

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, SEPTEMBER 8, 2014 7:00 P.M.**

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

Members Absent: Turner, Bancroft

Others Present: Mayor Raymond Rogina; Mark Koenen, City Administrator; Rita Tungare, Director of Community & Economic Development; Russell Colby, Planning Division Manager; Chris Tiedt, Development Engineering Division Manager; Bob Vann, Building & Code Enforcement Division Manager; Ellen Johnson, Planner; Fire Chief Schelstreet; Cmdr. Mahan, Police Dept.

1. CALL TO ORDER

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

2. ROLL CALLED

Roll was called:

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

Absent: Turner, Bancroft

3. POLICE DEPARTMENT

- a. Recommendation to approve River Closure and an Amplification License on October 4, 2014 for Inaugural ROWAMERICA Regatta.

Cmdr. Mahan said the special event application was received on August 28, 2014 for the event to be held on Saturday, October 4, 2014. He said ROW AMERICA is hosting the inaugural event and if successful the sponsor intends for it to be an annual event on the Fox River in St. Charles. He said the rowing races consist of a 5,000 meter race beginning at 8am with the boats arriving at Ferson Park on Friday October 3, 2014 in the early evening; and the event sponsor is working to notify the residents along the river corridor and downtown businesses regarding details of the event. He said the sponsor is requesting the authorization and sanctioning of this event by the city to comply with the Special Condition #1 of the Illinois Department of Natural Resources Statewide Permit #14 to close the Fox River, which is defined as a no wake area. He noted that the authorization and sanctioning is city acknowledgment that the Fox River from north of the railroad trestle to the north border be closed from 8am-5pm. He said they are requesting use of amplification equipment at Pottawatomie Park for the duration of the event, Carts of Chicago will provide the food, there is no request for alcohol to be served, and the Police Dept. will coordinate the event with the sponsor to determine the appropriate security coverage at Ferson Creek Park. He said the attendance is expected to fluctuate during the day with a total of 300-500 people, with a majority of spectators viewing from Pottawatomie Park, and the event sponsor was asked by the special events committee to be cognizant of parking constraints throughout town and to communicate that in the promotional materials; spectators will be encouraged to park at Pottawatomie Park. He noted that this is the same weekend as the St.

Charles North Homecoming, with the parade and the game being Friday, and the dance on Saturday; but it doesn't look that it would interfere.

Aldr. Martin made a motion to approve River Closure and an Amplification License on October 4, 2014 for Inaugural ROWAMERICA Regatta. Seconded by Aldr. Payleitner. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

4. **MAYORS OFFICE**

- a. Recommendation to approve a Class E7 Special Events Liquor License for Blue Goose Market from October 10, 2014 through October 12, 2014 at 300 N 2nd Street, St. Charles.

Mayor Rogina said that for over 2-months this item has been discussed and gone through the Liquor Commission to establish the E7 license from October 10, 2014 through October 12, 2014.

Aldr. Lewis said that in the application it says there would be a minimum of 3 supervisors listed with the application and that those were not in the packet. She requested that those names be supplied with their BASSETT training prior to the vote at City Council. Mayor Rogina said that would be done.

Aldr. Silkaitis said in reading the application it asks "Is the license to be used in conjunction with a special event approved by City Council?"; and he is not sure if the answer should be yes or no because that is Scarecrow Fest weekend which is a city approved event. He said he has no problem with the concept but was just curious what the answer to that would be in case it comes up again; and in his opinion the application should be amended to state yes to that question. Mayor Rogina said that could be done.

Aldr. Lemke made a motion to approve a Class E7 Special Events Liquor License for Blue Goose Market from October 10, 2014 through October 12, 2014 at 300 S. 2nd Street, St. Charles contingent upon a successful list of supervisors/Bassett training and the correction to the application as recommended by Aldr. Silkaitis. Seconded by Aldr. Lewis.

Roll Call:

Ayes: Bessner, Lewis, Silkaitis, Payleitner, Lemke
Nays: Martin, Krieger
Absent: Turner, Bancroft
Abstain:
Motion Carried. 5-2.

5. **COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Presentation by CMAP and Kane County Staff - Homes for a Changing Region Study Report.

Mr. O'Rourke said almost two years ago staff from St. Charles, Batavia, Geneva and North Aurora got together to discuss the idea of applying for a local technical assistance grant that is funded through CMAP to be part of the "Homes for a Changing Region" study project. He said all four communities were collaboratively awarded the grant and work began one year ago on the

report; the representatives were there tonight to report the final findings and ask for comment before printing the document. He then introduced Brett Hanlon-Kane County, Drew Williams-Clark-CMAP, King Harris-MPC and also Ellen Johnson who is now city staff but spent the last year with Kane County working on the project.

Brett Hanlon-Kane County showed a PowerPoint presentation which showed the findings of the plan, the data analysis and an outline of the recommendations. He said that they were looking for feedback because it was not too late to make edits to the plan, but that they were looking to transition from plan development to implementation because they feel it's ready. Topics covered in the presentation include:

- Plan Components.
- St. Charles General Statistics.
- Owner-Occupied Households Paying More than 30% of Income on Housing Costs—St. Charles & CMAP Region.
- Renter-Occupied Households Paying More than 30% of Income on Gross Rent—St. Charles & CMAP Region.
- St. Charles 2011 Households & Housing Stock Compared with 2040 Owner Demand.
- St. Charles 2011 Households & Housing Stock Compared with 2040 Renter Demand.
- St. Charles capacity for growth and projected increase in units.
- Urban Design Focus Area.

Recommendations include:

1. Consider zoning and rezoning redevelopable and newly annexed land to accommodate current & future housing demand.
 - Identified 103 acres of potentially annexable land
 - Identified 98 acres of currently redevelopable land
 - Significant projected unmet demand for a variety of housing types
2. Consider options to increase residential density in downtown St. Charles
 - Consider zoning amendments, incentives, policy changes
 - Specifically examine building height standards, parking standards, lot size requirements
 - Ensure architecture and design is context sensitive
3. Explore options for Employer-Assisted Housing (EAH) programs
 - Help employees obtain housing within the community; tax credits offset cost to employer
 - Leverage strong manufacturing sector
 - Utilize Metropolitan Planning Council EAH guide

4. Incorporate attainable workforce housing along major transportation corridors
 - Encourage the utilization of the density bonus provision established in Chapter 17.18 “Inclusionary Housing”
 - Consistent with Kane County’s Transportation Impact Fee Discount Program
 - Consider recommendations from the forthcoming CMAP/Kane County Primary Transit Network Study
5. Encourage Housing Options for Seniors
 - Market St. Charles to developers of senior housing
 - Create incentive package (i.e. density bonuses, reduced permitting fees & parking requirements)
 - Develop “aging in place” information for residents
6. Reexamine options for establishing a residential rental licensing & inspection program
 - Revisit the proposed ordinance or a modified version thereof
 - Ensure rental units comply with housing standards and City ordinances
7. Reaffirm the City’s commitment to be an open community
 - City website
 - Welcome statement
 - How to file housing discrimination complaints
 - Translation tool
 - Review new developments for Fair Housing Act compliance
 - Actively partner with non-profit housing organizations

Chairman Stellato commended the group on a great job and noted that this was done at no cost to the city. He said he didn’t want anyone to get hung up on the specific site plans, they are just suggestions and a general guideline to follow, and he knows there were some questions as to how those would be integrated into the Comprehensive Plan.

Mayor Rogina thanked CMAP for their professionalism and input to the document, he also thanked staff, City Council members who served on the Task Force and also the residents who were involved, because in moving forward in making big decisions, it will affect another generation ahead of us by giving the input as to what the entire city is thinking.

Aldr. Payleitner-Member of the Housing Commission-said in regard to the comment of “using this document to help the city guide future development” that this is a document that goes out 40-years and she feels it is a great tool.

Aldr. Silkaitis said the senior housing intrigues him because he is getting up into those times and he knows the city does not have enough; and he would like to stay in St. Charles since he has been here his whole life. He said the numbers are interesting especially the median income between the four cities and he feels it’s just an interesting document.

Aldr. Bessner asked about the 30% of residential homeowners paying out more than 30% on their home. He asked if that information gives any idea as to if the 12% paying more than 50%, what kind of income they have versus how much their home actually is; he is just asking to get an idea of who these folks are, meaning is someone over extended on a home or is someone buying a \$1.1 million home and has the income to spend 50% on it. Drew Williams-Clark-CMAP said typically it is found that those paying over 50% of their income is not because they are in a very expensive house; it's because income has been the factor and the increases seen are referred to as "housing cost burden". He said the increases found in those paying more than 30% of their income on housing between 2000 – 2011 is not because the housing got more expensive; it's because incomes either stagnated or went down and unemployment became a huge factor during the recession and they have found that to be the case nationally.

Aldr. Bessner asked if there were any other considerations given to any other uses of the Fairgrounds and the old St. Charles Mall property. Mr. Hanlon said yes, it was a bit of a strange proposition because it is a housing plan and the residents involved knew that so there weren't a lot of options for them to choose from in terms of industrial, for example. Mr. Williams-Clark said the idea is to visualize the policy recommendations in a way to make sense to people if they were played out in a development; the city has given us a large canvas to play with and inviting residents to view that gives a much more full view of the future. He said this is a 30-year plan and there will be other things considered for that land.

Aldr. Lewis said since this is just a policy that is being voted on, will developers who come forward use this as something that the city has to abide by. Chairman Stellato said in his opinion, this is not something the city has to abide by; but it is certainly some type of guide for staff to use as far as CMAP's recommendation, the Comp. Plan and the zoning map; somewhere in between there to make it work. Ms. Tungare said that is correct, neither the city, meaning staff, nor elected officials are bound by this document in anyway; it's just a tool and a reference when engaging in conversations with developers down the road.

Aldr. Lewis asked why the population in 2000 was 27,000 with 12,000 households, but then it goes up to 32,000 in population and drops to 10,000 households, and she is curious how you go up in population but down in households. Mr. O'Rourke said he had the same question and the best answer he can ascertain is that the 2000 information was from the Census and the 2011 data was information was from the American Community Survey, which is estimated by a number of limited responses; so he thinks that's where the discrepancy lies. Aldr. Lewis asked what the definition of "household" is. Mr. O'Rourke said it's how many individual residential units.

Chairman Stellato asked if staff was looking for a resolution to adopt the report. Ms. Tungare said if that's the Committee's desire, they could make a recommendation to adopt the report by resolution, and then bring it back to City Council Monday night; but that if they chose not to do so that is fine too; there is no action required on Committee's part.

Aldr. Martin asked to bring this back to October P&D meeting because it's a large packet with a lot of information and he is not prepared to either accept nor deny.

Aldr. Payleitner said she has had time to digest this but can sympathize with Aldr. Martin's request.

Chairman Stellato said the folks from CMAP would not need to come back, unless they wanted to, because the discussion would be more internal in regard to land use.

Aldr. Martin made a motion to table this item until the October 13, 2014 Planning & Development Meeting. Seconded by Aldr. Lemke.

Roll Call:

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

Nays:

Absent: Turner, Bancroft

Abstain:

Motion Carried. 7-0.

- b. Recommendation to approve an amendment to the Foxfield Commons PUD to permit Motor Vehicle Rental (2650-2778 E. Main St.).

Mr. Colby said the purpose of the amendment is to allow the existing Avis rental car business to begin renting out small moving vans; when Avis opened in 2001 the PUD was amended to allow the business to operate but only to rent out cars and light trucks. He said if approved motor vehicle rental would be permitted at the property without restriction which is consistent with the current zoning of the property in the BC-Community Business District and Plan Commission held a public hearing and unanimously recommends approval.

Aldr. Bessner said there was some talk of having no more than 3-trucks or vehicles parked in front, and the rest would be in the back on the east side of the building; and he asked if they would be held to that. Mr. Colby said no, unless it were written into the PUD Ordinance; Plan Commission did not include that as a condition, but that could be included if Council desired to do so. Bill Bochte-on behalf of the applicant-said that was not discussed as a condition of the amendment but it would be a condition of the landlord. He said Avis is only asking to have 3-trucks in the main parking area with a balance of the trucks being parked behind the east building and that is a condition that the landlord intends to enforce.

Aldr. Silkaitis made a motion to approve an amendment to the Foxfield Commons PUD to permit Motor Vehicle Rental (2650-2778 E. Main St.). Seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

- c. Recommendation to approve a Facade Improvement Grant Agreement for 201 S. 2nd St. (Kevin's Auto Service).

Mr. Colby said the grant is to replace metal fascia material on the service station canopy which is deteriorated to the point of not being able to hold paint or surface coating. He said the cost of the work is \$5,000 and the grant would cover 50% or \$2,500 and Historic Preservation Commission has recommended approval of the façade grant.

Aldr. Bessner made a motion to approve a Facade Improvement Grant Agreement for 201 S. 2nd St. (Kevin's Auto Service). Seconded by Aldr. Martin. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

- d. A Recommendation to approve a Corridor Improvement Grant for 521 E. Main Street (McDowell).

Mr. O'Rourke said McDowell Remodelling, Inc. has requested the grant to re-do their sign along west Main St. with some landscaping and decorative pillars. He said the total amount of the city's share of the grant would be \$3,435 for planting landscaping, stone pillars and design fees, and Corridor Commission recommends approval.

Aldr. Silkaitis made a motion to approve a Corridor Improvement Grant for 521 E. Main Street (McDowell). Seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

- e. Recommendation to approve a Corridor Improvement Grant for 2580 E. Main Street (SavWay Fine Wines & Spirits)

Mr. O'Rourke said the request is to install new landscaping along E. Main St. to improve the image of the area, spruce up the area around the sign and add some hedging. He said the city's share of the grant is \$2,975 and the Corridor Commission recommends approval.

Aldr. Lemke said he thought the city only shared cost of the installation not the landscaping itself. Mr. O'Rourke said no, there is a specific provision in the ordinance that allows the city to help pay for the design of the plan itself, but that not all applicants take advantage of that, but it is part of the Ordinance.

Aldr. Bessner noted he would be abstaining from the vote.

Aldr. Lemke made a motion to approve a Corridor Improvement Grant for 2580 E. Main Street (SavWay Fine Wines & Spirits).

Roll Call:

Ayes: Martin, Krieger, Lewis, Silkaitis, Lemke, Payleitner

Nays:

Absent: Turner, Bancroft

Abstain: Bessner

Motion Carried. 6-0.

- f. Recommendation to approve a Corridor Improvement Grant for 4200 E. Main Street (Baltria Classic Auto).

Mr. O'Rourke said Baltria Classic Auto has constructed a new shelter building to keep the cars safe from the elements; they are also putting in some foundation planting areas around their car displays and are requesting assistance to pay for large brick paver display areas and landscape around the building. He said the city's share would be \$11,000 and Corridor Commission recommends approval.

Aldr. Bessner made a motion to approve a Corridor Improvement Grant for 4200 E. Main Street (Baltria Classic Auto). Seconded by Aldr. Martin. Seconded by Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

- g. Recommendation to approve a General Amendment regarding extending the sign amortization deadline to June 15, 2015 and amending the Historic Sign standards.

Mr. Colby said following the Committee's direction in August, staff filed a General Amendment application which includes 2 proposed changes: 1) extension of the deadline for non-conforming signs to be brought into conformance by extending the deadline by 8-months from October 16, 2014 to June 16, 2015 and 2) to broaden the historic sign provisions. He said the Ordinance back from 2006 set a date to qualify for Historic Sign status at 1966 and staff is proposing to extend that date to 1976, which reflects 40-years from the proposed amortization deadline of 2015. He said Plan Commission held a public hearing and recommends approval subject to conditions on both items:

- 1) Plan Commission recommend that the extension to June, 2015 only be granted if a property owner submits a written request for the extension; otherwise the October 2014 deadline would apply.
- 2) Plan Commission recommends that the historic signs language not include a date but rather state that a sign that is 40-years old could qualify provided it meets the other applicable criteria.

Mr. Colby said the effect of the change would mean that if the city were to require compliance in the future due to another change in the sign requirements that the Historic Sign provision could be taken advantage of at that time. He said both the staff proposal and the Plan Commission recommendation are included in the summary and are listed for the Committees consideration and members of the Plan Commission are also present to speak to the recommendation.

Aldr. Lewis asked for clarification for the difference between the date and the language. She said 40-years from now in 2054 means signs that are put up today would be considered historic 40-years from now. Mr. Colby said yes, if they met all of the other criteria in the Ordinance they could; and the only way that would have an impact is if the city would again change the sign requirements at some point down the line to require the amortization process again in the future. Aldr. Lewis asked if that would be an easier way or if they see it any different than the date. Mr. Colby said the impact in the short term is the same and he thinks Plan Commission is more comfortable having a 40-year time frame written into the code because the code will continue to exist into the future versus specifying that specific date which he thinks they were uncomfortable with that because it seemed arbitrary.

Chairman Stellato asked Mr. Colby to review the other criteria for Historic Signs. Mr. Colby said it has to be the same ownership, the same business use on the property and the requirement that there be a recommendation from Historic Preservation that the sign meets certain qualities as far as being unique or representing a certain era of design.

Aldr. Lemke asked if this would get this city out of the position to continually be extending the date out farther, because he hopes it does, because if a sign does not conform and you cannot call your sign historic for some reason, that it leads to a process to try to become in conformance. Mr. Colby said yes and he thinks that was the Plan Commission's intent.

Tim Kessler-Plan Commission member-said the Historic aspect is so the city doesn't have to keep coming back to change the date; it will continue to roll for 40-years, which seemed easier to handle administratively. He said regarding the extension, there needs to be a process where the business owners are included in making the change; and one way to do that so they can get the extension is to make them apply, and if they do not, they are shirking. Chairman Stellato noted that a lot of the changes are happening as Bob Vann in Building & Code Enforcement is working with them and he would like to see that continue. Mr. Kessler said those who have not applied for an extension would be cited after October 16, 2014. Aldr. Lemke said he thinks that's absolutely what should be done. Mr. Kessler said discussion was had to also have staff reach out with a mailing to inform those of the outcome of tonight's meeting.

Aldr. Lewis asked what the fine/procedure would be for those not in compliance. Mr. Vann said he had not seen the Ordinance yet but he thinks it's a good idea to add the extension to engage them to get them involved. He said there probably will be a couple businesses that will not do anything and in that case they would be taken to adjudication.

Aldr. Payleitner clarified that the motion was based on the Plan Commissions recommendation. Chairman Stellato said yes.

Aldr. Martin made a motion to approve the General Amendment regarding extending the sign amortization deadline and amending the Historic Sign standards per the Plan Commission recommendation. Seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

- h. Recommendation to approve an Ordinance Amending Title 8, "Health and Safety" Chapter 8.30 "Tree Preservation on Property" of the St. Charles Municipal Code.

Mr. Tiedt said this Ordinance was adopted in 2001 and the primary purpose was to maintain existing trees to the greatest extent possible on private property. He said the new ordinance also formalized the Tree Preservation Plan requirements for subdivisions and PUDs that had been taking place on more of an informal policy. He said it also established guidelines for the newly established Tree Conservation Areas in several subdivisions as well as providing city staff with a mechanism to enforce those areas. He said in 2013 Council approved an amendment to the ordinance that added procedures to follow when unauthorized encroachments in Tree Conservation Areas were discovered. He said after taking a closer look at the rest of chapter of code, it became apparent to staff that it also needed to be updated to reflect current practices and needs for the areas. He said most Tree Conservation Areas are well established and the current process is outlined in the section of code, and for those who actually follow the rules, the process can be very onerous. He said the active homeowner associations in the subdivisions are in a much better position to monitor those areas and are good advocates for following the rules. He stressed that proposed amendments are not changing the requirements of the Tree Conservation Areas, but are more to update to reflect current practices and how the requirements are actually being administered. He summarized the amendment:

- Criteria to allow for the waiver of the Tree Preservation Plan requirement for the Preliminary Plan submittal.
- Update to Section 8.30.040 Tree Preservation Requirements for Building Lots to reflect current practices and procedures.

- Revise emergency removal procedures to allow removal of trees without first receiving approval from the city. He said residents currently need to receive approval prior to remove trees in an emergency situation.
- Allow maintenance and corrective measures to be performed within a conservation area per the Tree Conservation Area Guideline without approval from the city. Approval will be required from the governing HOA prior to maintenance and corrective measures being performed within the Tree Conservation Area. He said most HOA's are good advocates for the rules and regulations and are already monitoring the areas pretty closely.

He said staff recommends approval.

Chairman Stellato clarified that this does not affect a person cutting down a tree in their own yard. Mr. Tiedt said correct.

Aldr. Lemke said there are several of these in Kingswood and based on the changes, it seems many of the problems there have been addressed. He said he is concerned that a developer could end up going in and agree to tree preservation and then trench all the areas for utilities, and the city needs to be careful that if they have approved utilities in front, that the same applies. Mr. Tiedt said he thinks that goes along with new development and as part of that development, the Tree Preservation Plan would come into play and as part of the application process it would be reviewed by Council, which would determine which trees would be removed. Aldr. Lewis referenced situations where developments have not been approved for tree removal but developers have spitefully had their subcontractors running utilities and the city should know because we are the electric company. She said she feels something should be in the ordinance to state that "in the same manner that the HOA cares about this sort of thing; the city should as well."

Aldr. Silkaitis said he has concerns of someone needing to cut down a tree with a broken branch and considering it an emergency; and then who is to question yes or no. Mr. Tiedt said in emergency situations deemed by the code itself, there is required follow-up action that the resident would have to take to document the reasons why it needed to be cut down, maybe take pictures. He said at a later date when the city notices the tree is removed, if the city does not receive that information, we can then follow up with enforcement actions. Aldr. Silkaitis said exactly, but he does not see that in the Ordinance and he feels if anyone cuts down a tree or maintenance is done they should still have to inform the city. Ms. Tungare said without documentation provided to meet the requirements, there would be fines and penalties.

Aldr. Bessner made a motion to approve to approve an Ordinance Amending Title 8, "Health and Safety" Chapter 8.30 "Tree Preservation on Property" of the St. Charles Municipal Code. Seconded by Aldr. Lemke. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

- i. Recommendation to approve a Plat of Easement for Stormwater Detention between the St. Charles Partners, LLC and the City of St. Charles.

Mr. Tiedt said when the former Post Office located at 1405 W. Main St. was redeveloped, stormwater detention was required for the redevelopment as part of the city code. He said per the stormwater ordinance, a stormwater detention easement is required to be granted to the city,

which gives the city the rights but not the obligation to access or maintain the facility should the property owner not do so; and staff recommends approval and execution of the easement.

Aldr. Silkaitis made a motion to a Plat of Easement for Stormwater Detention between the St. Charles Partners, LLC and the City of St. Charles. Seconded by Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried. 7-0

j. ADDITIONAL BUSINESS

Sue McDowell-3n231 E. Mary Ln.-made note of the upcoming arts weekend and that she hoped to see everyone there.

k. ADJOURNMENT - Aldr. Bessner made a motion to adjourn at 8:05 PM. Motion was seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.