

**MINUTES
CITY OF ST. CHARLES, IL
PLANNING AND DEVELOPMENT COMMITTEE
MONDAY, JUNE 9, 2014 7:00 P.M.**

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

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 & Code Enforcement Division Manager; Ellen Johnson, Planner

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,

Absent: Lewis (7:03PM)

Aldr. Krieger made a motion to move Item 3a on the Agenda to be discussed last. Motion was seconded by Aldr. Turner. No additional discussion. Approved unanimously by voice vote. Motion carried.

Aldr. Lewis joined the Committee at 7:03PM

3. COMMUNITY & ECONOMIC DEVELOPMENT

- b. Recommendation to Approve a Funding Request for The St. Charles Arts Council for Event Advertisement (Charlie's Center for the Arts – ALL of the ARTS, ALL over TOWN).

Mr. O'Rourke said the Arts Council is requesting a funding amount of \$2,500 to help advertise and promote the "Charlie's Center for the Arts– ALL of the ARTS, ALL over TOWN" event. He said the city has helped with funding assistance the last 2-years; \$5,000 in the first year (inaugural year) and \$2,500 last year. He said the funding helps to advertise through many of the Chicago area publications to help promote the city and the event at the same time.

Elizabeth Beliver- Representing the Arts Council-6 Aintree Rd.-she thanked the Committee for considering their request. She said the Charlie's event as a concept is to allow the Arts Council to support existing arts-based businesses and to develop additional arts-based programming to bring into the city to help them build the brand for the city as a place that is known for the arts and that has a significant degree of arts programming. She said the concept for the Arts Council

is to develop a reputation for the city where the art is a center piece, not only for the value of the arts, but also for cultural tourism, which will accrue a significant amount of economic benefits to the city by having a lively arts scene. She said there would be 2 separate events; one in September is for professional artists and the one in March is for student artists. She said every arts-based business (Fine Line, Norris Cultural Art Center, Steel Beam Theatre) in the city would all be a part of the event with their regular programming and in some cases additional programming specifically focused on taking advantage of the event and the people it will bring to town. She said the Arts Council would be doing some programming largely with visual arts in terms of their volunteer database and in addition to that they would be funding the dance, music, spoken word and additional visual arts programming from outside organizations that are looking for opportunities to exhibit and sell their work. She said the program list includes things like the Downtown St. Charles Partnership's Jazz Weekend and if it is as it has been in the past, there could be 20-venues across the city. She invited everyone to the opening of "Charlies Thursday night at the Arcada Night of the Living Dead" and said that there would be a costume contest, so wear your best vampire costume.

Aldr. Lemke made a motion to approve the funding request of \$2,500 for the The St. Charles Arts Council for Event Advertisement (Charlie's Center for the Arts – ALL of the ARTS, ALL over TOWN). Motion was seconded by Aldr. Bessner. No additional discussion. Approved unanimously by voice vote. Motion carried.

Chairman Stellato announced Aldr. Bancroft's Birthday.

- c. Recommendation to approve a Final Plat of Subdivision for the Dunham Creek Subdivision, 2455 Dunham Rd.

Mr. Colby said this is a proposed 2-lot subdivision of a property which is at the southwest corner Dunham and Country Club roads; there is a drainage way and wetland area that exists on the north side of the property. He said the proposed subdivision would create a new building lot south of an existing house that is already on the property. He said Plan Commission has reviewed the project and they recommend approval, and staff also recommends approval, subject to resolution of all outstanding staff comments prior to City Council action on the Final Plat.

Aldr. Turner made a motion to approve a Final Plat of Subdivision for the Dunham Creek Subdivision, 2455 Dunham Rd. Motion was seconded by Aldr. Bancroft. No additional discussion. Approved unanimously by voice vote. Motion carried.

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

Chairman Stellato gave a brief update stating that there is another 30-days left before the expiration of the 90-day period granted for ALE Solutions. He said he had been contacted by a builder/developer who is working with ALE Solutions to build them a new building. He said there would be a meeting within the next week and they would know more at that time in regard to what the process would be to keep them in town. He said the Police Dept., Public Works and staff has done a good job monitoring the parking to keep the downtown parking ordinances intact. He said some new signage has been added on many of the parking areas around the building to limit the amount of parking.

e. Discussion regarding regulating chickens on residential properties.

Mr. Vann said there has recently been a heightened interest in acquiring and maintaining chickens on residential properties within the city. He said currently the city's code provides a list of prohibited animals; however the code does permit birds and fish and since a chicken is defined as a bird, they have been a permitted animal within the city. He said there are specific limitations in place that do restrict property owners on how chickens are to be used: 1) chickens cannot be part of an agricultural process or business; 2) no retail sales of agricultural products should be conducted on the property; 3) the selling of chickens is strictly prohibited; 4) chickens or any animals should be classified as a nuisance if they are found emitting loud noises excessively for an extended and uninterrupted amount of time, or creating obnoxious or offensive odors. He said this has become an issue of discussion among local communities; however the presence of residential chickens within the city has existed for more than 20-years and for the most part has been self-regulated. He said staff has researched other communities that allow residential chickens along with their restrictions, and also towns that prohibit them all together; and from this research Staff has come up with 3-options for the Committee to consider:

1. Make no change to existing regulations.
2. Continue to allow chickens with additional restrictions.
3. Prohibit chickens.

He said Staff believes this will be a continuing issue and is looking for direction from Committee on how to best address domestic chickens.

Aldr. Bessner asked how long chickens live. Mr. Vann said roughly 8-yrs.

Aldr. Lewis asked how many people in town are currently raising chickens. Mr. Vann said staff does not have a specific number but that staff has seen coups while out doing inspections; but that they can account for about a dozen right now; but he is sure there is more.

Aldr. Krieger asked if there had been any complaints and that it took her 4-years to realize there were even chickens living in her neighborhood. Mr. Vann said there have been a lot of inquiry calls, but not a lot of complaints other than 1 recent call which triggered staff to start this discussion.

Aldr. Martin said he is aware of the chickens in his neighborhood and has even visited some of the owners to see how they were raised and he has no problems or complaints and he recommends making no changes to the existing regulations; leave it as it is.

Aldr. Bancroft asked if most of the issue as far as keeping the chickens going to be dealt with on the nuisance. Mr. Vann said yes, and the complaints heard were in regard to noise and smell and there is a mechanism currently in place for odors and it is recommended that if someone has that complaint to call staff so they can come out and address the issue.

Chairman Stellato said he had only received a noise complaint regarding a rooster, which passed away shortly after that, and there has not been a complaint since.

Aldr. Turner said he has heard no complaints and he is inclined to leave the regulations as is. He said the end of his street there is a township farm where they raise chickens and he thinks people like the sound of the rooster.

Aldr. Lemke said if it's self-policing within the limits of the nuisance portion, that it may suffice in the short term.

Aldr. Payleitner said she agrees that it's an up and coming issue as part of the new organic cooking and expectations, so she sees lots of chickens in the future. She said we cannot have chickens for purposes of agriculture; she asked Mr. Vann to define agriculture. Mr. Vann said the Ordinance defines it stating that businesses cannot raise chickens to sell them or actually produce them for a fee or a service; but that does not pertain to residential chickens. He said there is not a definition in the Ordinance for residential chickens, they are just listed as a permitted animal being as it's a bird; but there are no regulations listed as to how many, the placement and whether roosters are allowed. He said there is a limit on cats and dogs allowed but no limit for birds.

Aldr. Silkaitis said he raised chickens in the 1960s to sell in his grandparents store and he doesn't have a problem with it; he has heard no complaints and thinks the regulations should be left as is.

Aldr. Payleitner asked whether the city should just wait until there are complaints. Mr. Vann said he knows of only one which stirred the conversation up.

Jodi Rogers-1236 S. 11th St.-said that Aldr. Silkaitis doesn't have a problem with this because he doesn't look out his window at a chicken coop every day like she does. She said she has to smell them, hear them and see them and she does not want chickens in her back yard; so why should she have to deal with it. She said the Ordinance should regulate the number of chickens allowed and that salmonella, E. coli and bacteria are all carried by chickens, so when their feathers and feces are in her yard she is being exposed, as a cancer survivor, she doesn't feel it's fair to be exposed to that. She said she has nothing against chickens but if you want to raise them go live on a farm and chickens only produce eggs for the first 3-years so after that what gets done with the chickens. She thinks there needs to be an ordinance in place or they need to be banned all together.

Chairman Stellato asked Mr. Vann if, judging by the issue just heard, if he would recommend changes to limiting the number and noise. Mr. Vann said the noise and smell issue is already in the Ordinance; but certainly the numbers, the location and the zoning should be changed because he is not positive we would want to see these things in certain zoning districts, such as multifamily.

Aldr. Krieger suggested to maybe add some sort of screening as to not have to see the chickens.

Aldr. Lewis asked why there are limitations for cats and dogs, but not birds. Mr. Vann said it may be due to the fact that birds stay inside and cats and dogs are outside. Aldr. Lewis asked if chickens could be allowed inside a residence. Mr. Vann said it's very tough to regulate the number of indoor pets.

Chairman Stellato suggested that staff go ahead and draft some sort of Ordinance to include the suggestions heard that evening and to then bring it back to Committee. Mr. Vann said yes and he thinks it's prudent to take a look at this and get something on the books because right now there are no limitations or requirements to have them penned and he thinks there are reasonable expectations that neighbors to the owners of chickens will probably have. Aldr. Payleitner added the city has zoning for a reason: health, safety and to be good neighbors, and she would like to see that those in close proximity in town that have chickens be good neighbors.

Chairman Stellato thanked Mr. Vann for all his research on the chickens and also for being accessible and bringing things to the point they are today with the ALE Solutions item.

- f. Recommendation to approve a General Amendment regarding regulations for Single Family Residential Driveways.

Chairman Stellato said this item began in his neighborhood with a house similar to one shown on the projector on Manley Rd. and the request is to be able to fit a third car on the driveway instead of having to park it on the street. He said it became prohibitive when it was found that the driveway width could not exceed 25% and the request is simply to enlarge the driveway enough to park a third car in the driveway.

Aldr. Lemke said he would be concerned that it would be enforced retroactively to those already there.

Aldr. Krieger asked if it would affect the apron area outside of the site. Mr. Colby said it does not; there will be a continued limitation of 24 ft. for the width of the apron at the property line, so the driveway could be widened as long as it does not exceed that percentage.

Aldr. Turner made a motion to approve a General Amendment regarding regulations for Single Family Residential Driveways. Motion was seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- g. Recommendation to Approve a Corridor Improvement Grant for 1434 E. Main Street (Eric Larson).

Aldr. Turner made a motion to approve a Corridor Improvement Grant for 1434 E. Main Street (Eric Larson). Motion was seconded by Aldr. Payleitner. No additional discussion. Approved unanimously by voice vote. Motion carried.

- h. Recommendation to approve a Minor Change to PUD for Carriage Oaks, 1500 S. 14th Street (patio enclosure).

Aldr. Payleitner made a motion to approve a Minor Change to PUD for Carriage Oaks, 1500 S. 14th Street (patio enclosure). Motion was seconded by Aldr. Silkaitis. No additional discussion. Approved unanimously by voice vote. Motion carried.

- a. Presentation of a Concept Plan for the Bluffs of St. Charles (Illinois Route 38 & Brundige Rd.).

Chuck Hanlon-116 W. Main St. Suite 208-stated that he would be showing the same presentation that was shown to the Plan Commission the week prior and that he would like to express some comments regarding the input that was heard from the Plan Commission and the neighbors. He stated that also present with him was: Joe Segobiano-Hudson Burnham-who has combined with Avanti Properties who is the applicant, Den Venard-Hudson Burnham and Rich Guerard-representing the existing ownership for the property. He said Wills Burke Kelsey Associates have worked on the planning and engineering aspects and Metro Study has completed a market analysis for the property.

Mr. Hanlon said the 96-acre property is contiguous with the corporate limits on the north and east sides and the property sits approximately 3,000 ft. west of the sanitary treatment plant on the south side of Rt. 38, west of Peck Rd. He said the property is a relatively rectangular site with Brundige Rd. being the western periphery and the southern boundary is a school district and township line. He said the corporate limits of Geneva are to the south along with the Prairie Green Preserve with some permanent green space south of the township line, which was bought by the Kane County Forest Preserve. He said to the east it's a combination of municipal and state ownership along with Prairie Green which is open space, and to the north east is the Illinois Youth Center and Harvest Hills Subdivision.

Mr. Hanlon said the property is illustrated as "rural residential" which meets the new Comprehensive Plan future land use map; but to orientate, the property, if annexed, would certainly represent the extreme southwest corner of the city. He said in extending the utilities, they have been looked at extensively, but the proposed development would have a higher off-site utility cost than most developments would have; but it is feasible to extend those both from a fiscal and physical standpoint in the design. He said to they have looked at extending out from the existing treatment plant which is currently not provided water service, but if the property were to extend the utilities, it could bring water to the treatment plant. He said there is a dead end to the north at Hickory Knolls Discovery Center where they would extend the loop for utilities as well as the proposed development to get rid of 2-dead ends to extend water service to the treatment plant.

Mr. Hanlon then showed a PowerPoint presentation explaining the details of the concept plan.

Mr. Hanlon noted that they had not yet pursued IDOT for another curb cut on to Rt. 38 but that they are willing to do that to disperse the traffic; but it would most likely be a right in/right out.

Mr. Hanlon said Plan Commission had many comments/suggestions to get to something that would be acceptable based on the location, the Comprehensive Plan and the physical location of the property. He then showed a quick matrix to identify issues that if this were to be annexed to St. Charles as rural lots or low density that it's simply not feasible with the cost of the off-site utilities in mind. He said in looking at the Comprehensive Plan and comparing St. Charles cluster residential development, this would be compliant in the land use, whereas the Kane County rural residential development would bring the need for septic and tapping in a lot of

wells as opposed to using the deeper wells and municipal water service. He said it would create a greater housing diversity and their market study shows that very large lots are not in demand at this point, so they are looking for more of a clustered development on smaller lots to provide the affordability and diversity. He said the impact fees are higher with density when they annex to St. Charles utilities so the districts will receive more funds along with a greater benefit to annual tax revenues and an even higher amount if annexed with a relative density versus a rural residential development.

Mr. Hanlon said another concern by both the Plan Commission and the neighbors was the green swath which is the combination of assemblage of open space over a great amount of time and resources in terms of park land, open space, prairie wetland preserves assembled by multi-jurisdictions including Geneva, St. Charles, Forest Preserves and a number of other agencies who have worked hard to create a north/south open space transition from the city. He said they are more than willing to go back to the drawing board as suggested by Plan Commission to reconsider a different type of proposal or zoning than what has been presented. He said they do not have those answers but are just looking for feedback from the Committee because he does feel there is a plan that could be acceptable to all. He then asked Committee that if with an acceptable proposal could there be consideration for the extension of utilities at the applicant's cost and also the consideration for annexation of the property without finding out that evening what exactly that final proposal would be.

Mr. Hanlon said they understand that Brundige is a rustic road corridor and they believe they can redesign the project where they can mitigate concerns there. He said either certain housing on the property or a donation in terms of inclusionary housing is something that can be worked out with the city as opposed to if it's not annexed to the city that would not be on the table for the city's consideration. He said they would like the opportunity to go back and work with staff on a second proposal to bring back to the Plan Commission.

Aldr. Payleitner suggested that comments being offered should state whether their issue is with the zoning, the application or with both.

Phillip Lewis-1321 Ash St.-said his wife Maureen sits on St. Charles City Council and he represents St. Charles and portions of Geneva on the Kane County Board for the past 7-years. He said in his position he has been involved with the parcel that the applicant is proposing a plan for and he is opposed to dense residential on the parcel. He said he is against it because Geneva, St. Charles and the Forest Preserve have all invested significant sums of money in this green buffer zone. He said the reason this was done was the leadership put a plan together that Geneva and St. Charles would have a buffer zone buffering the communities from activities west of our community. He said residential was built to the area of Peck Rd. and then millions of dollars and two decades were spent creating this green buffer; and this plan of 285-homes and dense residential mitigates that investment because it would leap frog the green buffer zone to establish a dense residential neighborhood. He said his opposition is based on the historical planning, the investment by the city and also the new Comprehensive Plan just approved by Council lists this as R-1 rural residential; and he and his colleagues on the Kane County Board are in agreement that it is beneficial to the city to have a rural residential neighbor. He said there are currently rural residential developments that the city has extended utilities to as well as unincorporated and they are good neighbors; but whether it is decided to annex this parcel he asks that the

Committee stand as decision makers on following through on a two-decade commitment to a rural environment west of Peck Rd.

Aldr. Krieger asked if Mill Creek Greenway is the area being referred to. Mr. Hanlon said he is not sure exactly what it is called but he knows its green space owned by Geneva, the Forest Preserve, St. Charles, state of Illinois and the Park District; but he doesn't think it actually has a name. Aldr. Lewis said the map states it as Mill Creek Greenway. Mr. Hanlon said it's a re-charge water shed area for Mill Creek.

Rick Dunlap-6200 S. Joliet Rd., Countryside- member of the International Union of Operating Engineers-Local 150-said he supports the plan to annex 96 acres of unincorporated land for use as a part of a housing development. He said the planned development would bring around 95 million in land preparation and construction with new residents bolstering the tax base in St. Charles bringing an estimated \$4 million annually in property taxes and utilities. He said the project would put people to work and put viable land to use returning dollars to local economy and easing the tax burden on existing residents. He asked that Committee please support the plan to annex the parcel and said that he represents his membership along with the members that live in St. Charles and he hopes they approve the plan.

Drew Frasz-Brundige Rd.-Kane County Board Member-said he was very involved as a citizen before he was on the board with the smart growth principles that were promoted over time. He said in 2001 there was a proposal for a 1,200 acre PUD known as Grand Prairie and he stood along with 17 other public and private entities to argue the case for St. Charles to not develop that entire area; and this 96 acre piece is a piece of that original 1,200 acres. He said the majority of that acreage is still in the hands of the original developer and it's anticipated to come back to the county as some point. He said when that development was rejected it was brought to the County board at the time with St. Charles not being a further option; and the citizens spent an entire year with a clean sheet of paper to come up with a new plan called the Settlements of LaFox that provided an internal road system, a bridge, 50% open space, preserved rustic road, and was touted as a model of collaboration and compromise. He said they are very proud of that and even though the development stalled during the recession he thinks it will come back in some form; most of the land is still intact and there is a great foundation to build on for a proper development of that area. He said Kane County is the only county in Illinois that has a rustic road program which is very similar to a historic district but instead of preserving homes it preserves man-made and natural items; and the county is very proud of it. He said the proposal, with access on to Brundige, takes down the tree line and the barn, eliminating the view sheds and completely impacts the rustic road program. He said since that road was designated rustic, the program encourages tourism such as the Heritage Prairie Farm that is very popular, the Field of Dreams Horse Rescue, the Mill Creek Vineyard, the Illinois State Nature Preserve, two County Forest Preserve acquisitions and the Rustic Road Farm. He said Kane County's report states that if this proposal goes through it would probably result in the pulling of the designation for rustic roadson Brundige Rd. He then mentioned the public facilities located to the east along Rt. 38 and stated that St. Charles has sited several facilities that are considered less than desirable in town and residential areas, these include: the state highway facility with 2-salt domes, St. Charles Public Works facility with 1-salt dome, a sewage treatment plant, the St. Charles Police Dept. open air shooting range that is used regionally, St. Charles Aero club and the St. Charles leaf compost. He said this proposal jumps 1-mile over all those facilities and takes the last piece

of what could be preserved out there to jam 285 homes on it; so he urges the Committee to reject the proposal because it is spot zoning and is an island of development that violates both the city and the county's land use plan and it is inappropriate. He said he would like to see it keep going the way it is in the home stretch to build a great area to benefit the city with a green buffer and transition to other communities.

Aldr. Payleitner asked if Mr. Frasz would be in favor of Settlements of LaFox. Mr. Frasz said on that particular parcel, yes, because there were only 90-homes; however the airplane noise and the shooting range will cause residents to call their alderman to complain. He said the airfield can peacefully co-exist in an open-space complex as it is developing; but as far as residential he doesn't see that happening, so even with the settlements of LaFox that would still be a big problem.

Aldr. Turner said he had questions for Mr. Frasz regarding his concept of open space and his attitude toward it. He said the County just approved a huge Shodeen project out west in Elburn and that St. Charles will have to deal with the traffic now on Rt. 38 and Randall which is already a failed intersection. Mr. Frasz stated that was an Elburn project; the county was only involved with the road construction. Aldr. Turner said the county also approved a Shodeen commercial project on Keslinger Rd. increasing the density a quarter mile off Brundige Rd. Mr. Frasz said yes. Aldr. Turner said he doesn't see how that makes sense by the county doing that and forcing all the traffic into St. Charles but the city should not get any property tax off this 96-acre parcel. Mr. Frasz said the big difference is, the one in Mill Creek was approved in 1994 for 500,000 ft. of retail development; so all they did was ask for a change from retail to residential, and the county felt the residential was preferably to the retail. Aldr. Turner said it's still adding people which adds traffic. Mr. Frasz said yes, but it was a PUD approved in 1994. He mentioned Mill Creek and Fox Mill and that the idea is to pull the density into the PUDs to leave open space around them, which is why the Settlements of LaFox was right on top of those, but it still attained 50% open space. Aldr. Turner said he understands that, but when it comes to Fox Mill, St. Charles is lined up with all the traffic and are not getting any help from Fox Mill to handle the services for it, and the citizens have to deal with it without any compensation and he has a big problem with that. Mr. Frasz said that Rt. 38 and Randall is a state intersection, a state highway and a county highway, so he thinks the county is paying for it. Aldr. Turner said "to a point".

Aldr. Bessner asked if there were any studies at the county level that show what natural type of residential growth may come beyond Peck Rd. over the next 20-years. Mr. Frasz said the Kane County 2040 land use plan divides the county into 3-zones from north to south with: urban corridor which is the Fox River Valley that is urban and suburban, critical growth area which is between Peck Rd. and Rt. 47 and beyond that is the agricultural area. He said there are 3 different concepts and in the critical growth area the county sees rural residential developments that co-exist with a lot of green space and recreational area which is what is developing out there. He said as Mr. Lewis mentioned, Geneva has invested millions of dollars in the Prairie Green project and the St. Charles Park District has Campton Hills Park which wraps all the way around the Illinois Youth Center; so there is already a pre-existing bought and paid for green buffer and beyond that would be the Settlements of LaFox PUD or whatever it comes back as, which would be the third big PUD out there. Aldr. Bessner said outside of the proposed development; he asked if in 10-years did Mr. Frasz see many more roof-tops going west of Peck Rd. Mr. Frasz

said within 10-years he expects the Settlements of LaFox, and in their original development they showed spray fields for their land application sewage system which was accepted to preserve the view sheds along Brundige; but beyond that he believes it would be high density on 1,200 acres with 1,700 structures with density clustered around the LaFox train station to radiate out into a bull's-eye type development. He said the proposed parcel would be one of the furthest rings on the bull's-eye to be lower density along with preserving the barn, the tree line, the view sheds and had very generous set-backs. He said the proposal and the petitioners know the history of the area very well and he feels it's essentially a slap in the face for all the work that's been done out there. Aldr. Bessner asked what the approximate distance between the potential Settlements of LaFox and the proposed area. Mr. Frasz said from the proposal it is about a mile west from Harvest Hills; so going another 1/8 of mile beyond that is where the Settlements would pick up. Aldr. Bessner asked if the proposed area would connect to the Settlements at all. Mr. Frasz said the original proposal connected them; however the noise of the aero club and gun range is a big concern for the one particular parcel. Aldr. Bessner said the aero club has moved once before so that could happen again by chance; and that he is just trying to find out all the connecting parts and how they fit together. Mr. Frasz said it is a very collaborative effort with Garfield Farm, Campton open space, IYC, St. Charles Park District, Forest Preserve, Geneva and St. Charles, with a nice green buffer; and as things develop to the west and the County envisions St. Charles and Geneva winding down near Peck Rd. and the PUDs of Fox Mill, Mill Creek and the future Settlements being the interim; and there are already agreements in place to have another green buffer in place between the proposed area and Elburn.

Aldr. Lewis asked why this proposed 96 acre property has not yet been bought by the Forest Preserve or St. Charles. Mr. Frasz said this particular piece is the last available parcel in the big quadrant between Brundige, Peck, the railroad tracks and Rt. 38; and the Forest Preserve has made it known that they were interested but the seller did not want to sell at the time due to the possibility of annexing in to St. Charles. He said the County has the capabilities and they would like to pursue this.

Todd Culbertson-3734 Matisse Dr.-17-year resident and board member and Director for the Fox Valley Aero Club in St. Charles. He thanked the Committee for allowing them to present their opposition to the proposed development. He said he raised some awareness at the Plan Commission meeting regarding their club and also made the members aware of their club's positive contributions to the city and they are a professional club of hundreds of residents over the years and not a small group of guys with little airplanes. He said they provide benefits associated with local businesses, a benefit from their membership and along with visitors and tourism. He said they are recognized by local charities and applauded for their community outreach activities; this past weekend was the Kids Fun Fly which was fee; along with Cub Scout Rocket Fest and the Stemorama event at the Fairgrounds. He said local businesses such as Robart Manufacturing and Hobby Town USA directly benefit from their activities and he feels the proposed development would jeopardize the club's continued existence and the aforementioned benefits to the community with a high density subdivision with lot lines less than 200 yards from the end of their airport runway. He said the FVAC was incorporated in St. Charles in 1975 and they have previously leased land from the Park District at the James Breen Park until expansion which necessitated them to search for a new site due to safety concerns upon which there were no incidents. He said they have occupied their current site for 10-years which is not obvious on the maps in review; but they have improved the property to

approximately \$250,000 of their own money with no assistance from the city and they have just last year renewed their lease for another 10-years. He said they oppose the proposed development on the grounds of open space but for different reasons; they need space because they fly large airplanes, some with wing spans of 10-20 ft. that have complex electronics, high speed electric motors, fans, propellers, nitro fuel, gasoline, and some are miniature engines that operate in some cases at high speed. He said their club and events are sanctioned and insured by the AMA (Academy of Model Aeronautics) and their club requirements are rigid and the single most important is on safety; they enforce a “no fly policy” which has been reviewed and accepted by the entire membership. He said they have good neighbors to the east; 911 call center who has a small group of staff, and the gun range who has infrequent visitors and they have implemented a policy of raising a visible red flag on a long flag pole when officers are present making the first berm their hard line “no fly” zone. He said they have been in communication with one single resident to the west 250-yards farther than the west point of the lot line in question; there was one incident that led them to strictly enforce the “no fly” policy and that the resident has his phone number and he is on call to the resident at all times. He said they have live webcams of the field pointing in both directions so they can strictly adhere to their policy and see any violations and all of this was done for the safety of that one resident. He said the proposed development is slated at 285 houses at approximately 1,000 people at close proximity or above their airspace and they would not want to take on that amount of risk and potential legal liability to continue their club operations as they exist today and the development would ultimately force their club to dissolve if they could not find another space to fly. He said he understands that Committee may be saying yes to a few benefits of the development and he understands why; but ultimately a large group of people have voiced their answer as a “no” to this development for some really good reasons. Aldr. Payleitner asked if the “no fly” zone abuts the proposed property. Mr. Culbertson said the property line in question to the west of their field is their “no fly” line which resides on the property line from the city’s lot, which they occupy the eastern portion of, there is an agricultural field less than 250 yards from the end of their field and then there is the first line of trees which is what their members look for as a hard stop; and after there that is what they consider the buffer zone. He said there is a little space near the agricultural land that is an “oops” space just in case something happens; which is the property being proposed for development; so someone’s back yard could potentially be right at that line.

Frank Woodin-President of the LaFox Civic association-said that he feels that the plan has already been drawn for the area but with an unfortunate twist of the economy did not go through. He said the Settlements of LaFox plan is what they endorse and they do not favor The Bluffs in its present situation.

Nate Sumner-Operations Manager at Heritage Prairie Farm- 2N308 Brundige Rd.-Elburn-said they are a working organic farm who holds a lot of educational events and celebrations and they provide their services to their community and also to St. Charles. He said they have been operating since 2008 and from day one they have worked with the County to develop a business to support, embrace and help the vision of the rural/rustic area, and they have really crafted a business specifically around that. He said he feels it would be unfair to allow another business to come in and ignore the intended uses, the history, the maintained rural atmosphere and the 20-years of investing for green space. He said he knows it’s important to Kane County to increase vegetable production and that through working with a soil scientist he was told that a study was done after the Cold War in Russia to travel the whole world to find the best soil in the world for

vegetable production to feed the Russian community and it was determined that the richest most choice premium soil was found in the Illinois/Wisconsin state line area. He said he would argue that this soil is our country and community's greatest natural resource and has been bulldozed and destroyed over the last 20-years and he feels it would be a disservice not only to the community but also the future communities in the area and to destroy this one now would be a tragedy. He said right now its conventional agriculture and he is not sure that's the ideal use for it but he guarantees that paving over it for a subdivision would permanently destroy its value to the community and environment. He said they are not necessarily against any other use besides agriculture, but they are definitely against the current proposal and that there are local developments that have embraced their communities and the rural and agricultural routes to work together with existing businesses, residents and farmers. He said he feels there is a potential use for this land but what is being proposed is not appropriate and he fully supports the county's idea to purchase the parcel for the Forest Preserve. Aldr. Payleitner asked if he would be opposed to the Settlements of LaFox as well. Mr. Sumner said he would not like to see those 90 houses there either; that it's not the number he is worried about but the use of it and the attitude of it. He said it's obviously an area that will be developed but they would like to be open to work with people to celebrate whatever would go there.

Rich Guerard said he represents the owner and supports the plan and would like to see it approved. He said he has worked with the city in the past in working toward a plan and he does believe adjustments can be made that would work for everyone and he has personally been working on this since before 2000. He said Heritage Farm is a 10-acre commercial retail business who started there years after there was an approved subdivision of LaFox at that location. He said Heritage Farm would have far more impact than a subdivision would because they are a retail business with banquets and wedding with hundreds of trips on the rural road every week, and it feels a little disingenuous for them to raise those kinds of issues. He said having said that he does realize there needs to be adjustments made to deal the impact on a rural road and they will do some things to address that. He said he understands the concern with the Aero Club but once again he has owned the 96 acres for longer than the farm has been there. He said there have been people living on it for 100-years and there are still people living on it and if it's that dangerous why are they aiming 20 ft. wide planes over and at our property; and to refer to the property that he owns as the "oops" buffer is not fair. He said this is America, and yes we should make accommodations and deal with the issues but everyone needs to remember there are two sides to this and they do have their rights to the property and should be able to develop it in a reasonable way. He said 285 homes is not the drop-dead plan and the developer has stated they would like to come back with another plan and idea but bottom line is it would still be residential at that location and will be someday whether it's in St. Charles or the county. He said this was an integral part of the LaFox plan which was a 1,200 acre master project that would have tremendous impacts on the area; there would have been no agriculture left and that was the approved plan for the county. He thanked the Committee for listening and that he would like the opportunity to continue to work with the city.

James Zukowski-PO Box 252, St. Charles-said he has been a customer and friend of Heritage Prairie Farm for 4-5 years and they have worked very hard and are coming up on their organic certification in a few weeks. He said many of the chemicals used by modern lawn care and other companies are not organic; there are certain requirements to maintain an organic certification and the close distance across the street from these types of things may threaten that. He said the

certification is extremely expensive and extremely time consuming and to have that threatened by casual pesticides and herbicides is not beneficial to them. He said in regard to the comment made about the number of trips made on the rustic road to get to the farm; the farm is about 100-150 yards from Rt. 38 and does not encompass a huge amount of road. He said the proposed development would be much farther down the road with multiple entrances which would have a much more devastating effect on the rustic road designation, and that he would not like to see prime farm land plowed under the asphalt. He said the break down suggests that it's actually going to be more like 3.9 units per developed acre making it closer to a 1/4 acre rather than 1/3 of an acre per parcel. He said the engineers estimate \$95 million worth of development and benefits to construction which boils down to over \$320,000 per parcel just in construction cost which makes for some very pricey homes and he is not sure there will be that many people willing to pay that much money being that far away from St. Charles proper and he is officially opposed to the proposal and the annexation.

Aldr. Lewis said if it were annexed it would be her ward (5) and would make it a very long narrow ward. She said as far as the question, "Should the city of St. Charles consider annexation of this property, and if so for what reason, and if so what would then be the logical location for a future western boundary?" She said she could not come up with a reason as to why the city should annex more property into the city limits. She said no matter what it needs to be decided what will be done with the things between Peck Rd. and Brundige Rd. and how much further west do we continue to go. She said she is comfortable with what the boundaries are now and she is not supportive of annexing this parcel in; she doesn't see the benefit it would bring to St. Charles.

Aldr. Bessner said he sees Peck Rd. as a natural boundary line and he lives that way so he doesn't see the proposed parcel as being that far; but at the same time in looking to the future he is not sure what kind of residential sprawl may go out that way. He said not to say he is in favor if sprawl were to go that way of this development in particular; but he wants to be sure that if this is something the city will not go for, that we are not missing out on any opportunities or missing out on what will happen in the future in the next 5-20 years.

Aldr. Krieger said because this does adjoin the Mill Creek area she would prefer to see green space.

Aldr. Martin asked if Avanti Group owns the property or if they are under contract. Joe Segobiano-1110 Jorie Blvd.-Oak Brook said they are under contract with the seller. Aldr. Martin said if the city declines to annex this it will still have the opportunity to be included into the Forest Preserve or open space and given all the other open space in the area it doesn't seem logical to plant a bunch of homes on the proposed property. He said should the city decide that it be developed as residential he would accept nothing more than what the Concept Plan for Settlements of LaFox density calls for.

Aldr. Bancroft said he agrees with Aldr. Martin and in just approving the Comprehensive Plan it would be tough to look at anything that would be inconsistent with that.

Aldr. Turner said he thinks the city should annex this property because it is going to get developed anyways and the city will feel the effects of all the traffic and get nothing for it. He

said as far the proposed plan; it's not going to be 257 homes and he suggests RE-2 which is comparable to Persimmons Woods or RS-1.

Aldr. Lemke said he would also like to recognize that there is an advantage to the city controlling, developing and providing water and sewer as opposed to it being done piece meal. He said he has heard someone from Elburn come here and say that Grand Prairie isn't any good and then you go out to Elburn and there are row houses along Rt. 38. He said what was planned with Grand Prairie makes a lot of sense but he would be against including the green space as a density measure because he thinks it needs to be on the gross buildable area and more consistent with what was proposed for Settlements of LaFox. He said there are other studies that need to be done in order to properly provide the water and sewer extensions and in looking at the access that Harvest would have to the rest of the community he thinks pushing all of this out on to Brundige Rd. and doing a mass grading of all the trees does not make sense and a tree line should be preserved. He said there are some issues, maybe not the ones just mentioned, but as the city works through the issues, there may be good reason to consider the annexation because it very well could be in the city's favor.

Aldr. Payleitner asked if the owner of the property is requesting the annexation and if the developer has a drop dead density number at this time. Mr. Segobiano said yes the new owner is requesting the annexation and the developer does not have a drop dead number. He said based on the Plan Commission comments and general public feedback they are in the process of looking at what makes the most sense based on those comments. He said they also rely on the market analysis performed because they do want the units to move to add to the diversity of the housing stock in St. Charles. He said they would like to go back to the drawing board taking all the information received along with the marketing information and also to address the Brundige Rd. rustic issue and come back with another plan.

Aldr. Lemke said he would first like to see it be left as open space or for the County to buy it, but that there is no way he would approve it at 285 homes because that is too big of a drastic change from the Comprehensive Plan. He said the Comprehensive Plan calls for rural residential which is 1-dwelling unit per acre and he is not saying he is firm on that but he would like to see another plan and make comments from there, but he would prefer to see it as open space.

Aldr. Payleitner asked if the annexation and the development are a package deal. Chairman Stellato said yes, he doesn't believe they would annex without some type of approval of a PUD or a development. Mr. Segobiano said that is correct, they would be requesting zoning and plan approval with annexation. Chairman Stellato confirmed it is not two separate issues.

Aldr. Lewis said that the Comprehensive Plan also states that if the city were to do annexation it should concentrate on in-fill and she doesn't consider this parcel as in-fill and she feels there are in-fill properties that should be looked at along Rt. 31.

Chairman Stellato said he loves the age targeted idea given those that are getting older a better opportunity to live in the community. He said this is very early in the game and the Committee is assigned to do what's best for the community and he thinks one way to judge that is by providing studies along the way for traffic and trees. He said one study he would really like to look at is the Economic Impact Analysis study which would give the true revenue generator from

that site based on the services the city would need to provide; Police, Fire, utilities etc. He suggested that if the developer decides to keep going forward to provide those studies and to also do the Economic Impact Analysis based on the existing 90 units and then also based on what they are proposing.

Aldr. Lewis asked where does everything between Peck Rd. and this property get moved to. Chairman Stellato said that is not being addressed tonight; this specific development is the one being dealt with for the purpose of the developer.

Chairman Stellato said this is just a concept and the developer has been given comments and they can now decide whether they want to go away or come back to the drawing board; but everyone will be kept informed. He suggests the developer to maybe go back to Plan Commission again and stated that as far as the Council talking about additional annexation, he thinks it's something that does need to be looked at regardless of this development because that is a bigger issue and that can occur in a lot of other places than just here.

4. ADDITIONAL BUSINESS-None

5. ADJOURNMENT - Aldr. Lemke made a motion to adjourn at 8:36 PM. Motion was seconded by Aldr. Turner. No additional discussion. Approved unanimously by voice vote. Motion carried.