

**MINUTES  
CITY OF ST. CHARLES, IL  
PLANNING AND DEVELOPMENT COMMITTEE  
MONDAY, APRIL 14, 2014 7:00 P.M.**

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

**Members Absent:** Payleitner

**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; Matthew O'Rourke, Economic Development Division Manager; Bob Vann, Building and Code Enforcement Division Manager; Fire Chief Schelstreet; Chris Minick, Director of Finance; Erik Mahan, Police Dept.; Peter Suhr, Acting Director of Public Works

**1. CALL TO ORDER**

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

**2. ROLL CALLED**

Roll was called:

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

Absent: Payleitner

**3. DOWNTOWN PARTNERSHIP**

- a. Recommendation to approve funding for the Downtown St. Charles Partnership (DSCP) in the amount of \$250,500 for Fiscal Year 2014-2015.

Mr. Minick said each year the city levies a Special Service Area Tax (SSA 1B) on commercial property in the downtown area for the purposes of downtown economic revitalization. He said the city has traditionally allocated funding from the Special Service Area 1B levy to the Downtown Partnership on an annual basis and as a condition of that funding the City Council has asked that the Partnership appear annually at a public meeting to make a presentation to provide an update on activities undertaken with the amount of funding for the current fiscal year, as well as outlining goals and objectives for the next 12-months related to the amount of funding received from the tax levy. He said a representative of the Partnership was present to make that presentation and that the amount of funding requested-\$250,500 is a reduction and does represent a reduction from the current amount of \$262,500, and that decline is due to a decrease in the taxable value of the Special Service Area within the last 12-months. He said it does represent 100% of the proceeds that are anticipated to be received from SSA 1B; the amount is budgeted and is consistent with the proposed fiscal budget for 2014-2015.

Lynne Schwartz, Executive Director, Downtown St. Charles Partnership-2 E. Main St.-presented information regarding the consideration for the Partnership's funding for 2014-2015. She said since the last time the Partnership was approved for funding in June 2013 that all objectives outlined at that time have been met and that 2-areas of focus are Business Development and Business Education. She said in order to effectively provide those services it's important to connect and engage with business and property owners to allow for information sharing and they have continued to focus on their outreach efforts. She said over the last 10-months that ½ of the downtown businesses have participated in programming, services, committees and given feedback through retention and new business visits. She said all the downtown businesses receive their business newsletter every other week, which provides information on upcoming programs and events. She said they have offered a number of educational opportunities delivered in a variety of formats; they continue to deliver the quarterly retail minded publication and monthly business tools; and they have hosted 5 business exchanges with a wide range of topics, as well as a 3-hour Retail Revival seminar which is hosted by a panel of nationally recognized retail experts hosted at the Arcada.

Ms. Schwartz said that through their public relations efforts they have written and distributed over 50-press releases to announce business openings, anniversaries and to deliver event information which resulted in free positive publicity. She said "STC Live" was introduced this year by the Partnership, which is a summer program that pairs up free live entertainment with downtown businesses and the program delivered 50-scheduled performances by 20-different performers at 7-locations, including First St. Plaza. She said they introduced a "Mystery Shopper" program, continued the "Storefront Improvement Grant" and the "Vacant Store Front Window Panel Programs". She said they continue to strengthen their Community Youth Outreach, in addition to having student board representatives, and they are currently providing internship experience in the areas of events and marketing to 2-St. Charles North students.

Ms. Schwartz said they have produced successful events in 2013:

- The 15<sup>th</sup> annual "Fine Arts Show"-brought in an estimated 10,000 people over Memorial Day weekend.
- "Art Around the Corner" which was Memorial Weekend through June.
- 2<sup>nd</sup> Annual "Jazz Weekend"-brought increased business by participating in the event.
- "Holiday Homecoming"-an estimated 800 attendees at Lighting the Lights; 850 of 900 seats were filled at the Arcada and last year's record was topped with an estimated 15,000 spectators at the parade.
- "St. Patrick Parade"-highest number of entries so far on record at 80, was mentioned on ABC 7 news-3 times over the weekend as well as on the website, and there were an estimated 10,000 spectator's downtown in addition to 600 at the dance show.

Ms. Schwartz said the Public Art Committee has worked with the City to coordinate the installation of the final 2-History in Plain View Markers, and in addition the research launched a new fundraiser initiative to fund public art for downtown.

Ms. Schwartz said they have updated their website as to how to find materials located downtown and in addition the Marketing and Promotions Committee organized an indoor sidewalk sale to help support retailers in the winter months-11 retailers participated. She said social media has

been increased by launching an Instagram profile and they have increased Facebook engagement by 65% and website traffic has tripled with webpage views. She said they had collaborated with the city Economic Development Dept. on several projects again this year-partnering to run an advertising campaign during the holiday season and work collaboratively to organize merchant window displays in the former Georges Sporting Goods location. She another Partnership project with the city is the “Branding Initiative” which started because it was clear that there was a tremendous opportunity to develop compelling messaging based on current downtown strengths, which is an economic driver as well as a valuable economic development tool. She said 4-firms were interviewed and Minds View Innovation was select and they started the process last June with research being conducted, which included competitive analysis, best practices, trending and business and consumer interviews. She said the data was synthesized to provide positioning options and evaluate based on predetermined success criteria, and those results are currently being validated with their key demographics.

Ms. Schwartz introduced the Downtown Partnerships Treasurer-Paul Lencioni.

Paul Lencioni-300 S. Second St.-provided the Downtown St. Charles Partnership financial report. He stated in the last year the Partnership has done very well following their budget to meet operational objectives and the organizational responsibilities of the Partnership. He said in the last year there has been valuable programs performed and operation of the Partnership well within the scope of fiscal responsibility. He said they have been growing in advocacy for business community success and they have been driving engagement for the entire stake holder community. He said the budget being proposed continues the current service levels while taking on new high return programs to help to continue to drive the success of the community and meet goals of the Partnership. He said there is a revenue decrease that is materially attributed to the current economic environment and they do not expect that trend to continue due to the growth of engagement seen and the value being brought by some of the programs that were at the beginning of the cycle.

Ms. Schwartz shared some highlight plans for the upcoming fiscal year:

- All committees reassessing their action plans to continue programming but making modifications and improvements.
- Proposed new initiatives to get programs to create additional pedestrian traffic downtown.
- Create opportunities for engagement between businesses and customers.
- Provide knowledge and information to strengthen the business community.
- Support business and property owners in accomplishing their objectives.
- Support and enhance our brand and/or provide positive publicity highlighting the strengths of the downtown district.

Ms. Schwartz said their Business Development and Education Committee will continue the communications outreach public relations efforts as well as training in storefront improvements support. She said the Committee would like to initiate and organize a window decorating contest which would enhance pedestrians, aesthetic experience and attract positive attention for businesses. She said the Committee would like to also expand their engagement to include not only the commercial broker community, but also the residential realtors. She said they would

continue to administer all events for review process and organize their existing events and the public art committee will be contributing funds in support of the Bob Leonard Walkway sculpture, to be installed this spring. She said their marketing and promotions committee will continue to focus on projects and programming that compel consumers to come downtown and drive them into our businesses. She said this would include way finding materials, easy access to information on the web and social media platforms, as well as programs such as STC Live.

Ms. Schwartz said they would continue to partner with the city to promote downtown during the holiday season through the holiday advertising campaign as well as the branding initiatives. She they are excited to continue that collaboration and they are pleased to report that they have achieved the objectives of each phase following an aggressive timeline to date. She said the Partnership is happy to have taken the lead and will continue to oversee and manage this collaboration with city input and involvement. She said our brand development is necessary for compelling the market, driving sales and identifying gaps in the market place, which will support the brand while complementing existing strengths and will allow for targeted business recruitment; and is necessary in delivering the framework for business recruitment through coordinated communications, key target demographics, community strengths and solid marketing plans to attract consumers. She said the Partnership funded this project upfront based on a hand-shake agreement with the city to support the initiative with time and resources, but due to all the transitions that took place at the city during the last year, city staff and the Partnership agreed that the Partnership would continue funding the project in 2013. She said to date the Partnership has invested \$33,000 and have plans to spend an additional \$10,000 toward the initiative in the coming year, based on estimates and experience for a project of this nature is an estimated \$90,000-\$100,000. She said they are asking that the city allocate \$50,000 of their budget to ensure a successful roll out, however in conversations with staff, the Partnership would front \$25,000 needed for a successful roll out for the coming year and then be reimbursed that in 2016.

Aldr. Bessner asked if 2-years was the branding timeline for when it will be completely done and rolled out. Ms. Schwartz said the roll out would take place as soon as the tagline is developed within the next couple months. She said there is a plan put in place for 9-months to a year for the roll out, and the way the funding is being requested, in speaking with the city, would be a better option for the Partnership to front that additional \$25,000 so the project is not stalled.

Mr. Minick stated that they are seeking a motion of recommendation for approval.

**Aldr. Bessner made a motion to approve funding for the Downtown St. Charles Partnership (DSCP) in the amount of \$250,500 for Fiscal Year 2014-2015. Seconded by Aldr. Krieger and approved unanimously by voice vote. Motion carried.**

#### **4. MAYOR'S OFFICE**

- a. Recommendation to approve a Class D1 Liquor License for Pheasant Run Resort located at 4051 E. Main Street, St. Charles.

Mayor Rogina said Pheasant Run had gone through foreclosure and has been purchased by new management, St. Charles Resorts, LLC. He said the city is very happy to see this process unfold

and take place for this landmark and icon on the east side of town. He said this is a continuation of a process that started back when the transaction took place and that he, as the liquor commissioner, issued a temporary license to get to May 1<sup>st</sup>, 2014. He said Pheasant Run does not fall into the category for late night permits of B and C licenses; they sit by themselves in the D1 category and actually have the right to be open under the Ordinance till 3AM on weekends. He stated that Interim Chie Huffman was present to answer any questions regarding procedure.

**Aldr. Turner made a motion to approve a Class D1 Liquor License for Pheasant Run Resort located at 4051 E. Main Street, St. Charles. Seconded by Aldr. Silkaitis.**

**Roll Call:**

**Ayes: Silkaitis, Lemke, Turner, Bancroft, Bessner, Lewis**

**Nays: Martin, Krieger**

**Absent: Payleitner**

**Abstain:**

**Motion Carried. 6-2.**

**5. COMMUNITY & ECONOMIC DEVELOPMENT**

- a. Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Pet Care Facilities and Kennels.

Mr. O'Rourke stated that staff began meeting with the applicant, Robin Massey, last November 2013, to locate another branch of her business, Fydoland, in St. Charles at the former Rex's Cork n Fork site-1317 E. Main St. He said staff informed Ms. Massey that the business met the definition of "Kennel" in the city's current Zoning Ordinance standards, which means it would not be a permitted use in the BL zoning district, which is what the property is currently zoned, and it would be a "Special Use" in BC, BR and M2. He said after working through some iterations with the applicant, staff started to look at the business model as not exactly a kennel because there are a lot of other activity generating business such as the sale of merchandise and doggy day-care. He said there is more than just the overnight kenneling and in looking at the definition, if there were not any overnight stays, this would be considered a Personal Services type use for pet grooming and retail sales. He said staff has worked with Ms. Massey on a General Amendment application being presented this evening and staff is proposing that a new use category be created called "Pet Care Facilities" which would allow for retail and service type uses associated with pet grooming, doggy daycare and retail associated with pets, but would also allow for overnight stays. He said the key difference being that the overnight stays cannot be more than 50% of the gross floor area of the business, and there has to be other items going on, it cannot just strictly be overnight stays. He said in analyzing other communities, there are similar ordinances with distinctions drawn between purely kenneling and overnight stays at businesses. He said when staff really looked into this it felt like the character of the customer base was really more consistent with what is allowed in the retail districts in town. He said staff is proposing some specific use standards related to this new use "Pet Care Facilities":

- Outdoor exercise areas shall not be located on a property that abuts a residentially zoned property.

- Outdoor exercise areas that directly abut or face any residential or commercially zoned property or any public right-of-way shall be screened with a 100% opaque non-see-through fence or wall, which was a recommendation from Plan Commission.
- Staff also recommends some parking standards that are essentially in line with what would be seen in Personal Service uses where pet grooming would be allowed.
- A definition has been created to limit it to the 50% of square foot area.

He said staff is proposing that Kennels be removed from the BC and BR zoning districts as a Special Use, therefore Kennels would only be permitted as a Special Use in the M2 district only, since this use will take the place of the Kennel uses in the city's retail districts. He said staff feels that this is more of a retail use so it made sense to remove that from the commercial areas.

Mr. O'Rourke stated that there is also a Special Use application filed in conjunction with the General Amendment that is contingent upon approval. He said staff has forwarded the staff reports and analyzed both applications and is recommending approval of both proposals.

Jim Cook-215 W. Illinois St- said Rex's Cork n Fork is no longer able to be a restaurant primarily due to parking restrictions along with the expansion of Rt. 64. He said it's a vacant building and he thinks Fydoland is a unique adaptive reuse that he feels would be very productive and very welcome in the community. He thanked staff for all their work in putting forward all the restrictions and all the constraints within the Special Use and Amendment. He said his client has 2 other facilities in Huntley and Elgin, neither of which have any complaints from neighbors, and also all the restrictions that were placed upon them all fit within the operational model of what his clients already operates, and will continue to in St. Charles. He said there is no push back or problems with any of those regulations requested. He introduced the applicant Robin Massey.

Robin Massey-10N521 Manchester Ln., Elgin- Co-owner of Fydoland dog care centers and is also a canine specialist with over 17-years of progressive experience in the area of dog behavior, pack management and all things dog. She said 7-years ago her and her partner Rich Zellig formulated the plan to offer communities a 1-stop place to come for all their canine products and service needs. She said they researched what was needed and what was best and they incorporated those ideas with their own business philosophy and Fydoland was born. She said they are a friendly 1-stop center that offers top quality service and products for canine needs and as the amendment being considered for the ordinance they are not a Kennel but a Pet Care Facility as defined by the city's ordinance. She said Fydoland has been honored with several awards and has been recognized in several newspapers; Chicago Tribune, Daily Herald and Kane County Chronicle. She said have also been recognized for their work ethic and business standards and the Elgin Planning Staff has told her that their business is the model that they will use to determine whether any other Pet Care Facilities should be allowed to operate in the city. She said they cooperate with all state and city officials and abide by all zoning ordinances. She

noted that included in the packet there were letters of recommendation stating that her business would be a great asset to St. Charles. She said she strongly believes that the property at 1317 E. Main St. is the perfect location for their operation and would be convenient for all St. Charles residents to utilize, and meets all of the guidelines of the amended ordinance. She said St. Charles is a dog friendly community with dog parks and high quality veterinarian offices; the only thing lacking is a pet care service such as Fydoland. She said they have several St. Charles clients that utilize their Elgin store but would love the convenience of having their own Fydoland in their own community.

Ms. Massey stated that they are sensitive to the concern about noise from the neighbors across Rt. 64 and though she is sympathetic to the concerns, she believes they are unfounded. She said they have several residential neighbors that abut their facility in Elgin and a letter from the City Planner of Elgin attests that there has not been a single noise complaint against Fydoland, and the same is true of the Huntley store. She said to further demonstrate their position she provided an aerial of the upscale apartment building which is directly across the street from the Elgin Fydoland and there is also an aerial photo of the apartment building kiddy corner and across Rt. 64 from the St. Charles location. She said both buildings are almost of equal distance from the existing Fydoland in Elgin and also the proposed location in St. Charles; this is important to know because in addition to no complaints from adjacent residents or businesses, there is also a letter from the landlord of the upscale apartments in Elgin which states she has never had a complaint or concern from her tenants. She said the letter also states that Fydoland is a great business neighbor and has always been able to rent and retain tenants. She said since both apartment buildings are equal distance and there has not been any noise trouble in Elgin, it is fair to conclude that there will not be any issues for the proposed location in St. Charles. She said she is confident there her center will not bring any more sound than what has already been accepted and will abide by all city sound Ordinances; they will continue to apply effective sound proofing techniques to manage the dogs and are committed to privacy fencing that is consistent with the ordinance. She said the number of dogs outside at any given time will be limited to what is constant with the ordinance and the dogs will always be supervised by trained personnel. She said should St. Charles graciously grant them a Special Use permit they would be in the company of other great cities who have already adopted and had great success with pet care facilities; Forest Park, Mundelein, Naperville and Wilmette etc. She said the minimum amount of barking that will be emitted from outside the facility would be greatly overpowered by the positive things Fydoland has to offer such; superior services and products, proactive community involvement, desired business with a convenient location and the creation of jobs and tax revenue. She said due to the economic downturn over the last few years several businesses have been forced to leave causing vacancies and here is a positive opportunity to revitalize a highly visible building that has been vacant for 4-years. She said Fydolands principals are consistent with the city of St. Charles guiding principles; respect, engagement, sense of community, accountability and excellence; and Fydoland wants to come to town and be a positive part of the future.

Aldr. Lewis said she was impressed with all the positive letter of recommendation. She said in the packet it states that for now there would be 25 dogs allowed overnight, and does that mean they plan to expand. Ms. Massey said the measurements have not been done yet, but the area of boarding per the Ordinance allows for 50% and they would actually be at 25% with a maximum of 27 dogs. Aldr. Lewis asked how many animals is 50% of the building. Ms. Massey said she could have a maximum of 50 dogs for day care, but only 27 could stay the night at one time. She noted that the dogs that are allowed to stay are different than kenneling dogs; they could not be unsprayed or un neutered which eliminates barking and they all undergo temperament testing. Aldr. Lewis said so there could be up to 50 dogs during the day and about 10 at a time would go outdoors; she asked how long do the dogs stay out at a time. Ms. Massey said typically for about 15 minutes at a time and then the next group of 10 would be let out and so on. She said actual capacity for the kennel is about 50% of what the capacity really is. Aldr. Lewis said so it could possibly go on several times throughout the day. Ms. Massey said 90% of the activity goes on indoors and the outdoor part is not an all-day scenario.

Aldr. Lewis asked Staff how they would enforce the restriction on the amount of barks per minute. Mr. O'Rourke said that is how the Ordinance is written, which are the exact same standards that would apply today for a Kennel use. He said staff left that in the Ordinance to be consistent with the use standard of Kennels, so it is nothing new but is part of this use, so that is exactly how it would try to be enforced if there were a complaint for a Kennel.

Aldr. Bessner clarified that the maximum amount of dogs allowed was 27 and asked staff if that could ever change. Mr. O'Rourke said staff wrote the Ordinance to reflect 50% of the gross floor area requirement, and every building that has a Special Use proposal could change that number to go up or down. He said a lot of the ordinances reviewed do have limits on the number of dogs allowed to stay overnight but staff was unsure of how to enforce that. He said the logic was that 50% means that a majority of the business with never be overnight stays in terms of square footage. Aldr. Bessner asked if that could ever change to 40-50 dogs. Ms. Massey said theoretically it could, but the maximum amount of dogs is 50, so if she had 50 boarding dogs she could not have any day care dogs come in at all, so that would not be smart for her to do that.

Kenneth Shepro-33W542 Army Trail Rd.-Attorney representing Barb Petkus-the owner of the apartment complex that is north across Rt. 64 from the proposed facility. He handed out a petition from Mrs. Petkus and some neighbors in the area. He said he expressed his admiration for the way in which the applicant has T'd this up for Council approval. He said as staff has pointed out, this use under the current ordinance is a kennel, which would not be permitted in this zoning district; and so obviously there cannot be a rezoning, but if the ordinance is rewritten, it can now be an allowable special use because by a remarkable coincidence, the application for Special Use would apply with the proposed text amendment. Mr. Shepro passed out another handout and made a reference to a colloquy between Alice in Wonderland and Humpty Dumpty



regarding the use of words and what they can be made to mean. He said the word he is referring to is kennel, and we are being told it's a dog day care facility or a pet care facility, and as a politician said, when you put lipstick on a pig, it's still a pig; and this is still a kennel. He said to not take his word for it, just look at the application dated February 4<sup>th</sup> on page 2 of the application the Special Use being applied for is "Kennel" and the special request is for a "Kennel". He said selling other dog products does not take away from the fact that this is an overnight boarding facility which is by all accounts a kennel. He said the reasons that kennels are relegated to certain zoning districts is because the zoning authorities recognize that there are certain attributes of a kennel that make them not desirable for a general business district, the main commercial corridor or downtown, and therefore require they be placed elsewhere. He said he also thinks that limiting it to the square footage is an odd standard and there is nothing in the proposed text amendment that would hold anyone to that standard; and theoretically if someone sells a few pet supplies and it takes up 50% of the floor area, it would be considered to be compliant with the new text amendment and he suggested looking at other standards. He said for the other towns that staff had referenced their ordinance is based on number of animals or percentage of activity related to overnight boarding, but not on a 50% floor area, because in that case there is nothing that limits the amount of animals that could be kept. He said another thing he finds ludicrously unenforceable is the proposed standard for the number of dog barks and would the city really hire someone to go out there and count that there is not more than repeatedly over at least a 7-minute period of time at an average of at least 12 animal noises per minute. He said in subjecting one's self to that performance standard, that performance standard should be looked at to see if it's ever reasonably capable to be enforced or carried out. He said noise ordinances are easy to put in place but almost impossible to respond to because unless you have captured it at that moment in time, there is no real way to enforce it. He said in looking at what staff is recommending for approval for the text amendment, there is no real ordinance attached, just a summary; and he feels that staff is not as supportive of the proposed application as the applicant would seem to believe. He said Wilmette is not more than 12 animals boarded overnight and Naperville says its allowed as accessory to a principal use and all activity must be indoors in the B3 district-the main place Naperville put them is in the industrial district. He said the state of Montana has a provision in the ordinance that says "no dog day care facility should care for more than 24 dogs at any given time and accommodate necessary set-backs and have at least 1-acre of fenced land and not more than 50% of the property may be utilized for the outdoor portion of a dog day care operation. He said the fenced in outdoor area in the site plan is very small and putting the dogs closer together they are more likely to bark and the proposed amendment does not require any minimum land area or minimum building area. He said he looked at Kane County's ordinance which defines kennel as an establishment where household pets such as dogs and cats are bred, trained, boarded or groomed, and are in fact a permitted use only in the industrial district, they are a special use in the F dist. as a kennel, allowed in the R1 dist., and pet facilities are allowed in the B1 dist. but specifically excludes overnight boarding. He said he doesn't feel his client thinks this is a bad business and the applicant has lots of admirers for her fine business; but the question is "is this the right facility for this location"

because under the draft ordinance if this were adjacent to a residential area it would not be permitted. He said Mrs. Petkus' property is not immediately adjacent to the facility but the distance is still the same and the performance standards should not depend on what intervening lines the Zoning Ordinance has drawn.

Mr. Shepro said he feels there has not been a successful effort at reaching out to the neighbors and most people that have signed the petition have indicated they had no notion that this was going forward. He said 10-days ago his client and her tenants received an invitation to a so-called open house which he attended as well. He said there were no plans available and they were not allowed to go inside due to demolition, and he knows the ordinance does not require that to be done, but he feels that in considering a text amendment and introducing an industrial use into a traditional business area with residents in nearby proximity, he feels that needs to be looked at much harder as to whether it's appropriate or not. He said regarding the specific use standards-he is still really not sure what the fully screened fence enclosure will look like and that even though the applicant has answers to a number of these questions they are not written into the ordinance. He said the business plan is a fine business plan but most promises being made and/or statements regarding how the operation will be run are also not written into the ordinance. He said he is not sure how it would be measured as to whether this is really primarily a kennel or primarily a pet care business because he suspects that it would be found that very little of the business care would be related to the sale of products that would result in sales tax revenue to the city of St. Charles. He said he thinks at the end of the day it would be said this is a kennel that does not belong in this area and changing the name and the language to merely satisfy an applicant is a bridge too far.

Chairman Stellato commented to the point Mr. Shepro made regarding the City making a General Amendment based on a Special Use with an application in front of Committee, and in his experience, this has happened more than once. He noted that this is not something being done specifically for this facility, this had been done in the past. Mr. O'Rourke stated correct, similar procedures have been followed with initiatives that have started with an applicant rather than a staff generated initiative. Chairman Stellato said that's what triggers the whole discussion and gets us talking about a city wide change or amendment to any zoning ordinance.

Chairman Stellato asked staff what the procedure would be for the policing of the barking complaints. Mr. Vann said if it's during business hours, the call comes in and Code Enforcement goes out to handle the complaint, if it's after hours the Police Dept. would handle the complaint. He said whether it's Code Enforcement or the Police Dept. someone would sit out there in the car and make some timing and if it's over, notification would be made; if it's repeat and then a violation; it would go through the process like any violation; adjudication and fines etc.

Mr. Cook said he thinks the distinction between a Kennel and a Pet Care Facility is very valid but that the activity at the proposed facility is primarily indoors with small runs on the south and

east side of the building and will be totally screened with opaque screening and any barking would be directed south. He also noted that between this facility and Mrs. Petkus' facility is a 5-6 lane highway that makes a lot of noise itself, so he questions whether those tenants would even hear barking. He noted he is not suggesting he is qualified to address that, but just wanted to make sure the circumstance was made aware of.

Chairman Stellato asked Mr. Cook if he was aware of the letter written by Ms. Krempel, who is the adjacent neighbor to the west, who is in support of the facility but had some standards she would like met in regard to fencing. Karen Comstock-71 N. 12<sup>th</sup> Ave.-said she spoke to Ms. Krempel and everything is fine there, she said Ms. Krempel has a bar there and sometimes they sit outside, so there will be a screen there and also some landscaping. Mr. Cook also noted that there is a 7am-7pm restriction as to when the dogs can be outside.

Aldr. Lewis said she would like make this work but asked what the recourse is if it does become a continual nuisance. Mr. Vann said it's a complaint basis where staff would go out and investigate whether it's in violation of the ordinance, the property or business owner would then be contacted to be made aware of the violation, if it continues they are then brought o adjudication. Aldr. Lewis asked but at what point is too many. Mr. Vann said there will come a time where that fine becomes substantial, but no, they cannot be kicked out. Aldr. Lewis said so once they open their business and if it becomes a steady nuisance there is no recourse, correct. Chairman Stellato said a nuisance is a nuisance and noise is noise whether it's a bar playing music too loud or dogs barking outside.

Aldr. Lewis said she has a problem with the 50% of space because the bigger the space the more animals would be allowed according to the ordinance. Mr. O'Rourke said if Committee recommends that the ordinance move forward with an addendum that says it's a different percentage that would be perfectly fine. He said staff used 50% because that was not a majority of the building. Aldr. Lewis asked if something like this could also be opened downtown. Mr. O'Rourke said no, only in the BL, BR and BC districts. Ms. Tungare said if the Committee has a preference to regulate by the number of animals that can be done, but that would be more difficult to enforce than the square footage. Aldr. Lewis said she just worries that the bigger a building gets the more animals there would be.

Aldr. Lewis asked if Mrs. Petkus allows animals in her building. Barbara Petkus-owner of 1408 E. Main & 1416 E. Main St.-said she owns a very conservative apartment building built by her family in 1963. She said they have tried allowing dogs in the past and it has not worked because tenants do not want to hear other people's dogs barking. She said she is commended by the people that live in her building because they want it quiet, she does not just rent to anyone, and she rents to respectable professionals who work all different hours. She said she went to the Elgin facility and made a tape recording, which she had with her. Chairman Stellato said he

would not allow Mrs. Petkus to play the recording because he does not know where that is from. Mrs. Petkus said she is very, very concerned about the noise level.

Aldr. Bancroft asked if the Special Use permit could be pulled if there were issues. Mr. O'Rourke said yes, if it became an issue, procedures would start to revoke the special use. He said it's not something he has dealt with directly but he would have to look into how or why that would happen. Ms. Tungare said that is a question for Legal Counsel, but she is sure there is a process to do so, once all options have been exhausted.

Aldr. Silkaitis said noise is a big concern and he respects that, but he believes what the applicant says in regard to her other locations not having any complaints and he is not sure how Mrs. Petkus is stating there would be a problem when it's contradicting the applicant stating that they do not have problems.

Aldr. Lemke said it seems that if this were to be approved that there may be a risk that if it is disruptive to the neighborhood, that the city would then have to prevent outside kennels or restrict the number of hours.

Aldr. Turner said he likes the name.

Mr. Shepro said he is floored by the comment from staff in regard to not being able to kick them out and he said certainly the Special Use could be revoked. He suggested a condition be put in the Special Use to specifically have the owner acknowledge that violation of the noise restrictions could result in everything up to and including revocation of the Special Use. He also suggested adding something that would say, that maybe the entire use would not be removed, but that the outdoor portion of the Special Use would be removed. He said going back to the square footage and in looking at the staff report, which states that this could be used for anybody else in the city at any vacant building, that it should be looked at as to whether the size restriction is the appropriate way to determine what is the intensity level of the use.

Chairman Stellato said this is a Special Use and asked staff if anything going forward or anytime this comes up again, will it always be a Special Use. Mr. O'Rourke said yes, the amendment is proposed that in all zoning districts where this use is proposed, it will always be a special use, and Plan Commission and Council would have full input and could decide to curtail a proposal at any time, or just vote no.

**Aldr. Turner made a motion to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Pet Care Facilities and Kennels, seconded by Aldr. Silkaitis.**

Roll was called:

Ayes: Silkaitis, Lemke, Turner, Bancroft, Martin, Bessner

Nays:

Absent: Payleitner

Abstain: Krieger

Motion carried: 6-0

- b. Recommendation to approve a Special Use for a Pet Care Facility at 1317 E. Main St. (Fydoland).

**Aldr. Turner made a motion to approve a Special Use for a Pet Care Facility at 1317 E. Main St. (Fydoland), seconded by Aldr. Silkaitis.**

Roll was called:

Ayes: Silkaitis, Turner, Bancroft, Martin, Bessner

Nays: Lemke

Absent: Payleitner

Abstain: Krieger

Motion carried: 5-1

- c. Recommendation to approve a PUD Preliminary Site Plan, Engineering Plan, and Final Plat of Subdivision for The Quad St. Charles (Charlestowne Mall PUD).

Mr. Colby said last November the city approved new zoning standards and a concept site plan for The Quad project and developer is now in the PUD Preliminary phase. He said they are presenting 2-plans for approval: an Engineered Site Plan and the Preliminary Engineering Plans, which are substantially similar to what the city approved in the Concept Plan. He said the other elements of the Preliminary Plan including the architecture for the mall building itself and the landscaping plan are forthcoming and will be presented to the Plan Commission and City Council for approval this summer. He said the preliminary plans for the standalone outlet buildings would come before the city for approval as development is proposed on each of those lots. He said in addition to the application for Preliminary Plan, the applicant has also submitted a Final Plat of Subdivision application to create a building lot for the theater building to enable them to sell the theater building to the theater operator. He said staff recommends approval subject to resolution of staff comments on the plans. He said a representative was present for questions.

Chuck May-185 Heathrow Ct-Lake Bluff-listed a few of the minor changes:

- Still taking down the Sears building.
- Building A is set back a bit further than before.
- Parking area expanded to handle the increase for expected restaurants and outdoor seating areas.
- Elimination of a drive that came straight through which was advised against by the traffic engineers due to bad traffic flow and it creating a dangerous intersection.
- North food court carousel area removed.

He said full drawings have been done and demo and site drawings are in the mail and should be there within the next 2-days for staff review.

Chairman Stellato clarified that what was before Committee was the site plan, preliminary engineering plan and the plat of subdivision; which will allow for the spin off piece to the theater. He thanks Mr. May for working with the theater because they are an important client. Mr. May said Chris from the theater wanted to be there but could not, but he did appear before the Plan Commission. He said Chris came to him and said it would be beneficial for him to own the theater so he could really make the investment to make it state of the art in all aspects. Chairman Stellato asked if this were all contingent upon receiving the final landscape and architectural plans. Mr. May said correct.

Aldr. Lemke said one of the exhibits shows an entry drive removed but it also showed a commercial development in the northeast corner and he asked if that had been removed. Mr. May said it's shown as a permissible building area, but if its desired that a building is put there, the process will have to be gone through again; but as of now there is no plan for that.

**Motion made by Aldr. Martin to approve a PUD Preliminary Site Plan, Engineering Plan, and Final Plat of Subdivision for The Quad St. Charles (Charlestowne Mall PUD), seconded by Aldr. Krieger, No additional discussion. Approved unanimously by voice vote. Motion carried.**

- d. Consideration of a Downtown Overlay Office Certification Appeal for ALE Solutions- 1 Illinois St.

Mr. Colby said that last year the city approved changes made to the Downtown Overlay District to allow for certain types of office uses on ground floor level spaces, and each proposed business is required to apply for and be granted a certification based on criteria in the ordinance. He said those criteria are meant to demonstrate that the business will be compatible with the purpose of the Downtown Overlay Dist. which is intended to be a pedestrian oriented shopping dist. He said ALE Solutions at Fox Island Square applied for certification for a single tenant space in the ground floor of the building and the request was reviewed and denied by staff, and documentation of the correspondence between staff and ALE Solutions is included in the packet. He said the ordinance does allow the owner or business to appeal the decision to the City Council, which is what is occurring tonight, and if the City Council chooses to uphold staff's decision for denial, the business will be issued a notice of zoning violation, which requires compliance within 30-days.

Chairman Stellato noted that in the past exception was made for an attorney at Rt. 31 and Main and he asked staff what the difference was between that and this. Mr. Colby said some of those instances were handled as exemptions where staff looked at the physical configuration of the space, which is a separate process; but the idea behind the office certification is that if the business is one where their primary function is to serve customers that are physically present in the business, then it is likely to meet the criteria listed in the ordinance.

Aldr. Lewis asked how many employees would be in the building.

Robert Zimmers-CEO of ALE Solutions-1 W. Illinois St.-said he was joined by owner and founder of ALE Solutions-Rowina Zimmers and Vice President-Christa Landgraf. He said ALE provides temporary housing for families nationwide that have been displaced from their homes

due to catastrophic loss. He said they do this 24-hours a day and 7-days a week and handle approximately 5,000 needy families every month. He said the business was started by his wife at 212 North Ave. in the basement of their home and it's very much a local business and very much a part of St. Charles. He said the first office they occupied was at Fox Island Square on the 3<sup>rd</sup> floor and the business had expanded and they have taken over each space of the 2<sup>nd</sup> floor and now occupy the entire 2<sup>nd</sup> and 3<sup>rd</sup> floor of that building. He said they rent 5,000 sq. ft. near the Target and moved their accounting and finance there, creating 27 jobs which opened up a lot of space on the 2<sup>nd</sup> floor, and that is now filled up a year later and they are now officially out of space. He said they were invited by their landlord to take a 1<sup>st</sup> floor space that had been vacant for approximately 4-years. ALE had won a contract and needed to hire people right away so they set up data and phone lines along with 14 desks for new hires on that 1<sup>st</sup> floor. He said weeks later they received notice that they needed to apply to do this and it was unbeknownst to him, so they are now backtracking and trying to go through the process. He said he understands it's a retail area and even though ALE keeps a low profile, they do have 150-people that occupy the 2<sup>nd</sup> and 3<sup>rd</sup> floors who eat lunch locally and are very much part of the fabric of the downtown area and do not want to see themselves as any kind of burden to the retailers. He said they have about 30 people per day on average that come to the office so they need this office space and they plan to move their reception there to have a 1<sup>st</sup> floor presence, but that have not done that pending the outcome of this proposal. He said they never really looked at occupying this space indefinitely. A handout was distributed to Committee which he said showed ALE's dilemmas as a growing company. He said they understand they are in the position where they need to either build or create a new facility within preferably the next 9-months and they have been exploring actively to try to build somewhere in St. Charles. He said they are looking to work with the city to get a years' worth of temporary use of the space they are currently in.

Aldr. Silkaitis asked if they acquired a building permit to move into the 120 location. Mr. Zimmers said they did not do anything material to the building except for carpet and a refrigerator. Mr. Vann said he is not sure what the space looked like prior but there was no contact by either Shodeen or anyone else. Aldr. Silkaitis said if ALE had inquired about a permit they probably would have been informed of the ordinance in place and these concerns could have been prevented. Mr. Zimmers said he agreed but he was only taking his lead from Shodeen who invited him, and he assumed because the person who heads up their management is a lawyer that they knew what they were talking about. He said honestly, they were not trying to pull a fast one.

Aldr. Lemke said there are certainly a number of employees and visitors and if a new construction were built downtown by ALE what would the requirement for parking be to accommodate that many employees. Mr. Colby said the parking standard is based on the sq. footage of the building, which is a standard of 3-spaces per 1,000 sq. ft. of office space. Aldr. Lemke said we have as many as 20,000 occupied on the Fox Island location. Mr. Colby said locations that are in the downtown Special Service Area are exempted from those parking requirements. Aldr. Lemke said in passing by the location it does not seem there is a lot of parking immediately facing the Fox Island building. Mr. Zimmers said his 14-employees for the first floor do not park in the front due to the 1-hour parking limit, but even if there were not a limit, they respect the fact that those spaces are for retail, and he forbids his employees from parking there. Aldr. Lemke asked how long ALE has been in the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Mr. Zimmers said 13-years. Aldr. Lemke noted that he is really struck by how little parking there is

on the south during work hours. Mr. Zimmers said the parking lot is Shodeen property, but there is the issue of the street that borders there and one thing brought to his attention through feedback is the parking situation on that street. He said many of those spots on that street are taken by ALE employees, and he knows it's a sensitive matter and he will instruct his employees to not use that street any longer because he wants to be a good steward and citizen of downtown. He said they have ample parking on the 4<sup>th</sup> and 5<sup>th</sup> floor of the parking deck; it's entirely empty. Aldr. Lemke said Arcedium Coffee House would turn the parking more rapidly but those wanting to have coffee there do not want to park 2-blocks away. Mr. Zimmers said he believes his employees should park in the structure and not on the street so that Arcedium folks can have ample parking, and that is something that he can control. Aldr. Lemke said that's leaning in the right direction there.

Aldr. Turner said parking is definitely an issue and that ALE should probably use the 4<sup>th</sup> and 5<sup>th</sup> level of the deck if the extension were granted. He asked staff if some restriction could be put on parking on the street. Mr. Vann said that's a Police Dept. issue. Mr. Zimmers said he has not taken an active role in telling his employees to not park on the street and if that is something that is desired to get the transition period that his business needs, he will be sure it happens. Aldr. Turner said he thinks that should be a requirement of the transition period if it's desired to give one.

Aldr. Martin said this is his ward and he continues to get calls from residents at Brownstone that ALE employees park in the Brownstone, and as recently as last Thursday morning, he watched one of ALE employees park on the street in front of Brownstone and several hours later that same car was still there. Mr. Zimmers clarified that this was in the Brownstone community. Aldr. Martin said yes, and he used to be a weekly user of the Bistro One restaurant and one of the reasons the restaurant had to leave was due to his parking being violated and ALE employees disregarding the signs, and this is an ongoing problem. He said his second is, he's a strong advocate of having retail on the first floor and here again is retail space being given up for offices, so there would be circumstances that he would like to approve an extension, get ALE employees out of the Brownstone, make the parking lot available for retail people and get off the 1<sup>st</sup> floor. Mr. Zimmers said it is news to him and he is surprised he has not been approached regarding his employees parking at Brownstone and he would have made sure that never happened again. He said as for the set-aside parking in the back, when Shodeen set those aside, it was very difficult to tell his employees to only take say 30 out of the 50 parking spots, so he had signs put up and he strictly enforced that. He did say that when Bistro One left he allows his employees to park in those set-aside spots but Shodeen knows that as soon as the restaurant is occupied they will no longer use those spots. Aldr. Martin said unfortunately Mr. Zimmers is a victim of his own success.

Aldr. Krieger said it's her ward as well and she crosses the Illinois Bridge a number of times a day and sees the same cars sitting in the same parking places on the Illinois St. sides. She also receive comments and complaints from the Brownstones, and in one case the resident asked the ALE employee to please not block their driveway and there were some choice words by the ALE employee that Aldr. Krieger could not repeat; therefore for her it's 30 days and ALE is out. Aldr. Bessner said it's a parking issue for him as well and he also has received calls from Brownstone residents, and since the city does not have anything in place that limits residential use or permits special uses for parking, it's on ALE to act as a steward to be sure that does not



happen. He said if this moves forward, the ideal lot would be the utilization of the municipal lot, but he doesn't know how that will work out in snow, rain, cold or when someone is running late, but it needs to be promoted by Mr. Zimmers.

Aldr. Lewis thinks it's great there is a company downtown that hires 180-people that does what ALE does, but that she thought where a lot of the parking issues are was only 3-hour parking and if the employees are parking on the street by Blue Goose and First St. are they getting up and moving their cars every 3-hours. Mr. Zimmers said he is not aware of that but he leaves it to his employees to obey the law. Aldr. Lewis suggest the city patrolling a bit more in the 3-hour parking and maybe hand out a few more parking tickets, or to maybe take an inventory of all employees car makes and license plates and have security go around and control parking and if they are in wrong spots they receive a ticket. Mr. Zimmers said he believes the parking is a solvable problem and once a solution is come up with he will have a proposal to solve it, and he would enforce it as their employer. Aldr. Lewis suggested parking across on the east side, which is only a short walk across the bridge. Mr. Zimmers said there is more than enough in the parking structure; it's just a matter of putting the stipulations in effect. Aldr. Lewis asked if all employees come in their own car. Mr. Zimmers said it's a 3-shift operation and at a peak time there are about 90-employees that all come in their own cars. Aldr. Lewis said she does not want to lose ALE from St. Charles and she would like to do something to help them through the transition and she would be supportive of maybe what Aldr. Turner said as far, if an extension is granted, that some requirements be met. Mr. Zimmers said it would be a very difficult challenge to move that office in 30-days and he is very disappointed that he has not done what was needed to be more approachable regarding the parking issue, and if he had known, it would have been dealt with immediately. Aldr. Lewis said she likes the idea of them making the first floor use for a reception area so people would be walking in and out. She asked if 14 employees is the most that area could handle. Mr. Zimmers said he would commit that he would not have more than 14-employees in there. He distributed a handout he put together that listed 4-items that he put together to address the parking problems.

Chairman Stellato said this is a landlord/tenant issue going on here, and unfortunately for ALE, it was not explained that this could not happen, but either way we are in this position and that is why the parking issue has come up. He what what the city is now faced with is precedence, and whether it's the tenant or the landlords fault, nobody has ever done this before; and he does commend staff for saying no, because the use is not approved and it is 30-days to get out. He said whatever the city decides going forward, the city will be judged, and he does not see an easy solution because once an exception is made, there will need to be a special reason to vary from that, and it going to be a tough decision. He said as far as the parking, he understands what the applicant is proposing to do, but he hoped it had happened a while ago. He understands he wasn't aware of it, but now he is, and the city will have to see how that goes. He said something to think about- there is a restaurant at the corner that will be leased at some point, and once that happens, there will be a parking issue; so landlord to tenant, something has to be done there, because even if it were said today to get out of that first floor, there are still 140 employees downtown that need parking. Mr. Zimmers said the 15,000 sq. ft. expansion he would propose to build would take a number of those employees from there and that would be one alleviation at least.

Mr. Koenen said what the Committee needs to decide are two questions, first, should Downtown Overlay code be changed to allow this use, and second, make a decision on whether to allow this business to occupy the first floor and how long do we give the applicant to vacate the space.

Mr. Zimmers said he is not asking for an amendment to the code to make a special case for his company, but if there were some room to just allow for the temporary use for a period of time, he is asking for one year. Ms. Tungare said Chairman Stellato raised a good point in regard to a precedence being set, and as the director of Economic Development, she appreciates having ALE within the downtown; that being said, there is a balancing act between the regulations in place for the certification process and acknowledging this business within our downtown. She said ALE occupying the first floor is a non-conforming use and certification has been administratively denied by staff, and unless Council chooses to overturn staff's decision, that use becomes a nonconforming use. She said as such there is a process in place for issuing a notice of violation and rectifying the violation; typically, standard practice is 30-days. She said if Council decides on a more reasonable time frame, that would make sense; however 1-year is precedence setting because we are dealing with a zoning violation. She asked the Council to be mindful that this is a nonconforming use and if it's allowed to continue to exist for a period of one year, something to then consider would be, "how do we treat other nonconforming uses within St. Charles?"

Aldr. Lewis noted that the staff report states that this was denied because ALE did not meet criteria B-the function of the business conducted is to primarily provide services to customers that are physically present. She asked if they were to put their reception area down where people walk in and out, would it be more conforming to the use. Ms. Tungare said if their primary function would be walk-in customers and traffic on a regular basis, they could meet one of the criteria for the certification; however the city's Code Enforcement Officer, along with staff members including herself, were constantly evaluating the space and not one walk-in customer was witnessed over a period of 4-5 weeks. She said unless ALE changes the nature of their business or their business practice to have regular walk-in customers on a daily basis, it will not meet the criteria outlined for certification. Aldr. Lewis asked if this business just does not have that type of customer. Ms. Tungare said it does not have the model that the city was looking for when this certification process was put in place.

Chairman Stellato noted that there were some residents present from The Brownstones and asked if they would like to speak.

Catie and Dan Barron-351 Brownstone Dr.-Ms. Barron said she is the treasurer for The Brownstones HOA and also has an art studio in St. Charles and her hours flex. She said on many instances she has seen many people drive in along Illinois to that lot to take advantage of the fabulous river walk way and the bridge, and they are not being able to do so because there is no parking, so they turn around and leave. She said she has also seen people come in to possibly lease the vacant restaurant and they have taken a look at the south side parking lot at 2pm and shrug their shoulders as to where would patrons park for lunch. She said there have been many concerned talks regarding parking at HOA meetings; the Brownstones do not have standard parking along the street, out lots have been built along the street for visitor parking, and lately those have been filled quite considerably more often than they have in the past. She said she commends ALE Solutions for their fabulous business motto and their expansion, and what they

do is a great service; however she feels as a resident, that consideration with regard to the neighborhood and parking is not always being considered at that same time as expansion talk, and that is her main concern. Mr. Barron said he echoes what Mrs. Barron said; he commends the St. Charles Police Dept. because they designated Limestone a non-parking area, which was one of their problems because cars could not get out. He said ALE was also parking on that same street and his concern as a homeowner was they came into the area under the auspice that it would be a retail community and ALE is a commercial business that is not sited for a downtown area. He said he leaves very early in the morning and it's like the Indy-500 sometimes with all the ALE employees coming in and he finds it interesting that the owner does not talk to the homeowners which are the ones most affected by this. Mr. Zimmers said he appreciates the comments and he would give the Barron's a copy of the handout that enforces no parking on that street next to the Brownstones. He said as far as the restaurant not being leased due to the parking, Sharon O'Leary represents that space and was present and he had already spoken to her as well as Shodeen regarding ALE employees no longer parking there once the restaurant is leased.

Mr. Zimmers said as for any kind of lengthening of the 30-days, it seems that once going past 30-days, it would not just be to accommodate them leaving that space, it would be a transition to keep 15,000 sq. ft. in St. Charles. He said St. Charles wants new businesses but is there are ways to work to keep the current ones here, and he wants to work in a practical and sensitive manner.

Rowena Zimmers-ALE Solutions-said she had no idea they were affecting the Brownstones and when she started the company 13-years ago she never thought it would grow as it has. She said it's the entrepreneurial spirit; work hard, employ people in the surrounding areas and attract good people. She said she knows parking is the number one issue and she does not have a problem telling people to park in the garage, but they do bring in a lot of people that frequent Blue Goose, Wok n Fire and Francesca's etc. She said they are not looking to stay there permanently; they just need an extension and they need this space right now with tornado season right around the corner.

Chairman Stellato said this has never happened before, so he thinks something will be thrown out to consider and everyone will need to compromise a bit. He suggested maybe a 90-day extension, but to re-evaluate the situation on the parking issues every 30 days. He said it will be hard for staff because they will have to enforce it the next time and will consider how this instance was handled, so a time frame needs to be set as to set precedence for the next applicant that may come along. He said he thinks a year is too long, but maybe they could work out a 90-day violation, but every 30-days review it, but if it's not working and there's no cooperation with the neighbors, that could result in it being sooner than that. He said whatever happens tonight, it still needs to go to City Council in a week where there will be another discussion.

Aldr. Turner said he is favor of the 90-day and with all the vacancies in town, he questioned why a 15,000 sq. ft. office space cannot be found for ALE. Mr. Koenen suggested that Matt O'Rourke of the Economic Development work with ALE to accommodate a larger space for them to relocate. He said there can be a report back in 30-days and then 60-days on the progress. Chairman Stellato agreed and said input needs to be collected from both downtown and the neighbors as to how everything is working out; it sound like there's a spirit of cooperation from ownership and if that can be done and it works, it could buy some time. Jace Murray, Murray

Commercial, said that once the restaurant space is leased, the designated parking spaces will need to be made available for the restaurant's use, and ALE has a month to month lease on the ground floor unit.

**Aldr. Silkaitis made a motion for a 90-day extension with review after 30-days by evaluating the parking and complaints.**

Aldr. Bancroft said this is a nonconforming use with a notice of violation, so just to be clear, the city is saying it's a notice of violation with now a 90-day cure right subject to the city revisiting after 30-days. Ms. Tungare said correct, and the Committee should first make a recommendation on the appeal for the certification for occupying the first floor. Chairman Stellato clarified that the city is allowing them to stay on the first floor for 90-days. Ms. Tungare suggest specifying the motion for the decision on the appeal of the certification for occupying the first floor. Aldr. Bancroft said we are moving to uphold the staff recommendation but with a 30 and 90 day window.

Aldr. Martin said he will compromise with 60-days because if a 90-day is given there will be extension after extension.

Aldr. Lewis asked if it's not working 30-days from now, will the extension still be for 30-days. Chairman Stellato said no, the motion can then be redone and make it 30-days.

Aldr. Lemke said if it's not working after 30-days, this may be gaveled shut at 60-days. Aldr. Krieger said then we are giving them another 30-days even if it's not working. She said staff recommends 30-days and she supports staff-that's what they are paid for and they have the knowledge.

Ms. Tungare had a request from staff in terms of enforcement, that if an extension were granted whether its 30-days, 60-days or 90-days, that some conditions or criteria be established for staff to go back to follow-up in 30-days, that would be helpful. Chairman Stellato said based on the lateness of the hour and the large amount of items left on the agenda, that may be hard to do. He suggested staff coming back to Council with some direction on what they recommend the criteria should be, and come back to City Council next Monday, April 21<sup>st</sup>.

Aldr. Lemke made a motion for staff to develop a cure plan to be presented to Council along with this motion, if it passes, based on criteria.

**Aldr. Bancroft clarified that the motion that an effective notice of violation will be issued for this space and Council could then direct staff to come up with a criteria for Council to revisit in 30-days with the outside window of 90-days and then come back to Council with just the criteria for that 30-day window, next week.**

Aldr. Martin asked that there be a progress report for the May's P&D meeting. Aldr. Krieger said she expects to see some progress by the time this is voted on next week at Council.

Roll was called:

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

Nays:

Absent: Payleitner

Abstain:

Motion carried: 8-0

e. Presentation of a Concept Plan for 600-660 S. Randall Rd.

Mr. Colby said this site is an existing multi-tenant commercial strip mall building at Randall Rd. and Prairie St. A concept plan application has been submitted for feedback on a possible PUD to allow for the building to be renovated and the parking lot reconstructed. He said the PUD would be required due to the number of zoning nonconformities that exist at the site. Plan Commission reviewed the proposal and are supportive.

Marvin Keys-6801 Spring Creek Rd.-Rockford- general counsel with First Rockford Group-he gave a brief background on the company. He said the structure would remain the same but with a structurally enhanced façade, landscaping and redesign of the whole building to turn it into something functional, not an obsolete building which is what it is now. He asked for comments or questions from Committee.

Chairman Stellato asked if Mr. Keys would just looking for opinion on which of the 2-facades to do. Mr. Keys said correct, and depending on what happens with the tenant mix, they wanted to have the 2<sup>nd</sup> option to expand the building and add an extra architectural element. Chairman Stellato said the parking lot behind this cannot be touched due to the covenants that exist. Mr. Keys said correct, the existing shopping center and everything around there has existing covenants that are part of the same restrictions that apply to everything else and if they tried to become part of that, it would lump into a non-workable out lot for them. He said they would continue to explore that option to work out some sort of compromise but they are not overly optimistic that it could be reached based on prior experience.

Aldr. Bessner asked if the uses mentioned parallel what it in the strip center now. Mr. Keys said they did not previously own it so he is not sure what's been there in the past, but he expect the primary potential user would be a restaurant, but there are a number of them that would not be permissible due to the covenants with no food sales of any kind, no food sales for all purposes of consumption and no alcohol sales. Aldr. Bessner asked if those are the 3-main uses that are perceived. Mr. Keys said it's a 100 page document but those are the 3 uses that have a conflict, but there are also issues in regard to the mall, and kiosks and particular types of items, because of the fact it was a mall, there is a number of odd restrictions. Aldr. Bessner noted that the Comprehensive Plan calls for as much cross-access as possible over the next 10-15 years and it seems that's one thing that been lacking due to the way the property is laid out. He said the hope would be to have some sort of agreement with Jewel to where it would relax some of the restrictions there now. Mr. Keys said they will continue to explore it because it does benefit them as well to improve access and cross circulation and he noted that there are not any restrictions placed upon them by Jewel or anybody else. Aldr. Martin recalled Jewel was built in 1983 and Jewel was totally uncooperative, and he told the applicant he could refer him to the original owner if he would like to know more about the restrictions.

- f. Recommendation to approve a Façade Improvement Grant Agreement for 102 E. Main St. (Riverside Pizza).

Mr. Colby said the project scope includes repairing the damaged store front and installation of new signs and awnings on Main St. and Riverside Ave. elevations in the amount of \$10,000. Historic Preservation Commission along with Staff recommended approval.

Aldr. Krieger asked if the painting on the side would remain. Mr. Colby said yes he believes so.

**Aldr. Krieger made a motion to approve a Façade Improvement Grant Agreement for 102 E. Main St. (Riverside Pizza)**, seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- g. Recommendation to approve a Corridor Improvement Grant for 2536 and 2540 E. Main St. (Melia Linardos).

Mr. O'Rourke said there are 2 properties with common ownership by Melia Linardos who applied for a permit last fall to pave the entire parking lot, and at that time staff informed the owner they had to provide 10 ft. of landscaping between the curb and the property line. He said staff made them aware of the grant and the permit was put on hold through winter and they are now back to get the grant for landscape improvements.

**Aldr. Krieger made a motion to approve approve a Corridor Improvement Grant for 2536 and 2540 E. Main St. (Melia Linardos)**, seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- h. Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Regulations for Medical Cannabis Uses.

Aldr. Lewis asked if the item could be tabled. Mr. O'Rourke stated that there have been several requests for this type of use, but suggested that this item could be tabled to next Monday's Government Operations, instead of May's Planning & Development.

**Aldr. Turner made a motion to table item 5h- General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding Regulations for Medical Cannabis Uses to the April 21<sup>st</sup> Government Operations Committee meeting**, seconded by Aldr. Lewis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- i. Recommendation to approve a Minor Change to PUD for St. Charles Commercial Center PUD – Ashford St. Charles Monument Entry Signs (former Covington Court Apartments).

Mr. Colby said this is a minor change to install some entry features at the Ashford St. Charles Apartment complex; staff has reviewed the plan for conformance with the Ordinance requirements and recommends approval.

**Aldr. Bessner made a motion to approve a Minor Change to PUD for St. Charles Commercial Center PUD – Ashford St. Charles Monument Entry Signs (former Covington Court Apartments)**, seconded by Aldr. Lewis. No additional discussion. Approved unanimously by voice vote. Motion carried.

Chairman Stellato recused himself at 9:20pm for the next two items on the agenda, Vice Chair Bessner took over.

- j. Recommendation to approve a Façade Improvement Grant Agreement for 111 W. Main St. (Steel Beam Theater).

Mr. Colby said this grant is to fund the replacement of an existing projecting banner sign to replace it with an internally lit projecting sign which is intended to increase visibility to the theater along Main St. Historic Preservation Commission along with staff recommend approval of the grant.

Aldr. Lewis asked if the sign is LED lights. Mr. Colby said it's a box that's internally lit, so the light shines out through the letters.

**Aldr. Turner made a motion to approve a Façade Improvement Grant Agreement for 111 W. Main St. (Steel Beam Theater)**, seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. Motion carried.

- k. Recommendation to approve a Corridor Improvement Grant for 1020 Cedar Avenue (Batavia Enterprises).

Mr. O'Rourke said this property is just east of where the railroad tracks used to cut across Main St., there is a small parcel which has frontage on Rt. 64 which makes it eligible for the grant and Staff recommends approval of this grant.

**Aldr. Krieger made a motion approve a Corridor Improvement Grant for 1020 Cedar Avenue (Batavia Enterprises)**, seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. Motion carried.

Chairman Stellato rejoined the committee at 9:22pm

## **6. ADDITIONAL BUSINESS**

- a. Update on Historic Preservation Mail Order Homes Project.

Mr. Colby said the Historic Preservation Commission is working on compiling a list of mail order or kit homes in St. Charles and recently sent out a survey to property owners to try and obtain some information about whether they are living or not living in a kit home. He said the Commission is hosting a seminar that is scheduled for next Wednesday, April 23<sup>rd</sup> at 7pm in the Council Chamber.

## **7. EXECUTIVE SESSION**

- Personnel

**Aldr. Lemke made a motion to go into Executive Session at 9:23PM.** Motion was seconded by Aldr. Turner.

Roll was called:

Ayes: Silkaitis, Lemke, Turner, Stellato, Bancroft, Martin, Krieger, Bessner

Nays:

Abstain:

Absent: Payleitner

Motion Carried. 8-0.

**Aldr. Turner made a motion to adjourn from Executive Session at 9:53 PM.** Motion was seconded by Aldr. Krieger. No additional discussion. Approved unanimously by voice vote. Motion carried.

- 8. ADJOURNMENT-Aldr. Bessner made a motion to adjourn at 9:54PM.** Seconded by Aldr. Turner. No additional discussion. Approved unanimously by voice vote. Motion carried.