

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, MAY 12, 2014 7:00 P.M.**

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

Others Present: 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; Fire Chief Schelstreet; Bob Vann, Building & Code Enforcement Division Manager

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, Turner, Stellato, Bancroft, Martin, Krieger, Bessner, Lewis

3. COMMUNITY & ECONOMIC DEVELOPMENT

- a. Update regarding Downtown Overlay District Office Certification for ALE Solutions, 1 Illinois St.

Ms. Tungare provided an overview of parameters set forth from April 21, 2014 City Council Meeting as follows:

- ALE Solutions to demonstrate good faith effort in mitigating some of the parking concerns.
- ALE Solutions will be present at 30 and 60 day intervals to provide City Council with an update on both the parking mitigation as well as efforts to relocate their first floor facilities.
- City Building & Code Enforcement staff to regularly monitor the parking situation and provide updates.
- City Council granted ALE Solutions 90 days to occupy the ground floor space.

Mr. Vann provided a parking observation update. The south parking lot off of Indiana Street as well as parking spaces located on Indiana Street were filled by 8am. Parking in the time restricted parking areas was held to the designated time allowed. The retail customer parking spaces displayed parking by the same vehicles from 8am – 5pm, Monday through Friday. After

5pm and on weekends, staff found no issues to take note of. Observations of levels 4 and 5 in the parking deck showed no cars parked with levels 1 through 3 being heavily parked.

Chairman Stellato asked how the parking was in the streets running north and south through the Brownstones. Mr. Vann said they did not look through those, however, they are pretty open and it did not appear that anyone from ALE was parking there.

Aldr. Lewis asked Mr. Vann to repeat what he had said regarding the customer parking. Mr. Vann said he was referring to the customer parking along the two retail stores along 1st Street and Indiana where change over in parking was noticed.

Aldr. Martin noticed that the street on the far western boundary of the Brownstones was completely full of cars during the daytime, assuming they are either ALE Solutions employees or they are people who are unable to park in the parking lot. In addition, Aldr. Martin said he has a continuing problem in the south parking lot, where he has never gone through that area and found the retail customer parking spaces to be vacant. Aldr. Martin's second concern is regarding a new restaurant opening in that area soon and not having the retail customer's parking spaces available to patrons who would like to visit the new business. Mr. Vann said he agrees with Aldr. Martin's observations that these parking spaces are consistently filled.

Robert Zimmers – 1 W. Illinois Street - St. Charles - provided a handout and responded to each infraction. Mr. Zimmers stated Police Commander Erik Mahan noticed a dramatic change in the restricted 3 hour parking in between Fox Island Square and the parking structure. A large number of ALE employees are parking in the parking structure. Mr. Zimmers hopes this will be considered as a demonstration of good faith. Mr. Zimmers addressed levels 4 and 5 of the parking deck with level 4 having 4 to 6 cars parked on it and no cars parked on level 5. This was cited as an infraction with the comment that he has not been making a good faith effort. Mr. Vann explained what he meant was that by human nature you are going to look for the first parking spot. Mr. Zimmers said the point he was trying to make is that the parking deck is relatively empty during the day and if parking was shifted there it wouldn't be a problem. He parks on the 2nd floor and many of his employees do too. Regarding parking on Indiana Street, Mr. Zimmers said he believes his employees are not utilizing public parking on this street. He has monitored this himself, he knows his employees cars and has emphasized to them to not park there. Mr. Zimmers said he does not know how he can control other people from parking in those spots. If pictures of other cars could be provided, he would review them and take action if need be.

Chairman Stellato asked if the parking spaces on the north side of Fox Island Square are assigned parking. Mr. Zimmers said no, so other people can park there. Mr. Vann said in some of their observations, photos were taken and they compared cars but did not run any plates. They did not feel a need to do so as they felt the situation was consistent with the same cars parked in the same spots on different dates.

Chairman Stellato stated, for clarification purposes, the north side of Indiana belongs to Fox Island Square and the south side is public. Is there a time limit on the south side? There is no limit on the south side said Mr. Vann.

Mr. Zimmers said the 8 parking spaces dedicated for retail customers are currently being used by ALE employees until the new restaurant opens. He has been in conversation with the new proprietors of the restaurant and they know quite well that ALE will not utilize the spaces when they are open for business. Further, ALE will be an advocate for the restaurant and probably a large customer as well.

Aldr. Silkaitis stated ALE is still in violation of the retail ordinance. He asked Mr. Zimmers what steps he has taken to find another location. Mr. Zimmers said he has not had a lot of progress in finding a suitable spot over the past 3 weeks but that is not due to lack of effort. He has met with Mr. O'Rourke and a number of realtors. Mr. Zimmers is looking for a space that has a short term lease, is ready to go and is not cost prohibitive. He also explained ALE has dealt with massive tornado outbreaks and have been busy assisting over 400 families.

Aldr. Martin stated a month ago he insisted on the violation being enforced unless progress on the parking, which included the parking spaces designated for retail customers, improved. If these retail customers cannot find a place to park, they will drive off.

Aldr. Krieger said the main issue is being in violation of the retail ordinance and she finds it hard to believe he is unable to find another spot for 14 people.

Aldr. Bessner asked Mr. Zimmers what he has personally done to control where his employees park. Mr. Zimmers said he has constructed a complete and effective policy for all of his employees to adhere to. In addition, he contacted Mr. and Mrs. Barron from the Brownstones reassuring them that none of his employees will park in that area in the future.

Aldr. Lewis agrees with the other alderman regarding violation of the ordinance and with the parking concerns. She understands the increased work demands Mr. Zimmers has been addressing with the hardship placed on others by the tornadoes. Aldr. Lewis suggests exercising patience and allow time for Mr. Zimmers to get things in order.

Chairman Stellato acknowledged he has seen some progress. Chairman Stellato would like to see Mr. Zimmers work with Economic Development and local brokers to secure another office space.

Aldr. Silkaitis would like to give Mr. Zimmers more time.

Aldr. Krieger stated this is an update session and Mr. Zimmers is to report back in 30 days with progress.

Aldr. Martin requested staff examine the most western street located in the Brownstones and consider 3 hour parking time limits. Mr. Vann said he would have to put through an ordinance for a timed meter and go through the Police Department to work through that process. Aldr. Martin said if Mr. Zimmers' employees do not park on that street, then there would be no need for it. Mr. Vann will discuss possible implementation with the police department if time limits are needed in the future. Mr. Zimmers reiterated that his employees are not parking on Indiana

Street. He would welcome any photographs of cars parked there and license plates to follow up on to ensure they are not his employees.

- b. Recommendation to approve a Map Amendment from CBD-2 Mixed Use Business District to CBD-1 Central Business District for 217-221 S. 2nd St.

Mr. Colby said this subject property is a lot improved with two buildings: a residential structure fronting on S. 2nd St. and a second building fronting on Indiana St. that houses a restaurant/tavern on the lower level and other residential uses above. This property is located in the Central Historic District and is a designated Historic Landmark. The current CBD-2 zoning was assigned in 2006 when the City adopted a comprehensive zoning ordinance amendment that created a new zoning district structure. "Restaurant/tavern" is not a permitted use in the CBD-2 zoning district and therefore the use is considered to be legal non-conforming. The applicant and property owner, Craig Bobowiec, has submitted a Map Amendment requesting CBD-1 zoning for the property in order for the business to be considered a legal permitted use. The Plan Commission recommended approval of the application unanimously on 4/22/14. The vote was 8-0. Staff recommends approval.

Aldr. Martin made a motion to approve a Map Amendment from CBD-2 Mixed Use Business District to CBD-1 Central Business District for 217-221 S. 2nd Street. Motion was seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- c. Recommendation to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding off-premise signs in the CBD-1 and CBD-2 district.

Mr. Colby stated property owner Mr. Terry Grove has requested the City amend sign regulations in the Zoning Ordinance to permit off-site signs for lots in the downtown districts that lack street frontage. The property in question is located at 309 N. 2nd St. (IL Route 31). Mr. Grove has found that the lack of signage has hindered tenants from having adequate visibility to passing traffic and it is difficult for visitors to locate the building. This appears to be the only property in the downtown that does not have any street frontage. Signs may be located off-premise on an adjacent lot with street frontage subject to the authorization of the property owner. The Plan Commission recommended approval of the application on 4/22/14. The vote was 8-0. Staff recommends approval.

Aldr. Silkaitis made a motion to approve a General Amendment to Title 17 of the City Code (Zoning Ordinance) regarding off-premise signs in the CBD-1 and CBD-2 district. Motion was seconded by Aldr. Martin. No additional discussion. Approved unanimously by voice vote. Motion carried.

- d. Recommendation to approve a Façade Improvement Grant for Hotel Baker, 100 W. Main St.

Mr. Colby stated the Hotel Baker has requested a Façade Improvement Grant to assist with funding the repair of upper story windows on the south and east elevation. The Historic

Commission recommended approval of the application on 5/7/14, subject to the applicant and contractor attending a future meeting with the Commission to review methods the contractor will use to prevent window glazing from failing prematurely. Representatives of the Hotel Baker have agreed to attend the next Historic Commission Meeting to resolve this issue. Staff recommends approval.

Aldr. Silkaitis made a motion to approve a Façade Improvement Grant for Hotel Baker, 100 W. Main St. Motion was seconded by Aldr. Martin. No additional discussion. Approved unanimously by voice vote. Motion carried.

- e. Recommendation to approve a Minor Change to PUD Preliminary Plan for Randall Rd. Commercial Center II PUD – Wendy’s, 942 S. Randall Rd.

Mr. Colby said this is an application for a minor change regarding the building elevation for Wendy’s. Staff has reviewed the elevations that were submitted with some comments in the summary. Staff recommends approval.

Aldr. Turner made a motion to approve a Minor Change to PUD Preliminary Plan for Randall Rd. Commercial Center II PUD – Wendy’s, 942 S. Randall Rd. Motion was seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. Motion carried.

- f. Recommendation to approve a Facade Improvement Grant Agreement for 117 E. Main St. (Berry’s Barbershop)

Mr. Colby stated Michael Hayden of Berry’s Barbershop has requested a Façade Improvement Grant to assist with renovating the storefront and with new signage. The Historic Commission recommended approval of this grant on 5/7/14, subject to review of a more detailed design of the storefront repaneling drawing. Staff recommends approval.

Aldr. Krieger made a motion to approve a Façade Improvement Grant Agreement for 117 E. Main St. (Berry’s Barbershop). Motion was seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- g. Update on the 2014 Restaurant Week Promotion – Information Only.

Mr. O’Rourke presented an update of the 2014 Restaurant Week Promotion. Highlights included participation by 34 restaurants (the most ever), mailing of 29,944 postcards (the most ever), over 3,000 unique views of the Restaurant Week webpage and 100% of respondents surveyed stated they will participate in next year’s promotion.

- h. Update on the Amortization of Nonconforming Signs – Information Only.

Mr. Vann said in 2006 the City completed a comprehensive review of Title 17, with a large portion of this review dedicated to signs and the amortization process. This required non-conforming signs to come in compliance with current zoning standards. Non-conforming signs

have to deal with size, height or setback with PUD districts having their own requirements. The 2006 revision required by 2009 all signs had to be in compliance. In 2009, the City Council delayed the implementation of the amortization date due to economic conditions at that time. From 2011 – 2013, the Route 64 Road Construction Project resulted in another delay with implementation forwarded to October 16, 2014. Mr. Vann provided a list of businesses with non-conforming signs to the City Council.

Aldr. Turner asked Mr. Vann if he is sending out monthly notices advising those businesses of how much time they have remaining before they must become compliant. Mr. Vann stated they are sending out periodic reminder notices. Aldr. Turner asked if these people are taking the ordinance seriously. Mr. Vann replied that many business owners have contacted them to get this taken care of while aware there will be some who will be upset.

Aldr. Martin asked if there have been any financial difficulties involved with enforcing this. Mr. Vann anticipates there will be businesses that will have difficulty investing \$3,000 - \$4,000 to make their sign compliant.

Aldr. Bessner asked if it is possible to have all signs in compliance by October 16th. Mr. Vann said it will be a work in progress. If there is a lot of conversation and they are working toward becoming compliant, it will happen and may take a little more time.

Ms. Tungare directed the Council to the list Mr. Vann had provided. The list consists of approximately one-third of the businesses having made an investment already with two-thirds remaining to make that investment. Ms. Tungare stated they will work with the businesses and property owners while remaining practical and do their best to get everyone in compliance by October 16, 2014.

Aldr. Krieger said if we do not maintain and work toward that date, those that have conformed already, would not be pleased if everyone was not mandated to conform as well. Mr. Vann said he agrees but there may be some that force staff to go down another path. Aldr. Turner was in agreement and stated people have known for 3 years that they are going to have to change their signs.

Chairman Stellato suggested contacting those folks who have yet to comply and tell them it will be on the agenda and to attend a meeting to hear what the Council is saying. Mr. Vann has told some of the businesses to hold off and see what happens after tonight's meeting.

4. ADDITIONAL BUSINESS - None.

5. ADJOURNMENT - Aldr. Bessner made a motion to adjourn at 7:50 PM. Motion was seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. Motion carried.