

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, MARCH 18, 2014**

Members Present: Tim Kessler, Vice Chairman
 Brian Doyle
 Steve Gaugel
 Curt Henningson
 Tom Pretz
 Tom Schuetz

Members Absent: Sue Amatangelo
 Todd Wallace, Chairman
 James Holderfield

Also Present: Matthew O'Rourke, Economic Dev. Division Mgr.
 Russell Colby, Planning Division Mgr.
 Rita Tungare, Director of Community & Economic Dev.
 Christopher Tiedt, Development Engineering Division Mgr.
 Court Reporter

1. Call to order

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

2. Roll Call

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

3. Presentation of minutes of the March 4, 2014 meeting.

A motion was made by Mr. Doyle, seconded by Mr. Schuetz and unanimously passed by voice vote to accept the minutes of the March 4, 2014 meeting.

PUBLIC HEARING

4. General Amendment (City of St. Charles)

Requirements for the regulation of Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

A motion was made by Mr. Doyle to close the public hearing. Seconded by Mr. Schuetz

Roll Call Vote:

Ayes: Henningson, Kessler, Schuetz, Gaugel, Pretz, Doyle

Nays:

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Absent: Amatangelo, Wallace, Holderfield
Motion carried: 6-0

MEETING

5. General Amendment (City of St. Charles)

Requirements for the regulation of Medical Cannabis Cultivation Centers and Medical Cannabis Dispensing Organizations

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Mr. Doyle to approve the General Amendment as described in the Staff Memo dated 3/18/2014 with the condition that Medical Cannabis Dispensing Organizations also be listed as a Permitted Use in the BR Regional Business District. Seconded by Mr. Gaugel.

Roll Call Vote:

Ayes: Henningson, Kessler, Schuetz, Gaugel, Doyle
Nays: Pretz,
Absent: Amatangelo, Wallace, Holderfield
Motion carried: 5-1

6. The Quad St. Charles (Charlestowne Mall PUD)(SC 3800 Main, LLC)

Application for PUD Preliminary Plan

- Site Plan dated 3/14/14
- Preliminary Engineering Plan dated 2/26/14

Application for Final Plat of Subdivision

- Final Plat dated 2/25/14

The attached transcript prepared by Chicago Area Real Time Court Reporting is by reference hereby made a part of these minutes.

Motion was made by Mr. Doyle to approve the PUD Preliminary Site Plan, Preliminary Engineering Plan, and the Application for Final Plat of Subdivision. Seconded by Mr. Schuetz.

Roll Call Vote:

Ayes: Kessler, Schuetz, Gaugel, Doyle, Pretz
Nays: Henningson
Absent: Amatangelo, Wallace, Holderfield
Motion carried: 5-1

7. Meeting Announcements

Tuesday, April 8, 2014 at 7:00pm Council Chambers

Tuesday, April 22, 2014 at 7:00pm Council Chambers

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Tuesday, May 6, 2014 at 7:00pm Council Chambers

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

9. Adjournment at 7:50PM.

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

BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Public Hearing on General)
Amendment: Requirements)
for the Regulation of)
Medical Cannabis)
Cultivation Centers and)
Medical Cannabis)
Dispensing Organizations.)

CONTINUED REPORT OF PROCEEDINGS
PUBLIC HEARING

St. Charles City Hall
2 East Main Street
St. Charles, Illinois 60174
March 18, 2014
7:00 p.m. to 7:13 p.m.

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

1 PRESENT:

2 MR. TIM KESSLER, Acting Chairman;

3 MR. BRIAN DOYLE, Member;

4 MR. STEVE GAUGEL, Member;

5 MR. CURT HENNINGSON, Member;

6 MR. TOM PRETZ, Member; and

7 MR. TOM SCHUETZ, Member.

8
9 ALSO PRESENT:

10 MR. RUSSELL COLBY, Planning Division Manager;

11 MR. MATTHEW O'ROURKE, Economic Development,
12 Division Manager;13 MR. Christopher Tiedt, Development Engineering,
14 Division Manager; and15 MS. RITA TUNGARE, Community & Economic Development,
16 Director.
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**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

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1 CHAIRMAN KESSLER: Good evening. This
2 meeting of the St. Charles Plan Commission will come to
3 order.
4 Gaugel.
5 19:00:36 MEMBER GAUGEL: Here.
6 CHAIRMAN KESSLER: Schuetz.
7 MEMBER SCHUETZ: Here.
8 CHAIRMAN KESSLER: Doyle.
9 MEMBER DOYLE: Here.
10 19:00:37 CHAIRMAN KESSLER: Henningson.
11 MEMBER HENNINGSON: Here.
12 CHAIRMAN KESSLER: Pretz.
13 MEMBER PRETZ: Here.
14 CHAIRMAN KESSLER: Kessler, here.
15 19:00:45 The third item on the agenda is presentation
16 of the minutes from March 12th, 2014, meeting. Can I
17 have a motion to approve?
18 MEMBER DOYLE: So moved.
19 MEMBER SCHUETZ: Second.
20 19:00:56 CHAIRMAN KESSLER: All in favor.
21 (Ayes heard.)
22 CHAIRMAN KESSLER: No. 4 on our agenda
23 is a continued public hearing on general amendment
24 requirements for the regulation of medical cannabis

**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

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1 cultivation centers and medical cannabis dispensing
2 organizations.

3 We met on this on --

4 MR. O'ROURKE: It would have been
5 19:01:22 February 4th, I believe, and then it was continued at
6 our last meeting.

7 CHAIRMAN KESSLER: And continued at the
8 last meeting for today, and we had asked the staff to
9 provide additional information.

10 19:01:34 I want to say before we start, is there
11 anybody that intends to speak at the public hearing?

12 (One witness duly sworn.)

13 CHAIRMAN KESSLER: And are you going to
14 present for us?

15 19:01:51 MR. O'ROURKE: Just a couple quick items
16 to go over.

17 CHAIRMAN KESSLER: Okay. Go ahead.

18 MR. O'ROURKE: So the last time that we
19 discussed this item at the last open public hearing was
20 19:02:02 the Plan Commission specifically asked for
21 clarification, one, from legal counsel on certain items
22 about where and how these medical cannabis-related uses
23 could be permitted and, specifically, if the zoning
24 district allowed any sort of residential use, could it

**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

1 be conceivably still be permitted there or just not
2 at all.

3 We did have legal counsel look at that, and
4 they basically said no, if the underlying zoning
5 19:02:29 district allows for any sort of residential use, no
6 matter what that might be, it would not, in his
7 opinion, allow medical cannabis-type use.

8 So what staff did is created this table here.
9 We sort of put together by zoning district what
10 19:02:43 residential uses, if any, are allowed. This is all
11 included in the staff report.

12 So really what it leaves us with is
13 two options. There is the BR regional business
14 district and then the M2 limited manufacturing
15 19:03:00 district, which is where these uses were already
16 proposed in the first place.

17 Staff did not amend the proposal that was
18 presented last time since I wasn't sure if there was
19 any real conclusion on that, but based on the
20 19:03:11 information I thought we'd have some more discussion
21 about that this evening. So the staff proposal is the
22 same. Everything is still included in the M2 limited
23 manufacturing district.

24 We did change the public notice for the last

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PUBLIC HEARING - MEDICAL CANNABIS**

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1 meeting in case you did want to have it in the
2 community business district area, then you have the
3 ability to do that.

4 So that kind of concludes everything I was
5 19:03:30 going to present this evening.

6 CHAIRMAN KESSLER: Okay. Plan Commission
7 questions?

8 MEMBER SCHUETZ: Can you clarify -- you
9 said the business district?

10 19:03:40 MR. O'ROURKE: Sure. Basically, the
11 last time that this amendment was published in the
12 paper for public dissemination, we have to list all the
13 chapters that we're amending. That was not -- the
14 BR district is part of business community districts,
15 19:03:55 and mixed uses was not advertised to be amended. So we
16 advertised the notice in case that was something the
17 Plan Commission wanted to do this evening.

18 MEMBER SCHUETZ: Thank you.

19 MEMBER DOYLE: On the top of page 6 you
20 19:04:10 note that many properties in the BR district are also
21 planned unit developments. In many instances the PUDs
22 have specific use lists approved as part of the PUD.
23 Therefore, dispensing organizations are proposed to
24 amend the PUD to permit the use in that PUD.

**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

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1 Was that a factor in your decision to
2 maintain the proposal as it was originally formulated?

3 MR. O'ROURKE: No. Staff basically put
4 this information in there for the Plan Commission's
5 19:04:42 information. Just as we were going through the
6 analysis, we noticed that this is one extra thing that
7 would be, you know, something that would have to be
8 dealt with if one of these uses was proposed in the
9 BR regional business district. Just wanted to make
10 19:04:57 sure that it was known. It didn't really affect
11 staff's decision on the proposal, per se.

12 MEMBER DOYLE: Is there anything unusual
13 about the need to propose an amendment to a PUD?

14 MR. O'ROURKE: No. Just that any
15 19:05:11 amendment would have to make findings of fact in order
16 to amend the use list. It's something that essentially
17 staff and the Plan Commission and the City Council
18 would have to consider on a case-by-case basis just
19 like any use that would be added to any PUD.

20 19:05:27 MEMBER DOYLE: One more final question
21 on that item.

22 Is there any precedent for an omnibus motion
23 submitted by staff to amend all the PUDs in the BR
24 district?

**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

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1 MR. O'ROURKE: No. You'd have to notice
2 these things like any special use to all the property
3 owners within 250 feet and all those statutory
4 requirements that we'd have to fulfill. So you
5 19:05:55 couldn't just carte blanche do that.

6 MEMBER DOYLE: I have another set of
7 questions regarding the findings of fact.

8 CHAIRMAN KESSLER: Do you have a question?

9 MEMBER GAUGEL: No.

10 19:06:09 CHAIRMAN KESSLER: I'd just like to get
11 something clarified, and then we can go ahead with that.

12 When we say now that it's BR and M2, that was
13 not original? That's not how it was presented to us
14 originally; is that correct?

15 19:06:25 MR. O'ROURKE: No. And staff's proposal
16 has not changed. All this chart does is show what
17 districts do not have any residential uses permitted by
18 record.

19 CHAIRMAN KESSLER: And then as further
20 19:06:35 clarification, these two districts would deal
21 specifically with dispensing facilities as opposed
22 to both?

23 MR. O'ROURKE: That would be more of a
24 discussion for the Plan Commission to have. As staff

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PUBLIC HEARING - MEDICAL CANNABIS**

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1 has proposed it, both uses are still limited to the M2,
2 limited manufacturing district only. Staff has not
3 amended the proposal in terms of the staff material.

4 CHAIRMAN KESSLER: But I guess my
5 19:07:01 question is, in our map in St. Charles in this BR
6 district are there places where you couldn't have -- I
7 mean, you couldn't put a cultivation facility because
8 of its proximity to those things that are --

9 MR. O'ROURKE: Sure. I'll pull those
10 19:07:21 maps up real quick.

11 CHAIRMAN KESSLER: I think that there's
12 two different things here that we're discussing, and I
13 just want to clarify.

14 MR. O'ROURKE: Sure.

15 19:07:28 So this is the map that demonstrates the
16 2500-foot buffer area for the cultivation centers. So
17 it's a little hard to make out on the screen, but if
18 you see these areas that have this yellow shade to it,
19 those would be within 2500 feet from a residentially
20 19:07:45 zoned property or daycare, et cetera. So anything with
21 this yellow tinge to it, you couldn't have one there by
22 State law.

23 So for cultivation centers, that essentially
24 creates a little area over here in this darker brown

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1 zoning district, which is M2. And this doesn't entirely
2 show the buffer area. I think, as we explained last
3 time, there are some residential properties that are
4 not in our City's information. So you'd have to draw
5 19:08:11 another one of these 2500-foot marks in this direction.
6 So really you're looking at about this area.

7 CHAIRMAN KESSLER: That's cultivation?

8 MR. O'ROURKE: That's for cultivation
9 centers.

10 19:08:22 CHAIRMAN KESSLER: To be clear,
11 regardless of the additional information that you
12 collected or the opinion that you got from John McGuirk,
13 those are still the only places that we believe in our
14 zoning map that will allow cultivation centers; is
15 19:08:31 that right?

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

17 CHAIRMAN KESSLER: Then it stands to
18 reason this new information tells us that in the
19 BC district the only thing that might be allowed would
20 19:08:42 be a dispensing center; is that correct?

21 MR. O'ROURKE: That's correct. I have a
22 separate map. This is the same concept. These yellow
23 areas denoted on this map are where a dispensing
24 organization could not be located.

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1 CHAIRMAN KESSLER: That's BR; correct?

2 MR. O'ROURKE: Correct. You see in the
3 BR district there are certainly a lot more of these
4 properties without kind of yellow hue over them.

5 19:09:08 CHAIRMAN KESSLER: Okay. Thank you.

6 MEMBER DOYLE: So based on our
7 conversation at the last public hearing on this topic,
8 it's my sense that a number of Commissioners are
9 interested in considering BR as an additional permitted
10 19:09:29 use for a dispensary.

11 I think the item on the findings of fact on
12 page 7, Item No. 4 really speaks to the germane issue
13 here. That item read -- the top finding of fact is,
14 "to The extent to which the proposed amendment would be
15 19:09:54 in the public interest and would not serve solely the
16 interest of the applicant," and the finding of fact as
17 drafted is, "The amendment has been proposed by the
18 City of St. Charles in response to State law providing
19 reasonable zoning regulation consistent with public
20 19:10:10 interest," and the reasonable part is the word that I'm
21 going to zero in on here.

22 Matt, I acknowledge this is a little bit
23 subjective, but I'm going to ask anyway. Is there
24 anything unreasonable in identifying BR districts as an

**REPORT OF PROCEEDINGS -- 03/18/2014
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1 area where cultivation -- where a dispensing
2 organization be a permitted use?

3 MR. O'ROURKE: No. I mean, as staff
4 looked at this, the word "reasonable" is used because
5 19:10:44 that's what's in the State statute, "reasonable zoning
6 standards." So if it meets the State standards and
7 meets the criteria of our zoning ordinance, it would
8 still be considered reasonable.

9 MEMBER DOYLE: Okay. I don't see in
10 19:10:58 your -- I guess the main thing for me is I don't see
11 any basis for the Commission to really ground the
12 limitation of this use to M2. I don't see an
13 affirmation that it serves the public interest or
14 protects the public welfare in any particular way.

15 19:11:23 So barring some testimony that says the
16 public welfare would be harmed by allowing this kind of
17 use in the BR district, I just don't see a basis to
18 restrict it.

19 MR. O'ROURKE: I think you could state
20 19:11:40 that from a strictly zoning standpoint.

21 MEMBER DOYLE: Is there any reason to
22 restrict it?

23 MR. O'ROURKE: No. I think what staff
24 expressed at the last public hearing was it was more

**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

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1 staff viewed this as a new use that's just coming into
2 the state that nobody has dealt with before, working
3 with the police department and other folks really felt
4 that we'd like to have this a little more limited to
5 19:12:02 begin with so we could as staff really know where these
6 are going to be located for the most part, and we
7 thought that there was a reasonable administration part
8 to that. So it went a little bit beyond just the
9 zoning, but it fit within the framework of the zoning
10 19:12:19 ordinance to do it that way.

11 MEMBER DOYLE: Administrative efficiency?

12 MR. O'ROURKE: Administrative efficiency.
13 Also, once you step out of zoning, the police department
14 wanted to make sure they had a good idea where to look
15 19:12:31 for these uses in case there are issues.

16 Those are a couple of those thoughts that
17 went into it. So that's where staff developed the
18 concept from.

19 CHAIRMAN KESSLER: Any other questions?
20 19:12:49 Anything from the audience?

21 (No response.)

22 CHAIRMAN KESSLER: All right. Do we
23 believe that we have enough information to close the
24 public hearing? If we believe that, we can close the

**REPORT OF PROCEEDINGS -- 03/18/2014
PUBLIC HEARING - MEDICAL CANNABIS**

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public hearing.

Is there a motion?

MEMBER DOYLE: I move to close the public hearing.

19:13:11 MEMBER SCHUETZ: Second.

CHAIRMAN KESSLER: All in favor.

(Ayes heard.)

CHAIRMAN KESSLER: All right. So that concludes the public hearing, and we move on to Item 5.

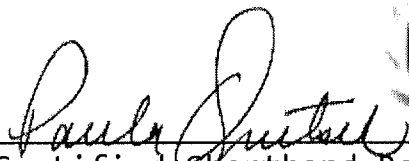
PROCEEDINGS CONCLUDED AT 7:13 P.M.

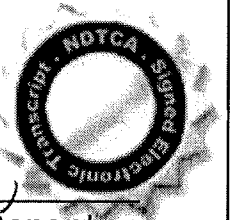
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STATE OF ILLINOIS)
) SS.
COUNTY OF K A N E)

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

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my Notarial Seal this 24th day of March, 2014.


Certified Shorthand Reporter
Registered Professional Reporter



My commission expires
October 16, 2017

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

BEFORE THE PLAN COMMISSION
OF THE CITY OF ST. CHARLES

In Re the Matter of:)
)
Plan Commi ssi on Regul ar Meeting.)

REPORT OF PROCEEDINGS
REGULAR MEETING

St. Charles City Hall
2 East Main Street
St. Charles, Illinois 60174

March 18, 2014
7: 14 p.m. to 7:50 p.m.

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

1 PRESENT:

- 2 MR. TIM KESSLER, Acting Chairman;
- 3 MR. BRIAN DOYLE, Member;
- 4 MR. STEVE GAUGEL, Member;
- 5 MR. CURT HENNINGSON, Member;
- 6 MR. TOM PRETZ, Member; and
- 7 MR. TOM SCHUETZ, Member.

8

9 ALSO PRESENT:

- 10 MR. RUSSELL COLBY, Planning Division Manager;
- 11 MR. MATTHEW O'ROURKE, Economic Development,
12 Division Manager;
- 13 MR. CHRISTOPHER TIEDT, Development Engineering,
14 Division Manager; and
- 15 MS. RITA TUNGARE, Community & Economic Development,
16 Director.

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**REPORT OF PROCEEDINGS -- 03/13/2014
REGULAR MEETING**

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1 CHAIRMAN KESSLER: Then Item 5 is the
2 item that we just spoke about in the continued public
3 hearing: General Amendment, Requirements for the
4 Regulation of Medical Cannabis Cultivation Centers and
5 Medical Cannabis Dispensing Organizations.

6 Is there any discussion from the
7 Plan Commission?

8 Go ahead.

9 MEMBER DOYLE: I have a question.

10 If we wanted to recommend for the proposed
11 general amendment with the addition of BR as a
12 permitted use for dispensing organizations, would that
13 entail directing staff to come back to us with a new
14 recommendation? Do we have the latitude at this
15 meeting to --

16 MR. O'ROURKE: You can certainly -- and
17 that's what I was alluding to with how we published the
18 public hearing, if you wanted to approve a recommended
19 approval with a condition that medical marijuana
20 dispensing centers be included in the BR regional
21 zoning district, you can do that and have it forwarded
22 to the development committee with that recommendation.

23 MEMBER DOYLE: So that could be a
24 recommendation for approval with that condition

**REPORT OF PROCEEDINGS -- 03/13/2014
REGULAR MEETING**

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1 attached?

2 MR. O'ROURKE: Correct.

3 CHAIRMAN KESSLER: Well, I would -- I
4 don't have any discussion along the Plan Commission,
5 and I would entertain a motion.

6 MEMBER DOYLE: So I would move -- I move
7 that the Plan Commission recommend approval of the
8 general amendment to zoning ordinance for medical
9 cannabis cultivation centers and medical cannabis
10 dispensing organizations as described in the staff memo
11 dated 3/18/2014 with the condition that medical
12 cannabis dispensing organizations also be listed as a
13 permitted use in the business regional district.

14 CHAIRMAN KESSLER: Do you think that
15 covers it? Okay.

16 MEMBER GAUGEL: I second.

17 CHAIRMAN KESSLER: All in favor.

18 (Ayes heard.)

19 MEMBER PRETZ: No.

20 MR. O'ROURKE: In this case why don't we
21 call the roll.

22 CHAIRMAN KESSLER: Schuetz.

23 MEMBER SCHUETZ: Yes.

24 CHAIRMAN KESSLER: Doyle.

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REGULAR MEETING**

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1 MEMBER DOYLE: Yes.

2 CHAIRMAN KESSLER: Henningson.

3 MEMBER HENNINGSON: Yes.

4 CHAIRMAN KESSLER: Kessler, yes.

5 Pretz.

6 MEMBER PRETZ: No.

7 CHAIRMAN KESSLER: Okay. So that

8 concludes Item 5 on the agenda.

9 Now we go to Item 6, The Quad St. Charles
10 Charlestowne Mall PUD at 3800 Main Street application
11 for PUD preliminary plan, and then we have the site
12 plan dated 3/14/14 and the preliminary engineering plan
13 dated 2/26/14, and there is an application for the
14 final plat of subdivision, and we have the final plat
15 dated 2/25/14.

16 Is there anything that needs to be read into
17 the record?

18 MR. COLBY: No, there's not since this
19 is not a public hearing.

20 CHAIRMAN KESSLER: Go ahead.

21 MR. COLBY: Okay. A little background
22 for the Commission.

23 I think you'll recall that back in the fall
24 the Commission reviewed and made a recommendation on a

**REPORT OF PROCEEDINGS -- 03/13/2014
REGULAR MEETING**

6

1 PUD amendment for the Charlestowne Mall PUD, and that
2 was approved by the City Council back in November.

3 So what was approved at that point was a PUD
4 ordinance that had a concept site plan with it that
5 showed the overall layout of the property. It also had
6 PUD standards exhibit, which is basically the zoning
7 and subdivision requirements that apply to future
8 development of the property.

9 So the developer is now entering into the PUD
10 preliminary plan phase where they will be presenting
11 plans for formal review and approval. So the review of
12 those plans would be against what was approved with the
13 original PUD ordinance and also the other standards of
14 the City code, including the zoning and subdivision
15 ordinance.

16 In this first presentation tonight there's a
17 few components of a preliminary plan that are being
18 presented for approval. Those are a site plan that
19 identifies where the parking lot is laid out, where the
20 building is located, pedestrian paths, and also where
21 the locations are identified for future outlying
22 builds. There's also preliminary engineering plans
23 that show how the site will be reconstructed with
24 building demolition and also the utility layout as part

**REPORT OF PROCEEDINGS -- 03/13/2014
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1 of the project.

2 The other elements of the preliminary plan,
3 which include the building architecture, landscape
4 plan, lighting photometric plan, and sign plan are
5 still being prepared at this time, and those will be
6 finalized based on the site and engineering plan being
7 approved by the City.

8 For the individual outlots, those are shown
9 now as future development, and when one of those outlots
10 is proposed for development, the developer would be
11 required to file a new preliminary plan for each of
12 those lots, and the Plan Commission and City Council
13 would have an opportunity to review those plans that
14 are proposed for those buildings.

15 Additionally, there's been a final plat of
16 subdivision application that's been submitted to create
17 a building lot for the theater building, and this was
18 contemplated when the PUD was written that individual
19 building lots could be created for the anchor stores or
20 for the outlot buildings.

21 In the staff memo there's a summary of the
22 PUD standard exhibit and how the plans that have been
23 submitted comply with that, and it's detailed in a
24 table, and it's noted where there are additional items

**REPORT OF PROCEEDINGS -- 03/13/2014
REGULAR MEETING**

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1 that will be forthcoming with later plans.

2 Additionally, staff reviewed the preliminary
3 engineering plans and provided comments on those to the
4 developer. The developer has indicated that they will
5 be able to address those outstanding comments.

6 The comments that were made are primarily
7 minor. They don't relate to site planning issues.
8 They more so relate to utility layout on the site, more
9 detailed parts of the engineering plans.

10 Based on that review, staff is recommending
11 approval of those plan documents, specifically the site
12 plan, the preliminary engineering plan, and the final
13 plat for the theater. And that would be subject to
14 resolution of the outstanding staff comments prior to
15 the City Council approving the documents.

16 We have representatives of the developer
17 here, as well, if they want to make any comments and
18 update the Commission on how the project has evolved
19 since they last saw it in the fall.

20 CHAIRMAN KESSLER: Okay. I want to be
21 clear about something here.

22 What we're discussing tonight are the
23 approval or denial of the site plan, the preliminary
24 engineering plan, and the final plat, not the entire

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1 application; is that right?

2 MR. COLBY: Correct.

3 CHAIRMAN KESSLER: And the other elements
4 of that application will come before us as they are
5 prepared?

6 MR. COLBY: Correct. We believe that
7 will be in the time frame of June, July when those
8 documents are presented to the Plan Commission.

9 MEMBER HENNINGSON: Russ, could you
10 describe changes that have been made since we last
11 saw it?

12 MR. COLBY: Sure. There's a drawing
13 that's in the staff materials.

14 It might be more appropriate to have -- this
15 is Chuck May -- maybe walk through that as part of --
16 show us background on the --

17 MR. MAY: Russ, can you get me to the
18 site plan?

19 MR. COLBY: Yes.

20 MR. MAY: Thanks. Oh, perfect.

21 Hi, I'm Chuck May, 185 Heathrow Court,
22 Lake Bluff, Illinois. I'm the project director for the
23 redevelopment of The Quad St. Charles.

24 I believe that you asked the question of

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1 what's different in this plan as opposed to what we
2 showed you.

3 For the most part the lane is almost identical
4 to what we showed you. It has been engineered to take
5 it out of a concept plan into an engineered plan, and
6 the differences are primarily in this west end and how
7 we worked this area here of the building. And it's
8 slightly different but still creates -- is intended to
9 create that village concept with outdoor-facing retail
10 tenants and restaurants.

11 There are -- there is a building here still
12 fitting in that same mode that is not attached -- so
13 this is the enclosed mall building, that area here. So
14 this building and this building are intended to be
15 attached to the mall but not really part of the
16 enclosed mall, as separate buildings, and this is what
17 we call Building A back here, and this area is similar
18 but just engineered so that things work and actually
19 function.

20 The parking is laid out as slightly different
21 but, again, because we are dealing with an engineered
22 plan as opposed to a concept plan.

23 And then probably the most significant thing
24 you might see here is prior to -- the concept plan had

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1 an entry drive coming up through here. In dealing with
2 our architects and traffic engineers, they were very,
3 very concerned about that entry drive creating a real
4 problem, a traffic problem up here. And after doing a
5 lot of analysis and soul searching, while it really
6 looked nice, we were fearful of just creating a traffic
7 nightmare for this area. This is a major entrance for
8 us, and we just felt that that would be too much going
9 on at that point in the mall.

10 So, other than that, I think that the parking
11 layout has been engineered to standards of parking
12 stalls and drive aisles so that it is -- now works well
13 with a very strong parking ratio that is actually in
14 excess of the requirements of the PUD.

15 It is our basic intent -- you see that while
16 we have planned in the concept plan for pads to be
17 developed here, in our -- what we are showing you just
18 will be graded to -- rough graded and grass at this
19 point. When buildings are -- deals are made for
20 tenants for these areas, we will be back in with those
21 buildings to present to you for your approval under the
22 PUD at that point.

23 So we're not here to ask for any approval for
24 these buildings. We're down to, basically, five, I

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1 think in the plan we are showing now.

2 So, basically, that's where we are. We're
3 moving this forward in these pieces.

4 Yes, the answer was you won't see the
5 architecture portion until July -- June, July time
6 frame, but in order to keep our process moving and even
7 though we might -- we're looking towards scheduling a
8 July groundbreaking, we're still looking to be out for
9 bidding process in the May time frame. So we would
10 like to be through our approval process, and that's why
11 we're bringing it through in sections like this so we
12 can start our grading and utility work and our demo
13 work while our architects are finishing up the drawings
14 on the overall architecture.

15 So if you have other questions, I'd be happy
16 to . . .

17 MEMBER HENNINGSON: On Retail A the
18 original plan was about 35,000 square feet, and
19 Retail B was in there at about 25,000 square feet.

20 MR. MAY: Right.

21 MEMBER HENNINGSON: Do we have the
22 square footages on these?

23 MR. MAY: Yes. The answer is I think
24 generally Building A is still in the 32-, 35,000-square-

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1 foot range. We just don't know exactly where it's
2 going to go. And Building B is in the 25- to 30,000
3 square foot range.

4 Again, our problem is that if it's a single-
5 tenant building, it may be of a certain size. If it's
6 two or three tenants, then it may be different depths.
7 So we haven't designed that yet.

8 Again, when we have tenants to occupy that
9 space, we will be in to the Commission with those
10 drawings.

11 MEMBER HENNINGSON: Are those one-story
12 or two-story buildings?

13 MR. MAY: Planned currently one-story
14 buildings. B will definitely be a one-story building.
15 I guess it's possible for this to be a two-story
16 building, but based on how we're developing the pad,
17 the probabilities are that it's a one-story building.

18 MEMBER HENNINGSON: And the commercial
19 building that's back in the northeast corner, is that
20 still existing?

21 MR. MAY: This? You mean in this corner?

22 MEMBER HENNINGSON: Yes. Uh-huh.

23 MR. MAY: To be honest, we have no plans
24 for that piece. I mean, a lot of -- we're still

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1 waiting to kind of figure out what happens behind it.
2 So we're -- that's just kind of off our plate.

3 MEMBER HENNINGSON: And then we've got
4 A and B and I understand those. Then C and D, are
5 those new?

6 MR. MAY: Pardon?

7 MEMBER HENNINGSON: C and D right under
8 A, are those new buildings?

9 MR. MAY: You know, I'm not sure in the
10 concept plan whether they might have been shown as part
11 of the enclosed mall or how they might have been shown.
12 But as we worked out the near -- the fill and how we
13 work with the Sears pad here, those buildings ended up
14 as being on pad development.

15 So I don't know if you'd call them new
16 buildings, but they still fit into the village concept
17 we're planning here. We're looking at a retailer and
18 major restaurant, again, with patio seating and that
19 sort of thing for those -- to fit that look. Do you
20 remember that look that we have? As you look down at
21 the rendering that we provided, it's trying to keep to
22 that kind of village look or urbanscape type of
23 presentation across the front of the west end.

24 MEMBER HENNINGSON: And that Building P2

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1 that was in the middle of the parking lot next to the
2 entry drive?

3 MR. MAY: That's lost.

4 MEMBER HENNINGSON: Is that because
5 there's no entry drive?

6 MR. MAY: Two things. Because there's
7 no entry drive and its placement just didn't work. We
8 either had to put it into what is Von Maur's parking
9 lot, which is in here, this area here, or we had to put
10 it where it's basically blocking the visibility of our
11 west entrance and it just -- and once we got rid of the
12 drive, it just didn't function well at all.

13 MEMBER HENNINGSON: You're removing the
14 food court?

15 MR. MAY: Yes.

16 MEMBER HENNINGSON: Was that to satisfy
17 parking requirements or satisfy the look?

18 MR. MAY: It's poorly designed. It's
19 too big and way in the back. For a food court to
20 function well, it needs to be -- I mean, it's an
21 impulse item for one, so it needs to be part of the
22 main mall. And that food court is basically coming
23 here on the second level, and it will be right over
24 this entrance right here.

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1 MEMBER HENNINGSON: And then that opens
2 up -- opening that up for parking, will that allow the
3 theater to have access there?

4 MR. MAY: Theater access will be
5 primarily through the mall entrance here and down into
6 the theater. There will be a secondary entrance not --
7 it will not be the main feature entrance for the
8 theater, but there will continue to be an entrance
9 there for the theater. They have requested that and
10 we're working with them to do that.

11 MEMBER HENNINGSON: Then I just have
12 two more questions. Is Carson's -- do you own
13 Carson's?

14 MR. MAY: Yes. We own the Carson's
15 building.

16 MEMBER HENNINGSON: So Von Maur and
17 Kohl's are privately owned?

18 MR. MAY: Correct.

19 MEMBER HENNINGSON: Then the ring road
20 that goes around the whole property, is that intended
21 to remain private, or will that be a public road?

22 MR. MAY: That's a private road with a
23 perpetual easement.

24 MEMBER SCHUETZ: I just have a few quick

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1 questions.

2 On the pedestrian areas you changed -- and we
3 talked about it last time. I wonder if you could just
4 kind of review those two areas that we changed just so
5 we understand exactly what you've done.

6 MR. MAY: Well, the center road when we
7 had the center drive, that included a pedestrian --

8 MEMBER SCHUETZ: That one's fine. I got
9 that. Upper left, bottom right.

10 MR. MAY: This area in here?

11 MEMBER SCHUETZ: Correct.

12 MR. MAY: Once we engineered where
13 everything was laying out, we then went back and looked
14 at the shortest possible route from the sidewalks
15 leading in to get into here, and that's how these all
16 got developed.

17 And here we've -- you know, working with
18 staff we went back and forth whether to put it on this
19 side or this side. We concluded that this probably
20 gave us the longest curve to -- of safety to create the
21 sidewalk, and that's how that developed.

22 This will -- this pad and how it develops will
23 determine somewhat then exactly how that gets configured
24 and the access from that pad to this walkway.

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1 MEMBER SCHUETZ: Do those walkways join
2 up with any other walks that are currently in place?
3 I'm trying to think if there's any on 64.

4 MR. MAY: There are some crosswalks
5 currently. The crosswalk now today is right here, and
6 we've always tried to push -- been pushing it -- we
7 initially had one down here. There was some question
8 about the safety of that crosswalk, but, actually, it's
9 even worse today. It's up in here.

10 So, basically, what we did, we took it down
11 here and crossed up this way.

12 MEMBER SCHUETZ: Just to try to encourage
13 pedestrian traffic, is where I'm going with it.

14 MR. MAY: Yes.

15 MEMBER DOYLE: So if I could just follow
16 on that.

17 So then I remember when we -- we looked at
18 the prelim plans twice, and the first time the
19 crosswalk was closer to the entrance drive, and then we
20 pushed it -- you pushed it a little bit farther down
21 but still in that vicinity.

22 So now you're saying you do not anticipate
23 there being a crosswalk right there where your
24 curser is?

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1 MR. MAY: Correct.

2 MEMBER DOYLE: Will it be farther down?

3 MR. MAY: It's right here.

4 MEMBER DOYLE: Right. Okay.

5 MR. MAY: And, again, putting a crosswalk
6 and putting people into this parking lot, not a
7 good idea.

8 MEMBER DOYLE: And I think that was --
9 now we have the parking requirements that those outlots
10 have to be four spaces per thousand square feet.

11 MR. MAY: This is more than that. We
12 have more than that right now. I think we're going to
13 be over 4 1/2. Working with Kohl's and Von Maur and
14 Carson's, that's kind of where their heads are at
15 4 1/2 for them. So to provide that for them we want to
16 make sure that the overall parking ratio meets their
17 requirements.

18 MEMBER SCHUETZ: And then you have
19 two other crosswalks, it looks like.

20 MR. MAY: We have one here; we have one
21 planned here; we have one here. We've looked at
22 bringing -- coming up here and things like that, but
23 this connection seems to be in crossing here and then
24 getting -- working this and up through this way, it

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1 seems the safest route for us to handle at this point.

2 MEMBER SCHUETZ: Okay. Thank you.

3 MEMBER DOYLE: I know it's a very minor
4 point in the grand scheme of things, but in the staff
5 comments on the engineering plan there was a comment
6 about pavement for a bike path. And I know you
7 indicated in your response letter that all the staff
8 comments that you agreed to reconcile. I'm just
9 curious what that -- if staff would comment what that
10 referred to and where that bike path is and what the
11 outcome would be.

12 MR. TIEDT: Sure. Essentially what it
13 was was in the demolition plan they showed the bike
14 path up in the northwest corner as being removed in the
15 demolition plan. But then when it came to the paving
16 plan, they didn't show the pavement being put back
17 there.

18 So that comment is basically a consistency
19 comment throughout the plan so when the contractor is
20 building the project, he puts in there that they put
21 the pavement back in they're proposing to remove.

22 MEMBER DOYLE: Just to ensure that the
23 bike path is to remain?

24 MR. TIEDT: Yeah, the bike path is to

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1 remain. And the note even on the demolition plan shows
2 that -- the note calls out for removal and replacement.

3 MEMBER DOYLE: Okay.

4 MR. TIEDT: But when it comes to the
5 page that shows all the pavement placement, it doesn't
6 show the path there. So it's just a minor drafting
7 error.

8 MEMBER DOYLE: Okay.

9 MEMBER GAUGEL: This question is
10 for staff.

11 In the comprehensive plan there was a
12 recommendation that came out of it from the consultant
13 to realign Foxfield Drive on the north end of the
14 property to give it more of an entrance.

15 Was that considered? Is that anything that
16 down the road you're looking at, and how would that
17 have an impact?

18 MR. COLBY: It was something we brought
19 up with the developer back when we were reviewing the
20 PUD. And Chuck can probably speak to this, but I think
21 the thought was that maintaining the existing
22 configuration behind the mall now was preferred
23 primarily because without the additional development
24 occurring on that Oliver Hoffman site there was not

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1 really a logical way to route that road.

2 I think, additionally, they had a concern
3 with the pedestrians crossing that roadway. Because
4 based on this plan as it's laid out today, the roadway
5 would likely cut through part of the parking lot. I
6 think that was their concern.

7 Obviously, at some point in the future as
8 some of the properties around the site redevelop
9 there's a potential to reconfigure that. So that
10 potential is out there, but I think the thought was
11 based on what the developer is proposing at this time
12 it didn't make sense.

13 Maybe Chuck can speak to that.

14 MR. MAY: I think that's kind of why
15 we're leaving the northeast corner alone at this point
16 in time, and to the extent that we know what happens to
17 the north of that piece, then we can speak to, you
18 know, what needs to happen.

19 We're all for getting more traffic coming
20 through the back. Obviously, that helps us a lot to
21 have cars moving through there because we want Kohl's
22 to have visibility from the road.

23 So, interesting, when 64 was under
24 construction a lot, we did get a lot of traffic back

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1 there -- hopefully it continues -- because people used
2 it to kind of cut through.

3 But until we know what's going above us, I
4 don't even know where to go with it at this point.

5 MEMBER GAUGEL: Thank you.

6 MEMBER DOYLE: Just one final question.

7 The subdivision of the lot for the theater,
8 could you just speak to what prompted that? Is it the
9 owners --

10 MR. MAY: Well, the owners are here
11 tonight and maybe -- this is Chris Johnson.

12 MR. JOHNSON: I'm Chris Johnson, the
13 vice president and owner of Tivoli Enterprises. We
14 operate Classic Cinemas.

15 We've been a tenant since 2001, and we were
16 approaching them on a lease deal and kind of going back
17 and forth. And finally -- we're committed to this
18 site, so we said, "What if we buy it from you," and
19 they said, "Well, that might be a possibility." So
20 that's how it came about.

21 They originally were proposing a lease, and
22 we were trying to make sure that we could protect our
23 investment, you know, for the long term.

24 That was really it.

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1 CHAIRMAN KESSLER: I wasn't clear. Who
2 approached you? The present developer?

3 MR. JOHNSON: The present developer --
4 yes, yes. We were dealing with them, and they were
5 asking us what we were planning on doing. So we were
6 just trying to make sure that -- we were looking to do
7 a refresh of the property and put a lot of money into
8 it and wanted to make sure that the economics worked
9 out right.

10 MEMBER HENNINGSON: We appreciate your
11 hanging in there.

12 MR. JOHNSON: Thank you.

13 MEMBER HENNINGSON: I know it's been a
14 rough road.

15 MR. JOHNSON: It has.

16 MEMBER HENNINGSON: You've been a big
17 asset for the east side of St. Charles.

18 MR. JOHNSON: Thanks.

19 MR. MAY: Any other questions?

20 CHAIRMAN KESSLER: Any other questions
21 for this applicant?

22 MR. MAY: Our civil engineer is here if
23 you have any technical questions or anything like that
24 that you might want to ask of him.

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1 CHAIRMAN KESSLER: Thank you.

2 MEMBER HENNINGSON: I've got another
3 question.

4 What are you planning to do construction-wise?
5 Starting with exterior, interior?

6 MR. MAY: The construction flow is
7 basically to start with demolition of the Sears building
8 and north -- and the north side of the building, which
9 is the food court area. And the site work -- there's a
10 tremendous amount of site work that needs to be done to
11 fill in. You can imagine the hole that's created by
12 removal of the Sears store.

13 So there's a lot of fill; there's utility
14 relocation. All of that gets -- most of that gets done
15 this year with enclosed -- getting watertight,
16 weather-tight enclosed by the end of construction here
17 and then moving into the interior.

18 CHAIRMAN KESSLER: So is it safe to say
19 that as the architecture plans come before us you'd
20 have a better idea of the time line?

21 MR. MAY: Yeah. I think the schedule
22 that is part of your material is the schedule that --
23 it's a broad schedule, but that's the schedule that
24 we're on, to hold to our October 2015 opening.

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1 CHAIRMAN KESSLER: So I just want to
2 clarify one more time that what we're working with
3 tonight is not the entire application for the PUD
4 preliminary plan but simply the site plan and the
5 preliminary engineering plan, and then the application
6 for final plat of subdivision we are working with the
7 final plat for that application.

8 And relative to Curt's comments, then, all of
9 the outlots will be -- will come before us as they are
10 leased, purchased?

11 MR. MAY: Correct.

12 CHAIRMAN KESSLER: And just -- this is
13 probably a simple question. The ring road that's there
14 is in the same place?

15 MR. MAY: Actually, the answer to that
16 would be no.

17 CHAIRMAN KESSLER: Okay.

18 MR. MAY: It gets relocated particularly
19 in the front where it gets pushed back creating --
20 which helps create those outlots.

21 So all that grading gets done when we start
22 this year. The berms come down, it gets graded out in
23 front, and those outlots get rough graded, and the ring
24 road gets moved, relocated a piece at a time.

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1 We have to do it in sections so we keep
2 traffic flow always available to get to all the
3 department stores and the theater. So it's kind of a
4 tricky process, but the ring road does get done in
5 sections along the front, then gets relocated.

6 CHAIRMAN KESSLER: Any other questions?

7 (No response.)

8 CHAIRMAN KESSLER: Any comment from the
9 audience?

10 (No response.)

11 CHAIRMAN KESSLER: Okay. Well, may I
12 have a motion, remembering that we're just dealing with
13 these particular items?

14 MEMBER DOYLE: I move that the Plan
15 Commission recommend approval of the PUD preliminary
16 plan site plan, preliminary engineering plan, and the
17 application for final plat of subdivision.

18 MEMBER SCHUETZ: Second.

19 CHAIRMAN KESSLER: All in favor -- I'm
20 sorry -- let's do a roll.

21 Gaugel.

22 MEMBER GAUGEL: Yes.

23 CHAIRMAN KESSLER: Schuetz.

24 MEMBER SCHUETZ: Yes.

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1 CHAIRMAN KESSLER: Doyle.

2 MEMBER DOYLE: Yes.

3 CHAIRMAN KESSLER: Henningson.

4 MEMBER HENNINGSON: No.

5 CHAIRMAN KESSLER: Pretz.

6 MEMBER PRETZ: Yes.

7 CHAIRMAN KESSLER: Kessler, yes.

8 Okay. So that completes Item 6 on the agenda.

9 Item 7 is meeting announcements. Do we have
10 items for those next meetings, April 8th, April 22nd?

11 MR. COLBY: We do not have anything at
12 this point scheduled for April 8th but we may.
13 April 22nd, yes, we have something.

14 CHAIRMAN KESSLER: Because May 6th is a
15 long time from now.

16 MR. COLBY: Yes.

17 CHAIRMAN KESSLER: Anybody know that
18 they're not going to be at any of those meetings?

19 (No response.)

20 CHAIRMAN KESSLER: Well, is there any
21 additional business from Plan Commission members,
22 staff, audience?

23 (No response.)

24 CHAIRMAN KESSLER: Then rather than

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1 continue to talk I entertain a motion to --

2 MEMBER SCHUETZ: I motion we close --
3 adjourn the meeting.

4 MEMBER GAUGEL: Second.

5 CHAIRMAN KESSLER: All right. All
6 in favor.

7 (Ayes heard.)

8 CHAIRMAN KESSLER: Okay. We're done.

9 PROCEEDINGS CONCLUDED AT 7:50 P.M.

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