

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, NOVEMBER 5, 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
 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 22, 2013 meeting.

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the October 22, 2013 meeting.

PUBLIC HEARING

4. General Amendment (City of St. Charles)

Chapter 17.14 "Business and Mixed Use Districts" regarding permitted and special uses and exemptions in the Downtown Overlay District.

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

Mr. Doyle made a motion to close the public hearing. Motion seconded by Mr. Schuetz

Roll Call Vote:

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

Nays:

Absent: Pretz

Motion carried: 6-0

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5. General Amendment (City of St. Charles)

Chapter 17.14 “Business and Mixed Use Districts”, Chapter 17.24 “Off-Street Parking, Loading & Access”, and Chapter 17.26 “Landscaping and Screening” pertaining to requirements for existing parking lots and requirements for public street frontage landscaping.

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

Ms. Amatangelo made a motion to close the public hearing. Motion seconded by Mr. Schuetz.

Roll Call Vote:

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

Nays:

Absent: Pretz

Motion carried: 6-0

MEETING

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

6. General Amendment (City of St. Charles)

Chapter 17.14 “Business and Mixed Use Districts” regarding permitted and special uses and exemptions in the Downtown Overlay District.

Mr. Kessler made a motion to approve to recommend approval of a General Amendment to Chapter 17.14, “Business and Mixed Use Districts” regarding permitted and special uses and exemptions in the Downtown Overlay District. Motion seconded by Mr. Doyle.

Roll Call Vote:

Ayes: Henningson, Scheutz, Doyle, Wallace, Kessler

Nays: Amatangelo

Absent: Pretz

Motion carried: 5-1

7. General Amendment (City of St. Charles)

Chapter 17.14 “Business and Mixed Use Districts”, Chapter 17.24 “Off-Street Parking, Loading & Access”, and Chapter 17.26 “Landscaping and Screening” pertaining to requirements for existing parking lots and requirements for public street frontage landscaping.

Mr. Kessler made a motion to recommend approval of a General Amendment to Chapter 17.14 “Business and Mixed Use Districts”, Chapter 17.24 “Off-Street Parking, Loading & Access”, and Chapter 17.26 “Landscaping and Screening” pertaining to requirements for

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existing parking lots and requirements for public street frontage landscaping. Motion seconded by Ms. Amatangelo.

Roll Call Vote:

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

Nays: None

Absent: Pretz

Motion carried: 6-0

8. Meeting Announcements

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

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

Tuesday, December 17, 2013 at 7:00pm Council Chambers

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

10. Adjournment at 8:49PM

1 S63198A

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

4

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

6

7 In Re the Matter of:)
)
8 General Amendment -)
 Chapter 17.14,)
9 Business and Mixed)
 Use Districts)
10 regarding permitted)
 and special uses and)
11 exemptions in the)
 Downtown Overlay)
12 District.)

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15 REPORT OF PROCEEDINGS

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17 Council Chambers
 2 East Main Street
 St. Charles, Illinois 60174

18

19 November 5, 2013
 7:01 p.m.

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23

24 Reported by: Paula M. Quetsch, CSR, RPR
 Notary Public, Kane County, Illinois

1 PRESENT:

2 MR. TODD WALLACE, Chairman;

3 MR. TIM KESSLER, Vice Chairman;

4 MS. SUE AMATANGELO, Member;

5 MR. BRIAN DOYLE, Member;

6 MR. CURT HENNINGSON, Member; and

7 MR. TOM SCHUETZ, Member.

8 ALSO PRESENT:

9 MR. RUSSELL COLBY, Planning Division Manager; and

10 MR. MATTHEW O'ROURKE, Planner.

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1 CHAIRMAN WALLACE: This is the
2 St. Charles Plan Commission. Come to order.

3 Tim, roll call.

4 MEMBER KESSLER: Amatangelo.

5 MEMBER AMATANGELO: Here.

6 MEMBER KESSLER: Schuetz.

7 MEMBER SCHUETZ: Here.

8 MEMBER KESSLER: Doyle.

9 MEMBER DOYLE: Here.

10 MEMBER KESSLER: Henningson.

11 MEMBER HENNINGSON: Here.

12 MEMBER KESSLER: Kessler, here.

13 Wallace.

14 CHAIRMAN WALLACE: Here.

15 All right. Item 3 on your agendas is
16 presentation of minutes of the October 22nd, 2013,
17 meeting.

18 Is there a motion to approve?

19 MEMBER AMATANGELO: So moved.

20 MEMBER KESSLER: Second.

21 CHAIRMAN WALLACE: It's been motioned and
22 seconded. Any discussion of the motion? All in favor.

23 (Ayes heard.)

24 CHAIRMAN WALLACE: Opposed?

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1 (No response.)

2 CHAIRMAN WALLACE: Motion passes
3 unani mousl y.

4 Item 4 on the agenda is a public hearing,
5 General Amendment, City of St. Charles. This is
6 Chapter 17.14 "Business and Mixed Use Districts"
7 regarding permitted and special uses and exemptions in
8 the Downtown Overlay District.

9 We don't have anything else for this, just
10 what's included in the materials?

11 MR. COLBY: That's correct.

12 CHAIRMAN WALLACE: All right. And we're
13 going to be doing these two separately -- hold on. Why
14 are we doing these as two separate? Are they for the
15 same chapter?

16 MR. COLBY: No. They are two separate
17 appl icati ons.

18 CHAIRMAN WALLACE: All right. Item 4 --
19 sorry about that -- Chapter 17.14.

20 For those of you who have not been to the
21 Plan Commission before, welcome, and I will go into
22 kind of the shorter version.

23 The Plan Commission conducts public hearings
24 for applications that come before the City for the

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1 purpose of making recommendation for approval or denial
2 to the City Council.

3 The two items that we have on our agenda are
4 public hearings. They're both general amendments to
5 our zoning ordinance.

6 And what we will do is we will have testimony
7 both for and against the application, and if the
8 Plan Commission feels it has enough information to make
9 a recommendation, we will close the public hearing, and
10 further down on our agendas we have these items for
11 action, so to make a recommendation to the City Council
12 either to approve the application or to deny the
13 application.

14 Any questions regarding procedure?

15 (No response.)

16 CHAIRMAN WALLACE: All right. Then at
17 this time anyone who wishes to offer testimony,
18 including questions or comments, I ask that you raise
19 your hand and be sworn in.

20 (Four witnesses duly sworn.)

21 CHAIRMAN WALLACE: Thank you very much.

22 You'll notice that there is a court reporter
23 that is recording the proceedings tonight. I would ask
24 that only one person speak at a time, and that person

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1 please be recognized by me, and when you do speak,
2 whether it's just simply asking a question or making a
3 comment, you need to come up to the lectern at the
4 front and state your name, spell your last name for the
5 record, and also state your address.

6 So who is on the first one?

7 MR. COLBY: All right. Good evening
8 everyone. I am Russell Colby, planning division
9 manager for the City of St. Charles presenting this
10 amendment application filed by the City. It's
11 regarding the downtown overlay district and we're
12 proposing some amendments.

13 A little background for the Plan Commission.
14 The downtown overlay district is an overlay zoning
15 district, meaning it sits over the two zoning districts
16 the City has within the downtown, the CBD-1 and CBD-2
17 zoning districts, and the overlay imposes a more
18 restrictive list of uses on the first-floor spaces
19 located in the overlay district.

20 It was enacted in 2006. The concern at the
21 time was about banks and other offices occupying what
22 were considered to be prominent storefronts that had
23 potential for retail use, and there was a concern that
24 a lot of these uses and allowing them to stay there for

1 for extended periods of time would have the potential
2 to disrupt the potential pedestrian shopping district
3 that could develop in the city.

4 The overlay district sometimes referred to as
5 a "retail only" district. It is not. It has a set of
6 uses specified that are expected to generate pedestrian
7 activity or be compatible with a shopping district.
8 It's also not a "sales tax only" district, which it is
9 also sometimes referred to as that.

10 This is a map that shows the boundaries of
11 the downtown overlay district. You'll see it covers
12 most of what you would consider the downtown portion of
13 Main Street and Fourth Street to Third Avenue. It
14 generally extends about a block north and south and
15 includes Century Corners area. It also includes the
16 area of the First Street development and some of the
17 blocks surrounding that.

18 So how does the overlay district work?
19 You're probably aware there's some existing office uses
20 and banks that have legal nonconforming status by
21 virtue of having existed prior to the 2006 ordinance
22 being put into place. And those businesses can
23 continue to occupy those spaces as long as they are not
24 vacant for 180 days, and during that 180-day period

1 another business that has the same type of use could
2 reoccupy the space. So if the bank moved out, another
3 bank could move within 180 days and be allowed to
4 reoccupy that space, and that's part of the existing
5 ordinance requirement.

6 There's also an exemption process that exists
7 in the ordinance, and this is an exemption that relates
8 specifically to the physical configurations of a given
9 space, and I will talk a little bit more about that.

10 The boundaries of the overlay district have
11 been changed by map amendment through the rezoning
12 process, and there were a couple of properties that
13 actually were removed from the overlay district back
14 in 2008.

15 So I'm going to reference the types of uses
16 that are permitted in the overlay district. This table
17 shows on the left each of the uses that are permitted
18 on the first floor. So it includes any kind of retail-
19 type use, restaurant use, bars. It also allows what's
20 called personal service uses, which is a whole
21 collection of service uses that aren't necessarily
22 retail oriented but are considered to be compatible
23 with the pedestrian district, also art galleries,
24 theaters, a hotel, those kinds of uses.

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1 The column on the right lists the types of
2 businesses that are allowed elsewhere in the downtown
3 that are currently not permitted on the first-floor
4 level. Those are all types of office uses, both
5 medical and dental offices, banks, and financial
6 institutions such as a mortgage service provider.

7 I mentioned before there's an exemption
8 process that exists in the ordinance, and a property
9 owner or a business can petition to the community
10 development director for an exemption, and the
11 community development director to grant the exemption
12 has to make the finding that the space is unsuitable
13 for occupancy for any of the first-floor uses permitted
14 in the downtown overlay district. So, basically, those
15 uses that are listed in the table, the space is not
16 suitable for those, and there's very narrow criteria
17 written in the ordinance to enable to director to make
18 this finding.

19 Basically, in looking at a given space, a
20 determination has to be made that if this space were
21 modified to try to make it suitable for a permitted
22 use, either the changes would be inconsistent with the
23 historic preservation requirements of the zoning
24 ordinance, or the alteration would impose an undue

1 financial burden on the property owner, and that is
2 specified as a cost exceeding 25 percent of the
3 building's value.

4 In considering how to reach that 25 percent
5 value there's criteria that can be taken into account.
6 Those are listed here and it relates, basically, to the
7 physical constraints of the space. So the placement of
8 doors and windows, the floor level, lack of street
9 frontage, or some other issue.

10 So this is a pretty restrictive list of items
11 that can be considered for an exemption, and I think
12 I've provided in the staff materials the number of
13 properties that have received exemptions. I think
14 there's four and there's been a few others where we've
15 received repeated requests for exemption before we've
16 informed the building owner that the space just does
17 not qualify because it does not meet this criteria.

18 So why are we considering changes tonight?
19 Well, I think everyone is aware that market conditions
20 have changed significantly since 2006. The thought at
21 the time was that these banks or similar types of uses
22 were coming in and taking over prime retail space, and
23 the thought was that these banks were, basically, by
24 moving in taking up the space that the retailers would

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1 otherwise move into. But what we've found with these
2 use restrictions in place, we haven't really seen the
3 retailers come in. So we've been left with some
4 long-term vacancies, particularly on Main Street where
5 they're very visible in the community.

6 The City has received frequent inquiries
7 about a number of these spaces asking whether or not
8 office use could be allowed and how to go about doing
9 that. And we've generally informed that if the space
10 doesn't qualify for an exemption, right now your only
11 recourse is to petition for a zoning map amendment.
12 But if the property is located in the middle of the
13 overlay district, it's hard to justify, you know,
14 removing it from the district, so that's generally not
15 encouraged.

16 And, finally, we have the 2013 comprehensive
17 plan which was recently adopted, and we also have some
18 recommendations about potentially changing the overlay
19 district and I'll go through those.

20 The comprehensive plan notes that having this
21 restricted use list within the downtown potentially
22 there could be missed opportunities by having too narrow
23 a view of what type of uses would be appropriate. It
24 is also noted that most healthy downtowns have a mix of

1 uses generating activity during all periods of the day,
2 and the office uses generally are open during the day,
3 and those that generate pedestrian activity would be
4 generating that activity during the day, which I think
5 has been identified in St. Charles as a period of time
6 where there is lesser activity versus in the evening.

7 And, also, the comp plan also noted that the
8 market for retail categories in downtown St. Charles is
9 saturated. What that means really is they looked at
10 the demographics of the population within a certain
11 distance from the downtown and found that there's
12 really not a lot of buying power left among the
13 population of the area, particularly considering how it
14 overlaps with other commercial districts, and that just
15 expecting additional retail uses to fill in based on
16 market conditions is probably not likely to happen
17 quickly.

18 So the recommendation that was made in the
19 comprehensive plan was to relax the use restriction on
20 a temporary basis until demand for retail space is
21 strong.

22 So the proposed amendment, what's being
23 proposed is that office uses that generate pedestrian
24 traffic be allowed within the downtown overlay district,

1 but they have to go through a certification process and
2 I'll discuss that.

3 And in connection with this amendment, staff
4 is planning to monitor the conditions within the
5 downtown over a two-year period to see how this change
6 works in terms of whether or not we see increased
7 interest from retailers, whether or not the office uses
8 that have been approved have been seen as a positive
9 contributor to the downtown, sort of through the
10 certification process that I'll talk about really
11 follow what happens with these individual spaces.

12 So the amendment would create this process so
13 that an individual office could apply to occupy a space
14 in the downtown, and the eligible uses would be those I
15 discussed earlier, medical or dental offices, any kind
16 of professional office, banks, or financial
17 institutions.

18 And the individual space we will be requiring
19 through this amendment that the space would need to be
20 actively marketed for a period of 180 days prior to
21 someone applying for the certification. And the reason
22 for doing that is to, basically, require the property
23 other than to take a certain period of time and market
24 the space for the uses that are permitted in the

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1 overlay district and see if any of those uses out there
2 are interested in the space and give them an
3 opportunity to pursue it before the owner applies for
4 the office certification.

5 Individual office use will be compared on
6 certain criteria and will require that the applicant
7 meet the criteria, and I'll go through those in a
8 second.

9 We're also proposing that there be a City
10 Council appeal process for any of -- either an
11 exemption like I talked about before or a certification
12 where it's denied so that a property owner or business
13 owner would have the opportunity to appear before the
14 City Council and give the elected officials an
15 opportunity to weigh in on the decision and consider
16 the same information that staff did based on the
17 criteria.

18 So here are the criteria for office use
19 certification we're proposing. First, that the
20 business be open to the general public during normal
21 business hours and that the primary function be to
22 provide services directly to customers that are
23 physically present. So customers are coming into the
24 business for the service.

1 We'd also require certain things about how
2 the office use is physically laid out. On the interior
3 we require that the storefront entrance and the street
4 entrance serve as the public entrance to business and
5 also that a reception or waiting area for visitors be
6 provided that's accessible.

7 Additionally, with the storefront we'd
8 require windows and doors. It could not be obstructed
9 in any way. They need to provide a view of the
10 interior of the office space. Also, the storefront
11 signs need stay illuminated during the evening so that
12 the storefront has sort of an active, occupied
13 appearance during the evening, doesn't appear to
14 be dark.

15 This is just a list of pros and cons to
16 consider with what's being suggested here with the
17 general amendment.

18 You know, on the pro side this would
19 certainly we believe reduce vacancies based on the
20 inquiries we've heard from property owners and
21 potential businesses. And having these office uses,
22 it's a potential to create more daytime population to
23 support the existing businesses in the downtown.

24 It would also allow the market to decide if

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1 there's a demand for retailers using the downtown. By
2 putting in that 180-day waiting period, basically,
3 while the property is marketed, it will give the
4 opportunity for retailers to rent the space and know
5 that it's available. But, ultimately, if there are no
6 retail uses interested and an office user is, until
7 there comes a point in time where a retail user is
8 going to pay more than the office user, the office user
9 can occupy that space.

10 It's also -- from a regulatory standpoint,
11 since it's an ordinance amendment it's easy to reverse
12 in the future at some point if the City decides that's
13 appropriate to do, and we'll still have the downtown
14 overlay district intact the way it is today.

15 Some potential cons. You know, when we
16 introduce new office uses into spaces where there's a
17 potential for retail concentration, there is a
18 potential that it's going to harm the building of that
19 concentration to form or, you know, really increase in
20 terms of the number of retailers there. Also, some of
21 the more visible prominent spaces in the downtown that
22 people envision long-term as retail spaces may be
23 occupied by office uses for an undetermined amount of
24 time. And once they're allowed in, we would have

1 difficulty telling them that they need to leave the
2 space unless we find that they're not complying with
3 some of those criteria that I mentioned before.

4 It's also a little bit challenging for staff
5 to monitor between the different types of office uses,
6 whether or not they're receiving customers. But we
7 think by setting this process up where there has to be
8 a certification by staff, there will be a review
9 process and approval letter that's issued that details
10 what they're required to comply with in terms of how
11 they operate the business and how they improve the
12 space and the store. We may attach floor plans to that
13 and pictures and things that they're expected to do.
14 And in that way we will be able to track where this is
15 occurring and also be able to follow up to make sure
16 they're staying in compliance with those standards. So
17 it will give us an opportunity to, as I mentioned
18 before, follow what happens with those business that we
19 do approve.

20 One other thing I wanted to mention, this
21 change does not affect PUDs, planned unit developments.
22 In particular the First Street project has its own
23 restrictions on ground-floor uses that are slightly
24 different than the downtown overlay district, and those

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1 remain intact in that PUD ordinance unless there is a
2 request to amend that, in which case they'd have to go
3 through a separate process.

4 So in conclusion, the ordinance text that's
5 proposed is in the staff report. Staff provided
6 recommendation for approval and findings of fact for
7 the Commission and is prepared and make a
8 recommendation this evening.

9 That concludes the presentation.

10 CHAIRMAN WALLACE: All right. Thank you.

11 Questions?

12 MEMBER KESSLER: Yes. Russ, do you
13 have -- can you tell us what types of offices have been
14 making these multiple inquiries to the City?

15 MR. COLBY: We've gotten inquiries from
16 all different types of offices.

17 MEMBER KESSLER: Give us some extremes.

18 MR. COLBY: Well, typically they're
19 offices that are open to the public because they
20 usually want to be in a space where they have some
21 visibility with some access to customers, which is why
22 they like downtown locations and storefront.

23 But some of them you could -- on one end of
24 the spectrum, you have medical uses where they are

1 almost entirely relying on customers coming into the
2 space. On the other end of the spectrum, you have some
3 uses like a mortgage servicer or a real estate office
4 where they may only intermittently have customers
5 coming in, but they maintain an office that's open to
6 the public and accessible, and they do generate some
7 traffic.

8 Those have been the types of uses that we've
9 had inquiries for. But as I mentioned, the sort of
10 back-office uses where, you know, they just want some
11 office space, they don't want the visibility, they're
12 probably not looking at these spaces anyway.

13 MEMBER KESSLER: And before 2006 -- I'm
14 trying to think of how to frame this question. What's
15 to say it was the economy that caused retail not to
16 move into downtown St. Charles? It's not something --
17 I mean, they obviously had to enact an ordinance in
18 2006 to try and get it because it wasn't here before.

19 MR. COLBY: The discussions about the
20 ordinance, the downtown overlay that was discussed as a
21 retail-only ordinance, that started some years before
22 the change was adopted in 2006. Because the City was
23 in the process of drafting a new zoning ordinance, and
24 that went on for a period of about three or four years.

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1 So the idea came earlier when it was observed
2 that there were banks and some offices that were moving
3 into some spaces where some retailers had left. So by
4 the time the ordinance was put into place, what
5 happened with the economy, that probably had a big
6 impact, but I'm not sure if -- how it really affected
7 things because a lot of that activity had already
8 occurred.

9 MEMBER KESSLER: Thank you.

10 MEMBER SCHUETZ: Russ, I have a question
11 as far as you mentioned the 180 days. I have two
12 questions -- two-part question. I'm curious as to
13 where the 180 days -- why choose 180 days. And then
14 the second part of that question would be, you
15 mentioned that they need to market themselves for
16 180 days. What's the criteria or details? How do you
17 be sure they to this?

18 MR. COLBY: The marketing, that is an
19 issue that's been discussed. When this was originally
20 proposed back in 2006, there was an interest in putting
21 in a requirement to show that the property owner really
22 was putting in a good-faith effort to market the space.
23 But really what we determined was that was impossible
24 to prove, and, you know, it's hard to compare between

1 one property and another property who was doing a
2 sufficient job of marketing it.

3 So, basically, what we're proposing to do
4 here is just say that we want to see proof that it was
5 publicly listed for rent on some type of listing
6 service for a period of 180 days. So, basically, out
7 as public information that it was available for rent.
8 We're not requiring that they demonstrate what they did
9 or how they did it because we don't think we can assess
10 that fairly.

11 The 180-day period, we chose that because
12 it's an existing time period in the ordinance for
13 nonconforming uses. As I think I mentioned in the
14 presentation, that's the time period for when a use is
15 considered abandoned. So it's an existing time period
16 that we follow, so we felt that would be appropriate.

17 We don't want it to be too short. Otherwise,
18 the property owner may lean more towards not actively
19 marketing the space during that time period because
20 they have an office user interested. So it's sort of a
21 balance where, you know, we want to try and compel them
22 to get a user in there that does meet the requirements,
23 but after a certain period of time be a little more
24 flexible with the office use.

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1 MEMBER SCHUETZ: Is there a way to maybe
2 encourage or stipulate that they need to list this on
3 whatever type of listing that would be appropriate,
4 something -- not some Mickey Mouse listing, that's
5 where I'm going with it. And then, also, maybe various
6 counties like all the surrounding counties instead of
7 just throwing it out in Kane County or whatever?

8 MR. COLBY: Our expectation is that -- we
9 haven't finalized the actual text of the ordinance how
10 it's going to be explained, but I think we'll want to
11 see that it's been listed on a public listing service
12 that's readily accessible from any location, one that's
13 common for posting commercial properties on the
14 Internet where people can see them.

15 What I expect is we'll have the broker who is
16 working on the space provide us with a sheet that
17 basically says it was listed on this date. We'll need
18 to verify that it was a service that was publicly
19 available, and that will be the extent of it.

20 MEMBER KESSLER: I just want to ask Tom a
21 question.

22 I'm just curious, are you wondering should
23 we -- is it your thought that we should really try and
24 get all the retail we can down there? Is that why you

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1 asked the question?

2 MEMBER SCHUETZ: I like the idea of just
3 trying to get more pedestrians down there period.

4 Activity, I guess is a more general word. Doesn't
5 necessarily have to be retail. I just don't want to
6 see them advertise in the Republican or something and
7 call it a day, where they need to be advertising in
8 more -- a bigger -- to reach more people.

9 MEMBER KESSLER: Wide range.

10 MEMBER SCHUETZ: Right. That's all.
11 Just to give it a good-faith effort instead of just
12 toss it in there and saying, "I did it." I can't
13 imagine them doing that but it's possible. That's the
14 only question -- why I was questioning that.

15 CHAIRMAN WALLACE: Sue?

16 MEMBER AMATANGELO: Russ, is it possible
17 to allow the additional business uses on all streets
18 with the exception of Main Street?

19 MR. COLBY: That is possible to structure
20 it that way, yes.

21 MEMBER DOYLE: Following up on the
22 question about 180 days. So it says here in the
23 proposed language, "A new certification for office use
24 shall be required for any new business to occupy a space

1 and that it shall apply to a specific business only."

2 So that means if I'm a property owner, I
3 lease the business out to a mortgage company -- I lease
4 the space out to a mortgage company for office use, and
5 the lease ends in three years. The certificate does
6 not persist to a new lessee?

7 MR. COLBY: Correct. It's specific to
8 that business.

9 MEMBER DOYLE: And the 180-day
10 requirement also applies to every new lease?

11 MR. COLBY: Yes.

12 MEMBER DOYLE: Did staff discuss or
13 contemplate any sort of limit in terms of long-term
14 leases?

15 MR. COLBY: We just -- as a general rule
16 in looking at how we could modify the downtown overlay
17 district, we made a decision we didn't want to get
18 involved with the terms of the lease because the City --
19 in order for the City to enforce anything in relation
20 to the lease, we'd have to be a party to the lease in
21 some way, and that's not something that the City would
22 be interested in getting involved with. I think
23 there's too much potential liability or just time and
24 effort that we wouldn't want to expend doing that.

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1 MEMBER DOYLE: So if a property owner
2 engages in a 15-year lease, the certificate lasts the
3 duration of the lease unless they violate the terms?

4 MR. COLBY: Right. The certificate lasts
5 as long as the business is operating under those terms.

6 Part of the premise of this amendment is the
7 requirements could change after a certain period of
8 time. This could go away; it could be made permanent,
9 as in it may not be removed. But once that business is
10 allowed to operate based on certain approvals from us
11 that are outlined in that letter, they'd be able to
12 continue to occupy that space.

13 MEMBER DOYLE: So even if a lease came up
14 and they wished to renew the lease -- let's say we have
15 a business that signed a 15-year long-term lease and
16 they want to renew another 15-year lease in 2029.
17 Unless they violate the terms of the certification,
18 there would be no grounds for the City to revoke it?

19 MR. COLBY: Correct.

20 MEMBER DOYLE: Because it's the same
21 business in the same space?

22 MR. COLBY: Yes. And that's the same
23 principle we would apply to all nonconforming uses.

24 MEMBER SCHUETZ: I have a couple other

1 questions, as well.

2 In your presentation you mentioned three types
3 of business uses. On page 2 of your staff packet you
4 list four types of business uses that are currently
5 prohibited, including business and professional office.

6 MR. COLBY: Yes.

7 MEMBER DOYLE: The other three being that
8 you mentioned in your presentation, medical, bank,
9 financial institution. On page 7 of the text of the
10 proposed ordinance, the amendment it reads that "may be
11 occupied by certain office uses," and it lists all four
12 of the business that are listed on page 2.

13 MR. COLBY: Yes.

14 MEMBER DOYLE: So for business
15 professional office, can you describe what that use is
16 in comparison to the other three? And more importantly,
17 are there types of business professional office use
18 that can reasonably be expected to generate pedestrian
19 traffic and public use?

20 MR. COLBY: Well, I should clarify all
21 four of those office uses would be able to apply for a
22 certification under the proposal. I just sort of
23 summarized this quickly because we were talking in
24 general about office uses.

1 But really business and professional office
2 use that category is more general. So that would
3 include any kind of use that is basically a generic
4 office use that doesn't fall into one of these other
5 categories, particularly the medical, dental, or
6 financial institution, which is sort of -- mortgage
7 office is the most common kind.

8 Any other kind of office, any kind of
9 business that maintains an office would fall under that
10 general category. And if it's a type of business that
11 has customers coming in that is open to the public,
12 they may be able to, based on their business practices,
13 justify that -- you know, they'll meet the criteria.

14 But I think it will be much easier for
15 businesses that have regular customers or patients like
16 a medical or dental office to meet the criteria. The
17 other types of offices I think will be subject to more
18 scrutiny because they'll sort of have to be something
19 unique to that business as to why they're receiving
20 more customers.

21 MEMBER DOYLE: So hypothetically there
22 are uses that fall in that category that are public and
23 customer facing?

24 MR. COLBY: Yes.

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1 MEMBER DOYLE: I think those are all my
2 questions.

3 MEMBER KESSLER: I have another one.

4 Russ, how common is an ordinance like our
5 2006, the underlying ordinance that we're talking
6 about? How common is that?

7 MR. COLBY: They're not extremely common.
8 They did increase in popularity I think in the early
9 2000s in reaction to a lot of the banks expanding and
10 wanting to occupy spaces where cities had envisioned
11 retail sales tax generating uses, and I think we had a
12 couple located in the downtown here, and it was sort of
13 a reaction to that.

14 You know, as a concept of regulating uses to
15 specifically a certain type that generates pedestrian
16 activity, that's not that uncommon, but what you'll
17 find in other downtowns in similar communities to
18 St. Charles, they may have a much smaller district
19 where that applies. They may have a few-block area
20 where they -- the zoning district only allows a very
21 limited type of uses because that's considered the core
22 of downtown.

23 But there are examples of this type of
24 regulation in an overlay district elsewhere but it's

1 not extremely common.

2 MEMBER KESSLER: The reason I'm getting
3 there is that on the face of it I understand what
4 you're doing, and, frankly, your pros and cons are, I
5 think, spot on. It is a cumbersome process. It seems
6 as though we've written an ordinance that promotes --
7 I'm going to use the word retail, not just necessarily
8 customer but retail-type uses, and now we're setting a
9 mechanism in place that we can adjust it if we want to
10 instead of having an ordinance in place that requires
11 or that promotes office uses and putting a mechanism in
12 place that you could have some retail. And it would
13 seem to me that neither of them are ideal and that
14 we're kind of controlling or dictating the market for a
15 large area of downtown.

16 I'm not convinced that the retail issue that
17 we're trying to promote here is the result -- or the
18 problem with the retail downtown is the result of the
19 economy. St. Charles in all the years that I have
20 lived here and all the years I know of it has never
21 been the retail mecca. I mean, it just never has been.
22 And to try and promote it, I understand it, but we've
23 taken a large swath of downtown.

24 So I guess my question would simply be this.

1 I understand that there's an immediate need to do
2 something, that there are some businesses that would be
3 suitable in downtown. I like the suggestion Sue made
4 that in some more visible areas like Main Street that
5 perhaps you try and make those stay. Because it is a
6 look. I mean, of course, we're after a look.

7 But is there some way that perhaps this thing
8 should be completely redone?

9 MR. COLBY: That is a possibility. I
10 think the approach that we are taking is giving this
11 change a try and seeing how it works. You know, sort
12 of -- the option that's always on the table is the City
13 could just decide to eliminate the overlay district
14 altogether. I think the concern is because there was
15 so much effort put into getting this established and
16 putting the boundaries in place, it would be very
17 difficult to reestablish it if it was taken out because
18 it was introduced as a part of the new zoning ordinance
19 which enabled the City to designate the district at
20 that time.

21 If the overlay district were taken away and
22 was pursued in the future, each of those properties
23 would have to be rezoned, basically, to have them added
24 to the district which is -- it would be very difficult

1 to establish a recent district. I don't think there
2 would be support to do that.

3 MEMBER KESSLER: I understand that and
4 that makes perfect sense. Practically it would be
5 difficult and I'm not suggesting to eliminate the
6 overlay district but perhaps to write the ordinance so
7 that it's not heavily weighted toward retail or heavily
8 weighted toward office so that you could say in this
9 area we want customer traffic. We write very specific
10 ordinances about the types of uses that are allowed in
11 certain zoning districts, and this could be its own
12 zoning district.

13 My only concern with what you're suggesting --
14 frankly, I'm glad you're doing it, and I will support
15 this but my concern is this: It is cumbersome for
16 staff. I have confidence that you guys could handle
17 it. You guys aren't going to be here forever, and some
18 day if this is sitting in place and some new staff
19 comes in and doesn't understand it or didn't realize
20 the motivation behind it isn't going to monitor it
21 properly or at all, or if they do, they're going to
22 misapply it. So having these kinds of things in place
23 to me should be temporary.

24 MR. COLBY: I understand your concern.

1 The other thing to consider is even with
2 regular zoning regulations not considering a
3 certification process, but just with our normal zoning
4 restrictions on uses, we don't have a foolproof way to
5 monitor when new businesses occupy a space. We do the
6 best we can based on information we have when we found
7 out about things.

8 So in some ways this will make it a little
9 easier for us to figure out who was allowed to occupy
10 the space and who wasn't because otherwise we would
11 have no opportunity to find out when someone is moving
12 in. And, similarly, we couldn't approach the business
13 after the fact once they moved in and say, you know,
14 "You didn't contact us to see if you met the criteria."
15 If we establish this approval process, we know we can
16 say you didn't apply for this and you're required to.

17 So what we're hoping to do is track these
18 things a little bit better than we would if we didn't
19 have the process, but I agree it's more of a -- the way
20 this is set up, it is really more of a short-term fix
21 to try and see how this works. And then maybe in the
22 longer term a better way to structure it is where we're
23 not requiring the certification.

24 But we certainly want to see what this

1 results in, if anything, before we make those kinds of
2 significant changes to the ordinance because it would
3 impact other sections of the ordinance in terms of how
4 we categorize uses.

5 MEMBER KESSLER: And I see that two years
6 is kind of the time frame that you want to monitor
7 this, so in that period of time it's possible that this
8 could be completely rewritten so it's not weighted
9 either way.

10 MR. COLBY: Right.

11 MEMBER DOYLE: Russ, I assume you've
12 looked at other examples of this certification process.
13 Are there examples used elsewhere in other
14 municipalities?

15 MR. COLBY: There really aren't. This is
16 fairly unique.

17 MEMBER DOYLE: In that case I'll change
18 my question.

19 Going back to the issue of sequential leases
20 for the same business, is it conceivable, practical,
21 and advisable that we could put some sort of
22 stipulation in the language that would prohibit a
23 certification from transferring from lease to lease if
24 the duration of the lease is in excess of a certain

1 amount? I mean, I wouldn't want to do this on a
2 three-year lease or five-year lease, but if someone
3 signs a 15-lease and the type of business' long-term
4 leases, we could be making the decision here with a
5 single certification that could persist 30, 40,
6 50 years.

7 Maybe if the business is successful in that
8 way we want to renew it anyway, but it seems like one
9 of the outcomes that you're trying to achieve here is
10 to give the City flexibility to revisit this and undo
11 this if conditions are different are different in the
12 future.

13 So my question is, is it possible to add, is
14 it possible and advisable to add some sort of a
15 stipulation that would prevent those sequential
16 long-term leases from being certified.

17 MR. COLBY: I think we probably could put
18 something in the ordinance that stated a certain
19 duration, but I think we'd have a difficult time
20 enforcing that or tracking the terms of the individual
21 leases.

22 In the event that someone did without our
23 knowledge enter a lease for a longer term, I'm not sure
24 if the City would really have the standing to compel

1 them to leave the space based on a zoning violation.
2 That's probably a question for our legal counsel, but
3 it's something we want to avoid really getting into the
4 leases entirely because we don't see it as something
5 that, you know, we really have the ability to enforce.

6 MEMBER DOYLE: And I'm not suggesting
7 that the City get involved in the lease. I'm
8 suggesting a stipulation that says certification shall
9 terminate or shall be subject to review at the end of
10 any long-term lease in excess of 15 years.

11 MR. COLBY: Probably the way to do that
12 would be to put a time limit on the certification.
13 Then we'd sort of stay out of getting into the terms of
14 what the lease is.

15 MEMBER DOYLE: Except that if you say
16 that the certification terminates at 12 years and
17 someone says, "Well, I signed a 15-year lease with this
18 person," what are you going to do at that 12-year mark?
19 What I'm suggesting is you'd simply say it's going to
20 terminate whenever the lease is over. It keeps the
21 City out of the lease details and it simply says you
22 can't automatically -- certification doesn't
23 automatically renew in that case.

24 I guess, you know, the other question I have

1 for other Commissioners is, is this something that the
2 other Commissioners see as a concern and that any other
3 Commissioners would be interested in investigating
4 further or am I making --

5 MEMBER KESSLER: Well, I can answer that.
6 It is a concern and while we were talking about it I
7 think that's what I was trying to point out. I
8 understand what staff has done here, and I understand
9 and I think you've done -- I can't think of another way
10 to do it, but it's weak in many places, and that's one
11 of them. We know that.

12 I'm somewhat satisfied that that's a two-year
13 revisiting this, but, again, I guess back to the
14 underlying ordinance here is to me -- that's what
15 should be revisited, not necessarily, "Oh, should we
16 allow some office here?" I don't think it should be
17 a -- and I am going to again use the term retail
18 because that's essentially what we've done. We've
19 weighted it heavily towards retail, and we haven't
20 weighted it heavily towards office, but it could be
21 somewhere in the middle.

22 But I think there's a number of things, that
23 be one of them. A red flag goes off in my head when we
24 say we're going to set up this process to administer

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1 this thing, something we don't administer now. You
2 keep going and we won't have enough staff -- we
3 don't now.

4 So I guess to answer your question, Brian, I
5 would have to say that if we were to say yes to this,
6 we would have to have the same faith that we have in
7 other ordinances that say, if you change this or if you
8 move or if you remodel, you have to meet the new
9 criteria. You could say in here that these lapse --
10 these are only going to last for three years. You're
11 not going to be able to monitor it, and the only way
12 you're going to know that something occurs is if
13 someone comes to the City and says, "Oh, we want to put
14 a new door in or do some remodeling."

15 But I think we could do something like put a
16 time limit on how long these are in place. You aren't
17 going to kick anybody out if they go beyond it if you
18 don't know, but at least you'll know that there was a
19 time limit.

20 MEMBER SCHUETZ: Well, I think you both
21 bring up some very interesting points. However,
22 correct me if I'm wrong, Tim, but you're saying --
23 which I agree with you -- right now it's weighted
24 towards retail and maybe now we're swinging the other

1 direction.

2 MEMBER KESSLER: No, I don't think that.

3 MEMBER SCHUETZ: But we don't have any
4 stipulations on time frame now for retail, do we?

5 MEMBER KESSLER: That's my point. My
6 whole point is that I don't know -- I mean, I don't
7 think the underlying ordinance is correct because it's
8 heavily weighted toward retail, and no, there is no
9 time because that's the ordinance.

10 MEMBER SCHUETZ: So why do we have it for
11 office?

12 MEMBER KESSLER: Because they're not
13 allowed at all.

14 MEMBER SCHUETZ: I understand that
15 but . . .

16 MEMBER KESSLER: My suggestion would
17 be -- and I understand that we have an immediate need
18 here, and it's probably something that can't be done
19 quickly, but what we should do is revisit the
20 underlying ordinance and come up with the zoning for
21 this overlay district that says these are the things
22 that it will allow and for these reasons, instead of
23 having a retail ordinance that we're putting a
24 provision in that you can apply for office use.

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1 MEMBER SCHUETZ: Is that done because --
2 I think I heard you say it's just way too difficult to
3 go back and redo the entire overlay ordinance. Is that
4 what I heard you say?

5 MR. COLBY: Yes. But if what you're
6 suggesting is at some point we would make some type of
7 office uses just permitted uses in the future, that's
8 something that's easy to do, but I think the thought
9 was this is sort of an in-between step just to see how
10 this goes.

11 MEMBER KESSLER: And that's what I agree
12 with. It's an in-between step to see how it goes. I'm
13 okay with that. I can live with that.

14 Again, I say I don't believe that the 2006
15 ordinance is the reason we do or don't have retail in
16 St. Charles. We don't have it because the market
17 doesn't want it or doesn't support it.

18 MEMBER AMATANGELO: Well, if this is a
19 trial, I guess you'd call it trial period, why is it
20 that we couldn't say that during that period of time if
21 someone new was to come in that at that point you limit
22 all leases to two-year leases. Then you get --

23 MEMBER SCHUETZ: They'd have to
24 monitor that.

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1 MEMBER KESSLER: As a business owner, I
2 would have a real hard time with that. I don't even
3 know if it's legal.

4 MEMBER AMATANGELO: At that time should
5 there be changes --

6 MEMBER KESSLER: I think about the only
7 thing the City could do, the government could do would
8 be to say this is the use that's allowed, and it's
9 allowed for this period of time.

10 MEMBER DOYLE: Even that I don't think we
11 can state that it's allowed for a certain period of
12 time. The best we could do is say that if some
13 business owner, some property owner engages in a
14 50-year lease with a business, and at the conclusion of
15 the 50-year lease certification ends.

16 MEMBER AMATANGELO: Do we happen to know
17 how many years a typical lease is?

18 MEMBER KESSLER: Three to five.

19 MEMBER AMATANGELO: So how unusual is it
20 to have a 15- or 10-year lease?

21 MEMBER KESSLER: It depends on the
22 company. If it's a big established company, they would
23 do it.

24 MEMBER AMATANGELO: Do we have any?

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1 MEMBER KESSLER: We certainly don't have
2 any in downtown St. Charles, and I don't think we
3 ever have.

4 MEMBER SCHUETZ: What's the harm of
5 having office space? Sure we want retail but if the
6 market doesn't support that --

7 MEMBER KESSLER: That's my point of
8 rewriting the ordinance so that it's weighted equally
9 towards both.

10 But, Brian, to speak to you, I think the
11 ordinance could say that this certification that you
12 acquire through application for an office, it's only --
13 we could put a sunset on it easily.

14 MR. COLBY: I would want to check with
15 our legal counsel about that because typically with
16 zoning approvals, you know, they stick with the
17 business or with the property. And I'm not sure -- we
18 would have to write into the ordinance a reason why
19 there's a time limit on it and justify why -- at the
20 point that it expires why the conditions were different
21 to require them -- to say the business can't stay. And
22 that's difficult to do because zoning approvals, once
23 they're made, they last in perpetuity for the most part.

24 So I think we'd have difficulty

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1 substantiating why we would approve it in the first
2 place if two years later we would say no.

3 MEMBER KESSLER: That makes sense. Two
4 things come to mind when he says that. One is that I
5 suppose we're taking a bit of a risk here by saying
6 let's try this and see if it works.

7 Secondly, if a business goes in there and
8 signs a five-year lease and is successful for
9 five years, God bless them. Hope they stay, hope they
10 sign another five.

11 MEMBER AMATANGELO: I still go back to
12 the exemption of Main Street. There are a lot of
13 locations around that are great to put in businesses,
14 medical office, whatever, but I think the main corridor
15 of our town is the face of our town, and we should
16 allow that to remain the way it is.

17 And the company that I work for, clearly we
18 support independent retailers, so we're studying
19 independent retailers constantly. And from all the
20 things that we have seen, we understand that the
21 upcoming generations, the X and Y generations are all
22 going back to the smaller independently owned and
23 operated companies because they understand the value of
24 keeping their storefronts filled in their communities.

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1 So we're already seeing that happening as far as the
2 step away from the big box stores into the more
3 personalized independent retailers.

4 So I would say things change. Things change
5 quickly in retail. We saw that from 2007 to now. They
6 can change just as quickly back based on what we're
7 seeing. So, again, I'd like to keep the downtown area
8 retail if we can.

9 MEMBER KESSLER: When you say "downtown
10 area," what do you mean?

11 MEMBER AMATANGELO: Main Street.
12 Main Street.

13 MEMBER DOYLE: Mr. Chairman, I have a
14 comment on that, but I'm wondering if we want to hold
15 off on Commissioner comments until we turn it over to
16 questions from the public.

17 CHAIRMAN WALLACE: Well, let's see if any
18 member of the audience has any questions.

19 Are there any? Yes, ma'am.

20 MS. SCHWARTZ: I'm Lynn Schwartz,
21 S-c-h-w-a-r-t-z. I'm the executive director with the
22 Downtown St. Charles Partnership. I just want to go on
23 record saying we've had a chance to review the proposed
24 changes and that our organization is in support of the

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1 changes that are being proposed this evening.

2 CHAIRMAN WALLACE: Thank you. Any
3 other -- oh, go ahead. Were you sworn in?

4 MS. O' LEARY: Yes. Sharon O' Leary, O
5 apostrophe -l-e-a-r-y.

6 CHAIRMAN WALLACE: And what's your
7 address?

8 MS. O' LEARY: 114 Carol Road,
9 St. Charles.

10 I'd just like to make a comment. I'm a local
11 real estate commercial broker representing several of
12 the properties in the downtown area. Right now I can
13 name three or four current clients that I have that are
14 looking to do the more office-type use. So I'm
15 definitely in favor. You know, in dealing with the
16 property owners that I represent, we would really like
17 to have the changes, this amendment, and I think it
18 would be good for our downtown.

19 In particular, the one use we're looking at I
20 think would be very good for downtown it's going to
21 bring a lot of people. It's not a retail use. It's an
22 interesting concept. So that's what --

23 MEMBER KESSLER: Well, now you've opened
24 the door. What industry?

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1 MS. O' LEARY: I think we can say because
2 it's public knowledge. It's called coworking. It's
3 The Hauser Group in downtown St. Charles, who is a
4 current tenant downtown, and we're doing this coworking
5 concept.

6 It's just kind of a new concept. It's mainly
7 in urban areas, but she wants to bring it to the
8 downtown and be able to bring people that want to work
9 out of their home -- it's open office space and you
10 basically rent. You're a member kind of like a gym and
11 you rent space, and it's kind of a community.

12 The reason she wants to do it is it's going
13 to be a big part of the community. We're going to
14 cater lunches from our local restaurants. People that
15 come are going to shop in our downtown. It's really a
16 cool concept, and she wants St. Charles to be her
17 first -- it's called Catalyst Coworking.

18 MEMBER KESSLER: Different than Regus.

19 MS. O' LEARY: Regus is similar but
20 definitely different. You're not going to have
21 individual offices; you're going to have open office
22 space. There's private offices if you want them, but
23 you'll be able to kind of just go in -- kind of a
24 coffee shop almost. We'll have networking events and

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1 speaking events, training, things like that. It's going
2 to be a community-oriented-type shared office space.

3 MEMBER KESSLER: Can you tell us any
4 other industries that have approached you for space
5 downtown?

6 MS. O' LEARY: Dental offices,
7 chiropractors, that type.

8 MEMBER KESSLER: Medical?

9 MS. O' LEARY: Counseling services, I know
10 they got the exemption down on -- I think it's
11 11 East Main they got the exemption.

12 We also represent the property at
13 314 West Main. I know we've got an exemption there
14 which is good. We've got some office-type clients
15 looking at that property.

16 The biggest issue I see -- and I work a lot
17 with retail users, too. I'm working with some retail
18 users possibly for 117 West Main, and you always get
19 the flack about parking; there's not enough parking.
20 But there's plenty of parking; it's just you can't
21 drive into the space and walk into that business.

22 MEMBER KESSLER: We had an interesting
23 discussion about if you lived in the city, you would
24 park in the parking lot and go down five levels and

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1 walk two blocks to where you're going, but we can't do
2 that here. You have pull right up in front.

3 MS. O' LEARY: This concept is really kind
4 of cool, and we've identified a few spaces in the
5 downtown that we'd like to move forward with.

6 I guess my question for Russ is we approach
7 you and what the process is to get the exemption, and
8 how long would that process take?

9 MR. COLBY: The exemption process we're
10 proposing would be an administrative process. So it
11 would be through staff only. There would be no approval
12 process necessary either before Plan Commission or
13 before the City Council.

14 Basically, when the ordinance is approved, we
15 would have that list of criteria, and we would ask the
16 potential business to demonstrate how they're going to
17 meet that criteria through whatever kind of information
18 they can submit about their business practices, sort of
19 a summary of what they do, maybe a floor plan showing
20 how they intend to utilize the space. And we would be
21 able to review that probably within a matter of a week
22 or two and determine if it meets the criteria or follow
23 up with the business in terms of if we needed more
24 information or wanted to discuss some aspect of it.

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1 But because it would be a staff-level process,
2 the actual review and approval would be in a short
3 time frame.

4 MS. O' LEARY: Thank you.

5 CHAIRMAN WALLACE: All right. Any other
6 questions from the public?

7 (No response.)

8 CHAIRMAN WALLACE: Brian, do you have a
9 comment?

10 MEMBER DOYLE: I wanted to just provide a
11 counterargument to Sue's concern about Main Street.

12 I don't know how many vacancies there are
13 right now on Main Street. I know there are a couple.
14 There's a vacancy just west of The Filling Station on
15 the north side of the street.

16 Part of the rationale that I understand
17 here -- and if it's not in the staff report I think it
18 should be -- is that it doesn't help the downtown
19 district at all if there are numerous vacancies that
20 people see and the business community, whether they're
21 retail or office, view downtown as dead. So I think
22 that given the amount of vehicular traffic on
23 Main Street, if there are too many vacancies that are
24 on Main Street that are not being filled by retail, it

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1 nothing else, then if the Plan Commission feels they
2 have enough evidence to make a recommendation, I guess
3 a motion to close the public hearing would be in order.

4 MEMBER DOYLE: I move to close the public
5 hearing.

6 MEMBER HENNINGSON: Second.

7 MEMBER SCHUETZ: It's been moved and
8 seconded.

9 Discussion on the motion.

10 (No response.)

11 MEMBER KESSLER: Amatangelo.

12 MEMBER AMATANGELO: What am I voting on?

13 CHAIRMAN WALLACE: To close the public
14 hearing.

15 MEMBER AMATANGELO: Yes. I just had to
16 make sure.

17 MEMBER KESSLER: Schuetz.

18 MEMBER SCHUETZ: Yes.

19 MEMBER KESSLER: Doyle.

20 MEMBER DOYLE: Yes.

21 MEMBER KESSLER: Henningson.

22 MEMBER HENNINGSON: Yes.

23 MEMBER AMATANGELO: Wallace.

24 CHAIRMAN WALLACE: Yes.

1 MEMBER KESSLER: Kessler, yes.

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

5 PROCEEDINGS CONCLUDED AT 8:03 P.M.

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

4 I, Paula M. Quetsch, Certified Shorthand
5 Reporter No. 084-004299, CSR, RPR, and a Notary
6 Public in and for the County of Kane, State of
7 Illinois, do hereby certify that I reported in
8 shorthand the proceedings had in the above-entitled
9 matter and that the foregoing is a true, correct,
10 and complete transcript of my shorthand notes so
11 taken as aforesaid.

12 IN TESTIMONY WHEREOF I have hereunto set my
13 hand and affixed my Notarial Seal this 11th day of
14 November, 2013.

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Certified Shorthand Reporter
Registered Professional Reporter



My commission expires
October 16, 2017

1 S63198B

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

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

5

6 In Re the Matter of:)
)
7 General Amendment - Chapter)
17.14, Business and Mixed)
8 Use Districts, Chapter)
17.24, Off-Street Parking,)
9 Loading & Access, and)
Chapter 17.26, Landscaping)
10 and Screening pertaining to)
requirements for existing)
11 parking lots and requirements)
for public street frontage)
12 landscaping.)

13

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15 REPORT OF PROCEEDINGS

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Council Chambers
17 2 East Main Street
St. Charles, Illinois 60174

18

19 November 5, 2013
8:04 p.m.

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24 Reported by: Paula M. Quetsch, CSR, RPR
Notary Public, Kane County, Illinois

1 PRESENT:

2 MR. TODD WALLACE, Chairman;

3 MR. TIM KESSLER, Vice Chairman;

4 MS. SUE AMATANGELO, Member;

5 MR. BRIAN DOYLE, Member;

6 MR. CURT HENNINGSON, Member; and

7 MR. TOM SCHUETZ, Member.

8 ALSO PRESENT:

9 MR. RUSSELL COLBY, Planning Division Manager; and

10 MR. MATTHEW O'ROURKE, Planner.

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1 CHAIRMAN WALLACE: Item 5 is General
2 Amendment, City of St. Charles, Chapter 17.14 "Business
3 and Mixed Use Districts", Chapter 17.24 "Off-Street
4 Parking, Loading & Access" and 17.26, "Landscaping and
5 Screening" pertaining to requirements for existing
6 parking lots and requirements for public street
7 frontage landscaping.

8 Again, this is also a public hearing, as was
9 Item 4 on our agendas. It's -- all the same procedures
10 and rules apply.

11 If there is anyone who wishes to offer
12 testimony or ask any questions -- we swore them before
13 but we'll do it again just because it's a separate
14 public hearing. So anyone who wishes to ask questions
15 or offer testimony.

16 (Two witnesses duly sworn.)

17 CHAIRMAN WALLACE: Thank you. And just
18 remind you to wait to be recognized and speak into the
19 microphone in front stating your full name and address
20 for the record.

21 What do we have?

22 MR. O'ROURKE: Just before I get too deep
23 into this, the proposed amendments this evening have
24 two kinds of major subsections. Would you prefer that

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1 I run through it one at a time and take some questions,
2 or would you prefer that I run through the whole thing
3 at once and then come back?

4 CHAIRMAN WALLACE: I'd say let's go
5 through the whole thing.

6 MR. O'ROURKE: Okay. Sure. Just wanted
7 to make sure.

8 CHAIRMAN WALLACE: Unless anyone objects.
9 Go ahead.

10 MR. O'ROURKE: So the first kind of
11 subset of amendments we're looking at this evening deal
12 with yard setback, what happens in yards that abut
13 major arterials and kind of the setbacks and what
14 happens when parking lots come in for basically
15 repaving.

16 What we've seen over the years is property
17 owners, they've had the existing property for a long
18 time, and they want to come in and repave their parking
19 lots when they've deteriorated. And when they do that,
20 especially the way the ordinance works is if you are
21 demolishing more than 50 percent of that parking lot,
22 then you have to kind of meet all the standards of the
23 current ordinance. And this can be problematic and
24 creates space issues. There's not always enough room

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1 to provide the landscaping that's required.

2 What we've seen is often it's very hard to
3 meet the requirements of the ordinance. In particular
4 we have conflicting ordinances that say you can't
5 reduce your number of off-street parking spaces below
6 what's required in the ordinance, and then we have
7 landscaping requirements. So it's becoming an issue,
8 and it's something we've seen time and time again.

9 I think on another level owners -- these are
10 older parking lots that don't have as many spaces as
11 new facilities; they're built on smaller lots. Owners
12 really value these spaces. I mean, it's very important
13 to maintain them; they're important for their tenants
14 to make sure they have enough spaces for their
15 customers.

16 And, also, we're looking at this in terms of
17 the new comprehensive plan. Some of the commercial
18 policies in particular state that staff should examine
19 our ordinances in the older areas to promote some new
20 green space and come up with new ways to do that, and
21 in the newer developed areas it seems like there's too
22 much landscaping.

23 Based on staff's experience with working with
24 these permits we're taking this opportunity to bring

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1 some of these amendments and rectify some of these
2 issues.

3 Instead of just kind of explaining this, I
4 think it's a little easier visually.

5 This is one property on East Main Street. I
6 looked at this one in particular because it has an
7 overabundance of parking spaces per our ordinance.
8 There's 73 existing where there's 49 required. Once we
9 start -- if we wanted to repave the whole thing, once
10 we start adding this whole thing up --

11 MEMBER KESSLER: I have to ask a
12 question. When was this picture taken?

13 MR. O'ROURKE: This is a 2012 aerial
14 photo.

15 MEMBER KESSLER: This is before the --

16 MR. O'ROURKE: Correct. This is before
17 the construction.

18 MEMBER KESSLER: Where is it now?

19 MR. O'ROURKE: The sidewalk is virtually
20 in the same place. This was not widened.

21 MEMBER KESSLER: Sorry. Didn't mean
22 interrupt.

23 MR. O'ROURKE: That's fine. It's a
24 legitimate question. This was not affected by that.

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1 The property line didn't move too much, so we still
2 have a pretty similar situation.

3 So once that 20-foot setback that's required
4 in the zoning district was enacted, that results in a
5 loss of eight spaces. And then when you see the
6 interior green space -- and staff looked at this as,
7 basically, each space is 162 square foot. How did they
8 get to the number that would be required, you know, for
9 10 percent of the lot. So we added that up, and in
10 this particular case it works out to 17 spaces.

11 So you're talking about a pretty significant
12 decrease in the number of off-street spaces to meet
13 this ordinance, and, basically, after these requirements
14 are met, you'd be at 48, which puts you at one below
15 the minimum of the zoning ordinance requirement for a
16 restaurant in this particular case.

17 Staff has seen this pattern over and over and
18 over again.

19 This is another example. This property owner
20 came recently to redo their parking lot for both
21 properties that you see here, and it's kind of a shared
22 parking situation. Once again, the existing
23 conditions -- it was developed a long time ago --
24 28 spaces are required by the zoning ordinance.

1 There's 41 on-site currently, but the 20-foot setback
2 comes into play, then the green space requirements for
3 the interior of the parking lot, and then once it's
4 said and done, they're reduced to 23 off-street parking
5 spaces, once again below the minimum that would be
6 required by the zoning ordinance.

7 So what staff has done is kind of looked at a
8 few sections of the ordinance comprehensively. In
9 particular there's language in our off-street parking
10 Chapter 17.24 that talks about existing facilities.

11 What we're proposing is that when it's an
12 existing parking lot and they're just either
13 resurfacing or reconstructing, which means you tear
14 everything down to the gravel and you put in new
15 pavement, we're basically stating that you can have a
16 parking reduction of 50 percent of what the underlying
17 zoning district requires. So in this case 20-foot
18 would be reduced to 10-foot.

19 So you'd have some leeway to work with some
20 of that existing parking space, but staff looked at it
21 and said there needs to be some incentive to work with
22 the property owners and help reduce it, but based on
23 what was approved in the comprehensive plan and
24 previous conversations with the plan before that, staff

1 wanted to make sure that some landscaping gets put in.

2 The other part of this is that we've modified
3 the landscape chapter to basically say that interior
4 parking lot green space requirement would not have to
5 be met in this condition only, when it's for these
6 situations where it's just redoing an existing parking
7 lot. As stated here in the slide, it would not apply
8 to a situation where you're demolishing a building and
9 starting from scratch. That isn't what this amendment
10 is about.

11 So like Advanced Auto Parts on the east side
12 of town, that would not be eligible because they razed
13 the whole building. It's strictly for existing parking
14 lots that are in need of repair.

15 MEMBER SCHUETZ: Can you repeat that
16 again as far as existing, the old parking lots? Is
17 there -- you said something about landscaping and you
18 kind of went through that quickly.

19 MR. O'ROURKE: I'm going to highlight
20 that a little bit more on the next slide just to show
21 you what I'm talking about. One of the sections that
22 is being proposed to be amended through the ordinance --
23 through the proposed measures is what happens to the
24 front landscaping, that setback.

1 I'll just go right to -- this is what the
2 existing conditions would be if a property owner comes
3 in for a parking lot permit. They'd have to meet these
4 standards. Under the proposal you'd see that front
5 setback reduced from 20 feet to the 10 feet, so they
6 would only lose in that case one parking space because
7 there's actually enough space including that 10-foot
8 setback to redo this strip of -- basically, you could
9 move these a little further north, and you'd be able to
10 retain these parking spaces.

11 They would have to meet this 10-foot setback
12 in that case, and then they'd also have to install some
13 landscaping per ordinance. We're proposing some
14 amendments to that section, so I didn't want to get
15 into the quantities too much. But, essentially, the
16 amendment is saying the setback gets reduced in half,
17 you don't have to do the interior parking lot
18 landscaping which would be removing those spaces out of
19 the interior highlighted in green here. But as a
20 tradeoff there has to be some landscaping that does get
21 put in along the corridor so as people drive by there
22 is some aesthetic benefit which is what the main
23 purpose of the ordinance was.

24 So this is kind of a tradeoff between the

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1 existing standards and the relief that's being proposed.

2 MEMBER KESSLER: Can you tear out
3 existing interior landscaping?

4 MR. O'ROURKE: No. The way this is
5 written if it's already there, it has to stay unless
6 it's not required as part of the requirement. So if
7 you have 12 percent interior, you can get rid of the
8 2 percent.

9 The second amendment that's being proposed
10 this evening deals with that landscaping that's along
11 public streets. In 2010 staff brought forward a public
12 street frontage landscaping amendment. At that time
13 there were no standards for what quantities needed to
14 be placed along street frontages. Staff presented some
15 amendments that basically had some requirements.

16 After the last three years of working with
17 this, staff has found that they're a little too
18 restrictive, require too much landscaping. And, also,
19 looping back to what I stated earlier with the
20 comprehensive plan, that basically said we should
21 reevaluate these ordinances.

22 We're doing that and what we found is at the
23 time in 2010 we thought this made some sense that there
24 would be one shade tree for every 40 lineal feet of

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1 frontage, two evergreens or ornamentals, and you'd have
2 this sort of nice pattern of trees. In this view it
3 sort of made sense when staff did the analysis and
4 looked at a lot of these properties. You'd also be
5 required to do some screening in front along there for
6 smaller bushes and shrubs.

7 One of the first steps we did was see what
8 our other surrounding communities were doing. We found
9 that our ordinances were more restrictive than all of
10 our contemporary surrounding communities. They range
11 but typically a lot less than what we're requiring here
12 in St. Charles.

13 One I wanted to highlight was this is a plan
14 for McDonald's that was approved recently, and they
15 actually did receive a deviation through the PUD to not
16 have to put any ornamental trees along Main Street.
17 They did do some other landscaping in exchange for in
18 this case. But as staff reviewed this plan, we noted
19 that, boy, we're requiring an awful lot of landscaping
20 in just a 10-foot-wide strip along Main Street.

21 Just to highlight that, here are the shade
22 trees that would be required, here are the ornamental
23 trees that would be required, and then here's the
24 evergreen. And these trees are set to be a little bit

1 transparent, but in real life you'd see this wall of
2 landscaping if all those trees were required to be put
3 in. So as staff looked at this, we sort of said, boy,
4 this is a lot.

5 So the proposal is simply to reduce those
6 standards. We're proposing that one shade, ornamental,
7 or evergreen tree be required for every 50 lineal feet.
8 So pick which one makes most sense based on your
9 design. We wanted to incorporate a little bit of
10 flexibility there. So if evergreens need to go in the
11 corner or around the sign, it's basically set up so you
12 can do that.

13 We're not proposing any other changes except
14 we've modified the language to increase some incentives,
15 some bonuses for what we call areas of visual interest.
16 So in the ordinance currently if you put in a berm, a
17 wall, or a fence, there's a reduction up to 40 percent
18 of the requirements of the ordinance. So you can
19 reduce the total amount of landscaping along the street
20 by 40 percent. We've also put in these areas of visual
21 interest.

22 Just to highlight a couple of quick examples,
23 this is from Iowa on a trip I was on recently I saw
24 these great fountains that they put on the corners of

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1 this office park development. So I'd say that's visual
2 interest. That's kind of what we're talking about.

3 This is just a short little quick design
4 concept staff came up with along the street. You might
5 be able to fit in a kind of public, quasi-public
6 seating area with a statue of Charlemagne just to
7 create something visual. The goal here is to create a
8 little more hardscape. Of course, trees grow and
9 become a little gangly. Bushes don't always stand up
10 to the salt from plowing and things like that. So
11 staff is really looking at encouraging some more
12 hardscape, so more permanent elements.

13 And that concludes staff's remarks.

14 MEMBER SCHUETZ: I just had one on your
15 previous slide. You say one shade tree. Are you
16 saying one shade tree, one ornamental or one evergreen,
17 or are you saying "and"?

18 MR. O'ROURKE: It's "or." Basically,
19 pick which one for every 50 feet. One tree is required
20 for every 50 feet.

21 MEMBER SCHUETZ: Makes sense but the way
22 it's written I read that differently.

23 MR. O'ROURKE: I can clean that up. But
24 one tree is required per every 50 feet.

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1 MEMBER SCHUETZ: Now, when you say
2 ornamental, I know what it is, but I'm just saying, is
3 it stipulated -- I know it's stipulated, isn't it?

4 MR. O'ROURKE: There's a list and it
5 identifies what's an ornamental, what's a shade tree.

6 MEMBER KESSLER: Do you have any idea how
7 many of the east-side plats are going to be affected
8 by this?

9 MR. O'ROURKE: Essentially, any parking
10 lot that's out there that doesn't meet our current
11 standards would be affected by this. We didn't do a
12 total tally of how many there are. There's a number.
13 I can tell you just from staff's perspective, I've
14 worked with numerous property owners on similar just
15 resurfacing permits, and this issue is constantly there
16 for the older properties, anything that was really
17 developed before 2000. It's something we're always
18 running into, and that's one of the reasons we're
19 bringing the ordinance over.

20 MEMBER DOYLE: Are there cases where this
21 relaxation will -- so like in the case that you showed
22 before where it will reduce it to 49 -- 48, it was just
23 by 1. So that was -- that example is interesting
24 because it -- they can nearly make it comply with the

1 new restrictions and the new requirements except for
2 one space.

3 So I know there are a couple of other
4 considerations such as the fact that the property owner
5 may decide to let the lot deteriorate rather than fix
6 it, which doesn't beautify anything. But setting that
7 aside for a second, is it practical to have some sort
8 of structure in place that would say, basically, if
9 you're going to do this and -- where we're going to
10 give you -- basically, we're going to reduce the
11 interior landscaping requirements to the point that you
12 can meet the parking requirement but not eliminate it
13 entirely? Basically, we will -- we're going to allow
14 you to -- we're not going to make you reduce the amount
15 of parking spaces so that you're not out of compliance
16 with this ordinance, so we'll grant you that one.

17 MR. O'ROURKE: Sure. It certainly could
18 be structured that way, and staff could look at that.
19 One of the reasons I picked this example to highlight
20 is these are parallel spaces along the side of the
21 building that would be removed. This lot is very
22 linear, and it's very hard to reconfigure. That's one
23 of the reasons I highlighted and one of the reasons we
24 stayed away from a requirement like that because these

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1 properties are so varied, it would be very hard to kind
2 of consistently figure that out.

3 MEMBER DOYLE: So it's not just the
4 square footage; it's also the configuration of the lot?

5 MR. O'ROURKE: Right. The way this
6 parking lot is laid out, this whole area here isn't
7 parking spaces, but it counts as the interior of the
8 parking lot. Just the configuration alone is one of
9 the reasons the interior parking spaces is so -- that
10 requirement is so large. And this is typical in these
11 older lots. They were just developed in this sort
12 of way.

13 MEMBER DOYLE: Let me go at this a
14 different way.

15 Is there any kind of incentive the City can
16 put in place that would encourage property owners to
17 install the interior landscaping where it's possible
18 but not -- but you know -- so, basically, go with your
19 proposal but -- the reason why you're asking about East
20 Main Street is that's where a lot of these would go.
21 Mostly I think I agree with the idea that it's along
22 the parkway where most of -- where it's most visible.

23 MEMBER KESSLER: Can I ask you a
24 question? I want to make sure I understand what you

1 were initially suggesting.

2 Were you initially suggesting that a
3 mechanism be in place to leave it at 20 feet if you
4 were within a certain number, a variance for the
5 parking space instead of reducing the frontage?

6 MEMBER DOYLE: This example just sort of
7 strikes me as an example where it almost works. It's
8 short by one space. And how many examples are there
9 where it's close, and it's just simply a matter of
10 giving them some latitude to make it work?

11 Now, the configuration argument makes sense
12 to me, as well.

13 MR. O'ROURKE: It's a combination of all
14 those things.

15 MEMBER DOYLE: It's why I come back to
16 the idea of incentives. Is there a way to encourage
17 property owners to do this that doesn't impose a
18 restriction that is easy for staff to manage? Because
19 I don't want to -- can you follow on the last
20 conversation that this is really just --

21 MEMBER KESSLER: Difficult to administer.

22 MEMBER DOYLE: -- difficult to
23 administer. So a similar solution probably is best
24 particularly if it ends up beautifying the parkway.

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1 MEMBER SCHUETZ: Main Street?

2 MEMBER DOYLE: The part that's visible
3 from the street, yeah.

4 But I hate to just give up on some of this
5 interior landscaping because on the east side it's
6 really needed, and if there's some way to provide an
7 incentive that would encourage business owners to do
8 that, I think it would be worth considering.

9 MR. O'ROURKE: It's something staff can
10 take a look and see what we can come up with.

11 MEMBER SCHUETZ: We want to enforce but
12 we want to be careful they don't just patch the entire
13 parking lot and, therefore, they won't have to do
14 anything.

15 MR. O'ROURKE: That's part of what we're
16 running into is that the ordinance doesn't let you do
17 that until these requirements kick in, once you get to
18 50 percent, you're nonconforming and you've demolished
19 50 percent of your parking lot. Now you have to comply
20 with the code, and then they can't meet the parking
21 standards.

22 MEMBER DOYLE: And that's why I'm not
23 inclined to meddle with your proposal because I think
24 you've thought about this and are looking for something

1 that balances all of these factors.

2 MR. O'ROURKE: It's an ordinance
3 amendment -- I think I can speak for Russ and myself --
4 we've kicked around at least for the last two to three
5 years because it's just a constant concern.

6 MEMBER KESSLER: Matt, you made the
7 comment when you started out that this is something
8 you've continually revisited and made adjustments to?

9 MR. O'ROURKE: In terms of the ordinance
10 amendments?

11 MEMBER KESSLER: Right.

12 MR. O'ROURKE: No, this is the first time
13 that staff has proposed any ordinance amendments to
14 these criteria. What I was referencing is we've had
15 these permits come in many times and we've talked about
16 this. It's a constant sort of issue that just
17 resurfaces especially on the older developed properties
18 in town.

19 MEMBER KESSLER: If you reduce it to
20 10-foot setback, how difficult would it be to amend the
21 ordinance back to 20?

22 MR. O'ROURKE: It would be another
23 ordinance amendment. They would retain that legal
24 nonconforming status at 10 feet if anything went in

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1 that time frame between the two ordinance amendments.

2 It's important to note, too, that other
3 districts have setback standards and it's 50 percent.
4 So BL would go from 10 to 5, which I think would help a
5 few property owners out, or in the manufacturing
6 district it's like 40 to 20. It kind of swings
7 both ways.

8 MEMBER KESSLER: So we're bringing
9 everything in now?

10 MR. O'ROURKE: Anything that there's an
11 existing parking lot. This isn't -- Main Street is
12 where this is most visible, but it's certainly not
13 unique to just the commercial districts. The older
14 manufacturing properties in town, same issue. I even
15 had one in downtown where this same issue came up.
16 It's just a recurring theme over and over again.

17 CHAIRMAN WALLACE: All right. Anything
18 else from the Plan Commission?

19 (No response.)

20 CHAIRMAN WALLACE: Members of the
21 audience.

22 MR. SHIPMAN: Jim Shipman, S-h-i-p-m-a-n.
23 I'm at 2540 East Main Street, Jersey Mike Subs. I'm a
24 business owner there, and I lease the property from

1 this wonderful lady here.

2 We opened our store, our business there in
3 April of 2011 right before construction started.
4 Fantastic, lines out the door, the whole bit, great
5 reception from the community; we did some wonderful
6 stuff with the schools, et cetera, and we have been in
7 the realm of 9 percent down for the 12 months preceding
8 that opening and this year we're running about 8 percent
9 down off of that. Pretty significant numbers, if
10 you will.

11 We went in under the agreement when Melia and
12 I signed the lease that we were going to sink some
13 money into that building. I don't know if any of you
14 recall the Subway that was there, and the old monument
15 sign that was there. So we got rid of that. I built
16 the patio out front to give it a nicer look, being very
17 concerned with how the building would be perceived by
18 the customers driving by. It's in everybody's best
19 interests. Right?

20 And we had it written into our lease that
21 once the Route 64 project was done that the landlord
22 would indeed resurface the lot for us because it's in
23 pretty bad shape. I've got cars daily that are, you
24 know, clunking around in there and it's not a

1 good thing.

2 So we set out to get this done before spring
3 hit so that come spring 2014 I could go into the
4 business year with confidence that we have Route 64
5 done; we have a turning lane; I've got my parking lot
6 looking beautiful; the building is painted; my signage
7 looks great; I can get back to doing what I know how to
8 do. And Matt came out and Bob Vann and informed us
9 that we can't do this right now, "You don't meet the
10 criteria."

11 To me, I'm going how can the businesses
12 endure what we've endured and have this bureaucracy, if
13 you will, and this ordinance. And I understand the
14 reason for it, and I'm all in favor of green space.
15 But as Matt pointed out, we're talking about existing
16 buildings that were built a long time ago under certain
17 situations. They zoned and laid buildings out on
18 properties differently back then than they do now, and
19 this ordinance would be for existing buildings. If
20 it's torn down, then it goes back to the 20-foot
21 setback. You've got your green space.

22 In Melia's situation -- and I'll let her
23 speak to this, but I'm just going to point it out, in
24 the adjoining parking lot where Bosa Donuts is, it's

1 going to eliminate all the front parking spaces of that
2 building. Again, an ordinance that I understand from
3 the green space standpoint makes the parkway look
4 better, but you've got to look at the impact of
5 eliminating parking spaces directly in front of a
6 business.

7 And back to the other amendment we were
8 talking about earlier with regards to these folks and
9 downtown business, parking does matter. Let me tell
10 you, I've been in retail for 35 years and it matters.
11 If people can pull right up front, you've got a better
12 chance of getting their dollars into your business.

13 So from our standpoint when Matt came out and
14 Bob and they said, "You know, we have this amendment
15 we're looking at," we felt like hey, this is a win-win;
16 this is great. We can get it done, possibly get our
17 parking lot done this year, maybe not. I told Melia,
18 "I'll stick by you. If you want to wait until spring
19 and go through the amendment process, we can do it."

20 So without pontificating anymore, I just want
21 it say that I think for businesses that are existing in
22 this area that have this kind of centralized on their
23 lots, the 10-foot setback makes a lot of sense, and the
24 reduced interior green space, and the reduction in the

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1 amount of foliage, as well. I own a store in Geneva,
2 and I've got to tell you, we're blocked out by
3 evergreens that the City enforced. I mean, you can't
4 even see the businesses with evergreens growing
5 up there.

6 As a commission, I challenge you to think
7 about that aspect and the variables that you can enact
8 to help the businesses in this community succeed, and
9 visibility is a huge part of retail.

10 Okay. That's it. Any questions for me?

11 MEMBER HENNINGSON: Hi, Jim.

12 MR. SHIPMAN: Hi, Kurt. How are you?

13 MEMBER HENNINGSON: So you're in favor of
14 this ordinance?

15 MR. SHIPMAN: I am. I think it would
16 help particularly the older businesses along the east-
17 side corridor. I'm not familiar with the manufacturing
18 areas throughout the town, but this is a reasonable
19 solution I think that's going to help at least give
20 people options who want to do something to beautify the
21 property.

22 I mean, we want to -- Melia's willing to pay
23 to tear up that parking lot and redo it. It's going to
24 look great. Along with my patio it's going to look

1 awesome.

2 MEMBER KESSLER: Did the roadway move
3 closer to the property with reconstruction of
4 Main Street?

5 MR. SHIPMAN: The roadway at that point
6 did not move any closer. The sidewalk stayed where it
7 was. They redid the sidewalk.

8 MEMBER KESSLER: And this proposed change
9 to the ordinance would still require trees on the
10 10-foot. Is that a problem for you?

11 MR. SHIPMAN: Not for the first
12 five years. Once they get bigger it will be. But, you
13 know, having one tree every 50 feet, I think that
14 that's reasonable, yeah. And I'm all in favor of some
15 green scrape.

16 MEMBER SCHUETZ: They could be pruned up.
17 I don't mean obnoxiously.

18 MR. SHIPMAN: They can, certainly the
19 deciduous trees. You get into conifers and that's a
20 hindrance to retail.

21 MEMBER HENNINGSON: Thanks for your
22 comments and your common sense perspective.

23 CHAIRMAN WALLACE: Any other questions,
24 comments?

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1 Go ahead.

2 MS. LINARDOS: Hi. My name is
3 Melia Linardos, L-i-n-a-r-d-o-s, 550 Renee Court in
4 Geneva.

5 All these properties that you are looking up
6 here are ours, the Kacheres'. We've owned them for
7 60-some plus years. Corfu, which is this one right
8 here, has been around for 30, 35 years, same owner,
9 same restaurant. The gas station property was taken
10 from us by IDOT sadly, so now everything -- that Shell
11 is probably not per code at this point anyway because
12 of all the stuff that was taken.

13 What we want to do is really plead with you
14 guys that these guys cannot afford to lose spaces.
15 Bosa Donuts, they are hurting very bad for how many
16 years. You know, the construction just made it
17 miserable. They are a quiet little donut shop that's
18 been around since the '90s, and to lose those spaces in
19 front would just be a hardship. And what would happen?
20 They would leave. We wouldn't even be able to rent it
21 out because we're not going to be in conformance for
22 the two plats that are right there, and I don't know
23 how that will help anybody when the City is desperate --
24 and I really mean desperate to fill these spaces

1 downtown.

2 We're trying. Wendy's left. That was a big
3 surprise for us, a big hit, but it's an opportunity now
4 that we can make everything look nicer there and we're
5 working on it. It takes a lot of money, it takes a lot
6 of time. The parking lot alone for the Bosa Donuts/
7 Jersey Mikes \$60,000 for us to rip that up.

8 Part of the problem is when you have this
9 landscaping, people do not take care of it. That is a
10 sad state of what it is but it is true. Our streets
11 look nice here, but that is the City of St. Charles
12 making this corridor look nice. When you are out by
13 us, you are at the whimsy of the people that are
14 renting the places out, and it's a hard thing to do.
15 And even for safety, how is that figured for pulling in
16 and out for the bushes? I don't know.

17 MR. O'ROURKE: I'm not sure I understand
18 the question.

19 MS. LINARDOS: Well, if you are setting
20 back another 10 feet, are those bushes going to be in
21 the way to see where cars or pedestrians are walking,
22 all of that?

23 MR. O'ROURKE: We do have ordinance
24 requirements that state bushes can only be a certain

1 height within that what we call a sight triangle, which
2 is that area where vehicles would be entering and
3 exiting.

4 MS. LINARDOS: And for 10 feet, what
5 could you really put there? I mean, like what types of
6 things? 20 feet, I can see where a lot can be done in
7 20 feet. 10 feet I don't know.

8 MR. O'ROURKE: There's a lot of species
9 that would work. Perennials mostly, grasses that would
10 probably work within 10 feet and certainly would meet
11 the ordinance requirements.

12 MS. LINARDOS: Because what the problem
13 is is even our pavement man, he's like, "There's ways
14 around everything," unfortunately. You know, we could
15 do this in four sections. So then we would not be
16 hitting that mark of the 50 percent. It's not anything
17 that we would want to do because, A, it's more costly,
18 but I can't knowingly lose that many spots for these
19 older places that are there. I mean, that we can't
20 change. We had a lot more frontage property 60 years
21 ago, but, obviously, that keeps getting less and less
22 because IDOT just takes regardless of what you want to
23 do or not do.

24 So it really does need to take into

1 consideration a lot of this when it is these older
2 places that have been there. There are successful
3 businesses that have been there, longevity is there and
4 we're here. I mean, our longevity is here, also.

5 MEMBER KESSLER: Are you for this
6 ordinance or against it?

7 MS. LINARDOS: I am absolutely for the
8 ordinance for the 10-foot. I don't necessarily agree
9 with the interior space.

10 MEMBER KESSLER: Landscaping?

11 MEMBER DOYLE: You mean eliminating it?

12 MS. LINARDOS: The interior? This is the
13 first that I've heard of the interior. We never
14 discussed it when we were looking at Bosa Donuts and
15 Jersey Mikes for the interior. We discussed the
16 20-foot setback.

17 MEMBER DOYLE: The proposal in front of
18 us is to take away the requirement for interior
19 landscaping.

20 MS. LINARDOS: I agree with removing the
21 interior landscaping.

22 MEMBER KESSLER: Is there anything we
23 could do to require the land owners to be responsible
24 for the landscaping -- I'm kidding because we want it.

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1 I understand the retail, I understand the work that you
2 have to do, but I can tell you right now the last thing
3 any of us wants, including you, is a Main Street devoid
4 of landscaping. You don't want it.

5 So you have to work with -- you have to work
6 with your tenants and make sure that we have some
7 minimum of -- I mean, it's in the ordinance now and
8 it's being reduced, but I think it's important that we
9 maintain some landscaping on our main streets.

10 MS. LINARDOS: It's a hard thing to take
11 care of because you've got so many different owners,
12 not just me -- I mean, we're the Taco Bell up to
13 Jersey Mikes, and some of it when it is a land-only
14 situation, you can't touch it.

15 MEMBER KESSLER: You have all kinds of
16 covenants in your leases.

17 MS. LINARDOS: Absolutely. I mean,
18 Taco Bell wouldn't want us to do anything because it's
19 a land-only situation. They're in control of
20 everything.

21 MEMBER KESSLER: So you're in favor
22 of it --

23 MS. LINARDOS: Of the modifications.

24 MEMBER KESSLER: -- as proposed?

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1 Thank you.

2 MS. LINARDOS: Thank you.

3 CHAIRMAN WALLACE: Any other questions,
4 comments?

5 MEMBER DOYLE: I had a question for staff
6 on what we were talking about earlier.

7 MR. O'ROURKE: Sure.

8 MEMBER DOYLE: Just out of curiosity, if
9 the Commission were to consider recommending for
10 approval of this proposal and also recommending that
11 the staff and the City explore business incentives to
12 maintain interior landscaping where it does not
13 conflict with the parking requirements, what sort of
14 tools would be at the City's disposal to do that?

15 MR. O'ROURKE: As it relates to this
16 proposal, further reductions to the setback along the
17 front property line would be an incentive I would
18 think. This proposal has already sort of got that
19 worked in.

20 MEMBER DOYLE: And I'm not saying --
21 suggesting a modification of the proposal.

22 MR. O'ROURKE: We'd have to work within
23 the framework of what's been advertised as the sections
24 we're amending. So we're talking about the landscaping

1 chapter, the off-street parking chapter, and the
2 business mixed-use chapter for that.

3 MEMBER DOYLE: Is there something that
4 the Commission could recommend as a separate item, as a
5 separate action item just to say we without condition
6 recommend the approval of this proposal, and in
7 addition, we encourage the staff and the planning and
8 development community to explore ways to incentivize
9 businesses to maintain internal landscaping where
10 possible but not as a condition of our recommendation?

11 MR. O'ROURKE: Basically, the Commission
12 would be asking staff to explore that as a separate
13 issue in the future?

14 MEMBER DOYLE: Or business and economic
15 development department.

16 MR. O'ROURKE: So you're not strictly
17 talking zoning incentives?

18 MEMBER DOYLE: No, any kind of --

19 MR. O'ROURKE: Staff can certainly do
20 that. I think that's one of the reasons staff came up
21 with those areas of visual interest, trying to
22 incentivize -- you know, do less in one area and
23 something more impactful -- even if it's smaller in
24 terms of lineal presence, it just has a bigger impact.

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1 So I think that's in line of what --

2 MEMBER DOYLE: I don't want to complicate
3 this proposal.

4 MR. O'ROURKE: I think it's a point well
5 taken. Staff should definitely look at it.

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

8 (No response.)

9 CHAIRMAN WALLACE: Is there a motion to
10 close the public hearing?

11 MEMBER AMATANGELO: So moved.

12 MEMBER SCHUETZ: Second.

13 CHAIRMAN WALLACE: Moved and seconded.
14 Any discussion on the motion?

15 (No response.)

16 MEMBER KESSLER: Amatangelo.

17 MEMBER AMATANGELO: Yes.

18 MEMBER KESSLER: Schuetz.

19 MEMBER SCHUETZ: Yes.

20 MEMBER KESSLER: Doyle.

21 MEMBER DOYLE: Yes.

22 MEMBER KESSLER: Henningson.

23 MEMBER HENNINGSON: Yes.

24 MEMBER KESSLER: Wallace.

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1 CHAIRMAN WALLACE: Yes.

2 MEMBER KESSLER: Kessler, yes.

3 CHAIRMAN WALLACE: All right. That
4 concludes Item 5 on your agendas.

5 Item 6, General Amendment, City of
6 St. Charles, Chapter 17.14 Business and Mixed Use
7 Districts regarding permitted and special uses and
8 exemption in the downtown overlay district. Is there
9 any motion?

10 MEMBER KESSLER: Yes. I would make a
11 motion to recommend approval to City Council on a
12 general amendment to Chapter 17.14, Business and Mixed
13 Use Districts regarding permitted and special uses and
14 exemption in the downtown overlay district.

15 MEMBER DOYLE: Second.

16 CHAIRMAN WALLACE: It's been moved and
17 seconded. Any discussion on the motion?

18 (No response.)

19 CHAIRMAN WALLACE: All right. Tim.

20 MEMBER KESSLER: Amatangelo.

21 MEMBER AMATANGELO: No.

22 MEMBER KESSLER: Schuetz.

23 MEMBER SCHUETZ: Yes.

24 MEMBER KESSLER: Doyle.

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1 MEMBER DOYLE: Yes.

2 MEMBER KESSLER: Henningson.

3 MEMBER HENNINGSON: Yes.

4 MEMBER KESSLER: Wallace.

5 CHAIRMAN WALLACE: Yes.

6 MEMBER KESSLER: Kessler, yes.

7 CHAIRMAN WALLACE: All right. That
8 motion passes by a 5 to 1 margin, and that concludes
9 Item 6 on the agenda.

10 Item 7, general amendment, City of
11 St. Charles, is there a motion?

12 MEMBER KESSLER: Can I ask, Brian, would
13 you like to make a motion to include that separate item
14 that you were suggesting?

15 MEMBER DOYLE: I would do it as a
16 separate motion.

17 MEMBER KESSLER: I would make motion to
18 recommend approval of a general amendment to the City
19 of St. Charles 17.14, Business and Mixed Use Districts,
20 Chapter 17.24 Off-Street Parking, Loading & Access, and
21 Chapter 17.26, Landscaping and Screening pertaining to
22 requirements for existing parking lots and requirements
23 for public street frontage landscaping.

24 MEMBER AMATANGELO: Second.

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1 CHAIRMAN WALLACE: All right. It's been
2 moved and seconded. Discussion on this motion?

3 (No response.)

4 MEMBER KESSLER: Amatangelo.

5 MEMBER AMATANGELO: Yes.

6 MEMBER KESSLER: Schuetz.

7 MEMBER SCHUETZ: Yes.

8 MEMBER KESSLER: Doyle.

9 MEMBER DOYLE: Yes.

10 MEMBER KESSLER: Henningson.

11 MEMBER HENNINGSON: Yes.

12 MEMBER KESSLER: Wallace.

13 CHAIRMAN WALLACE: Yes.

14 MEMBER KESSLER: Kessler, yes.

15 CHAIRMAN WALLACE: All right. That
16 motion passes unanimously.

17 Is there another motion on this item?

18 MR. O'ROURKE: Maybe it would be better
19 to make that as more of a formal comment under
20 additional business instead of attaching it to --

21 MEMBER HENNINGSON: A recommendation?

22 MR. O'ROURKE: Either way.

23 MEMBER DOYLE: Does it make a difference?

24 MR. O'ROURKE: I didn't want to tie it to

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1 any sort of formal resolution because I wouldn't know
2 how to forward that on.

3 MR. COLBY: If it's a comment, we can
4 simply forward it along with the recommendation and
5 present it as a recommendation.

6 MEMBER DOYLE: It's not something I want
7 to attach to the last motion. I just think that, you
8 know, we're making reasonable modifications to setbacks
9 and landscape requirements to promote business
10 development, but the beautification issue is still
11 prominently mentioned in the plan. So while we're
12 doing that, I think that if there are any tools that
13 are at the disposal of the staff or the economic
14 development department to --

15 MR. O'ROURKE: I thought of one that I
16 can tell you about after the meeting. There actually
17 are some mechanisms in place to do some of those
18 things. I didn't think of it while I was standing
19 up there.

20 MEMBER SCHUETZ: I did. I didn't think
21 it was appropriate to mention it.

22 CHAIRMAN WALLACE: All right. Item 8 on
23 your agenda, meeting announcements, November 19th,
24 December 3rd, December 17th. As of now, are there any

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1 other meetings that are not going to be happening.

2 MR. COLBY: I don't think we have
3 anything scheduled for any of those dates at this point.

4 CHAIRMAN WALLACE: But you'll let us know
5 regarding cancellation?

6 MR. COLBY: Yes.

7 CHAIRMAN WALLACE: All right. Any
8 additional business from Plan Commission members?

9 (No response.)

10 CHAIRMAN WALLACE: Staff?

11 (No response.)

12 CHAIRMAN WALLACE: Tim?

13 MEMBER KESSLER: No.

14 CHAIRMAN WALLACE: Citizens?

15 (No response.)

16 CHAIRMAN WALLACE: All right. Is there a
17 motion to adjourn?

18 MEMBER KESSLER: So moved.

19 MEMBER SCHUETZ: Second.

20 CHAIRMAN WALLACE: In all favor.

21 (Ayes heard.)

22 CHAIRMAN WALLACE: Opposed.

23 (No response.)

24 CHAIRMAN WALLACE: St. Charles Plan

1 Commission is adjourned at 8:49 p.m.

2 PROCEEDINGS CONCLUDED AT 8:49 P.M.

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