concerned because the
19 Zoning Ordinance sets not only the rights of the
20 developer but the rights of the public, as well, to
21 examine the project.

22 MS. TUNGARE: Absolutely. I think you
23 are making a good point.

24 Having said that, I think there is enough

REPORT OF PROCEEDINGS -- 10/22/2013

21

1 case law in Illinois now where with special uses that I
2 think the authority for review and the criteria to be
3 used for review is pretty limiting.

4 Now, as Mr. Pyle indicated, in this case,
5 maybe a request like this makes sense because what we
6 are not dealing with is a drivethrough that abuts
7 against an incompatible use, such as a residential use.

8 Typically, I think the case you are making or
9 the argument you are presenting makes sense for the
10 public to request or weigh in on the request if you are
11 talking about drivethroughs that abut non-compatible or
12 incompatible uses such as residential. Obviously,
13 those residences are going to be impacted.

14 Maybe in every case, this may not be a good
15 solution. But in this case, I think, you know, this
16 type of a request could be considered.

17 MEMBER HENNINGSON: On page 6 of the
18 Staff Report -- I don't know how easy it is to pull
19 that up -- it says, "The developer has requested that
20 three drivethrough uses for the outlots be granted as
21 permitted uses in the PUD ordinance" -- quotation
22 marks -- "and therefore, no public hearing would be
23 required for each drivethrough. The developer would
24 still need to present a PUD preliminary plan for that

REPORT OF PROCEEDINGS -- 10/22/2013

22

1 proposed outlot building and site. And the Plan
2 Commission would have opportunity to review site
3 circulation and any request for a drivethrough stacking
4 reduction."

5 That is what that stays.

6 CHAIRMAN WALLACE: Say that last part.

7 MEMBER HENNINGSON: The last sentence
8 was -- it goes back a ways.

9 "The developer would still need to present a
10 PUD preliminary plan for the proposed outlot building
11 and site. And the Plan Commission would have the
12 opportunity to review the site circulation and any
13 requests for a drivethrough stacking reduction."

14 CHAIRMAN WALLACE: Well, those are
15 typically the issues that I know that come up when we
16 are talking about drivethroughs that are not
17 necessarily being next to an incompatible use but
18 circulation.

19 So many of the drivethroughs in our community
20 that don't work don't work because there aren't enough
21 stacking spaces, inappropriate circulation, you know,
22 bad design of the parking lot in relation to the
23 drivethrough, that sort of thing.

24 MEMBER HENNINGSON: The way I read this,

REPORT OF PROCEEDINGS -- 10/22/2013

23

1 this enables -- this guarantees the developer three
2 drivethroughs.

3 And, you know, on our drivethroughs -- we
4 have gone through a few lately, McDonald's west side,
5 McDonald's east side, Culvers.

6 And everything is an issue, parking,
7 stacking. Everything becomes an issue. Single
8 drivethrough, double drivethrough. I mean, you know,
9 our last discussion with McDonald's. You spend an hour
10 just on one side of the parking lot going into the
11 building. So it is a big issue.

12 CHAIRMAN WALLACE: I don't mean to get
13 bogged down on this, Brian.

14 MEMBER DOYLE: Before we continue this
15 conversation, the developer -- applicant is still in
16 the middle of his presentation. Should we hold off --

17 CHAIRMAN WALLACE: Sure. Yeah. That's
18 right.

19 MEMBER HENNINGSON: Sorry.

20 MR. PYLE: That is all right.

21 Just to -- I don't think we are asking to
22 relax any of your standards. And I think for all of us
23 here -- you all pointed it out -- that a bad
24 drivethrough is a bad drivethrough. It is bad for us.

REPORT OF PROCEEDINGS -- 10/22/2013

24

1 It is bad for the City. It is especially bad for the
2 tenant. And it is just -- we want to do it right.
3 Okay.

4 We all have -- we all agreed, I think,
5 last -- two weeks ago that we want to look at screening
6 these truck docks as best we can. And I think we added
7 something to the PUD standards.

8 "Screening of existing loading docks to be
9 improved to the extent possible but full screens shall
10 not be required."

11 And we want to screen them as much as anybody
12 else. But they are functioning truck docks, and they
13 are in a -- they are just in an unfortunate location
14 next to the entrance of the mall. We have done this
15 before. We will certainly strive to make that
16 esthetically better.

17 Related to that was a discussion we all had
18 about EIFS. And we suggested that we would use EIFS
19 for some of our design elements. Not so much as a --
20 as a -- I am looking -- I thought they were here.

21 All right. Pardon me.

22 MR. COLBY: Scroll to the next one.

23 MR. PYLE: So what we are talking about
24 is trying to get some of these cornices and some of

REPORT OF PROCEEDINGS -- 10/22/2013

25

1 this architectural relief on the building, not created
2 as a weather-tight seal on this. And I think we
3 discussed that quite a bit.

4 So we amended the PUD standards to say, "EIFS
5 will generally be used for accent features and not as a
6 primary facade material." As well, we kept the
7 language of not in the bottom 10 feet where it gets
8 holes poked into it.

9 Another related conversation we had two weeks
10 ago was trying to have some cohesive -- not so much
11 cohesive design -- but to have the center look like it
12 was all finished at once. And we included some
13 language that basically says, "Exterior design elements
14 on the reconstructed and new portions of the project,
15 though vary, will be complimentary with existing anchor
16 buildings." So we want to make it all look like a
17 whole project.

18 I think -- there was some discussion of
19 permeable pavement products. And our civil engineer,
20 who is in the room, because we are working over
21 compacted soil and recycled fill, those products will
22 not work out here.

23 And they may be permeable. But once
24 something tries to go through it, it gets stopped and

1 we start creating puddles. So we are still working
2 with bioswales and a few retention basins and other
3 ways of dealing with permeability out on this site.

4 And I think that is -- we modified -- we
5 clarified the height discussion. And part of that
6 was -- we all talked about this, too.

7 The Code is an average of the site before and
8 after grading with all these different grades out here.
9 What we basically said is here is the high point of the
10 mall building itself which is where the skylight is
11 over center court. And we said anything on the mall
12 would not be any higher than that except for maybe --
13 like maybe a protrusion of a sign for the cinema,
14 possibly. Some architectural elements but nothing
15 massive. And then we would maintain a 50-foot height
16 on any buildings that are not connected to the mall.

17 And those are the revisions that we have --
18 oh. One more on signs.

19 Last -- I got rid of everything, didn't I?

20 All right. There are two retail units, A and
21 B. One on the west end of the mall and one is kind of
22 in the parking lot by the Carson's. The signage as it
23 was written two weeks ago said there was one sign for
24 each of those buildings. There is a possibility those

REPORT OF PROCEEDINGS -- 10/22/2013

27

1 buildings could be multi-tenant buildings at some
2 point.

3 And so we rewrote it to have one tenant per
4 sign per side -- one sign per tenant per side -- in
5 case there is an issue that -- especially retail, if
6 there is one, two, or three tenants there, each tenant
7 would be assured a sign. So we clarified that.

8 That is it.

9 CHAIRMAN WALLACE: Okay. Questions from
10 Plan Commission?

11 MEMBER SCHUETZ: I have a question.

12 On the pedestrian plan, you had mentioned
13 upon entering at the corner there. Can you go back to
14 that?

15 MR. PYLE: Yeah. Okay.

16 MEMBER SCHUETZ: Down on the left-hand
17 side here, you had mentioned that you moved back the
18 pedestrian walkways.

19 MR. PYLE: Yes.

20 MEMBER SCHUETZ: How do you see that
21 working if somebody is trying to cross there? I am
22 just trying to understand how this works. Will there
23 be a stop sign of some sort as they move through the
24 mall coming from the north or the east? But then those

REPORT OF PROCEEDINGS -- 10/22/2013

28

1 coming in would not be stopping. So I am not sure how
2 the pedestrians would get across there.

3 MR. PYLE: Well, those coming -- those
4 coming in -- you are -- the original design was a
5 crosswalk right here right at the corner. And that
6 was -- you know, when you come in like this, you are --
7 you tend not to have stop signs right there because you
8 want to keep the traffic flowing off the street.

9 MEMBER SCHUETZ: Right.

10 MR. PYLE: And what happens is a
11 driver's attention right at this corner is you are
12 looking at the oncoming traffic. You are not looking
13 at that crosswalk, we think. Or it was suggested.

14 So we moved them down. Once you turn -- I
15 just have crosswalks there at the moment. That was the
16 design intent. But you are around. You have got your
17 attention on the road in front you to see crosswalk
18 people.

19 MEMBER SCHUETZ: So you envision as
20 somebody enters and turns to the right or the left that
21 they will -- that they are focused on the road in front
22 of them by the time they have made this turn?

23 MEMBER HENNINGSON: How far --

24 MEMBER SCHUETZ: Yeah. How far -- how

REPORT OF PROCEEDINGS -- 10/22/2013

29

1 many linear feet is that? Just an estimate. Have you
2 seen this before in some of your --

3 MR. PYLE: There is -- I am looking at
4 the parking. 60. There is 80. It is almost 90 feet.

5 MEMBER SCHUETZ: Really? Okay.

6 MR. PYLE: I am looking at the two rows
7 of double-up parking, a roadway, and then another road
8 of parking from that corner.

9 CHAIRMAN WALLACE: How do you intend to
10 encourage people to walk the 90 feet required to cross
11 the street?

12 MR. PYLE: That is where the crosswalk
13 is. Could be done by landscaping.

14 CHAIRMAN WALLACE: Okay.

15 MEMBER SCHUETZ: Right. Do you see
16 those crosswalks with brick or something to delineate
17 it or just lines?

18 MR. PYLE: I was going with paint.
19 Again, snow removal is a lot easier to keep everything
20 smooth.

21 Though there is a walkway here, there is no
22 walkway along this length of the street. There is over
23 here. But in the roadway, at least today, there is not
24 a walkway. So I don't know who that is that is going

REPORT OF PROCEEDINGS -- 10/22/2013

30

1 to be walking at this point in time.

2 MEMBER HENNINGSON: That was a question
3 of mine. You have got a walkway along 64 to the east
4 of that one entrance, but not to the west.

5 Is there a way you could continue that to the
6 west along there? There is a lot of people that try to
7 walk that area.

8 MR. PYLE: Is that my land? Whose
9 is it?

10 MEMBER HENNINGSON: Well, from the
11 double entrance and then to the west.

12 MR. PYLE: Here?

13 MEMBER HENNINGSON: Can a sidewalk be
14 put in there?

15 MR. PYLE: It is an expensive sidewalks.

16 I thought that was a future sidewalk of --
17 you know -- but I don't know what the community plan or
18 the state highway plan is out there.

19 MEMBER HENNINGSON: Would that be the
20 responsibility of the developer or who?

21 MR. PYLE: I think that is a --

22 MR. COLBY: The sidewalks that exist on
23 the other portion of the street were installed by the
24 State if you are looking at the portion that is on the

REPORT OF PROCEEDINGS -- 10/22/2013

31

1 eastern part of the frontage.

2 When the mall property was developed, there
3 were no sidewalks installed there. And that sidewalk
4 that exists from 38th over to Smith Road was installed
5 when the roadway widening took place. There was no
6 roadway widening that took place to the west of 38th
7 Avenue. So there was no sidewalk installed.

8 MEMBER HENNINGSON: Is that
9 sidewalk new?

10 MR. COLBY: Yes.

11 CHAIRMAN WALLACE: I am sorry?

12 MEMBER HENNINGSON: I asked was it new.

13 CHAIRMAN WALLACE: Okay.

14 MR. COLBY: It was recently installed.

15 MEMBER DOYLE: So just taking us out a
16 couple levels, a general question.

17 I appreciate the slide that you showed
18 earlier showing the road realignment.

19 Did your team consider when you were
20 realigning the road pushing it farther into the site to
21 make those front lots and those lots that serve the
22 front lots deeper?

23 MR. PYLE: Trying to move this road this
24 way more?

REPORT OF PROCEEDINGS -- 10/22/2013

32

1 MEMBER DOYLE: And -- well -- and also
2 on the stretch -- yes. That stretch as well.

3 MR. PYLE: There are -- you know, there
4 is some REA out there. There is an agreement amongst
5 all of the landowners out there. And that would
6 include us or the mall owner and the Von Maur store and
7 the Kohl's store there. And they have requirements on
8 that REA of how much parking is in front of their
9 store. So we are trying to balance satisfying the REA
10 at the same time as trying to satisfy the pads out
11 there.

12 MEMBER DOYLE: That makes sense. That
13 is helpful.

14 I was wondering -- I was wondering why -- you
15 know, if there was some constraint that prevented
16 pushing back.

17 MR. PYLE: Well, we could get to the
18 point where we have so much parking on the outside of
19 the ring road, people are going to start parking there
20 and crossing the ring road to go inside the ring road
21 at busy times, too.

22 MEMBER DOYLE: No. Of course. Right.

23 I have a question about the shared parking
24 provision on this front lot. So the revised proposal

REPORT OF PROCEEDINGS -- 10/22/2013

33

1 for the PUD is to designate that there must be 4 spaces
2 per 1,000 square feet of retail footage?

3 MR. PYLE: Uh-huh.

4 MEMBER DOYLE: But to be shared between
5 uses so that if there is a bank and a restaurant that
6 there could be a reduction.

7 MR. PYLE: No. It is 4 per 1,000.

8 This lot here isn't dedicated to all this
9 space. Part is to this space, and part to this space.
10 So it is a matter -- I don't know if that is the best
11 example. Probably.

12 It is a matter of there is a parking field
13 here that both of these two are sharing, as well, this
14 one and this one.

15 MEMBER DOYLE: Maybe it is just a --
16 there is -- on Page 7 of the Staff Memo, top of the
17 page, third bullet point, it says, "Where outlot
18 buildings share a parking lot, shared parking can be
19 used (for example, if the outlot buildings sharing a
20 lot were a bank and a restaurant, the requirement could
21 be reduced.)"

22 So it is that last part, "the requirement
23 could be reduced," that I want to -- so what does that
24 mean?

1 MR. PYLE: For example, a bank, the
2 business -- they don't park 4 per 1,000. Furniture
3 store -- the same thing. You will have two or three
4 cars at a time in a furniture store.

5 So the idea is to allocate more of this lot
6 if this was a restaurant and if this use in the center
7 is a lower density parking use. And that is part of
8 our tenant plan, too, is to make sure we don't overload
9 these parking lots. We don't want two high users right
10 next to each other.

11 MEMBER DOYLE: Do you have --

12 MR. COLBY: I was going to point out to
13 the Plan Commission there is a section in our Zoning
14 Ordinance that allows for shared parking to be granted
15 if the property owner can demonstrate that the two uses
16 that are sharing a parking area have peak parking
17 demand at different times and they can quantify that
18 they can accommodate all of the parking for those uses
19 using the same spaces and make an application to us and
20 get that approved.

21 That applies to any property. We would apply
22 that same provision to the development of these
23 outlots.

24 MEMBER DOYLE: Can I ask a simple

REPORT OF PROCEEDINGS -- 10/22/2013

35

1 question here? In Staff's opinion, is this provision,
2 the 4 spaces per 1,000 square feet shared -- in the
3 Staff's opinion, does that provide adequate parking in
4 the outlots?

5 MR. COLBY: That parking standard is
6 applying to the entire property. That is the standard
7 that is typically applied to a shopping center.

8 So without being able to assess individually
9 what the uses are, we can't determine that. But the
10 standard is applied to the entire shopping center.

11 MR. PYLE: I think I can help with
12 this, too.

13 MEMBER DOYLE: Okay.

14 MR. PYLE: These are pads, these
15 buildings that we are looking at up here. These are --
16 these are areas for buildings. It is a buildable area.
17 So the sizes aren't on these drawings. So as we --
18 what -- how this is written is that the parking
19 requirement for these pad buildings needs to stay on
20 the outside of the ring road -- this side of the ring
21 road.

22 So as we are determining the use and the size
23 of these pads and -- for example, if we have a lower
24 density use here in the center, we can have a larger

REPORT OF PROCEEDINGS -- 10/22/2013

36

1 building on the pad over here on the corner.

2 So maybe that is the confusion. And I forgot
3 to mention that. These are all pads. And the sizes of
4 these buildings will be determined by the parking.

5 MEMBER DOYLE: I just have a couple of
6 other additional questions.

7 So up in the top left corner where you showed
8 the new pedestrian access, you show it coming --
9 thank you.

10 The blue line that connects to that site, it
11 sort of snakes through the parking island and
12 everything else. The first question would be in
13 general, across the entire parcel, are all of the
14 spaces that are displayed here required to meet the
15 parking requirement?

16 You know, are there any areas where spaces
17 could be trimmed to provide nicer pedestrian access and
18 still be compliant with our --

19 MR. PYLE: These are conceptual
20 drawings. So I don't think we have gotten down to
21 measuring every single line out there at this point in
22 time. That is why we tried to run these through
23 landscaping areas and also tried to keep it as short as
24 possible so you are not going through as much

REPORT OF PROCEEDINGS -- 10/22/2013

37

1 parking lot.

2 MEMBER DOYLE: Well, I guess what I am
3 getting at is if you look in the bottom left corner
4 where you have the original green proposed lot and a
5 sidewalk that comes up the -- sort of the center access
6 road.

7 MR. PYLE: This?

8 MEMBER DOYLE: Yes.

9 MR. PYLE: Okay.

10 MEMBER DOYLE: It is -- it is located in
11 the area where it is clearly sort of designed for
12 pedestrian use. Right? It is not -- you are not
13 snaking between cars. And the design of that approach
14 has included, you know, pedestrian use. And I guess
15 what I am wondering -- what I am wondering is if it is
16 possible -- I know these are conceptual plans. Is it
17 possible to do something akin to that up at the top
18 left corner of the site to make that approach for
19 pedestrians a little bit more generous in terms of, you
20 know --

21 MR. PYLE: We can look at it. That is a
22 tricky area. The first thing we tend to do is the
23 shortest walk as possible through the parking lot.
24 This being this island of building in the middle of a

REPORT OF PROCEEDINGS -- 10/22/2013

38

1 sea of parking. The first move was to make it as short
2 as possible.

3 Also, it is the configuration of the parking.
4 You need your parking aisles to go into the stores not
5 across from the stores. So we are kind of bucking
6 parking lot design and tenant needs in that corner,
7 too.

8 So we thought we had the solution by
9 following landscaping similarly to this. But it is
10 just that we can't turn this parking where it should be
11 parking that way. So that is why we moved everything
12 out to the landscaping as soon as possible and out to
13 the mall as soon as possible. But we can look.

14 MEMBER DOYLE: That is the basis for my
15 original question about, you know, how much wiggle room
16 you have, how close you are to the margin.

17 Because -- I will save this for our
18 commentary section.

19 I just wanted to return to the topic -- the
20 last question that we talked about before regarding the
21 drivethrough provision and permitted use versus special
22 use.

23 Curt made a comment that the provision that
24 is being requested would guarantee the applicant three

1 drivethroughs.

2 I heard Rita say that the permitted use would
3 be subject to all of the same standards. And that
4 suggests to me that there are no guarantees that there
5 are three uses. It is contingent upon standards
6 being met.

7 And I guess what I want to be clear on is
8 that if we are to consider that request of making it a
9 permitted use, is it the understanding that it is not a
10 guarantee; rather, it is something that is a -- we are
11 offering an expediency in terms of administrative
12 review, but it is subject to all the same standards
13 that -- and it could -- it is entirely possible that
14 you would put something forward and that our Staff
15 would say, "It doesn't meet the standards, so you can
16 have two."

17 MR. PYLE: That is true.

18 MS. TUNGARE: And we can include that
19 verbiage and we will include that verbiage in the PUD
20 ordinance, as well.

21 In addition to that, I think when I reviewed
22 the Staff Report, again, on page 4 at -- let me see --
23 it is page 6, the top of page 6 of the Staff Report, I
24 think it is important to note that the Plan Commission

REPORT OF PROCEEDINGS -- 10/22/2013

40

1 will get a chance to review each preliminary plan.

2 Although, you are not seeing it as a special use.

3 In addition to Staff, the Plan Commission is
4 also going to be reviewing the circulation, the site
5 circulation, for each of those outlots through the
6 preliminary plan. So the developer will have to come
7 back with a preliminary PUD plan for every building to
8 be constructed on the Charlestowne Mall property.

9 MEMBER DOYLE: And what does that review
10 mean? Does that mean we get to review it and, you
11 know --

12 MS. TUNGARE: For compliance with the
13 standards as will be outlined in the PUD ordinance and
14 Zoning Ordinance. That would be the limitation to the
15 preliminary plan.

16 MEMBER DOYLE: I guess what I am asking
17 is does that review empower the Plan Commission to say
18 in -- on the basis of our review and our findings of
19 facts, we find that the standards are not met.

20 I mean, if it is a permitted use, it is a
21 permitted use. Typically with a permitted use, the
22 applicant or the property owner can build that by
23 right. I guess I don't understand --

24 MS. TUNGARE: No, it is not, because it

REPORT OF PROCEEDINGS -- 10/22/2013

41

1 is a PUD. Because it is a planned unit development,
2 they still have to go through the preliminary plan
3 process, the approval process by the Plan Commission
4 and City Council.

5 If this was not a PUD, what you were saying
6 would hold good, where they could build by right. In
7 this case because it will be a PUD, they would have to
8 go through a preliminary PUD plan review process.

9 MEMBER DOYLE: So really what is
10 being -- what we are saying if we grant that -- that
11 requested provision, we are saying sort of a priori
12 that we think that drivethrough uses are an anticipated
13 and appropriate use for this parcel that does not
14 require the extra safeguard of a special use. But
15 because it is under a PUD, it is still required to come
16 back before this body and be reviewed and approved.

17 MS. TUNGARE: Regardless of whether it
18 is a driverthrough or not, yes. Any building or any
19 future development, you have to come before this body
20 for a preliminary plan approval.

21 MEMBER HENNINGSON: Brian, if I could
22 step in, the way I read this is our comments are going
23 to be limited to site circulation and driverthrough
24 stacking.

REPORT OF PROCEEDINGS -- 10/22/2013

42

1 Now, will it be like when we just did
2 McDonald's? If they want to put a drivethrough
3 restaurant out there, will we have the same ability to
4 talk about the project and turn it down like
5 McDonald's? No. They are going to have the
6 drivethrough. We are going to be limited in what we
7 can question.

8 And the important thing is parking is very
9 important to fast-food restaurants. And from what I
10 have seen, it is generally in the one to 10 -- one to
11 1,000 -- excuse me -- 10 to 1,000 -- 1 to 100 or 10 to
12 1,000. And these sites are going -- going to be very
13 limited in terms of their parking unless you consider
14 the shared parking on the other side of the ring road
15 which may or may not be a pedestrian issue.

16 MEMBER DOYLE: I hear you.

17 So now, we are getting into some commentary.
18 I would suggest that -- I mean, I have some comments
19 that I want to offer later in the meeting. But I
20 wonder, Mr. Chairman, if there is other agenda items
21 before one goes to Commission comments.

22 CHAIRMAN WALLACE: Yeah. I would like
23 to have as many questions of what has been presented as
24 possible.

REPORT OF PROCEEDINGS -- 10/22/2013

43

1 MEMBER SCHUETZ: I have a quick one.

2 CHAIRMAN WALLACE: Go ahead.

3 MEMBER SCHUETZ: This question is, I
4 believe, for the Staff. I think I know the answer, but
5 I just want to make sure.

6 As far as the freestanding signs, Mr. Pyle
7 said that if there is a couple different organizations,
8 stores, whatever in one building, there would be
9 additional signs placed on the buildings.

10 I am going to make the assumption that it
11 meets all the ordinances -- the new ordinances. Will
12 these have to go with the new sign ordinances we have
13 with the City, or is this the old?

14 MR. COLBY: No. It would follow the new
15 ordinances. This all relates to the number of signs
16 that would be allowed.

17 The sizes would be regulated by the current
18 ordinance.

19 MEMBER SCHUETZ: Does the new ordinance
20 dictate how many signs can be on a building? I don't
21 recall.

22 MR. COLBY: It does. With all signs, it
23 relates to the number of frontages. With the retail A
24 and B building which I think Mr. Pyle references, we

REPORT OF PROCEEDINGS -- 10/22/2013

44

1 clarified that there is a sign allowed on each
2 elevation to give -- it is sort of a matter of
3 interpretation which sides are frontage as there are
4 circulation drives that go along the building.

5 MEMBER SCHUETZ: Thank you.

6 MEMBER HENNINGSON: I have a question.

7 The current -- the current parking
8 requirement for the mall is 5 per 1,000 in the current
9 mall. The applicant is requesting a reduction to 4 per
10 1,000.

11 And in order to get there -- in order to kind
12 of look at those, that parking requirement, I was
13 wondering if there has been a study done regarding the
14 square footage of the current mall versus the parking
15 and the square -- the proposed square footage of
16 removing what they are removing and --

17 CHAIRMAN WALLACE: What is the current
18 standard in the Zoning Ordinance?

19 MR. COLBY: For?

20 CHAIRMAN WALLACE: For -- it is 4 per
21 1,000 gross leasable area; correct?

22 MR. COLBY: For a shopping center?

23 CHAIRMAN WALLACE: Yes.

24 MR. COLBY: Yes. It is 4 for 1,000

REPORT OF PROCEEDINGS -- 10/22/2013

45

1 gross floor area which includes all square footage of
2 the building. And that is the standard that is applied
3 to a shopping center.

4 MEMBER HENNINGSON: What is it for this
5 particular PUD?

6 MR. COLBY: For this PUD, it is 5 per
7 1,000 for gross leasable area which I think you stated
8 is a little bit different.

9 MEMBER HENNINGSON: What is the
10 calculation difference?

11 MR. COLBY: I don't have those numbers
12 right in front of me.

13 But what the developer is requesting,
14 basically, is to use our shopping center parking
15 standard which is -- our standard is 4 per 1,000 gross
16 floor area so that would include all square footage.
17 They are asking that we apply that on the basis of it
18 only being gross leasable area because the standard is
19 written to apply to all types of shopping centers. So
20 a strip mall is something that wouldn't have interior
21 corridors or courts inside the building.

22 So it is basically we are applying that
23 shopping center standard and then giving them credit
24 for not counting those center court areas and the

1 hallways.

2 MEMBER HENNINGSON: Do we have a
3 parking -- my original question -- do we have a parking
4 study that shows existing parking requirements and then
5 proposed with what they were -- with what they are
6 removing square footage from the mall and plus what
7 they are adding?

8 MR. COLBY: I don't have those figures.
9 The developer might.

10 MEMBER HENNINGSON: I think those are
11 important figures.

12 MR. COLBY: The ratios won't change.
13 Because we are looking at a concept plan, we are
14 imposing a maximum square footage limit for all the
15 footage that could be constructed on the property. And
16 regardless of what that square footage is, the
17 developer needed to meet that ratio for that final
18 square footage.

19 MR. PYLE: Can I address that a
20 little bit?

21 The shopping center code -- most of your
22 shopping centers other than a mall need -- the square
23 footage and the GLA are pretty much the same. Your
24 walking areas tend to be outside walkways.

REPORT OF PROCEEDINGS -- 10/22/2013

47

1 With a mall, there is big hallways behind all
2 those stores and electric rooms and mechanical rooms,
3 as well as the mall area itself. It is almost bringing
4 it apples to apples with your code, bringing it to GLA
5 instead of calling it the area. It is just a mall is
6 built a little differently than your standard shopping
7 center.

8 Another aspect of this is with the mall and
9 so many different uses, if your uses blend, the parking
10 requirements blend tremendously. I mean, you have got
11 a big parking lot. You have thousands of cars out
12 there.

13 And if you have a smaller project, a market
14 project like that with one use and everyone comes to
15 the market at one time, it does fill out up right away.

16 So it does work on a mall to go by GLA.

17 MEMBER HENNINGSON: So are you proposing
18 4 per 1,000 of the gross leasable area?

19 MR. PYLE: Gross leasable area.

20 MEMBER HENNINGSON: Of the entire
21 project?

22 MR. PYLE: Yes.

23 MEMBER HENNINGSON: What is the square
24 footage of the entire project?

REPORT OF PROCEEDINGS -- 10/22/2013

48

1 MR. PYLE: It is -- I don't have that in
2 my mind. There is about -- you know, it is --

3 CHAIRMAN WALLACE: 800,000.

4 MR. PYLE: About 800,000.

5 MEMBER HENNINGSON: The square footage
6 of the mall?

7 MR. PYLE: I know the gross leasable. I
8 have never calculated the --

9 CHAIRMAN WALLACE: 1.2 million. It is
10 in the Staff Report.

11 MEMBER HENNINGSON: Here is what I want:
12 The gross leasable area of the mall -- of the existing
13 mall as proposed -- and then the gross leasable areas
14 of each of the outlots because until you get that
15 number then you can't determine the parking.

16 MR. PYLE: Right. Well, we have the
17 design -- we can't -- if your code says 4 per 1,000, we
18 can't go over that no matter whether it is inside or
19 outside.

20 MEMBER HENNINGSON: I understand. It is
21 important to know what that number is in your industry.

22 So what I am looking at is a number for the
23 mall and a number for all of the outbuildings in terms
24 of gross leasable area.

REPORT OF PROCEEDINGS -- 10/22/2013

49

1 MR. PYLE: We have it broken into food
2 court, in-line shops, what we call outfacing shops,
3 these stores that don't open up into the mall, retail
4 A, retail B. And then we have the anchors and then the
5 pad buildings.

6 MEMBER HENNINGSON: I am just looking
7 for --

8 MR. PYLE: The parking is what is going
9 to determine the size of those pad buildings. The
10 parking is the animal there.

11 MEMBER HENNINGSON: So on the pad
12 buildings, retail A, retail B, and the seven --

13 MR. PYLE: That is what I call the pad
14 buildings are these here. These are --

15 MEMBER HENNINGSON: Excuse me. I
16 can't --

17 MR. PYLE: I am sorry. These
18 buildings -- 1, 2, 3, 4, 5 -- these -- those are the
19 pad areas. Retail A and retail B are standard retail
20 stores.

21 MEMBER HENNINGSON: Well, those are --
22 what I am getting at is the gross leasable of the mall,
23 the gross leasable of A, same thing for B, and the same
24 thing for all the outlots.

REPORT OF PROCEEDINGS -- 10/22/2013

50

1 And then is P6 still considered one lot --
2 one building or two buildings?

3 MR. PYLE: Because of parking, it is
4 probably going to be one building. That is a building
5 area. Again, it will be limited by parking. Parking
6 is driving the size of everything out there.

7 MEMBER HENNINGSON: And the ring road
8 had to be added in order to make room for that
9 building?

10 MEMBER DOYLE: Curt, can I ask a
11 question?

12 So in terms of identifying a raw number for
13 gross leasable area, it seems to me that because the
14 proposal -- the conceptual plan is to tear down one of
15 the anchor stores and build new retail and we have pads
16 that are not yet developed, whatever that number is
17 going to be -- it may very depending on how the plan is
18 executed. It is a conceptual plan.

19 So my question is what -- how will having a
20 number -- a certain number help the Commission to
21 determine whether or not we should grant the 4 spaces
22 per gross leasable area standard?

23 I mean, isn't the question whether -- are we
24 inducing or are we deducing whether that standard is

REPORT OF PROCEEDINGS -- 10/22/2013

51

1 appropriate for this parcel?

2 MEMBER HENNINGSON: The applicant had a
3 meeting with the Planning Development Committee last
4 month. And I am not -- I was there. I am not sure if
5 any of the -- if anyone else was there.

6 But in that meeting, they talked about the
7 existing mall, they talked about the proposed mall, how
8 many square feet they were removing, how many they were
9 adding.

10 I think it is very important when you are
11 approving -- we are being asked to approve a conceptual
12 site plan. And I want to know how large retail A,
13 retail B, and all of the outlots are.

14 Right now, we are being asked to approve a
15 plan that does not have any square footage.

16 CHAIRMAN WALLACE: No. Under the
17 current PUD, there is a maximum square footage.

18 Staff, is that correct?

19 MR. COLBY: There is a maximum square
20 footage for the building.

21 CHAIRMAN WALLACE: Okay. And under the
22 proposed plan, is there a maximum square footage?

23 MR. COLBY: The proposed maximum square
24 footage is the same as is established in the

REPORT OF PROCEEDINGS -- 10/22/2013

52

1 current PUD.

2 CHAIRMAN WALLACE: What is that current
3 maximum square footage?

4 MR. PYLE: On the PUD proposal --

5 MR. COLBY: 1.2 million square feet of
6 gross floor area. 925,000 gross leasable area.

7 CHAIRMAN WALLACE: And what does the
8 current proposal contemplate?

9 MR. COLBY: I believe it is
10 approximately 800,000.

11 CHAIRMAN WALLACE: Okay.

12 Now, Curt, go ahead.

13 I just want to make sure the numbers are
14 correct.

15 MEMBER HENNINGSON: Well, I -- if I was
16 looking at this -- well, I am looking at it.

17 I want to know how big -- I will say it
18 again -- retail A, retail B -- I want to know how big
19 they are. I want to know how big the outlots are.

20 When we were in this discussion two weeks ago
21 and I asked how large those outlots were, somebody
22 said, "Well, it is right on the concept plan," which is
23 this plan sent to planning and development.

24 And this is not to scale, as you had pointed

REPORT OF PROCEEDINGS -- 10/22/2013

53

1 out, David. But we have got P2 at 10,000 feet, P1 at
2 4,000 feet, P3 at 10,000 feet.

3 How big are these outlots?

4 Right now, from what I see, we have -- I
5 obviously can't see very well -- what does it say like
6 on P1 there?

7 MR. PYLE: They should be buildable --
8 permissible buildable area.

9 MEMBER HENNINGSON: Well, okay. If I
10 took a measurement on that on the engineering drawings,
11 what would that be? And how much are we -- and so that
12 is what -- that is what we would be approving.

13 MEMBER DOYLE: Curt, it is going to be
14 no bigger than the PUD standards allow because --

15 MEMBER HENNINGSON: We are creating new
16 PUD standards for this.

17 MEMBER DOYLE: Correct. So to me, the
18 question is whether the standard -- the parking
19 standard -- is a reasonable standard and is sufficient
20 to provide, well, appropriate control and appropriate
21 flexibility to the property owner to develop the parcel
22 and meet the needs that affect the circulation and
23 parking, et cetera.

24 MEMBER HENNINGSON: I understand. But

REPORT OF PROCEEDINGS -- 10/22/2013

54

1 let's step back a moment. And we are getting into
2 these conversations that -- when we looked at
3 McDonald's -- let's take that as an example -- parking
4 was very important. On-site parking was very
5 important. And what were -- what did the McDonald's
6 west side and east side -- what do we have per 1,000?

7 MR. O'ROURKE: It was -- I wouldn't know
8 that number.

9 MEMBER HENNINGSON: It was around 10.

10 MR. O'ROURKE: They had a reduction of a
11 couple spaces in the end.

12 MEMBER HENNINGSON: Around 10 per 1,000.
13 And now we are asking here for 4 per 1,000. I am not
14 sure if they will be able to achieve that.

15 MEMBER DOYLE: Well -- but the standard
16 is consistent with our ordinance standards for shopping
17 centers.

18 MEMBER HENNINGSON: Well, I don't think
19 we have a standard outlot ordinance, do we? These
20 should be considered as separate lots.

21 MS. TUNGARE: It is part of a PUD. It
22 is part of this overall shopping center. These outlots
23 are not being constructed in a vacuum. I think we are
24 comparing it to the McDonald's east and west side.

REPORT OF PROCEEDINGS -- 10/22/2013

55

1 That is not apples to apples. Those are stand-alone
2 developments. Whereas, this is part of one unified
3 development. It is being presented as one planned unit
4 development.

5 I think the concern -- there are two key
6 controls that are being put in a place. One being the
7 maximum floor area that are being constructed on the
8 property. And the second control being the required
9 parking ratios. That is --

10 MEMBER HENNINGSON: And what are those
11 numbers?

12 MS. TUNGARE: And those numbers will be
13 in the PUD ordinance. They are in the Staff Report,
14 and they will be actually adopted in the PUD ordinance.

15 MEMBER HENNINGSON: I don't see them in
16 the Staff Report.

17 CHAIRMAN WALLACE: They are on
18 Exhibit A.

19 MEMBER HENNINGSON: You have got a
20 separate --

21 CHAIRMAN WALLACE: Page 2 of Exhibit A
22 at the top.

23 MS. TUNGARE: The first page of
24 Exhibit A at the very top is the maximum floor area.

REPORT OF PROCEEDINGS -- 10/22/2013

56

1 MEMBER HENNINGSON: You are not
2 answering my question. I am asking the maximum area
3 that can be built on each of these outlots.

4 MS. TUNGARE: That is going to be
5 difficult to determine at this point or practically
6 impossible unless they design the buildings at this
7 point. I mean, if you are asking --

8 CHAIRMAN WALLACE: Well, that is why our
9 procedure is to come back with a PUD preliminary plan
10 for each building that is going to be constructed.

11 It is impossible for them to go ahead and
12 design every building for us to approve everything that
13 is going into this development. I mean, this is -- the
14 level of review right now is concept.

15 MEMBER HENNINGSON: It is concept. But
16 we are going -- the City of St. Charles will be
17 obligated to this concept plan. I mean --

18 CHAIRMAN WALLACE: Tom?

19 MEMBER PRETZ: My question is in
20 relation to the pads and the size. You just said a
21 short while ago in pointing to the pads along North
22 Avenue -- you said that they would be variable based on
23 the tenants, et cetera, et cetera.

24 My question pertains to, I think it is pad 4.

REPORT OF PROCEEDINGS -- 10/22/2013

57

1 Which is going to be near -- well, in the area of
2 Sears. No. The one -- I don't have my glasses on. I
3 can't see. But it would be the pad up near Sears.

4 MR. PYLE: This one here?

5 CHAIRMAN WALLACE: That is pad 2, I
6 believe.

7 MEMBER PRETZ: Further up. Further up.
8 Yeah.

9 MEMBER DOYLE: That is not an outlot.

10 MEMBER PRETZ: Which is the one that
11 you -- last meeting you indicated that a pad on that
12 site would be about 35,000.

13 MR. PYLE: That is retail A.

14 MEMBER PRETZ: I am sorry. I don't have
15 my glasses on. Is that variable? Or is that going to
16 be 35,000?

17 MR. PYLE: We are looking at it.

18 And I think, Curt, this addresses what you
19 are talking about, too.

20 The fundamental balance of doing any design
21 on this site is that ratio of parking to area. I mean,
22 you know, we -- in the PUD, there are maximum site
23 areas so that you can't overdevelop the site which is
24 important. But -- and we are not near those numbers at

REPORT OF PROCEEDINGS -- 10/22/2013

58

1 all because parking is limited in how far we can do
2 this.

3 So this pad here or this retail A could get
4 deeper and narrower, but we have to pay attention to
5 our parking fields. We have to be practical for our
6 tenant.

7 MEMBER PRETZ: It is variable?

8 MR. PYLE: And it is related to parking.

9 MEMBER PRETZ: The same for the pad that
10 is in the Carson Pirie lot, as well?

11 MR. PYLE: That as well. We have
12 limitations about parking areas for our majors and REA
13 and also keeping a parking field in front of it. And
14 we have got some -- you know, we have got grading that
15 is going to make some limits on how large that pad
16 can be.

17 But nothing -- we can't build a really big
18 building and not have enough parking or go less than
19 the ratio. So every building on there, we are always
20 going to have parking spaces. We spend a lot of time
21 handling parking spaces.

22 CHAIRMAN WALLACE: All right. If we
23 don't have an objection, I would like to take questions
24 from the audience.

REPORT OF PROCEEDINGS -- 10/22/2013

59

1 Were you sworn in?

2 MR. PAGE: What?

3 CHAIRMAN WALLACE: Were you sworn in at
4 the beginning?

5 MR. PAGE: Bill Page, 1121 South Second.

6 The -- I would urge the Commission here to
7 move this along as quickly as possible.

8 I think some of the questions have been good.
9 I do appreciate the talk about pedestrians. But I have
10 to say that in the 20 years that I have used the mall I
11 have yet to see pedestrians. I mean, that is a fact.

12 I do agree that there is discussion that has
13 to be made about the outlots. But, again, I would urge
14 that what the Staff has had to stay is adequate which
15 is they need to have the freedom to be able to say
16 to -- actually, the example is good. If a potential
17 client -- tenant comes in, they have to know that it is
18 preapproved so that they can, then, begin the other
19 progress.

20 CHAIRMAN WALLACE: I am sorry. Let me
21 stop you for just a second.

22 Do you have any questions of the evidence
23 that he has already presented?

24 MR. PAGE: None other than to urge you

REPORT OF PROCEEDINGS -- 10/22/2013

60

1 to accept this.

2 CHAIRMAN WALLACE: I want to take any
3 questions we have first so we get everything into the
4 record. And if there aren't any other questions --

5 MR. PAGE: The only question would be
6 how soon can you start?

7 CHAIRMAN WALLACE: Are there any other
8 questions of the applicant?

9 Yes, sir.

10 MR. RAPACHUCK: My name is John
11 Rapachuck, 914 Ash in St. Charles. I wanted to
12 follow-up on, Brian, your comment relative to the ring
13 road.

14 It seems to mean that if you brought the ring
15 road in on the north side of this building here,
16 that -- and continued this way and then also brought it
17 up this way and closer in, that you are guaranteeing
18 that the outlots have adequate parking all the time
19 because the outlots are going to be developed sooner
20 than you are going to fill 100 different storefronts in
21 here.

22 If we are fortunate enough, which we all hope
23 we are, that at Christmas and Thanksgiving and other
24 times that the whole lot is filled, why not use it as

1 an exception that people have to cross the roadway,
2 rather than if this is a drivethrough restaurant, you
3 know that is not going to work for parking and you are
4 going to have people walking across. So why not build
5 enough parking adjacent to those buildings and move --
6 if you are going to move the ring road anyway, just
7 move it in closer? That allows you to move this
8 building back, for example, and you can create more
9 parking space coming in.

10 There is an easy answer, I think, you know,
11 if you bring that ring road up this way because this
12 building has the same problem. There is not enough
13 parking here. We don't know the square footage on this
14 commercial building -- or I haven't heard it discussed,
15 anyway -- or how many stories that is.

16 But I suspect because there is a crosswalk
17 here that there is not enough parking for a commercial
18 building and that we are using in the calculations part
19 of this lot here.

20 And again, if you brought that ring road in a
21 little bit, you could bring more parking immediately
22 adjacent to that building.

23 CHAIRMAN WALLACE: Do we have a response
24 to that?

REPORT OF PROCEEDINGS -- 10/22/2013

62

1 MR. PYLE: Thank you.

2 As I stated before, there are requirements of
3 parking fields in front of all of these major stores;
4 and we are having to work with that. That is why we
5 can't skinny up this parking lot.

6 We -- we are doing as best we can but staying
7 within the parking fields required by the stores.

8 And by the way, this -- we always look at
9 this as a self-sufficient lot. This walkway is really
10 continuing a walkway to connect this to the small.

11 CHAIRMAN WALLACE: You are talking about
12 parking fields for the stores. What is the ownership
13 of those stores? Do they own the unit that they
14 are in?

15 MR. PYLE: Von Maur owns that store.
16 That is the big elephant out there. They own that
17 store. Kohl's owns their store.

18 CHAIRMAN WALLACE: Do they own any of
19 the parking?

20 MR. PYLE: No.

21 CHAIRMAN WALLACE: Were they provided
22 with notice of this meeting?

23 MR. PYLE: Provided -- yes.

24 CHAIRMAN WALLACE: Hold on. Hold on.

REPORT OF PROCEEDINGS -- 10/22/2013

63

1 MR. PYLE: They have permanent
2 easements.

3 CHAIRMAN WALLACE: I am sorry.
4 You were saying that the stores have --

5 MR. PYLE: They have easements on the
6 lots.

7 CHAIRMAN WALLACE: Okay. So is there
8 any limitation that the Plan Commission should be aware
9 of regarding the site that would come into play
10 later on?

11 MR. PYLE: The limitation -- every
12 shopping mall is created this way. And it is either in
13 the lease or in the entitlements on the land of the
14 majors of areas that you can't build in, certain amount
15 of parking spaces, you know, what kind of tenants are
16 around them. And it is all part of the complicated
17 thing of putting together a mall.

18 CHAIRMAN WALLACE: But the parking
19 standards that we are talking about here, if they were
20 approved, that would satisfy any obligations under
21 those easements?

22 MR. PYLE: Yeah. We are working both
23 with the City's requirements, as well as the tenants or
24 the other owners.

REPORT OF PROCEEDINGS -- 10/22/2013

64

1 CHAIRMAN WALLACE: Okay. All right.

2 MR. PYLE: It is a balancing act.

3 MEMBER HENNINGSON: The original
4 question of whether can you change the ring road, the
5 answer is no?

6 MR. PYLE: We have changed the ring road
7 within the limits.

8 MEMBER HENNINGSON: Can you change it to
9 more parking on the outlots?

10 MR. PYLE: We did to the limits that we
11 could.

12 MEMBER HENNINGSON: That is the answer.

13 CHAIRMAN WALLACE: All right. Any other
14 questions?

15 Yes, ma'am.

16 Were you sworn in?

17 MS. NEVILLE: Yes, I was.

18 CHAIRMAN WALLACE: Okay. If you could
19 state your name and spell your last name and also state
20 your address.

21 MS. NEVILLE: I will. Carol Neville,
22 N-e-v-i-l-l-e. My address is 3601 Antoine Place in
23 St. Charles, Illinois.

24 The question -- really, we are a current

REPORT OF PROCEEDINGS -- 10/22/2013

65

1 tenant of the mall and had met with the developer
2 yesterday to talk about the future.

3 I represent Marquee Youth Organization. And
4 I am really here just to also discuss with the Plan
5 Commission so that you are aware of us. The mall has
6 been gracious to let us be there. And I guess I am
7 representing about 100 families that have become a part
8 of this organization which is an arts organization.

9 And the developers -- we spoke with them
10 yesterday. And they are looking for creative ways that
11 we could still be there. We are a little different
12 than other children's theater groups in that we have a
13 great many families here with autistic children. We
14 have -- we deal with the teens that are dealing with
15 depression. We -- when you audition, it is to place
16 people, not cut people. And so I -- I actually teach
17 at St. Charles East. And we are always looking for
18 ways to address the mental health needs of our kids.

19 So I am here just to make you aware that we
20 don't want to become homeless in the process. But we
21 understand -- we have been looking at creative ways --
22 if we did have a small performing space, one of the
23 things we need to do to make it viable for our
24 developers is to connect in with other arts, other

REPORT OF PROCEEDINGS -- 10/22/2013

66

1 folks in our community, that might use a small,
2 intimate space -- small, intimate stage, less than 500
3 seating; more like a few hundred seating.

4 It is an amazing organization that started
5 two-and-a-half years ago that does productions,
6 workshops, writing, singing.

7 I wish I had time to read you some of the
8 testimonies of the lives that have been changed. But I
9 guess you will have to trust me on that one.

10 But anyway, I think that really is more of a
11 question of just wanting you to keep us in mind as the
12 developers are trying to figure out how we might stay
13 tenants and asking for your help connecting the dots
14 within our community so we can keep this organization
15 here for the kids.

16 CHAIRMAN WALLACE: All right.

17 Thank you.

18 MS. NEVILLE: Thank you.

19 CHAIRMAN WALLACE: Anyone else? Any
20 questions or comments? All right.

21 Back to Plan Commission.

22 MEMBER HENNINGSON: I have a question
23 regarding procedure and something that probably should
24 have been asked in the beginning, but I didn't have a

1 chance.

2 I am going to read a part of the Staff
3 Report. "The applicant is requesting an amendment to
4 special use for planned unit development for the
5 purpose of establishing new planned unit development
6 standards for the redevelopment of Charlestowne Mall.
7 The request is supported by the following documents" --
8 and we have talked about them -- "Conceptual Site Plan,
9 Conceptual Improvement Plan, Conceptual Landscape Plan,
10 and Conceptual Pedestrian Circulation Plan."

11 As I have spoken with a couple of the other
12 Commission members and a couple people on the Council,
13 this procedure appears to be unusual. And you know, if
14 our next step is to approve a new PUD preliminary plan,
15 why are we being asked to approve an amendment for
16 special use for an existing PUD?

17 MS. TUNGARE: Let me take a stab at
18 this.

19 It is really, I think, a technicality more
20 than anything else. Although, in a sense, you are
21 approving new PUD standards to reflect the form of this
22 proposed development, we do need to acknowledge that
23 there is an existing PUD in place on the mall today
24 from 1988. So to respect that acknowledgment,

REPORT OF PROCEEDINGS -- 10/22/2013

68

1 procedurally we have to amend the existing PUD even if
2 it is in its entirety reflecting new standards. So
3 therefore, the application that has to be filed by the
4 applicant is not for a special use -- new special use
5 for PUD but for an amendment for special use for a PUD.

6 And there have been several occasions in
7 St. Charles that we have had amendments to existing
8 PUDs along with applications for new PUDs, as well. So
9 the Plan Commission has seen both over the years.

10 Most development that was done in St. Charles
11 in the 1980s, the 1990s, was done under the PUD
12 umbrella. So every time there had to be a change to
13 that development, that form of development, applicants
14 have had to come before the Plan Commission and City
15 Council to amend the existing PUDs. So this is not
16 really different from that.

17 MEMBER HENNINGSON: Well, if we are
18 looking at a new PUD, a lot of questions that have been
19 asked tonight would have already been answered.

20 Am I walking the line there, Todd?

21 CHAIRMAN WALLACE: Any -- anything else?

22 MEMBER DOYLE: General comments? Is
23 that what you are --

24 CHAIRMAN WALLACE: Yeah.

REPORT OF PROCEEDINGS -- 10/22/2013

69

1 MEMBER DOYLE: So my comments are, you
2 know, I was looking at the -- at our new comprehensive
3 plan and specifically at the subarea goals and
4 objectives to refresh my memory in terms of what they
5 identified as our priorities.

6 And with regards to this site, it is pretty
7 clear that repositioning to foster the renaissance of
8 the development is the leading objective. And the plan
9 also contemplates a number of different options for
10 doing that from -- three different options in this
11 chapter -- Chapter 8, I believe.

12 When I think about what I would want on this
13 site, I would want a number of things that are not in
14 this concept plan. I would want, you know, a grand
15 pedestrian entree with bike lanes and things to get
16 people -- you know, for kids to ride their bike again
17 to the mall.

18 When I think about the question, "Where are
19 the pedestrians," there are no pedestrians here. It is
20 sort of a chicken-and-egg problem. There are no
21 pedestrians because it is not a pedestrian-friendly
22 environment. So the way to get to this site is to
23 drive there.

24 And until there is a pedestrian-friendly

REPORT OF PROCEEDINGS -- 10/22/2013

70

1 environment, you are going to continue to drive there.
2 The pedestrian environment is inside. And then you get
3 to walk around to your heart's content. That is my
4 want.

5 But I also believe that the proposal that is
6 in front of us meets the community's needs and
7 appreciate that the applicant has modified the proposal
8 to maximize parking in the outlots to insure that at
9 least 4 units per 1,000 feet of the gross leasable area
10 will be on the outlots, and to modify the location of
11 the crosswalks.

12 And I agree with the comment that was made by
13 the resident that, you know, that the thing we are
14 looking at trying to facilitate here is to create a
15 sense of change on this site, to get something visible
16 that will signal to the business community that things
17 are happening here. And many of them are going to want
18 proof before they -- before they really, you know,
19 invest here.

20 So I do think that we should approve the
21 requested amendments to the PUD and fulfill the -- the
22 objectives from the Comprehensive Plan which is to
23 enable repositioning of this site.

24 CHAIRMAN WALLACE: Any other questions

REPORT OF PROCEEDINGS -- 10/22/2013

71

1 or comments from the Plan Commission?

2 (No response.)

3 CHAIRMAN WALLACE: Any other questions
4 or comments from members of the public?

5 MEMBER HENNINGSON: You know, there are
6 some things -- the Plan Commission has been given an
7 enormous amount of information here. Generally, this
8 kind of thing is spread out over a few more meetings.

9 I would like to see -- I am having problems
10 with the outlots and the access to those outlots both
11 by autos and by pedestrians.

12 I think it is a real safety issue. And I
13 would like to see a pedestrian circulation study of how
14 we can get the pedestrians from those outlots to the
15 other parking in a safe manner.

16 I see the way people drive through this -- I
17 have spent a lot of time on this site recently in
18 looking at the plans. And I have seen how people drive
19 through there now because there is currently a lot of
20 cut-through traffic. And I just have a real problem
21 approving outlots that don't have adequate parking
22 where the potential customers have to walk across a
23 very busy thoroughfare.

24 In my experience -- and I have got a lot of

1 real estate experience, including direct and indirect
2 regional mall experience. And the restaurants I see --
3 and this is going to very heavy restaurant use -- they
4 generally want 1 per 100 which is 10 per 1,000. They
5 are going to come in and get 4 per 1,000.

6 Now, is that going to -- is that going to
7 affect their decision to take one of those sites? I
8 don't know.

9 I had experience with Outback and with
10 Panera. They were both stuck at 1 per 100.

11 So are they -- if we approve this, are they
12 going to be saleable, and are they going to be able to
13 squeeze in the drivethroughs? I just think we are
14 squeezing an awful lot into a very small area.

15 I don't like the fact that the sidewalk can
16 not be extended along Main Street. Very poor
17 pedestrian access. There is a sidewalk on the west
18 side of the property that is not going to be extended.
19 I think it is -- I think it is a safety concern that
20 needs to be addressed either through a pedestrian study
21 or a traffic study.

22 I know the original traffic study that was
23 done addressed the existing mall from years ago to the
24 current mall. But I don't believe it has addressed any

REPORT OF PROCEEDINGS -- 10/22/2013

73

1 of these changes for -- for the pedestrian traffic.

2 And as I stated earlier, I would like to see
3 some numbers on the square footage of the mall in
4 relation to parking, current and remote.

5 CHAIRMAN WALLACE: All right. Any other
6 questions or comments?

7 (No response.)

8 CHAIRMAN WALLACE: Rita?

9 (No response.)

10 CHAIRMAN WALLACE: At this point, if we
11 feel that we have enough evidence to make a decision,
12 then we need a motion in order to close the public
13 hearing.

14 MEMBER HENNINGSON: I feel that it
15 should be put off until we get some of the information
16 that I requested submitted to us and reviewed.

17 CHAIRMAN WALLACE: Okay. So I mean --

18 MEMBER SCHUETZ: I would like to propose
19 that we close the public hearing.

20 MEMBER PRETZ: Second.

21 CHAIRMAN WALLACE: Moved and seconded.

22 And is there any discussion -- well, further
23 discussion on that motion?

24 MEMBER HENNINGSON: You are approving a

REPORT OF PROCEEDINGS -- 10/22/2013

74

1 plan that doesn't have square footage on it.

2 CHAIRMAN WALLACE: Well, we aren't
3 approving it. We are closing the public hearing.

4 If you feel that there is evidence that we
5 need that we don't have, then we can continue the
6 public hearing.

7 MEMBER HENNINGSON: I would like to see
8 the square footage on the outlots. Right now, you have
9 an extended area that they can build under, and we
10 don't have -- I -- I have never seen a site plan that
11 doesn't have a square footage on it. I have been
12 around.

13 MEMBER DOYLE: I have to ask the
14 question. I don't think that we are approving a site
15 plan. The application is to amend the PUD -- to amend
16 the PUD and to amend the standards that will govern the
17 site plan.

18 MEMBER HENNINGSON: The four documents I
19 just listed -- you are approving all of those.

20 MEMBER DOYLE: They are informative
21 documents that inform the -- this plan in front of
22 us --

23 MEMBER HENNINGSON: You are approving
24 all of those documents. And, you know, there is a

REPORT OF PROCEEDINGS -- 10/22/2013

75

1 25-page engineering document that everybody looked at
2 on-line that I finally got access to the hard copies
3 today. And that is just because I talked to Russ. He
4 was nice enough to bring them tonight. There is a lot
5 of information. We are approving those documents.

6 And if the developer comes back and doesn't
7 get three drivethroughs out there, it is a problem for
8 the City of St. Charles.

9 You know, we are -- I am -- I am concerned
10 about this because of my background and experience.
11 But what I want is the best for the City of
12 St. Charles. That is all I am looking at. I want to
13 make sure we are protected. I want to make sure we are
14 not rushing into something. We haven't seen a concept
15 plan on this --

16 CHAIRMAN WALLACE: We did see a concept
17 plan. It was back in 1988. We are amending the
18 existing PUD right now.

19 MEMBER HENNINGSON: Well, I know
20 something about whether or not they presented to us a
21 concept plan. They elected to present that through the
22 PUD. I was the only member there.

23 MEMBER SCHUETZ: I think you are hung up
24 on the concept plan. That is not what we are approving

1 here.

2 Can the Staff comment on that? Aren't we
3 approving the PUD and --

4 MS. TUNGARE: What you are approving is
5 an amendment to an existing PUD establishing the PUD
6 standards. And the plans that have been presented are
7 supporting documentation.

8 If there was any level of engineering that
9 was done, that was to the credit of the applicant where
10 they went over and above to demonstrate the feasibility
11 of the concept that is being proposed.

12 Today, the Staff will attach the concept plan
13 to the PUD standards so that there is a graphic
14 representation of the PUD standards being approved.

15 Having said that, what is not before the Plan
16 Commission tonight is a preliminary PUD plan
17 application. So no, you are not approving a plan
18 tonight.

19 MEMBER HENNINGSON: When will we see
20 that?

21 MS. TUNGARE: That will come when they
22 come back with a preliminary plan. That will be
23 entirely up to them. They will have to present that
24 before they put a shovel in the ground and do -- make

REPORT OF PROCEEDINGS -- 10/22/2013

77

1 any changes to the property.

2 CHAIRMAN WALLACE: For the discussion on
3 the motion --

4 MEMBER DOYLE: So the issue in front of
5 us is whether we have gathered enough information to
6 close the public hearing.

7 The concern that was raised is a public
8 safety issue. In terms of -- in terms of amendments to
9 the PUD, the amendments to the PUD don't directly, I
10 believe, have any -- they don't have any direct
11 implications on public safety because we are not
12 approving the site plan.

13 MEMBER HENNINGSON: We are approving the
14 findings of fact, and that has a direct relation to the
15 safety and welfare.

16 MEMBER DOYLE: The findings --

17 MEMBER HENNINGSON: We are approving the
18 findings of fact that is in the package.

19 MEMBER DOYLE: Let's take a look at what
20 those are, then.

21 CHAIRMAN WALLACE: Well, the question is
22 does this relate to the motion that is on the table to
23 close the public hearing.

24 MEMBER HENNINGSON: I think it --

REPORT OF PROCEEDINGS -- 10/22/2013

78

1 CHAIRMAN WALLACE: If you don't feel
2 there is enough -- as far as everything else goes,
3 regarding the findings, we can discuss those when there
4 is a motion to approve or deny this application unless
5 it relates to whether we have enough evidence to close
6 the public hearing.

7 MEMBER HENNINGSON: I requested a
8 parking study including what I have spoken about
9 before, a pedestrian traffic study and a traffic study
10 to be addressing the pedestrian areas, which two and
11 three can be combined.

12 CHAIRMAN WALLACE: So you are saying
13 that that relates to which of our findings of fact?

14 MEMBER DOYLE: No. 2 reads, "To create
15 places oriented to the pedestrian that promote physical
16 activity and social interaction."

17 Finding of fact was "The mall property was
18 designed primarily for customers arriving by automobile
19 and has very limited facilities to accommodate
20 pedestrians. The PUD amendment will provide an
21 opportunity for the property to be redeveloped with
22 improved building entrances and pedestrian
23 infrastructure. A continuous pathway system will be
24 established on the site to facilitate pedestrian

REPORT OF PROCEEDINGS -- 10/22/2013

79

1 movement into the site and between buildings. New
2 landscaping and new outlot buildings around the mall
3 will help reduce the scale of the parking lot."

4 CHAIRMAN WALLACE: Just to be clear,
5 that is the proposed finding of fact that is in the
6 Staff Report?

7 MEMBER DOYLE: That is Exhibit B, yes.

8 I -- in terms of discussion on the motion,
9 based on my understanding of what we are approving, I
10 feel that we have sufficient information to -- to close
11 the public hearing and to make a determination on the
12 application because we are -- we are approving
13 amendments to a governing ordinance, not to a site
14 plan.

15 The materials that we have in front of us are
16 supporting documents only in terms of approving the
17 concept. But the application could have been tendered
18 without those materials, and it would still be
19 legitimate on its face.

20 So I don't see -- we could ignore the
21 conceptual site plan entirely and approve the
22 application simply on the basis of the Staff Memo.

23 CHAIRMAN WALLACE: All right. Further
24 discussion on the motion?

REPORT OF PROCEEDINGS -- 10/22/2013

80

1 (No response.)

2 CHAIRMAN WALLACE: All right. Seeing
3 none, I will call roll.

4 Schuetz.

5 MEMBER SCHUETZ: Yes.

6 CHAIRMAN WALLACE: Doyle.

7 MEMBER DOYLE: Yes.

8 CHAIRMAN WALLACE: Pretz.

9 MEMBER PRETZ: Yes.

10 CHAIRMAN WALLACE: Henningson.

11 MEMBER HENNINGSON: No.

12 CHAIRMAN WALLACE: Wallace, yes.

13 The motion passes by a vote of 4 to 1. That
14 concludes Item 4 on the agenda.

15 Item 5 on the agenda is Charlestowne Mall PUD
16 Redevelopment SC 3800 Main, LLC, as stated on the
17 agenda application for amendment to special use for
18 planned unit development.

19 Before any commentary, I would ask for a
20 motion.

21 MEMBER DOYLE: I move for recommending
22 approval of the application for amendment to special
23 use for planned unit development Ordinance
24 No. 1998-Z-10, Charlestowne Mall PUD, and subsequent

REPORT OF PROCEEDINGS -- 10/22/2013

81

1 amendments, Ordinance 1989-Z-8, 1991-Z-2, 1994-Z-8,
2 1995-Z-16, for the purpose of establishing new planned
3 unit development standards for redevelopment of
4 Charlestowne Mall.

5 MEMBER PRETZ: Second.

6 CHAIRMAN WALLACE: Before we have a
7 second -- sorry. I didn't hear it yet.

8 Would that be Staff -- the Staff Memo
9 includes certain conditions and changes since the
10 original application. So I would think that the motion
11 would also have to cite and be contingent upon
12 resolutions of those changes.

13 MR. COLBY: Correct, the changes that
14 are shown in Exhibit A.

15 CHAIRMAN WALLACE: Is that what you
16 stated in your motion?

17 MEMBER DOYLE: I am sorry?

18 CHAIRMAN WALLACE: So it would be for
19 recommending approval of the application contingent
20 upon resolution of Staff comments and changes as
21 outlined in the Staff Memorandum of October 18, 2013.

22 MEMBER DOYLE: Agreed.

23 CHAIRMAN WALLACE: Is there a second?

24 MEMBER PRETZ: Second.

REPORT OF PROCEEDINGS -- 10/22/2013

82

1 CHAIRMAN WALLACE: All right. That
2 motion has been made and seconded.

3 Discussion on the motion.

4 MEMBER HENNINGSON: Again, I requested
5 some information earlier that I think needs to be
6 provided.

7 I also would like to bring your attention to
8 the Finding of Fact Special Use E, Effect on General
9 Welfare, "That the establishment, maintenance, or
10 operation of the special use will not be detrimental or
11 endanger the public health, safety, comfort, or general
12 welfare."

13 My questions regarding the safety of the ring
14 road between the outlots and the general parking area
15 have not been answered. And I think it is a big safety
16 concern. And I don't think you have got adequate
17 parking on the outlots.

18 MS. TUNGARE: If I may, can I offer some
19 suggestions to the Plan Commission?

20 MEMBER HENNINGSON: I am not sure that
21 is appropriate.

22 CHAIRMAN WALLACE: Well, if one of the
23 Plan Commissioners solicits it, it is. I would like to
24 know what Rita has to say.

REPORT OF PROCEEDINGS -- 10/22/2013

83

1 MS. TUNGARE: Thank you.

2 If the two studies or analyses that
3 Commission Member Henningson wants are important enough
4 for the Plan Commission, you could propose some
5 language to be included in the PUD that at such time as
6 when a preliminary plan is submitted for the main mall
7 building -- at such time, the applicant can provide
8 that information along with the preliminary plan. As
9 Commissioner Member Doyle indicated, some of these
10 nuances are a function of the preliminary plan rather
11 than the PUD.

12 Just a suggestion. I don't know how the
13 applicant feels about that. I am just throwing it out
14 there.

15 MEMBER DOYLE: What kind of information
16 would be -- so that would come as a recommendation to
17 the Planning & Development Committee that that
18 provision be attached to our --

19 MS. TUNGARE: -- the PUD at such time.

20 MEMBER DOYLE: What studies are we
21 talking about?

22 MS. TUNGARE: I think Mr. Henningson can
23 probably speak to that.

24 CHAIRMAN WALLACE: Correct me if I am

REPORT OF PROCEEDINGS -- 10/22/2013

84

1 wrong. Each time a preliminary plan comes before the
2 Plan Commission, we have a set of findings of fact that
3 we have to make in the affirmative in order to approve
4 those.

5 MS. TUNGARE: The preliminary plan
6 general findings of fact. It is specifically a site
7 plan review. It is specifically a plan -- site plan,
8 building architectural, landscaping, and engineering
9 plans.

10 CHAIRMAN WALLACE: Within the Zoning
11 Ordinance itself, it has to meet certain standards in
12 order for us to approve it?

13 MS. TUNGARE: And in this case, since it
14 deals with a PUD, it will have to meet the PUD
15 standards, as well.

16 CHAIRMAN WALLACE: So I don't understand
17 what in addition we would have to mandate the developer
18 provide that isn't already required in order to get an
19 affirmative recommendation on the site plans that they
20 present.

21 I mean, if they present it with no supporting
22 documentation, then I think that they are going to get
23 denied. Whereas, I think they are probably going to
24 know if they need a traffic study or a parking study in

REPORT OF PROCEEDINGS -- 10/22/2013

85

1 order to get an approval, they are going to provide it.

2 I just don't know what in addition we should require.

3 MEMBER HENNINGSON: I am asking for,
4 number one, a parking study, and, number two, a
5 pedestrian/traffic study.

6 CHAIRMAN WALLACE: All right. Any other
7 comments, Plan Commission Members?

8 MEMBER DOYLE: I have a quick comment
9 about the safety of pedestrian issue. I keep on
10 thinking about the some comparable land uses in Geneva
11 Commons.

12 So on one of the outlots on one of the pads,
13 we have the entrance road which curves in and in about
14 90 feet comes to a pedestrian crosswalk.

15 MEMBER HENNINGSON: By Crate & Barrel?

16 MEMBER DOYLE: Crate & Barrel and
17 California Pizza Kitchen at Geneva Commons.

18 The exact same -- same situation -- an entry
19 road into the mall and a crosswalk to get to the
20 restaurant.

21 I have a young child. You know, I am very
22 vigilant about traffic. And it makes me -- any time I
23 am near a street with my child, I am always nervous.
24 My want is that, you know, I will have a direct line

REPORT OF PROCEEDINGS -- 10/22/2013

86

1 with no cars between me and everything else that I want
2 to go to. But I know that that is not something that I
3 am going to have.

4 When I think about that -- that business, we
5 continue to go back there, and I continue to patronize
6 it even though I have to cross that crosswalk. And I
7 have determined that my needs, my child's needs, are
8 satisfied, you know.

9 So in terms of these outlots, I think in
10 general the PUD provides for adequate parking because 4
11 parking spaces per 1,000 square foot of general
12 leasable area is consistent with our ordinance for
13 shopping centers.

14 And unless we are going to entertain a
15 constraint that says pedestrians can never cross a
16 street or a ring road or something to get to a business
17 that they want to patronize -- I mean, there is parking
18 in the center area there. And there is a crosswalk.

19 You know, I am inclined to suggest to
20 the applicant that something be there such as colored
21 pavers or something that would draw the crosswalk to
22 the attention of motorists. That would be probably
23 very welcome by pedestrians and reassure them, albeit
24 the snow removal issues that you mentioned.

REPORT OF PROCEEDINGS -- 10/22/2013

87

1 I don't want to dive into that level of
2 detail in terms of interfering in the development and
3 repositioning of this parcel because it is not in the
4 commercial interest of the prospective tenants or the
5 owner to build businesses that people don't want to
6 patronize.

7 And I think that -- I am not a
8 libertarian or a rabid free marketer. But I do think
9 market forces here are going to drive the property in
10 the direction we need them to go in. I feel that the
11 controls are there.

12 MEMBER HENNINGSON: It is interesting
13 you brought up Geneva Commons. I drive by there daily
14 getting over to Delnor. And there is -- number one, it
15 is -- the ring road would carry much more traffic than
16 Geneva Commons Road does there.

17 And the outbuildings at Geneva Commons are
18 owned by the shopping center. They are owned by the
19 shopping center and leased by the shopping center.

20 This scenario at Charlestowne Mall is those
21 pads are going to be sold off to different owners. So
22 for what that is worth --

23 MEMBER DOYLE: I don't think the
24 ownership is germane to the application and to our

REPORT OF PROCEEDINGS -- 10/22/2013

88

1 consideration of the application.

2 MEMBER HENNINGSON: I didn't say it was.

3 MEMBER DOYLE: That is my final comment.

4 CHAIRMAN WALLACE: Any further comments?

5 (No response.)

6 CHAIRMAN WALLACE: None heard.

7 All right. I will call the roll.

8 Schuetz.

9 MEMBER SCHUETZ: Yes.

10 CHAIRMAN WALLACE: Doyle.

11 MEMBER DOYLE: Yes.

12 CHAIRMAN WALLACE: Pretz.

13 MEMBER PRETZ: Yes.

14 CHAIRMAN WALLACE: Henningson.

15 MEMBER HENNINGSON: No.

16 CHAIRMAN WALLACE: Wallace, yes.

17 The motion passes by a vote of 4 to 1. That
18 concludes 5 on the agenda.

19 Item 6 is meeting announcements.

20 Our upcoming meetings are Tuesday, November
21 5, Tuesday, November 19, Tuesday, December 3rd, all in
22 this location.

23 We don't have any changes to that as of now?

24 MR. COLBY: No.

REPORT OF PROCEEDINGS -- 10/22/2013

89

1 CHAIRMAN WALLACE: Okay. Any additional
2 business from Plan Commission Members?
3 Staff?
4 Citizens?

5 (No response.)

6 CHAIRMAN WALLACE: All right. In that
7 case, is there a motion to adjourn?

8 MEMBER SCHUETZ: Motion we adjourn this
9 meeting.

10 MEMBER PRETZ: Second.

11 CHAIRMAN WALLACE: All in favor?

12 (Ayes heard.)

13 CHAIRMAN WALLACE: Opposed.

14 (No response.)

15 CHAIRMAN WALLACE: This meeting of the
16 Plan Commission adjourned at 8:50 p.m.

17 Thank you.

18 PROCEEDINGS CONCLUDED AT 8:50 P.M.

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REPORT OF PROCEEDINGS -- 10/22/2013

90

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF K A N E)

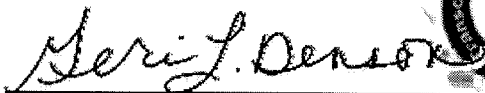
4 I, Geri L. Warsop-Denson, Certified
5 Shorthand Reporter No. 084-003233, CSR, RPR, do
6 hereby certify that I reported in shorthand the
7 proceedings had in the above-entitled matter and
8 that the foregoing is a true, correct, and
9 complete transcript of my shorthand notes so taken
10 as aforesaid.

11 IN TESTIMONY WHEREOF I have hereunto set my
12 hand on this 24th day of October, 2013.

13

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16 
17 Certified Shorthand Reporter
18 Registered Professional Reporter
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