

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, JUNE 17, 2014**

Members Present: Chairman Todd Wallace
Vice Chair Tim Kessler
Brian Doyle
Steve Gaugel
Tom Pretz
Sue Amatangelo
James Holderfield
Tom Schuetz

Members Absent: None

Also Present: Russell Colby-Planning Division Manager
Ellen Johnson-Planner
Chris Tiedt-Development Engineering Manager

Court Reporter

1. Call to order

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

2. Roll Call

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

3. Presentation of minutes of the June 3, 2014 meeting.

A motion was made by Ms. Amatangelo, seconded by Mr. Schuetz and unanimously passed by voice vote to accept the minutes of the June 3, 2014 meeting.

PUBLIC HEARING

4. 600-660 S. Randall Road – Randall Shoppes (Dyn Rote LLC)

Application for Special Use for PUD
Application for PUD Preliminary Plan

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

A motion was made by Mr. Kessler, seconded by Ms. Amatangelo to continue the Public Hearing to July 8, 2014.

Roll Call Vote:

Ayes: Gaugel, Doyle, Amatangelo, Holderfield, Kessler, Schuetz

Nays: Pretz, Wallace

Absent:

Motion carried: 6-2

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5. 2425 W. Main St. – Buona St. Charles (St. Charles Main Street Partners LLC)

Application for Special Use for two Drive-Through Facilities

Application for Preliminary Plat of Subdivision

Application for Final Plat of Subdivision

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

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

Roll Call Vote:

Ayes: Wallace, Gaugel, Pretz, Doyle, Amatangelo, Holderfield, Kessler, Schuetz

Nays:

Absent:

Motion carried: 8-0

MEETING

6. 600-660 S. Randall Road – Randall Shoppes (Dyn Rote LLC)

Application for Special Use for PUD

Application for PUD Preliminary Plan

There was no discussion of this item.

7. 2425 W. Main St. – Buona St. Charles (St. Charles Main Street Partners LLC)

Application for Special Use for two Drive-Through Facilities

Application for Preliminary Plat of Subdivision

Application for Final Plat of Subdivision

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

Motion was made by Mr. Doyle, seconded by Ms. Amatangelo to recommend approval of the applications contingent upon resolution of all staff comments.

Roll Call Vote:

Ayes: Wallace, Gaugel, Pretz, Doyle, Amatangelo, Holderfield, Kessler, Schuetz

Nays:

Absent:

Motion carried: 8-0

8. Meeting Announcements

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

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

Tuesday, August 5, 2014 at 7:00pm Council Chambers

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

10. Adjournment at 9:46pm.

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PRESENT:

- MR. TODD WALLACE, Chairman;
- MR. TIM KESSLER: Vice Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. JAMES HOLDERFIELD, Member;
- MR. THOMAS PRETZ, Member; and
- MR. TOM SCHUETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager;
- MS. ELLEN JOHNSON, Planner; and
- MR. CHRIS TIEDT, Development Engineering Manager.

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CHAIRMAN WALLACE: This meeting of the St. Charles Plan Commission will come to order.

Tim, roll call.

MEMBER KESSLER: Amatangelo.

MEMBER AMATANGELO: Here.

MEMBER KESSLER: Gaugel.

MEMBER GAUGEL: Here.

MEMBER KESSLER: Doyle.

MEMBER DOYLE: Here.

MEMBER KESSLER: Schuetz.

MEMBER SCHUETZ: Here.

MEMBER KESSLER: Pretz.

MEMBER PRETZ: Here.

MEMBER KESSLER: Holderfield.

MEMBER HOLDERFIELD: Here.

MEMBER KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

MEMBER KESSLER: Kessler, here.

CHAIRMAN WALLACE: Item 3, presentation of the minutes of the June 3rd, 2014, meeting.

Is there a motion to approve?

MEMBER AMATANGELO: So moved.

MEMBER SCHUETZ: Second.

CHAIRMAN WALLACE: It's been moved and

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1 seconded. All in favor.

2 (Ayes heard.)

3 CHAIRMAN WALLACE: Opposed.

4 (No response.)

5 CHAIRMAN WALLACE: Motion passes
6 unani mousl y.

7 Items No. 4 and 5 on the agenda are public
8 hearings. For those of you who have not been here
9 before, the St. Charles Plan Commission is commissioned
10 by the City Council to conduct public hearings for
11 certain applications that come before it.

12 In this case we have several different
13 applications for two different projects, and what we'll
14 be doing here tonight is we will be gathering evidence
15 that will enable us to make a decision regarding a
16 recommendation to City Council, a recommendation either
17 for approval of the applications or for denial of the
18 applications.

19 In doing so, the St. Charles Plan Commission
20 looks to findings of fact that are contained within our
21 zoning ordinance, and for each application there is a
22 different set of findings of fact which we will go
23 through one at a time.

24 So before we begin, anyone who intends to

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1 offer testimony either for or against any of the
2 applications, including asking questions or making
3 comments, I ask that you be sworn in.

4 If you would all raise your right hand and
5 repeat after me. Not repeat after me, just answer me.

6 (Witnesses duly sworn.)

7 CHAIRMAN WALLACE: Thank you. You may
8 be seated.

9 I'll just remind everyone that when you speak
10 there is a court reporter that's in the room, and as
11 talented as she is, she can only report one person at a
12 time. So wait, please, until you're recognized by me
13 before speaking. When you do speak, I ask that you
14 stand at the lectern, state your name, your last name,
15 spell your last name, and also state your address for
16 the record.

17 Any questions regarding the procedure?

18 (No response.)

19 CHAIRMAN WALLACE: Okay. In that case,
20 the first item is No. 4 which is 600-660 South Randall
21 Road, Randall Shoppes, Dyn Rote, LLC, application for
22 special use for PUD and application for PUD preliminary
23 plan.

24 Is the applicant ready on this one?

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1 MR. KEYS: Yes.

2 CHAIRMAN WALLACE: Okay. First of all,
3 before we begin, is there anything from staff before we
4 hear from the applicant?

5 MR. COLBY: No. We can turn it over to
6 the applicant.

7 CHAIRMAN WALLACE: I'm sorry. Say it
8 again.

9 MR. COLBY: We can turn it over to the
10 applicant.

11 CHAIRMAN WALLACE: Okay. Thank you.
12 All right. Go ahead.

13 MR. KEYS: Good evening. My name is
14 Marvin Keys, K-e-y-s. The address is 6801 Spring Creek
15 Road, Rockford, Illinois 61114.

16 I'm here on behalf of the petitioner, Dyn
17 Rote, LLC. We are in front of you this evening for a
18 special use permit for a PUD for the redevelopment of
19 600-660 Randall Road.

20 You'll recall I was in front of you a couple
21 of months ago for the recommendation from the Plan
22 Commission as to whether we should move forward with
23 the PUD. We also were in front of the City Council
24 shortly thereafter, and this is the continuation of

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1 that process, moving forward with that request.

2 Pursuant to the city's ordinances, there are
3 certain findings of fact that must be made with regard
4 to a special use permit as well as the PUD. I don't
5 know if you prefer for me to go through those and
6 explain one by one. Each community differs as to
7 whether you want me to actually go through it
8 individually or what we filed with our petition.

9 CHAIRMAN WALLACE: I mean it's up to
10 you. We have the petition in front of us. If you just
11 want to go through the plans, I think we can kind of go
12 from there.

13 MR. KEYS: All right. The plans that
14 you see in front of you are the same as what -- other
15 than the supplemental information that we filed and
16 requirements under the PUD, the same basic plan that
17 you had seen previously.

18 During the process here, there were some
19 recommendations, some things that were talked about by
20 this Board that didn't necessarily vary, but they
21 weren't exactly the same as what we heard at the City
22 Council. So we have not changed the elevation of the
23 building.

24 There was some discussion about some of the

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1 architectural details of Building Option No. 1, which
2 was the expanded building, and adding some vertical
3 penetrations, which we still have no issue with if
4 that's ultimately what is the preferred route.

5 We think it makes sense because we would be
6 wanting to have something there to hide the HVAC units
7 and other type of components anyway, to screen those
8 from the parking lot and from the road. But that has
9 not been changed on the plans, but that's not something
10 that we're opposed to.

11 On the plan that you see one of the things
12 that we've talked about was cross access, and we have
13 had some additional discussions. I spoke with the
14 representative of Shodeen who owns the property
15 immediately to the back of this property or to the
16 east, I think is where their property is.

17 The representative there and I had some
18 discussions. We're going to further those discussions.
19 We haven't by any means resolved anything. They want
20 to see a design as to how this would work, and then
21 they've got to go to Jewel. We've tried to get ahold
22 of Jewel already. We have had no response.

23 We have also attempted to contact the bank,
24 which is to the south, because ultimately after looking

1 through the various kinds of designs that we could
2 have, it makes the most sense for the cross access,
3 sort of the circulation, if we were to add it, would be
4 to go to the south to connect to the bank's property,
5 and then it would circulate out through the bank's exit
6 onto the Shodeen property to the east, and that would
7 be kind of a circulation pattern that made sense.

8 If we went -- if we tried to go directly to
9 the east, that property, one, we'd lose parking spaces
10 that are needed for the development if we were to go
11 that direction. In addition, there wouldn't -- if we
12 did Option No. 1 and expanded the building, there
13 wouldn't be anyplace to actually accomplish that, and
14 so the only way that would work for both plans would be
15 to do it through the south.

16 The bank's -- the bank handles their
17 information or their dealing with us is not local. The
18 person who handles this is out of Cincinnati, Ohio.
19 We've had some discussions with them. They have not
20 gotten back to us with whether or not they are
21 interested or would be willing to.

22 The initial comments were they had some
23 concerns about the fact that it was -- ultimately we
24 would be going onto their property and circulating

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1 around through their overhang, which is where their ATM
2 machine and all that stuff are and all their tellers
3 that you would do the drive-up. Although there is a
4 bypass lane, but that was their initial comment, but
5 they have not gotten back to us with anything on that.
6 We will continue to pursue that. We think it's in the
7 best interest of ultimately the development as a whole
8 to do that if we can.

9 Our concern still remains that ultimately
10 Jewel will require the covenants and restrictions that
11 are applicable to the Jewel lot to apply to this one,
12 which would effectively sign the development into no
13 food sales, no alcohol sales. I mean a lot of things
14 that would really put some impediments on this.

15 So we don't know that it will ultimately work
16 out because it will require the bank, the Jewel,
17 Shodeen, and their mortgagees or their lenders to all
18 consent in order for an amendment to be made to the
19 existing covenants and easements and cross-access
20 agreements that are in place already.

21 It is the one hurdle that is something that
22 we will continue to pursue. We don't have a resolution
23 of that, and I don't know that the resolution will
24 ultimately be positive. I'm not optimistic about it

1 just based on my prior experience with other locations
2 where we've had these types of arrangements or tried to
3 do these types of arrangements with a Jewel. We have
4 done it on at least two other occasions, and nothing
5 was ever resolved because of the restrictions that they
6 wanted to place on the outlot.

7 So I am not -- I don't want to put a false
8 picture that we're optimistic about it. I don't expect
9 that they're going to be willing to bend on that, but
10 that's certainly something we're going to continue to
11 pursue. The city thinks it's advantageous, and we
12 think it is as all.

13 Shodeen was not opposed to it in my
14 conversations with them, but they wanted to see some
15 more detail, and part of the problem is not knowing
16 whether we could have an option to go through the bank,
17 and so I'm trying to get answers from other people that
18 just -- I'm not getting answers back from.

19 With regard to our PUD and what our plans
20 are, we have submitted the landscape plan, the sign
21 plan or the sign rendering, as well as the elevations.
22 The sign rendering you can see on what we've submitted
23 matches up with what the building looks like. We have
24 added some brick to the bottom. We have provided some

1 of the -- in the computer here if I can pull it up, you
2 can see on the -- it's behind you now on the plan
3 elevation. Compared to what's existing there on the
4 sign, it's significantly upgraded from what is provided
5 at the current site today.

6 What we've done is basically taken the
7 existing sign and just upgraded it. We haven't
8 modified it or made it bigger or added additional
9 square footage to it. We just put a cap on the top
10 that will match the facade of the building, and like I
11 said, the brick at the bottom to tie it all together.

12 Then with regard to the landscape plan, we
13 had some comments from staff, and we provided some
14 additional information to staff with dimensions to
15 provide them with the additional information that they
16 were looking for.

17 We have no issue with staff's requests with
18 regard to changing some of the plantings. It was a
19 misunderstanding on our landscaper's part as to what
20 was required or not permitted at all versus what was
21 recommended for certain areas, but we have no issue
22 with some of the drought or salt resistant plants being
23 changed out for -- non-salt resistant plants being
24 changed out for salt resistant plants.

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1 We have no issue with that, and we'll resolve
2 that directly with staff. We have no problem complying
3 with that. They also noted that we needed two
4 additional trees on Randall Road which we will provide.

5 The one main variation from the landscaping
6 that we were requesting and it was in our initial
7 submittal, and I don't know whether staff didn't see it
8 or -- because they kept commenting about whether or not
9 there was 15 percent internal landscaping or total site
10 landscaping, and we do not need that under what we're
11 proposing.

12 In our petition, it initially said
13 approximately 11 percent; and if you look at the
14 building itself, extending out to the north from the
15 building, there is a sidewalk. In my initial
16 calculation I had included that as a landscaping area,
17 but it was not. So instead of 11 percent, it's 10.15
18 percent of total lot landscaping as opposed to the
19 15 percent, but that is something that we have
20 requested as part of the variation as part of this PUD
21 process.

22 In addition, we've got some side-yard
23 setbacks that we've already previously discussed and
24 staff has noted in their staff report. The building

1 already does not meet those requirements. We're not
2 doing something different than what's already there as
3 far as the existing, I guess you could say,
4 nonconformance, but it is -- we're not correcting it.
5 We're not moving the building by any means. I think
6 it's 6 feet or so at one end, and even close to
7 2.4 feet I think on one end of the building from the
8 property line. Those would still remain.

9 Anything -- an addition to the building would
10 still just continue along the same lines there, but we
11 would not impede any further on any setbacks.

12 In addition the parking lot -- there's
13 setbacks at the parking lot from Randall Road that do
14 not meet the ordinance, and again that's been part of
15 our proposal the whole time and continues to be.

16 We would need or it would be part of this
17 that we would be closer to Randall Road than what would
18 otherwise be permitted under the ordinance, including a
19 portion that exists today as a zero lot line of the
20 parking lot right up to the parking -- right up to the
21 property line along Randall Road, and that actually
22 goes -- we actually take that from I think 3 to 5
23 spaces that is right there in front of that end cap on
24 the south end of the building because we needed some

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1 parking in front of that end cap. The tenants that
2 would want to go there would want some parking directly
3 in front of there, and there simply wasn't a sufficient
4 number, and so there is some variation there.

5 As a result we do lose a little bit of
6 landscaping that was there in that location, but what
7 we've done as part of this is we're bringing the
8 landscaping otherwise up to your requirements
9 currently.

10 It's just grass mostly and a few plantings at
11 either end of the property, and we're providing
12 significant upgrades to that landscaping; and
13 ultimately what we'll provide will be more than what
14 the ordinance requires as far as the number and amount
15 of landscaping, not the percentage, but the total
16 plantings that are there would be more than what would
17 otherwise be required.

18 I believe that that's all the evidence that I
19 have to present to you this evening. I'm happy to
20 answer any questions.

21 CHAIRMAN WALLACE: Okay. Tom.

22 MEMBER SCHUETZ: Yeah. I have a few
23 questions.

24 On the zoning standards where it shows the

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1 existing site and the lot as zoned meets the zoning
2 ordinance. I realize you're asking for a variance on
3 that, but in the proposed changes there are several
4 that are blank. Does that mean that it will remain the
5 same?

6 MR. KEYS: Yeah. For some areas like,
7 for example, the interior side, east, is -- under our
8 existing site is it says 5.4 feet. That's what I was
9 saying. That stays the same. It will be 5.4 feet.

10 Continuing on, parking lot stall size is 9 by
11 18. It is what it is currently, and it will continue
12 to be that. We haven't requested or proposed any
13 changes to that.

14 The rear south, same thing, the setback from
15 the building would remain at the 2.6 feet as it is now.

16 MEMBER SCHUETZ: That's fine. They will
17 all remain the same. Nothing changed.

18 MR. KEYS: Yes. Correct.

19 MEMBER SCHUETZ: The site, you know, you
20 obviously just mentioned that it's mostly grass, which
21 I believe it is. Up near Randall Road, if I recall,
22 isn't there a big dip in the current parking lot where
23 water sits?

24 MR. KEYS: We will be fixing -- there is

1 a drain -- there are some drainage issues on the
2 existing parking lot, and we are -- we do have the
3 engineer currently working on the redevelopment of that
4 parking lot. As part of what we're going to do, we'll
5 address those drainage issues on the site.

6 MEMBER SCHUETZ: All right. Then you
7 said you currently -- your landscaping is 10.1 percent
8 versus 15. Have you considered -- and you are going to
9 meet all the requirements as far as true number of
10 trees, size of trees, shrubs, et cetera.

11 MR. KEYS: Correct.

12 MEMBER SCHUETZ: Along Randall is that
13 going to be grass currently? Is that being proposed?

14 MR. KEYS: Well, the stuff -- if you
15 look at the site, on the west side of our property,
16 there is a strip of that 6 feet along Randall Road
17 that's on our property that we're landscaping fully.
18 It will be the hardwood mulch with small plants and
19 small bushes and trees. All those things would be in
20 that section.

21 Then obviously the right-of-way of Randall
22 Road would be the grass. There is a significant grass
23 buffer there that's outside of our property in the
24 right-of-way.

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1 MEMBER SCHUETZ: My last comment for now
2 would be the 10 versus 15 percent, what if you were to
3 consider or would you consider at each entry of the
4 businesses, the storefronts, which I believe are single
5 doors currently, I don't know if they're going to be,
6 but is there room to put large plantars, some kind
7 of -- I don't mean to dirty it up or make it tacky, I'm
8 not going that route, but to make it more lush.

9 MR. KEYS: It may be possible there. My
10 only -- the sidewalk in front of this area is fairly
11 large. It was one of the staff comments to make sure
12 there was at least 4 feet. It's actually I think 6
13 feet. There will be some columns for the pillars that
14 we've added to the -- the pillars there, that we've
15 made sure that the distances are still within ADA
16 compliance.

17 That would be my only concern is making sure
18 that what we do doesn't ultimately end up making --
19 pushing the width of those to a point where we're
20 violating an ADA standard, but that's something that we
21 can certainly consider. I think we have enough room
22 for it, I guess is the --

23 MEMBER SCHUETZ: I'm just trying to make
24 it more pedestrian friendly versus a parking lot and a

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1 bui l di ng.

2 MR. KEYS: Yeah.

3 CHAIRMAN WALLACE: Yes, Bri an.

4 MEMBER DOYLE: Before we continue, can I
5 ask if you can move that.

6 MR. KEYS: Sorry about that.

7 MEMBER DOYLE: One follow-up question,
8 the public access or the public easement on Randall
9 Road that is in front of your property line --

10 MR. KEYS: Yes.

11 MEMBER DOYLE: -- that is grass. That
12 area is not calculated in the percentage of landscape
13 or green space.

14 MR. KEYS: It is not calculated in our
15 percentage. It was only calculated within our property
16 lines.

17 MEMBER DOYLE: I noticed that the staff
18 report mentioned a certain number of trees being
19 required by the zoning on the Randall Road frontage,
20 and the comment was that -- I need to locate it -- but
21 my recollection was that it was something to the effect
22 that either it's not clear whether the requirement was
23 being made or whether it was part of the plan or
24 whether a variance needed to be granted.

1 As I'm looking at this, on Randall Road
2 itself, I don't see any area where trees could be
3 included along that small strip where you said the
4 mulch would be; is that correct?

5 MR. KEYS: I believe that there are some
6 trees that are within that area as well as on the far
7 south side, and we would add the two additional trees
8 that he mentioned in his report there. There is
9 sufficient room there for tree plantings.

10 We did have as part of that plan -- I
11 apologize. My copy is small enough that I don't know
12 that I can call it out, but yes, we would meet the tree
13 planting requirement along Randall Road. I know that
14 he had noted that we were deficient by two trees, and
15 we will provide those. It wasn't intentional. It was
16 just an oversight on the landscaper's part.

17 MEMBER DOYLE: Where would they go?

18 MR. KEYS: Whether it would be -- I'll
19 try to put the little hand up there -- on the south
20 corner here, adding a couple of trees along here, or
21 along this strip right here that runs on the west side
22 of the property where Randall Road is. In that area,
23 that's a sufficient width to have a decent tree.

24 MEMBER DOYLE: On your side.

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1 MR. KEYS: On our property, yes. What
2 may end up having to happen is a couple of shrubs will
3 go away and be moved to another location, and the trees
4 will take the place of a few shrubs, depending on what
5 the ultimate type of tree is.

6 MEMBER DOYLE: And the one tree that's
7 displayed on the south end there where you discussed
8 the possible crossing with access --

9 MR. KEYS: Yes.

10 MEMBER DOYLE: -- the cross-access
11 easement, is that tree currently part of the
12 calculation that's meeting the requirements?

13 MR. KEYS: No. That tree is on the
14 adjacent property. So if we ended up being able to do
15 something, we would have to work with the bank and
16 figure out what to do. Whether it's to relocate it,
17 whether to plant a new tree, we have to cross that
18 bridge whenever we come to it. This would have to --
19 it would have to go, and we would lose some landscaping
20 as well if we were to --

21 MEMBER DOYLE: But your landscape plan
22 does not propose a tree, a new tree where a potential
23 cross-access easement might go.

24 MR. KEYS: No.

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1 MEMBER DOYLE: Okay.

2 MR. KEYS: It does not.

3 CHAIRMAN WALLACE: Anyone else? Any
4 other questions?

5 Sue.

6 MEMBER AMATANGELO: I have seen your
7 landscape plan plant list. The only item that is
8 deciduous is the -- or, excuse me, the only one plant
9 that is an evergreen is the dense yew; is that correct?
10 There may be some low junipers.

11 MR. KEYS: Yes.

12 MEMBER AMATANGELO: Is it possible that
13 you would consider maybe some higher, you know,
14 evergreen trees that would be -- in other words, we see
15 color here.

16 MR. KEYS: Yes. Absolutely. That's not
17 a problem if that's something that you guys want to
18 see. I mean we're happy to work with staff to tweak
19 the landscape plan. We want to make staff happy with
20 what we've got. We've never been in St. Charles
21 before. We don't know what your particular desires
22 would be, but we're happy to work with what you guys
23 would like to see in the landscaping area.

24 MEMBER AMATANGELO: Thank you.

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1 CHAIRMAN WALLACE: Brian.

2 MEMBER DOYLE: I have a question for
3 staff.

4 Russ, on page 7 of your staff report, Section
5 F, Site Engineering & Utility Considerations, the
6 fourth bullet point: "An additional fire hydrant may
7 be required," and you reference a fire department memo,
8 which follows thereafter.

9 The fire department memo also references --
10 it says, "It appears as though the existing fire
11 service main and the fire department connection will be
12 in conflict of the new addition."

13 My question is -- the general staff
14 recommendation is approval of the application
15 contingent upon resolution of all staff comments. Is
16 Fire Department Comment No. 1 regarding the existing
17 fire service main understood to be included as part of
18 the resolution of staff comments.

19 MR. COLBY: Well, these comments from
20 the fire department I believe are in reference to the
21 option in the plans that show a building addition,
22 building size. The issues that they have identified
23 are not relevant to the initial plan they're proposing,
24 which is the site plan and the development we're

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1 speaking to. So those issues do not need to be
2 addressed with this initial plan. However, if the
3 developer were to proceed with an addition to the
4 development, these issues would need to be addressed.

5 I think what staff was envisioning was that
6 when the PUD ordinance was approved, this plan will be
7 approved and the alternate plan showing the building
8 addition will be approved; but we need to acknowledge
9 that there are some site issues that will need to be
10 addressed that are identified in the comments if they
11 were able to move forward with that building addition.

12 MEMBER DOYLE: So the fire hydrant in
13 Comment No. 2 is included in your staff report because
14 that's required immediately.

15 MR. COLBY: No. That would be required
16 in relation to the addition.

17 MEMBER DOYLE: Oh, they are.

18 MR. COLBY: Yeah. So the comments that
19 are provided are in response to both sets of plans
20 because we sent around an alternate plan showing the
21 initial plans and with a building addition.

22 MEMBER DOYLE: All right.

23 MR. COLBY: So those requirements are
24 with a building addition.

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1 MEMBER DOYLE: Just to clarify, this
2 proposal, the current, let's say phase 1, if you will,
3 includes more than the required number of parking
4 stalls in anticipation of the addition; is that
5 correct?

6 MR. KEYS: Yes. Or in the alternative,
7 having a higher intensity user in the existing
8 structure. So if we had a restaurant, a large
9 restaurant end cap user that needed six cars per 1,000
10 parking, this accommodates either one of those
11 scenarios, either an existing structure with a
12 restaurant user or the larger structure with not a high
13 intense restaurant user -- lesser intensity uses as a
14 whole.

15 MEMBER DOYLE: So just to close this
16 question out then, is it both your understanding as
17 well as staff's understanding that if the Plan
18 Commission recommends for approval contingent on the
19 resolution of all staff comments, then prospective
20 issues that would need to be remedied in the future
21 would also fall under that contingency?

22 MR. KEYS: Yes. We expect that if we
23 were to do the addition, we would need to address the
24 fire department's -- the fact that the water line is

1 under there, the utilities might have to be relocated,
2 absolutely. That is our understanding with regard to
3 those, yes.

4 MEMBER DOYLE: Okay. The other issue,
5 and I'm willing to table it to the end of our
6 discussion if there are others with specific questions,
7 but whereas we are considering a PUD for a single
8 property, a single parcel because of barriers to
9 cross-access easements and, you know, limitations with
10 surrounding properties, I would like to understand the
11 nature of the covenants that are in place that prevent
12 a cross-access easement, whether they are tied up with
13 a current lease with a tenant on the property to the
14 east, whether they are agreements that can be modified
15 by right by the property owner.

16 MR. KEYS: I can address those. The
17 property that's covered by these covenants is seven
18 separate legal descriptions of the properties totaling
19 approximately 40 acres of land that runs -- not just
20 the Jewel immediately behind but what was I think a
21 former mall or something, behind that the outlots along
22 that property behind there, as well as the bank to the
23 south of our property. All of those properties are
24 covered by the covenants or the operating easement

1 agreements.

2 In order for us to have cross access under
3 those agreements -- to get permission under those
4 agreements, the owners of what's called Property A and
5 B which is the -- what is currently the Jewel as well
6 as what was the mall, which I believe ultimately is the
7 same property owner. I think it's Towne Center
8 Equities owns the further back property, and Shodeen
9 owns the one in front, but I believe that that entity
10 relates back to Shodeen based on the address. I think
11 that they own the underlying land on both of them.

12 They have the right to amend the covenants on
13 their own. My discussion with Shodeen was their
14 agreement with Jewel requires Jewel to consent to do
15 whatever, and they also have -- under the agreement, it
16 has to have -- the mortgagees or their lenders have to
17 consent on each of the properties as well.

18 For us to connect through the bank because
19 the bank owns its own property, they don't have to
20 permit anything that we agree with with Shodeen and it
21 doesn't impact the bank. We have to get a separate
22 agreement with the bank to utilize their property. If
23 we're going to have -- obviously, we're going to be
24 taking green space and landscaping that is on theirs

1 and having to rework all of that. So we'll have that
2 separate agreement with them.

3 So each of those individual property owners
4 as well as my understanding of this -- basically my
5 discussion with the representative of Shodeen was that
6 we have to go to Jewel after we get their okay is what
7 he told me. After we get Shodeen's okay, we have to
8 get Jewel's okay.

9 So that's kind of the process.

10 MEMBER KESSLER: Excuse me a second.

11 If you get cross-easement access from the
12 bank, do you still need to get the agreements from
13 Jewel and Shodeen?

14 MR. KEYS: Yes. Because even though we
15 can access the bank property, the bank property exits
16 out into the Shodeen property, and we wouldn't have --

17 MEMBER KESSLER: So You'd be stuck in
18 the middle.

19 MR. KEYS: Right. I mean, in practice,
20 having to police that, but in reality from a legal
21 standpoint, yes, we would need the bank's agreement and
22 then the Shodeen agreement because they exit out onto
23 the Shodeen property already.

24 MEMBER KESSLER: Specifically, you need

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1 Shodeen, Jewel, and the bank.

2 MR. KEYS: Correct. And their lenders.

3 MEMBER KESSLER: But that's not up to
4 you. Shodeen would get their lenders.

5 MR. KEYS: Correct.

6 MEMBER KESSLER: Shodeen, the bank, and
7 Jewel.

8 MR. KEYS: Yes.

9 MEMBER DOYLE: I just need to understand
10 how it is that a covenant on a parcel that's not owned
11 by Shodeen -- or not owned by an adjacent property
12 owner, this property owner, controls and affects --
13 well, the cross-access easement provides vehicular
14 access to another parcel, and the opening of the
15 cross-access easement triggers or conflicts with the
16 covenants on the property?

17 CHAIRMAN WALLACE: Well, I think what
18 he's saying is it's a negotiation, and in order to
19 grant a cross-access easement, they can condition it on
20 whatever they want -- payment of money, incorporation
21 of covenants into that property, you know, I mean --

22 MR. KEYS: That's correct. It's been
23 classified as they have to grant or deny a cross access
24 at their discretion -- completely at their discretion

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1 because our property is not part of those covenants
2 that were previously agreed to back many, many years
3 ago. So our property just simply isn't part of it.

4 If we want to have our own cross access -- we
5 could join a whole new cross-access easement. It
6 doesn't have to be that one. It still requires the
7 same approvals because of the shared maintenance
8 obligations, the restrictions on use, the requirements
9 for snowplowing, salting, all those things are all part
10 of the agreement that other people are paying into.
11 Jewel pays their proportionate share. The bank pays
12 their proportionate share.

13 None of those people want anybody to grant it
14 to somebody else without them getting a signoff on it
15 to make sure they're not getting the short end of the
16 stick and paying for our use of the property or
17 something like that. So that's how everybody kind of
18 has their fingers intertwined with it.

19 MEMBER DOYLE: Okay. So that answers my
20 question. I'll save my comments for later.

21 MEMBER KESSLER: I have a question.
22 Would you accept a restriction on approval that if a
23 cross-access easement was to be negotiated, that you
24 would install it -- that you would do it?

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1 MR. KEYS: Sure. If we could come to a
2 mutual agreement on it. I think that's probably going
3 to be the problem.

4 MEMBER KESSLER: I see that perhaps some
5 day, you know, this thing is resolved, and I suspect
6 it's not going to be resolved in the next 60 days; but
7 in the future, if it was, then we would have no
8 recourse to say, you, the property owner, we want you
9 to put a cross-access easement into the other
10 properties.

11 So I'm asking would it be acceptable to you
12 if it was in this approval for a restriction, and the
13 approval said if at a future date a cross-access
14 agreement was -- you did come to a cross-access
15 agreement, you would install a cross-access easement.

16 MR. KEYS: Yes. I wouldn't have a
17 problem with that. I think the cross-access benefits
18 us. It's in our best interests to have an access into
19 that area.

20 MEMBER KESSLER: I agree. You may not
21 be here, and I may not be here.

22 MR. KEYS: That's true. But, yes, we
23 wouldn't have an issue with it as long as it's clear
24 that it would have to be a mutually accepted

1 cross-access easement between us and those other
2 parties because if they say, yes, we'll grant it, but
3 you can't sell any food, no liquor, no -- I'm going to
4 say no. I can't restrict my property in that manner
5 and still make it make sense to redevelop and put the
6 improvements on there.

7 Frankly, the people who used to own this
8 property thought the restrictions applied. They showed
9 up on our title commitment, and it was only because we
10 reviewed it and did the legal descriptions and went
11 through a title company that said these don't apply.
12 They were kind of shocked that they didn't apply
13 because they have been living by them for years, and I
14 think it was part of the issues with the subdivision.
15 They thought they couldn't do a lot of those uses that
16 they could do.

17 So as long as it's mutually agreed, I have no
18 issue. We would love to put in a cross-access
19 agreement -- reach a mutual agreement with the abutting
20 properties to do that.

21 MEMBER DOYLE: So, Tim, if we were going
22 to put some condition on this, the condition would need
23 to allow for or be clear that it doesn't impose upon
24 the property owner limitations on business.

1 MEMBER KESSLER: Mutual agreement he
2 said.

3 MEMBER DOYLE: Mutual agreement.

4 MEMBER SCHUETZ: I have a quick
5 question. We have been talking about it here, but if
6 you could just very briefly clarify the upside of
7 getting all the cross access from the bank as well as
8 Jewel and what's the downside. I'm assuming vehicular,
9 and that's pretty much it.

10 MR. KEYS: The downside is very minimal.
11 We might have some additional wear and tear on our lot
12 that is somebody going to the bank, that they're
13 driving across our parking lot, but those are usually
14 addressed in those cross-access easements, that each
15 party pays a proportionate share of the maintenance and
16 formulas that make sense based on what you've expected.
17 In this case there's not much downside. There is not
18 much downside.

19 The upside is simply having the easy access
20 to -- I mean somebody at the Jewel doesn't have to go
21 out to the street and come back in to this property.
22 They can just kind of circulate in from the bank, or if
23 they came to ours, they can circulate out to the bank.
24 They have some mutual benefit.

1 So it's not like it's an unusual or a harsh
2 request on our part, but the big boys, the Simon
3 Properties, these large -- Jewel, they view them as a
4 benefit to us more than it benefits them. So they want
5 to -- they're usually very, very strict about it or
6 very harsh in their -- what they want. They either
7 want -- give me 200 grand. Give me something that just
8 doesn't make economic sense in the greater scheme of
9 things, which is why it isn't resolved.

10 I'm not all that optimistic they're not going
11 to be that way just because we've had a history. We've
12 been doing this -- I've been doing it for 15 years.
13 The company has been doing it for 30. We have
14 experienced it before. We have dealt with these exact
15 situations before.

16 They would love to have this property have
17 cross access just so that they can impose their
18 restrictions on them because it benefits them, and I
19 just can't have those restrictions.

20 MEMBER SCHUETZ: So this design that's
21 up here, that is self-contained, no access, et cetera?

22 MR. KEYS: Correct.

23 MEMBER SCHUETZ: The only thing that
24 would change on this design is if you did get access,

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1 Let's say in the future, is the southwest corner; is
2 that correct?

3 MR. KEYS: Yes. On the south, not quite
4 west, but yeah, southwest corner of the building, that
5 would be a -- would be where we would anticipate --

6 MEMBER SCHUETZ: And that's the only
7 change that we're looking at?

8 MR. KEYS: Correct.

9 MEMBER SCHUETZ: Okay. Thanks.

10 CHAIRMAN WALLACE: Sue.

11 MEMBER AMATANGELO: This question is for
12 staff.

13 Now, Let's say, for instance, the bank does
14 grant access and the bank goes out of business, would
15 the new owners have the ability to lock them into that
16 access or is that done?

17 MR. COLBY: Well, I think the assumption
18 would be that if there was a mutual agreement between
19 the two property owners, that that would remain as long
20 as the two property owners continue to honor that
21 agreement. They would both need to agree to break it.

22 MR. KEYS: We would record the document,
23 and it would run with the property, just like the
24 existing one runs with the property. If it gets sold,

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1 it governs those properties in perpetuity as long as --
2 in this case as long as the property is used as a
3 commercial -- as long as the Jewel is used as a
4 commercial operation, the covenants continue. Even if
5 it's not Jewel, it's still a commercial venture, the
6 covenants stay or the cross-access easements continue.

7 MEMBER AMATANGELO: Thank you.

8 CHAIRMAN WALLACE: All right. Anyone
9 else? Any other questions?

10 (No response.)

11 CHAIRMAN WALLACE: Okay. Any questions
12 from members of the public?

13 Yes.

14 MR. PATZELT: Good evening. My name is
15 David Patzelt, Patzelt. I'm from the Shodeen Group at
16 77 North First Street, Geneva, Illinois 60134.

17 I want to talk about the cross access. Today
18 at 4:00 o'clock was the first I heard about a request
19 for a cross access. I received a phone call, I
20 believe, from this gentleman who had no plan and no
21 question as to where this cross access would go.

22 I guess hearing it going through the bank,
23 that's one opportunity. To my mind when I was on the
24 phone discussing a cross access, I was anticipating

1 that it was along the easterly property line where
2 somebody may want a cross access directly from the
3 Jewel parking lot to this parking lot. But as he
4 stated, we'd like to see a plan of what cross access is
5 actually proposed.

6 But stepping aside from that, I have about a
7 dozen questions, and I don't know if you'd like me to
8 take those one at a time and allow the petitioner to
9 respond to those or if you want them all in one.

10 CHAIRMAN WALLACE: I think let's just do
11 it one at a time.

12 MR. PATZELT: Okay. Quite some time
13 ago, there was a project that we proposed called the
14 St. Charles Towne Center; and as part of that
15 development, the city conducted their own traffic study
16 through HLR, which was their own traffic engineer,
17 based on current traffic flows today and not as traffic
18 generated by the Towne Center, but flows today.

19 HLR had recommended that the access to this
20 property from Prairie Street be restricted to a
21 right-in, right-out, and further that a raised barrier
22 median be installed on Prairie Street so that, you
23 know, those that want to violate the law could not make
24 that left-turn movement into the property.

1 And I believe back at that time there was
2 discussion as to how would or could the city ever
3 install the right-in, right-out, and the thought was
4 that when and if the property owner came in for a
5 zoning hearing or a petition, they would then request
6 that a right-in and right-out be installed.

7 But in any event, if the city was going to do
8 work at Prairie Street, the city would install or raise
9 a barrier median to prevent the left-turn movements
10 into the property as well as the left-turn movements
11 out of the property.

12 In the application package, I didn't see any
13 comment to that, and I didn't see any letter from the
14 traffic engineer for the city. So I question what, if
15 anything, has happened to that.

16 MR. KEYS: We have not -- the city
17 hasn't mentioned anything to us about a desire to
18 change the in-out at this location to a right-in,
19 right-out. We would obviously object to that. We
20 prefer to have it a full access, but it hasn't been
21 discussed. It hasn't been raised. It hasn't been
22 asked of us. So I don't have any comment to it. This
23 is the first time I've ever heard of it is when he
24 mentioned it just now.

1 CHAIRMAN WALLACE: All right.

2 MR. PATZELT: In the fire department's
3 review of the proposal, they stated that no site
4 modifications will be reduced; and with its proposed
5 turning movements being restricted of left in and left
6 outs, will that then change the opinion of the fire
7 department as to whether access to this property has
8 changed and whether there's any difficulties with
9 serving the property?

10 The site plan that you have on your screens
11 in front of you, if you visit that corner of Randall
12 and Route 38, you know that -- I believe there's three
13 different bus lines that turn that corner. There's
14 quite a few pedestrians that try to traverse that
15 intersection to get on different bus routes.

16 I know from years of discussions with Bob Hub
17 that it's interesting to watch in the wintertime, that
18 there's cattle marks in the snow of people trying to
19 walk to this corner and get to this bus stop.

20 This plan doesn't discuss any sidewalks or
21 public sidewalks being installed along Randall Road,
22 and it was my understanding that it's the desire of
23 St. Charles to have sidewalks, public sidewalks
24 installed along not only Randall Road here but Route 38

1 so that people can get through in public areas to the
2 bus shelters at that Randall and Route 38 corner.

3 When and if you were to install the concrete
4 sidewalk along Randall Road, you're going to lose quite
5 a bit more of that grass space. The site plan
6 indicates that between the backup curb of the
7 perpendicular parking space and the property line is
8 approximately 6 feet. That is the front end of
9 the car.

10 We know typically that when cars pull up to
11 that curb and the front ends of the cars hang over that
12 curb, it's very common that approximately 2 feet of
13 that landscaping dies or it doesn't survive because the
14 front ends of the cars are hanging over, and, you know,
15 the heat of the engines. So you're really restricted
16 to about a 4-foot area for plantings.

17 The typical planted island is about 10 feet
18 in width when you review a site plan, and I think all
19 of us know how difficult it is to get landscaping
20 material to survive in a parking lot in a 10-foot
21 planted strip.

22 This is going to 6 foot at maximum, probably
23 down to a 4-foot strip. So we're talking about a lot
24 of landscaping and bushes and the likelihood of those

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1 bushes and plants surviving, and I don't think they
2 will survive.

3 Within the staff report the questions were
4 raised -- or it indicated, and I believe the petitioner
5 has even said that the landscaping that is out there
6 today is very limited. I think a lot of that is due to
7 the poor ownership or lack of maintenance by the prior
8 owner.

9 I would question if staff had gone back to
10 the original landscape plan of the original PUD and
11 looked at what landscaping is required on this property
12 as part of that original zoning packet and compare that
13 to what is out there today.

14 I suggest that it will be far less
15 landscaping that's out there today than what is
16 required, and then compare that to what is proposed and
17 compare that as to what additional pavement is being
18 added and whether there was really any net benefit or
19 if that landscaping that was required way back when
20 should just be reinstalled, and the property owner
21 should be complying with that PUD.

22 MEMBER DOYLE: Mr. Patzelt --

23 MR. PATZELT: Yes.

24 MEMBER DOYLE: -- may I ask, there are a

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1 couple of issues that you raised there, but I'd like to
2 go back to the issue of the public sidewalks.

3 MR. PATZELT: Sure.

4 MEMBER DOYLE: So I just want to comment
5 before we move on that that issue, that question was
6 raised in the concept plan review. As reported by the
7 staff, I believe that the area where the sidewalk would
8 be installed is on the public right-of-way and off of
9 the applicant's property; so therefore, it would be --
10 it would really be the county that would install the
11 sidewalk.

12 Is that what you reported, Russ?

13 MR. COLBY: Yes. It's a county
14 right-of-way. So if they desired a sidewalk to be
15 installed, they would most likely install it.

16 MEMBER DOYLE: So I just want to share
17 that because I share your concern about connecting
18 sidewalks, and I have actually traversed that corner,
19 not for the reasons that you state, but for other
20 reasons, and, yes, it's difficult to get around a pile
21 of snow there.

22 But does that change the input that you're
23 providing to the Commission?

24 MR. PATZELT: I would say it's still --

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1 I have done quite a bit of work within the county, and
2 the county typically does not provide sidewalks. They
3 leave it to the private owner of the property and leave
4 it up to the municipality to demand that that private
5 owner install sidewalks within that county
6 right-of-way.

7 I would suggest or suspect that the sidewalk
8 in front of your home today is within the public
9 right-of-way, within the city right-of-way, and
10 probably, if you had it replaced or repaired, you may
11 have to pay for it 100 percent yourself or at best a
12 50/50 program in the municipality.

13 As part of the Towne Center or any
14 development that I have done in the city here before,
15 it's typically a requirement that people put public
16 sidewalks in and around the public property because
17 it's a public sidewalk.

18 So I would ask -- if I were the Commission,
19 I'd ask the petitioner did he go to KDOT and ask for a
20 permit to install a public sidewalk along Randall Road?
21 And if so, what was the response?

22 MEMBER DOYLE: So you're not contesting
23 that the location of the sidewalk would be where -- for
24 lack of a concept plan review. What you're suggesting

1 is that the mechanism to get it installed is precisely
2 this review.

3 MR. PATZELT: My point is install a
4 sidewalk. Whether it's on public property or private
5 property, it doesn't matter to me, install a public
6 sidewalk so that people can use it, and maintain those
7 sidewalks.

8 MEMBER DOYLE: Okay. Thank you.

9 MR. PATZELT: Within the PUD preliminary
10 application packet that all of you should have
11 received, there is an Item No. 34 of that that requires
12 our interpretation -- over the years of doing work
13 within the city, our interpretation is that we're
14 required to submit preliminary engineering.

15 As part of that preliminary engineering and
16 particularly in statement 34, it refers to stormwater
17 detention and retention calculations. I don't believe
18 any have been provided.

19 When I looked at the engineering development
20 review memo, it states that the preliminary engineering
21 will be forthcoming, and so I guess I'm questioning to
22 the city is it now preliminary engineering is not
23 required at the time of a preliminary PUD application?

24 CHAIRMAN WALLACE: Russ.

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1 MR. COLBY: Yes. It is a requirement in
2 the application. Given the scope of this project and
3 the fact that the developer initially approached us
4 only about reconstructing the parking lot, we did not
5 feel it was necessary to impose this requirement on
6 this application at this time as part of the Plan
7 Commission process because the parking lot would be
8 reconstructed essentially in the same location.

9 There is not a requirement to provide
10 stormwater detention, nor is there a requirement to
11 provide for adequate drainage of the lot, and that can
12 be demonstrated with the civil site plan. But it is
13 something that we do not require as part of -- during
14 this application before the Commission.

15 If the Commission would like to require that
16 as a part of the review, you can do that as part of the
17 application requirements.

18 MR. PATZELT: Within the engineering
19 review memo, the engineering department wrote that
20 during this preliminary engineering review, it will
21 then be determined if additional storm sewers or
22 stormwater detention will be required.

23 So I don't know if you know yet if additional
24 stormwater or storm detention is required. So I don't

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1 know how you can meet that finding of fact.

2 The architecture -- when we developed and
3 built the building south of Route 38 commonly known
4 maybe as the Focus Building, one was Krispy Kreme, one
5 was the Baird & Warner building. Those buildings -- it
6 was requested by the Plan Commission and city staff
7 that, in essence, those buildings have double fronts or
8 two fronts to the building so that if you were -- on
9 those buildings in the Dominick's Shopping Center
10 looking out towards Randall Road, you would not be
11 looking at the rear end where we kind of block the end
12 of the building, but you would be looking at some
13 attractive architecture.

14 With the proposed changes here, there does
15 not appear to be any interest in trying to get
16 attractive architecture or improvement to the east
17 elevation and again trying to get a double-fronted
18 building here; and we would encourage, and as the
19 adjoining property owner, it would be nice to see some
20 interesting architecture on the east wall, especially
21 if there was cross access with prospective users of
22 this space that may be coming from the east.

23 MEMBER DOYLE: Mr. Patzelt --

24 MR. PATZELT: Yes.

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1 MEMBER DOYLE: This topic also was
2 discussed during the concept plan review, and I believe
3 I brought up the question of whether there was a
4 possibility of having a double-fronted building and
5 building an interior-facing facade with storefronts
6 that are facing Jewel.

7 If the applicant -- can you refresh my
8 memory? -- I believe that the response was that in your
9 experience, that the markets -- that I believe it was
10 that most prospective tenants do not have interest in
11 being on an interior-facing storefront. They prefer to
12 be on a storefront that's facing the main thoroughfare.

13 MR. KEYS: Yes. The tenants aren't
14 going to want a -- the facades that would face the rear
15 would be simply a decorative thing, and they'd prefer
16 not to have glass on the rear of their buildings
17 because that's where they end up having their storage
18 areas in the rear of their spaces, and to have glass at
19 both ends -- we did provide additional renderings of
20 the rear of the building that provided for what we
21 discussed at the concept plan stage, which was some
22 architectural details, adding some column-type details,
23 and stuff so that it didn't look like a flat wall which
24 was what we had discussed, and we had committed that we

1 would come back with a plan that showed that, and
2 that's what we've done.

3 But, no, we don't have plans to provide a
4 double-fronted space, and we find that our tenants
5 don't desire that. It's a negative to them to have
6 glass at the back of the building as part of their
7 overall design. It doesn't provide anything for them,
8 just additional cost.

9 MEMBER DOYLE: I would just like to add
10 a comment here for Mr. Patzelt.

11 The reason why I brought that up is because I
12 was interested, particularly in the context of the PUD,
13 in exploring the possibility of this development being
14 a catalyst in fostering further business development
15 throughout this area.

16 I think that requires a level of coordination
17 with adjacent property owners, and it has been claimed
18 and we have received testimony that the Jewel frankly
19 would not be motivated, would not have any incentive to
20 engage in this kind of cooperation.

21 But I do think that it's in the city's
22 interest to encourage that. So you brought up
23 something that I think is pertinent to the Plan
24 Commission deliberations, and I just want to put it out

1 there for both the applicant as well as for the
2 adjacent property owners that if this is something that
3 ultimately can be facilitated and negotiated, it would
4 be of benefit to all of the properties in the area to
5 develop cross pollination and feed other adjacent
6 properties.

7 MR. PATZELT: I would agree with that.
8 Some other points: First off, the architecture of this
9 building, if the architect -- if this building is
10 enhanced or improved, I think it, in essence, makes the
11 entire center look a little more attractive, and then
12 it may cause other tenants in the area to want to have
13 improvements done to their buildings.

14 Your comment about the Jewel not being
15 cooperative, I'm not ready to jump there yet. I was --
16 as I said, I was just contacted at 4:00 o'clock and
17 asked about the cross-access. I don't know when the
18 call or if a call was made to Jewel. We have not made
19 a call yet to Jewel to see if they're interested or
20 what their reaction is to this cross access.

21 But if the call was similar to -- or made
22 before or just after my call, I don't think it gives
23 people much time to react when you just get a phone
24 call saying, Will you give us cross access? I need to

1 see what you're talking about on a piece of paper.

2 The whole question about setbacks on this
3 site plan, if I can get back there, somewhat shows to
4 me -- the parking lot setback is interesting to us in
5 that is this setting a new precedent for parking
6 setbacks; and if this is part of the overall
7 development plan -- we worked hard on the Towne Center
8 plan when it came before the Plan Commission to
9 maintain the required setbacks, but perhaps this
10 challenges that ordinance and suggests that maybe the
11 setbacks are not needed within the entire development.

12 So setbacks here along Randall Road, should
13 they be similar to the proposed setbacks at Route 38?
14 So I guess we will be watching and seeing what happens
15 with the Plan Commission and the City Council to see if
16 a precedent is being set here for setbacks.

17 I believe that is the extent of my comments.
18 Thank you.

19 CHAIRMAN WALLACE: All right. Thank
20 you.

21 Any other questions or comments from members
22 of the public?

23 (No response.)

24 CHAIRMAN WALLACE: All right. Anything

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1 else from the Plan Commission?

2 MEMBER SCHUETZ: I guess I just want to
3 understand from staff, as far as you're concerned, have
4 they met many of your questions or all of them? We've
5 kind of gone around and around here, so.

6 MR. COLBY: Yeah. In terms of the
7 questions that were posed within the staff report, yes.

8 MEMBER SCHUETZ: All right. Thanks.

9 CHAIRMAN WALLACE: All right. Brian.

10 MEMBER DOYLE: Is this our comment area
11 about the plan?

12 CHAIRMAN WALLACE: Sure.

13 MEMBER DOYLE: Okay. So I'd like to
14 preface my comments by saying that I maintain that the
15 concept plan that was presented to us is good and that
16 I'm still supportive of the plan concept, and I believe
17 that the comments that I make now are consistent with
18 the feedback that the applicant received during the
19 concept plan review.

20 The point about the installation of the
21 public sidewalk along Randall Road -- I think if it is
22 typical and the mechanism to get a public sidewalk
23 installed is an application or a request for permission
24 to install such a sidewalk by the county, then I think

1 that should be pursued. I think if we wait for the
2 county to install it some date down the road, it's
3 never going to happen, and we're never going to achieve
4 that goal in our comprehensive plan to have better
5 sidewalk connections.

6 MEMBER KESSLER: Is it the county who
7 would install the sidewalk, or is it typical that the
8 county would grant --

9 MEMBER DOYLE: Well, I think that's an
10 important question. I think that it's one that we
11 should consider because it's my understanding after the
12 concept plan review that -- I made an assumption,
13 frankly, that because it is on the county's
14 right-of-way, that it was therefore the discretion of
15 the county to decide if and when the sidewalk would be
16 installed, rather than the initiating mechanism being
17 that a property owner would request from the county the
18 right to install a public sidewalk on the public
19 right-of-way.

20 So since we have a PUD application in front
21 of us that provides us with an opportunity to place
22 certain considerations out there, I think that this is
23 the opportunity for the Plan Commission to --
24 particularly since there are other reliefs that are

1 being sought, to make a request of the applicant that
2 if, in fact, it's typical for requesting of the county,
3 that that request be made. So that's one comment.

4 I think that Mr. Patzelt makes a valid point
5 about the utilities and question of whether or not the
6 storm sewers will be required and if it was to be
7 determined. That kind of gets to the question I was
8 asking staff earlier as to whether or not the comments
9 from engineering and from the fire department are all
10 encompassed under the condition that we recommend
11 approval contingent upon the resolution of all staff
12 comments.

13 But I think that, hearing your point, that we
14 don't have a finding of fact to say that those utility
15 needs have been met. So there is a question of do we
16 first, staff, say we're conditioning recommending for
17 approval assuming that these things are all going to
18 fall into place, or do we need to find in the
19 affirmative right now in order to make a recommendation
20 for approval?

21 MEMBER KESSLER: I guess my question is
22 are these comments relative to no addition or addition?
23 There is an existing structure there that apparently
24 was engineered. Do we typically require the

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1 reengineering of an existing structure because they're
2 redoing the parking lot?

3 If they're going to put an addition on that,
4 then we could require a preliminary engineering plan,
5 stormwater, et cetera, et cetera; but with the
6 application in front of us, I don't see the need.

7 MEMBER DOYLE: So let me see if I
8 understand what you're saying. We don't have
9 preliminary engineering plans for the construction of
10 an addition because that's not what's being proposed at
11 this stage?

12 MEMBER KESSLER: That's exactly right.

13 MEMBER DOYLE: But at some point in the
14 future, it would be incumbent on the applicant to
15 submit those preliminary engineering plans to build the
16 addition, at which time it would need to be determined.

17 MEMBER KESSLER: That's how I understand
18 it.

19 MEMBER DOYLE: Russ, at the time of the
20 addition that's being proposed, does that constitute an
21 amendment to the PUD, and would it need to come back to
22 the Plan Commission?

23 MR. COLBY: It would most likely
24 constitute a plan change, either a revised preliminary

1 plan, which would come as part of the PUD, or a minor
2 change in the PUD, which would just go before the City
3 Council. In that case, all they're reviewing is a
4 change to the site plan, assuming that there's no
5 changes to the site plan that would be in conflict with
6 the PUD ordinance.

7 In this case there would not be based on the
8 fact that we've already shown the addition as an option
9 for the developer to pursue in the future.

10 MEMBER DOYLE: But if we're -- that
11 would constitute a minor change to the PUD then is what
12 you're saying because it's included in the plan now?

13 MR. COLBY: The question would be the
14 actual square footage of the addition because the
15 zoning ordinance has specific requirements on what's
16 considered a major change to the preliminary plan.

17 I would actually need to look at that to
18 answer that question accurately, but we would most
19 likely be -- at a minimum have a minor change, and that
20 would not require the applicant to modify the site
21 plan.

22 MEMBER DOYLE: Okay.

23 MEMBER HOLDERFIELD: Question. In
24 regards to the engineering plan, going back, even

1 though they're not adding another building, they're
2 increasing the area of asphalt because the parking lot
3 is pretty large. Doesn't that impact the storm
4 agreements and so forth for the engineering component
5 for this proposal?

6 MR. COLBY: It does, and staff has put
7 in a condition in the review comments that we will need
8 to see a civil engineered plan for that parking lot to
9 ensure that it is draining properly, but we were not
10 requiring them to provide that at this stage because,
11 as Mr. Kessler mentioned, they're basically proposing
12 to replace an existing parking lot in more or less the
13 same location, but we would be requiring that
14 information in the actual building permit.

15 As I mentioned before, if the Plan Commission
16 would like to see that, you can request that the
17 applicant bring that back before this body before you
18 conclude your recommendation.

19 MEMBER HOLDERFIELD: Okay.

20 CHAIRMAN WALLACE: Yes.

21 MEMBER DOYLE: Two more comments.

22 The traffic study that was referenced at the
23 outset of the public comments for the right-in,
24 right-out, has staff reviewed that traffic study, and

1 can staff comment on whether or not -- I'd like clarity
2 on whether that traffic study found that a right-in,
3 right-out would be warranted now with existing uses,
4 and can staff speak to the claim that was made that if
5 there was -- if this site was ever to be redeveloped,
6 that there would be a barrier median?

7 MR. COLBY: Yes. That was a finding
8 from the study that was conducted for the St. Charles
9 Towne Center proposal. So the traffic study took into
10 account anticipated traffic from the project, and as
11 Mr. Patzelt stated, that's correct. There was a
12 recommendation that this barrier median be constructed
13 so that the access to this property we're discussing be
14 restricted.

15 At this time we don't know if or when that
16 will happen, but we don't really have any direction we
17 can give the applicant to say that the city will be
18 making that change. So it's not something we have
19 advised the applicant of because we don't have an
20 alternative to provide them in terms of access to the
21 site. So that's something we would need to consider if
22 the city was to, you know, by themselves decide to make
23 that change to their access to the site.

24 MEMBER DOYLE: Yeah. I think it's

1 pertinent because if I recall, this intersection has
2 the highest rate of accidents in the city, Prairie and
3 Randall. Don't quote me on that. I think it's the
4 case. If not, it's within the top five.

5 That kind of segues into my final comment
6 which there are a number of issues here. I think that
7 for the applicant, it's important for the applicant to
8 understand that Shodeen and Mr. Patzelt, in my humble
9 opinion, went through a grueling 10-week public hearing
10 process for a PUD application that put them through the
11 ringer, and what they were asking for is parity here,
12 in my opinion, and it's a fair point, I think.

13 However, I would redirect the comments that
14 have been offered by Mr. Patzelt to say that I think it
15 really reiterates what I said before, that I would love
16 to see Shodeen and the applicant talk further about
17 opportunities for mutual growth and to collaborate to
18 develop a catalytic business plan that will really
19 change the nature of the business on this parcel.

20 I think that to this point it has been my
21 understanding that we were considering a single-parcel
22 PUD because prospects for that kind of collaboration
23 were really not available to the applicant, and
24 therefore the applicant was kind of boxed in, and that

1 this was sort of the only avenue to take an obsolete
2 business strip mall and redevelop it to benefit the
3 city.

4 I still maintain that if that were the case,
5 the concept plan that's been presented has more in its
6 favor than it has detracting from it. Having said
7 that, I would be much more inclined to support a PUD
8 application that -- and I would strongly encourage the
9 applicant to explore the possibility of a concept plan
10 that collaborates with the surrounding property owners
11 to do what I said, which is to create a catalytic sort
12 of opportunity here.

13 That's how I understand the intent of the
14 PUD, and I wonder if -- to conclude, I wonder if the
15 Plan Commission has sufficient information given that
16 Mr. Patzelt only received word of the cross-access
17 easement today at 4:00 o'clock -- if the Plan
18 Commission has sufficient information to close the
19 public hearing today, or if there is a possibility that
20 that additional information could come back to us if we
21 were to continue. I guess that really is frankly
22 contingent on whether the applicant sees an opportunity
23 to pursue here.

24 MR. KEYS: I think the issue is not

1 Shodeen. The contact with Shodeen was done after I
2 hadn't gotten any response from anybody else. They're
3 not the primary issue here. We've got to get to the
4 bank first.

5 Shodeen ultimately wasn't the person I was
6 trying to get ahold of to try and resolve it because
7 ultimately my big problems are I'm going to take out
8 the bank's landscaping, I'm going to take out the green
9 space, and I'm going to interact with their direct flow
10 of traffic around that building.

11 They're the ones that I have to -- nothing
12 else matters if I can't get to the bank because going
13 to the east isn't an option given the layout of the
14 site and how they have a -- on their entrance, they
15 have a median there that goes out quite a bit. When we
16 put the addition on the building, assuming we do that,
17 there's not a right turn or an exit out of their
18 parking lot that doesn't interfere with the direct
19 access off of the road.

20 So he is right. I didn't try to get ahold of
21 him. I knew we were coming to the public hearing
22 tonight. I've got nothing from anybody. So I called
23 over there just to make the additional contact because
24 I didn't want to come here and say nobody has given me

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1 anything because that's where I'm at is the people --
2 the person that makes a difference is the bank, and
3 that's the one that is ultimately the catalyst here.

4 I understand what you're saying about the
5 idea of having some synergy and having this become a
6 catalyst for something else, but there is a Jewel
7 behind us, and there is an existing bank beside us.

8 Other than the cross-access, there is not --
9 there is not a lot to be able to do. We are boxed in.
10 There is not -- I guess I think you do have the
11 information that you need to move this forward. We
12 have talked about these things at the concept plan.

13 If you were talking about a sidewalk on
14 Randall Road put in by us at the concept plan stage, it
15 may have resulted in something different coming back to
16 you because that's a big cost that wasn't figured in.
17 We're putting a lot of money into the renovations of
18 this building that we kind of put together based on our
19 initial meetings with both the Plan Commission and the
20 City Council and the direction that you guys gave us.

21 I understand the comments by Shodeen's
22 representative, but this situation is not the same as
23 every other situation, and that's why you have a PUD
24 process. That's why you have this is because this is

1 an unusual site. It's already in nonconformance with
2 setbacks from the road, from the building next door,
3 from the property next door, all those things; and
4 we're trying to put a lot of money into it and make it
5 into something that is a significant improvement to the
6 area that I think is going to be a catalyst as we go
7 forward, and I think that we've shown that.

8 MEMBER DOYLE: I appreciate your
9 response. Let me just clarify my intent.

10 I think that, notwithstanding the fact that
11 you received it at the concept plan stage, the Plan
12 Commission is obliged to do our due diligence, and if
13 we receive additional information here during the
14 public hearing, we have to consider that additional
15 information.

16 So as far as the sidewalk is concerned, for
17 instance, since the information that was presented here
18 was new information to me submitted at this public
19 hearing that -- you know, maybe it was a miss on my
20 part during the plan, the concept plan review, that I
21 assumed something that wasn't true, but it's being
22 raised, and it's a new consideration to take into
23 account.

24 I also appreciate the comment about the bank,

1 and that seeming to be the only avenue for an easement.
2 In the interest of due diligence, I'm really just
3 asking you, and I'm really asking Mr. Patzelt to rule
4 out the possibility that you're boxed in, to rule that
5 out.

6 Because if you are boxed in, I think you're
7 going forward exactly as was discussed before with the
8 possible exception of discussing this sidewalk issue
9 because unless there is a viable reason -- I mean the
10 reason why we're talking about access to the east is
11 because now we have new information about traffic on
12 Prairie, which again didn't come up in the concept plan
13 stage.

14 If this area develops as -- I mean I know
15 exactly why the issue has been brought up because if
16 there is increased traffic now from your parcel and
17 your neighbor to the east comes to us in two years and
18 says, we need to do X, and the community comes out the
19 day before and says show a traffic study that says it's
20 not going to impact traffic on Randall Road, you know,
21 then they're going to inherit the -- it's going to put
22 a pressure point on your neighbor there.

23 MEMBER PRETZ: Tim, can I just say
24 something?

1 MEMBER KESSLER: Yes.

2 MEMBER PRETZ: Excuse me. I understand
3 about the traffic, but the reality is that they're not
4 really changing the building now. In reference to the
5 addition, that may have an impact, but the prior owner,
6 if they were able to keep a healthy and not an obsolete
7 shopping center, the traffic would be there. It's not
8 there today because there aren't any businesses there,
9 true business taking place.

10 All the applicant is doing is he is trying to
11 upgrade this facility. Yes, there may be traffic there
12 again, but that would all have been calculated prior in
13 the traffic flows, and I don't see that what he is
14 doing with his building is going to affect that traffic
15 flow. It should have been there all along, it just
16 declined, and it will just come back.

17 MEMBER DOYLE: Okay. So we are looking
18 at a potentially more intensive use. I'm not clear.
19 We're looking at accepting a plan that includes the
20 option to build an addition and prospective
21 implications, ramifications raised over other things
22 which may or may not come back to the Commission.

23 MR. COLBY: That's correct. Unless the
24 Commission wishes to either have the right to have the

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1 building addition removed from what you're approving,
2 or you can place conditions on what the applicant would
3 be required to do when they come back.

4 MEMBER SCHUETZ: That's a separate
5 issue. I think we will visit that if it comes back.

6 MEMBER DOYLE: Only if it comes back to
7 us. We won't visit it at all if it never comes back to
8 us; right?

9 MEMBER KESSLER: Right. We won't have
10 anything to say about it. If it turns out to be a
11 minor change, we won't see it.

12 MR. COLBY: That's correct. If the Plan
13 Commission would like to make sure that they will do
14 it, then that condition should be included in the
15 recommendations in the PUD.

16 MEMBER KESSLER: So we will do it. We
17 could put that in the condition that we would review
18 the plans if they decided to move forward with an
19 addition.

20 MR. COLBY: Yes.

21 MEMBER KESSLER: You can place that in
22 the condition.

23 MEMBER PRETZ: I think that makes sense
24 to me.

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1 MR. KEYS: We don't have a problem
2 with that.

3 MEMBER PRETZ: And that solves a lot of
4 these problems, and it takes us right back to -- it
5 takes us back to the footprint that currently exists,
6 improvement to the parking, fixing several
7 non-conformities, and even in the staff report here on,
8 what is it, page 3 under proposal, it says due to
9 several zoning non-conformities that make redevelopment
10 of the site difficult.

11 If he is blowing out the building completely
12 and doing a completely brand new building, we could
13 take care of everything that has been spoken about; but
14 the reality is that it's an obsolete structure that
15 doesn't conform for a boatload of reasons, that they're
16 going to fix several of them, and plus make the
17 building nice and fix up the corner in a boxed-in
18 parcel.

19 It makes sense to me that, you know, we move
20 forward with what he's trying to do, put the
21 restrictions on the addition, and then solve our
22 problems, you know, and deal with those issues that
23 we're spending a lot of time talking about at another
24 time when they decide, if they decide, to put an

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1 addition on it.

2 MEMBER AMATANGELO: I think to
3 Mr. Pretz's comments, we should move forward from this
4 point. Right now we're dealing with what ifs, and
5 we're getting nowhere with that. Let's stick to what
6 it is that we're discussing this evening, and then we
7 can take Mr. Patzelt's comments and utilize them as you
8 move forward for the what if or what will come down
9 the road.

10 MEMBER KESSLER: Well, I share Brian's
11 concerns about a number of things, not least of which
12 is when we're in a public hearing, when comments are
13 brought to us and new information is brought to us that
14 we didn't have before, I think we really should be
15 clear.

16 I have a question for the applicant. If we
17 put a restriction on there that requires a sidewalk,
18 what would you say to that?

19 MR. KEYS: I would ask that you not do
20 that. I think we would have a problem with that.

21 MEMBER KESSLER: That's not something
22 that you would be agreeable to.

23 MR. KEYS: Yes.

24 MEMBER KESSLER: Okay. I will state

1 this -- I want to speak to the parking lot, the
2 setbacks for the parking lot. This isn't the first
3 time we've come across this, and I'm having a little
4 bit of difficulty. As I recall, on the east side on
5 Main Street, Route 64, specifically out by Pheasant
6 Run, we had to do a variance for a parking lot setback
7 just because they widened the road.

8 This road was widened, but the building was
9 built before, you know, the road was widened. I mean
10 it's kind of the chicken before the egg, but it's a
11 similar situation. So I can see a reason for a
12 variance on the setback for the parking area.

13 You know, the right-in, right-out access, it
14 is a concern for me. It's a concern for me. Do you
15 know that there was -- as I recall, there was a comment
16 that I recall from the hearings, the public hearings of
17 Towne Center, and that is if the town -- if the
18 parking -- the traffic study said that without the
19 Towne Center, within 10 years we would have to do some
20 traffic mitigation on Prairie Street, without the Towne
21 Center. So to suggest that there is no impact here,
22 there is.

23 I just don't see how we can do a right-in,
24 right-out with the site in the condition that it's in

1 right now. I think a cross-access easement in some
2 form would mitigate that, would help mitigate that, and
3 perhaps the right-in, right-out would work if there was
4 some sort of a cross easement.

5 But I mean that site is landlocked, so I
6 think it would be unfair with the present site to make
7 it right-in, right out, or to put up a barricade. I
8 realize we have a problem, but I think the problem --
9 much of that traffic problem would be resolved by a
10 cross easement, you know, access in some form either
11 through the bank or, as you suggest, on the east side
12 of the building somehow. You'd probably get into that
13 retention but -- and then looking at the site there,
14 maybe even from the Jewel entrance.

15 But I think it's incumbent on you to spend
16 more time. I know that -- I have a feeling that you've
17 given up, or you think it won't work there. I don't
18 buy that. I still think you can. From what I
19 understand, tell me if I'm wrong, I mean can't the
20 landowner by right change that? I mean, of course,
21 they'd want an agreement from their tenant, but they
22 don't have to; right? Can't they change this and say
23 we're going to do a cross-easement agreement with you?

24 MR. KEYS: There's a recorded document

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1 that's recorded against their property and the bank.
2 It's all one document that's recorded and binding on
3 the property.

4 MEMBER KESSLER: So they do have to sign
5 off on it.

6 MR. KEYS: It spells out exactly the
7 property owner of property A, the property owner of
8 property B have to approve it.

9 MEMBER KESSLER: Does Jewel?

10 MR. KEYS: No. Shodeen.

11 MEMBER KESSLER: Okay. They're the
12 property owner.

13 CHAIRMAN WALLACE: The answer is the
14 tenant. Legally the tenant doesn't have to.

15 MEMBER KESSLER: That's my point.

16 CHAIRMAN WALLACE: But I'm sure that
17 Shodeen has an agreement with Jewel.

18 MR. KEYS: Yeah. I mean we've had
19 leases with Jewel before. I don't want to speak to
20 what their lease says. I don't know what their lease
21 says, but typically, you can't amend the covenants on
22 what they're sitting on without their approval in
23 accordance with the lease documents, which is binding
24 on the property owner then. But I don't know if that's

1 the case in their situation. I don't.

2 MEMBER KESSLER: Okay.

3 MR. KEYS: I don't want to speak to --

4 MEMBER KESSLER: My comments are simply
5 that I believe that we should put a restriction on this
6 that requires them to come back to us before an
7 addition can be granted.

8 I don't think that I want to see any
9 restrictions about the right-in, right-out, although we
10 could say, I would not object to this -- one of the
11 things that I don't want to have to deal with down the
12 road is if they do come to a cross-easement agreement,
13 that they don't execute and do it, that they have to do
14 it. I mean I would even be so inclined that the
15 city -- does the city have a right to do a right-in,
16 right-out, to tell them, the landowner we're going to
17 do it?

18 MR. COLBY: I mean it's the city's
19 right-of-way. If the city chose to do that, it could,
20 but obviously there is an impact to that property owner
21 if that happened.

22 CHAIRMAN WALLACE: They could have a
23 potential safety concern because of the results.

24 MR. COLBY: That's a possibility.

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1 MEMBER DOYLE: Well, we don't know --
2 I'm sorry.

3 MEMBER KESSLER: No. Go ahead.

4 MEMBER DOYLE: I think for that reason
5 its especially important that the building addition
6 come back before the Plan Commission. It may happen in
7 six months. It may happen in six years, at which
8 time -- I don't think that it is prudent at all for us
9 to essentially pre-approve an application by a
10 landowner on this parcel absent an analysis of the
11 findings of fact that the utilities can support it,
12 that the traffic studies have been conducted, and it's
13 not going to detrimentally impact -- basically the
14 ground infrastructure can support that.

15 So if we're going to close the public hearing
16 and proceed with the application tonight, then I feel
17 like we really have to make certain that we have the
18 opportunity in the future for things to come back to us
19 and for us to comment on that development.

20 The other thing is -- this is really a
21 comment more for the Plan Commission in terms of the
22 sidewalk issue. I'm looking at our comprehensive plan
23 right now. This stretch of Randall Road is a bus
24 route. We know that the comprehensive plan emphasizes

1 walkability and emphasizes closing gaps in our sidewalk
2 structure.

3 We did, in fact, when the application for now
4 what's called the "quad" came forward, there is a
5 sidewalk connection there that we did not require.

6 If we do that again here, and maybe we are --
7 maybe we will do that if it's going to torpedo the
8 application, but it absolutely is going to be the case
9 that we're not moving forward, we're not going to have
10 a leg to stand on to require sidewalks, and that's
11 emphasized in the comprehensive plan.

12 10 years, 20 years down the road, we will not
13 have a complete sidewalk structure because we're just
14 not requiring it during development.

15 MEMBER PRETZ: Do we have the ability to
16 tie the sidewalk with the applicant if they come and do
17 an addition?

18 MR. COLBY: You can make it a
19 restriction on your recommendation at that time, or you
20 can make it a restriction on your recommendation now.

21 MEMBER PRETZ: Well, the reason I'm
22 saying that is because at some point if they do -- I
23 would like the applicant to know and it be somewhere
24 that in his plans for the addition, he has to do his

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1 calculation financially based on that they're going to
2 have to put the sidewalk in.

3 Because, otherwise, it becomes six years from
4 now or 10 years from now and many of us are gone, or,
5 you know, we're all gone from here. Nobody is going to
6 know or remember this conversation tonight.

7 MEMBER KESSLER: Why wouldn't you do it
8 now? Because six years from now, it's tied to -- I
9 mean if they come to us with a restriction of the
10 addition.

11 MEMBER PRETZ: I have a hard time with
12 that because it's a remaking of an existing building,
13 so tying that at this time -- so that's the dilemma
14 that I see, the added cost. It's an added item to do
15 because we would like to have a sidewalk there, and
16 there's some importance for the sidewalks, but I don't
17 see making the applicant put that sidewalk in when he
18 is just doing a redo of the building. I just have a
19 problem with that.

20 MEMBER HOLDERFIELD: I'd like to add
21 regardless of the sidewalk issues that we're talking
22 about tonight, so what's the thought in our minds about
23 what happens to the south of this property? There is
24 no sidewalk that runs down there to the corner, you

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1 know. We want to put a restriction here on this
2 property, and there is a property line stopping it.

3 We're not accomplishing anything really
4 because you're not going to go out to the corner.
5 That's what you're talking about.

6 MEMBER KESSLER: If they come before us,
7 we would.

8 MEMBER HOLDERFIELD: They're not going
9 to come --

10 MEMBER KESSLER: Perhaps not, but I
11 think from my view, that's the whole point of them
12 putting in a sidewalk because obviously if you put a
13 sidewalk on this piece of property, hopefully,
14 eventually it will all come together, but not to put
15 something there because the guy next door doesn't have
16 it to me is not a reason not to.

17 MEMBER HOLDERFIELD: It's on the road
18 there.

19 MEMBER KESSLER: The road goes right to
20 the bus stop. I mean, if we had the bus stop all the
21 way across the front of that property.

22 MEMBER HOLDERFIELD: Yes. But it's not
23 going to get down to the corner.

24 MEMBER KESSLER: No.

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1 CHAIRMAN WALLACE: Not yet.

2 MEMBER KESSLER: Not yet.

3 MEMBER DOYLE: May I also introduce a
4 procedural way of framing this question which is the
5 findings of fact document submitted by the applicant
6 for a special use for a planned development, in the
7 second finding of fact document, on the second page of
8 that, "Factors listed in Section 17.04.400.B shall be
9 used to justify relief from requirements," and there's
10 nine different factors.

11 MEMBER KESSLER: Brian, what page are
12 you on?

13 MEMBER DOYLE: This is page 137 of the
14 compound --

15 MEMBER KESSLER: The PDF. Okay.

16 MEMBER DOYLE: The factors include that
17 PUD will provide community amenities beyond what's
18 required by the ordinance, preserve open space, provide
19 superior landscaping, et cetera, et cetera.

20 The draft finding of fact that we have says
21 that the existing site has minimal landscaping, and the
22 landscaping that is provided is deteriorated and
23 generally poorly designed and implemented. The PUD
24 proposal includes a significant upgrade to the

1 landscaping that is clearly superior to the current
2 design, which is true, but still actually a variance, a
3 relief from the ordinance -- from the requirements of
4 the ordinance.

5 So basically we're going from 0 percent to
6 10 percent instead from 0 percent to 15 percent that's
7 required by the ordinance. So I don't regard that as a
8 net benefit. I regard that as getting back -- going
9 from an F to a B minus.

10 In addition, the proposed redevelopment of
11 the site provides for a much higher quality
12 architectural design than that which is found in the
13 building today. I think we would agree with that. I
14 think also we would agree that it's really in the
15 applicant's interest to have a better quality design
16 because the current design is obsolete.

17 So ultimately this point in the finding of
18 fact, what it really speaks to is what is the increased
19 public benefit that we are receiving that is the offset
20 to the relief that we're providing.

21 Right now from what I can tell, the benefit
22 that we're receiving is taking an obsolete architecture
23 and making it, you know, contemporary architecture.
24 You know, I think it's an improvement, but I would not

1 say that we were looking at anything that is, you know,
2 stars and stripes from sort of what we would expect.
3 It's sort of an updated, a new standard we're calling
4 it.

5 I think that it would be within reason for
6 the Plan Commission to say one of the things that we
7 want -- we're granting the relief from the setback
8 requirements, we're granting relief, some relief from
9 the landscaping requirements, we're granting a PUD on a
10 single parcel because you're boxed in, we're going to
11 table the questions about traffic flow in and off of
12 Prairie so that this redevelopment can move forward;
13 but I do think that it would be reasonable at least for
14 us to say to the applicant we do want you to go to the
15 county.

16 Find out what it's going to cost to do this.
17 Find out what programs are available for cost sharing
18 between the property owner and the county to make this
19 happen so that we at least can consider whether it
20 really is prohibitive or whether it's simply, you know,
21 a reasonable cost or a reasonable condition for the
22 PUD.

23 MEMBER KESSLER: Okay. I agree with
24 you. I totally agree. I'm not sure how to do that

1 because, of course, we say, okay, come back and tell
2 us, and it's going to be it's too expensive.

3 I don't see why we can't take it a step
4 further and require a sidewalk. I mean sidewalks are
5 expensive, but I don't think it's prohibitive. I don't
6 think the cost of that sidewalk would make what they're
7 proposing here prohibitive. I think it would cost
8 more, but it's not going to be prohibitive.

9 MEMBER AMATANGELO: If we're going to
10 take the step to encourage them to have a sidewalk,
11 then I would take a step in addition to that to require
12 them to meet the minimum standards for landscaping.
13 Right now we're going on the assumption that they are
14 going to possibly need additional parking spaces based
15 on the mere fact that they might have a retailer or a
16 restaurant that would require that. But here again
17 we're talking about what ifs.

18 I think the landscape plan is -- or the
19 landscape ordinance says that we need a specific amount
20 of landscaping, and I don't see why that cannot be met
21 in this plan with a reduction in some of the parking
22 spaces. You can actually add some tree plantings in
23 the parking lot or on some of the medians that are
24 coming in between the parking spaces.

1 There is a lot of things you can do that will
2 require landscaping to still survive, and I know there
3 was a comment made that smaller boxes would maybe not
4 allow some of the plant material to survive; however,
5 there are ways around that, by putting in irrigation
6 systems. There is a lot of things that, you know,
7 still can be accomplished here when we talk about the
8 landscape plan.

9 So if we're talking about a requirement for
10 sidewalks, I personally think that we can still get it
11 to the point where the landscape minimum requirement
12 is met.

13 MEMBER DOYLE: Sue, my question is if we
14 reduce the parking on the property to bring the
15 landscaping up to 15 percent, will that preclude the
16 option which is part of the concept plan to add onto
17 the property, put a prominent cap, you know, on the
18 corner of the storefront at the end?

19 MEMBER AMATANGELO: No. I think that
20 there are some creative ways that you can add
21 additional landscaping. They added a central sidewalk
22 to be able to allow for additional parking spaces, and
23 with a slight widening of that sidewalk, there are
24 creative ways that you can add additional shrubbery.

1 Also at the end of that particular path that
2 goes all the way down the north side of the parking
3 lot, you can add it there. There are median strips
4 that are in between in front of the building along
5 Randall Road, you can -- you know, where the existing
6 light pole is on the center of the property on the west
7 side, and just to the south of that, there is
8 additional landscaping that can be added to the stretch
9 right there. There is a lot that can be done with this
10 parcel to get closer to or actually meet the landscape
11 minimum.

12 MEMBER KESSLER: I'm going to suggest
13 that we not close this public hearing, that we ask the
14 applicant to come back with a landscape plan, you know,
15 as Sue described, increasing the landscaping, coming up
16 with some different ideas to increase the landscaping,
17 being creative about it, and also showing a sidewalk on
18 the plan.

19 I think that's something that we -- it's
20 something that if we don't do it now, it won't get
21 done. We've talked about infill sidewalks. We know
22 that it's county property. I'm sure it can be done. I
23 realize that it may be somewhat burdensome, but it
24 can't be -- I know it's not something that would

1 actually torpedo the project.

2 So while it's something that came to us
3 subsequent to the preliminary plan, it's a public
4 hearing, people can bring testimony, and we need to
5 consider it.

6 So I'm going to ask that we keep this public
7 hearing open and that the applicant come back at a
8 later date with that information.

9 MEMBER GAUGEL: If those two factors are
10 considered, there is a third factor that came up
11 tonight, stormwater management and the engineering
12 plan. Would you like to have the applicant address
13 that as well, if he were to come back? Was that only
14 if there was a build-out on that?

15 MEMBER KESSLER: I would say only if
16 there was a build-out. I think we have an existing
17 structure. We're remodeling the parking area. I don't
18 think it's significant.

19 CHAIRMAN WALLACE: I think the applicant
20 can figure out what he needs to come back with, you
21 know, if that's --

22 MEMBER AMATANGELO: What are the chances
23 of the --

24 CHAIRMAN WALLACE: Wait, wait. Was

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1 there a motion?

2 MEMBER KESSLER: Yes. There is a
3 motion.

4 CHAIRMAN WALLACE: Okay. Is there a
5 second to the motion, first of all, to continue the
6 public hearing?

7 MEMBER AMATANGELO: Second.

8 CHAIRMAN WALLACE: Okay. There's a
9 second on the motion.

10 MEMBER AMATANGELO: What are the chances
11 of the applicant making contact with the bank between
12 now and our next meeting so that we can at least have a
13 better understanding of the easements?

14 MR. KEYS: We have made contact with the
15 bank. We just haven't gotten anybody to respond to us
16 from the bank. I will continue to do it. I don't --
17 we'll try.

18 MEMBER KESSLER: Can you report on that
19 at the next meeting?

20 MR. KEYS: I would prefer that we close
21 the public hearing and move forward. That's my
22 preference. Obviously, you have a motion and a second.
23 But clearly our -- time is of the essence for us.
24 We're trying to get this done this year, and delay is

1 just --

2 MEMBER KESSLER: How quickly can you
3 come back to us with the information we requested? We
4 meet every two weeks.

5 MR. KEYS: Well, with regard to a
6 sidewalk and a --

7 MEMBER KESSLER: A sidewalk and an
8 enhanced --

9 MR. KEYS: Well, the question is what if
10 we don't find that we can do those things? That's the
11 problem. We submitted a site plan and a landscaping
12 plan that we -- it's not -- you can't just widen the
13 landscape islands because when you widen the landscape
14 islands, it shrinks the area for the drive aisles. The
15 drive aisles are 24 feet. That's what your ordinance
16 requests. Now, you've got it at 23 or 22. Doing one
17 thing here changes everything in a lot of different
18 ways. The person who --

19 MEMBER KESSLER: Would your landscape
20 architect be able to work with staff and see if they
21 can come up with some other ideas to enhance the
22 landscaping on the project?

23 MR. KEYS: Sure. We've already
24 committed to doing that. We don't have an issue with

1 meeting with the staff.

2 MEMBER KESSLER: If they say that --

3 MR. KEYS: It's the percentage
4 that you're asking us -- if we're going to come back
5 with a plan that has 15 percent, I think that's
6 problematic. I mean there's a reason why we have asked
7 for the variances that we have because we've gone
8 through this site plan and tried to redesign and tried
9 to tweak it and talked to the staff.

10 We came to you guys. We did those things
11 because we have presented a plan that we think works
12 with what we need to do for -- want to do for the
13 building, and what we've got as a whole plan.

14 And changing one aspect of the plan changes
15 other aspects of the plan, and then you've got
16 something completely different. That's my issue is
17 you're saying can I come back in two weeks? Sure. But
18 is it going to be what you want? I don't know.

19 MEMBER KESSLER: You can come back six
20 weeks from now. It's up to you. I'm telling you we
21 meet every two weeks.

22 But what I will say is I understand your
23 frustration. I honestly do. I have to say, though,
24 that this is a part of the process. This is part of

1 the process for approval, and that is a public hearing
2 in front of the Plan Commission.

3 MR. KEYS: Yes.

4 MEMBER KESSLER: If other testimony is
5 presented to us or to any body throughout this process,
6 then it's going to cause something -- it's going to
7 cause an effect, and the effect is that we're asking
8 you to reinvestigate your landscape plan, work with
9 staff to see if we can increase it. We'd like to see
10 that increased. We'd really like to see an increase,
11 and we would like to see a sidewalk. You know, we're
12 telling you that those are the things we would like to
13 see to say, okay, we'll approve this.

14 If this honestly cannot be done and staff
15 agrees that it cannot be done, but we're asking you go
16 back and look at that. That's the way the process
17 works. You know, this is a public hearing. It doesn't
18 have to close tonight. The public hearing can go on
19 and on.

20 MR. KEYS: I understand.

21 MEMBER KESSLER: We don't want it to.
22 Believe me, we don't want it to any more than you do.
23 So I guess the ball is in your court.

24 We'll take the vote on closing the public

1 hearing or not, but you tell us when you can come back
2 to us. I know that staff is ready and willing to work
3 with your landscape architect. I'm not a landscape
4 architect. You're not. Let's let them get back
5 together and see if they can figure something out.

6 And then the sidewalk -- I know sidewalks are
7 a pain. I know it's something that you just don't want
8 to do. I know it's an added expense, but I know that
9 it's not prohibitive, and it's something that you can
10 figure out. I'm pretty sure you can.

11 But what time -- I don't think we should set
12 a time at this meeting.

13 MR. KEYS: I mean, obviously if you're
14 going to continue it, I would continue it for the two
15 weeks because I have to -- we have to get this done
16 this year. I mean we have no tenants in the building,
17 and the only way we're going to get tenants in this
18 building is if we were able to redo this building.
19 It's out of date, it's obsolete, and it needs to be
20 done.

21 MEMBER KESSLER: We'd like you to get it
22 done. It is obsolete and out of date, and it's an
23 eyesore.

24 MR. COLBY: If I could offer one

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1 comment. A continuation of a public hearing needs to
2 be date and time specific. So if we need to, it should
3 be continued to our next meeting, which would be
4 July 8th.

5 MEMBER KESSLER: Okay.

6 MEMBER DOYLE: May I offer comments on
7 the motion?

8 CHAIRMAN WALLACE: Sure.

9 MEMBER DOYLE: Two quick comments.

10 I appreciate the concern that's been raised
11 about the concept plan that we commented on and that we
12 gave approval for and that also it was reviewed by the
13 PUD committee.

14 I believe the landscape plan or a preliminary
15 version of it was in the concept plan. So I am not as
16 inclined personally to change the feedback that we
17 provided regarding landscaping, what's been proposed in
18 the requirements at this stage. So I just want to
19 point that out as far as the motion is concerned.

20 As far as the sidewalk is concerned, I
21 don't -- I guess the concept plan, by virtue of its
22 absence, did not propose a sidewalk, and I would just
23 appeal to the applicant that that was a miss on our
24 part. We made an incorrect assumption.

1 And I need to understand -- I'd like to
2 understand if we're going to continue this, what
3 cost-sharing programs are available from the county, if
4 any, and what the cost and impact of this would be on
5 the concept, you know, to determine whether or not we
6 should propose that.

7 I think these are important things that we
8 need to know and understand in order to proceed with
9 the application as it is. I need to have that
10 information to move forward, or at least I would like
11 to have it.

12 That concludes my comments.

13 CHAIRMAN WALLACE: All right. Any other
14 comments? Any discussion on the motion to continue the
15 public hearing?

16 (No response.)

17 CHAIRMAN WALLACE: Tim.

18 MEMBER KESSLER: Amatangelo.

19 MEMBER AMATANGELO: Yes.

20 MEMBER KESSLER: Gaugel.

21 MEMBER GAUGEL: Yes.

22 MEMBER KESSLER: Doyle.

23 MEMBER DOYLE: Yes.

24 MEMBER KESSLER: Schuetz.

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MEMBER SCHUETZ: Yes.

MEMBER KESSLER: Pretz.

MEMBER PRETZ: No.

MEMBER KESSLER: Holderfield.

MEMBER HOLDERFIELD: Yes.

MEMBER KESSLER: Wallace.

CHAIRMAN WALLACE: No.

MEMBER KESSLER: Kessler, yes.

CHAIRMAN WALLACE: Okay. That passes by
a vote of 6 to 2.

Before we go on to Item No. 5, let's take
just a three-minute break.

PROCEEDINGS CONCLUDED AT 8:53 P.M.

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PRESENT:

- MR. TODD WALLACE, Chairman;
- MR. TIM KESSLER: Vice Chairman;
- MS. SUE AMATANGELO, Member;
- MR. BRIAN DOYLE, Member;
- MR. STEVE GAUGEL, Member;
- MR. JAMES HOLDERFIELD, Member;
- MR. THOMAS PRETZ, Member; and
- MR. TOM SCHUETZ, Member.

ALSO PRESENT:

- MR. RUSSELL COLBY, Planning Division Manager;
- MS. ELLEN JOHNSON, Planner; and
- MR. CHRIS TIEDT, Development Engineering Manager.

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1 CHAIRMAN WALLACE: All right. The
2 St. Charles Plan Commission will come to order.

3 Item No. 5 on the agenda is the second public
4 hearing, and this is 2425 West Main Street. Is it
5 Buona?

6 MEMBER KESSLER: Buona.

7 CHAIRMAN WALLACE: Buona.

8 MEMBER KESSLER: You haven't been there?

9 CHAIRMAN WALLACE: I have been there. I
10 just don't know to pronounce it.

11 Buona St. Charles, St. Charles Main Street
12 Partners, LLC, application for special use for two
13 drive-through facilities, application for a preliminary
14 plat of subdivision, application for a final plat of
15 subdivision.

16 Is the applicant here?

17 MR. HAGUE: Yes.

18 CHAIRMAN WALLACE: All right. You were
19 sworn in previously?

20 MR. HAGUE: I was.

21 CHAIRMAN WALLACE: All right. Go ahead.

22 MR. HAGUE: Good evening. My name is
23 Tim Hague with Keystone Ventures, LLC, and I appreciate
24 your time tonight. I appreciate the effort that staff

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1 put into the review of the application submittals.

2 I'm also a partner and manager of St. Charles
3 Main Street Partners, LLC, who is the contract
4 purchaser of 2425 West Main Street here in St. Charles.
5 The property more commonly known as the closed, vacant
6 Deck Yard property.

7 This site is approximately 3.342 acres. It's
8 improved with an older structure that Deck Yard had
9 operated out of for a number of years. It's been
10 closed. We would also consider that a functionally
11 obsolete structure by today's standards.

12 We formed our partnership to redevelop the
13 property, and what we're proposing is a freestanding
14 restaurant for Buona restaurants. Buona in Italian
15 means good. So we hope that the application -- you
16 find it to meet those good standards.

17 The partnership is made up of myself, Tim
18 Hague, from Keystone Ventures, Sherry Crystal and Jim
19 Crystal from Byrne Realty. It's a related company that
20 we have that manages properties on an ongoing basis,
21 and then members of the Buonavolanto family. That is
22 the namesake restaurant.

23 So I'll give you a little bit of background
24 on the Buonavolanto family because I think it's very

1 germane to what we're proposing here and how we're
2 going about our business.

3 The Buonavolanto family owns and operates
4 Buona Companies, a professional food service management
5 organization comprised of three primary divisions:
6 Buona Restaurants, Buona Catering, and Beyond Events
7 Venue Management.

8 The Buonavolantos own and operate -- also own
9 and operate two Gino's East pizzerias downtown, one on
10 Superior and one on State Street. They also own and
11 operate Barbakoa which is the new restaurant that they
12 own in Downers Grove. They have rebranded the Buona
13 restaurant that they had there for a number of years.
14 They found it to be in too close proximity to two other
15 units that they have, so they rebranded that recently.

16 They also own and operate Joey Buona's
17 pizzeria in Milwaukee, Wisconsin, and Brett Favre's
18 Steakhouse in Green Bay, Wisconsin. In addition they
19 also have a Gino's East pizzeria in Lake Geneva,
20 Wisconsin.

21 Buona Restaurants were created in 1980. The
22 first establishment was in Berwyn, Illinois. Since
23 then the chain has expanded to 14 locations ranging in
24 size from 3,000 square feet to 5500 square feet. The

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1 the casual, upscale, quick-service restaurant features
2 world famous and award winning Buona Italian roast beef
3 sandwiches for lunch and dinner. The menu also
4 includes authentic and Neapolitan pizza, hand-tossed
5 salads, cafe sandwiches, and grilled paninis.

6 The hours of operation are 10:30 a.m. to
7 10:30 p.m., seven days a week. They're closed on
8 Christmas, Easter, and Thanksgiving. The new
9 restaurants are brightly colored and feel like a fresh
10 market or kitchen showcasing real food in a warm, and
11 comfortable dining room. It seats approximately 100
12 guests inside and 40 guests on their outdoor patio in
13 weather permitting months.

14 The restaurants also feature a drive-through
15 and a carryout section. Approximately 50 percent of
16 their sales are takeout.

17 Buona Restaurants are also committed to
18 improving the communities that they function in by
19 investing, creating jobs and opportunity, and giving
20 back to the community through several charities. They
21 have Buona benefit nights where they operate -- it's a
22 bit of a misnomer. They operate all day long and
23 allocate 15 to 25 percent of the total sales to that
24 identified charity that particular day.

1 They also participate in Buona school lunch
2 programs, youth athletic programs, library reading
3 programs, and school attendance and academic incentive
4 programs.

5 Keystone Ventures is an entity that I founded
6 in 2006 for the purpose of developing smaller scale
7 retail projects. I have been involved in the real
8 estate development business for 30 years, here in
9 Chicagoland for 25 years. Here in Chicago I have
10 developed slightly over a million square feet of retail
11 properties, and I can proudly say they have all been
12 very successful.

13 So I guess what I'd like to do now just in
14 concept is walk you through the site plan, what we're
15 proposing, and then speak to some of the particulars
16 that were raised in the staff report.

17 So the Deck Yard property, what we depict
18 here on the site plan -- on the west edge is really the
19 east portion of the post office property. You can see
20 a little bit of the structure and their parking lot,
21 and then it includes the Deck Yard property as well as
22 the Rental Max property, and then the vending -- is it
23 vending repair that they do? The vending repair
24 business that leads up to the western access point into

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1 the Harley-Davidson/Costco development.

2 So again the Deck Yard property is
3 3.342 acres. The existing Rental Max property is
4 approximately 39,000 square feet. The reason we
5 include the Rental Max property is it's our intent to
6 parcel off the eastern portion of the Deck Yard and
7 sell that to Rental Max so that they can expand their
8 yard and their internal circulation of how they
9 function.

10 That would leave us two lots remaining that
11 we identify on the plat as Lot 2 and Lot 3. The center
12 lot, Lot 2, is where we're proposing the freestanding
13 Buona restaurant. That building is 3,940 square feet,
14 and it's serviced by approximately 69 parking stalls.

15 The west lot, Lot 3, is shown as a
16 7,000-square-foot multi-tenant building. We are showing
17 this with the drive-throughs with the thought process
18 of what we see happening. In some of these smaller
19 neighborhood centers, there's a lot of the fast, casual
20 restaurants that are kind of going to this
21 drive-through concept. There is a few out there that
22 we're all familiar with -- the Coffee Guys, and some
23 others that we're more familiar with the drive-through
24 component. There is also a number of examples from Pot

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1 Belly sandwiches to Jimmy John's to Panda Express where
2 they're all now gravitating towards the drive-through
3 facility.

4 So we don't have any tenants lined up for
5 this property yet. We would not build a building until
6 we have it probably about half preleased. If we're
7 successful getting through the approval process, we
8 would then start a very focused marketing effort and
9 try to build that as soon as possible.

10 Upon completion, upon successful completion
11 of the zoning process, we would start construction on
12 the Buona restaurant immediately.

13 So that's a bit of an overview of the site
14 plan. I guess I should touch on a few other items.

15 We're currently depicting two access points
16 that are existing at the Deck Yard property in the same
17 positions. We have widened the east entrance slightly,
18 approximately 10 feet because it's a narrowing
19 entrance. That was one of the staff comments.

20 We had a lack of coordination on our
21 architectural and civil engineering plans which I
22 apologize for. We have reconciled those and
23 resubmitted those. We were only able to do that
24 recently. So I don't believe staff has had a chance to

1 review those.

2 But the other comment that we got that we
3 think is a material comment from staff is they had some
4 initial -- they initially presented it to IDOT, and
5 there is some thought process that the development
6 might be better served if those entrances were aligned
7 with the curb cuts on the north side of 64. The one on
8 the west is the entrance to St. Charles Bowl, and then
9 the one on the east is Barbara Ann Drive.

10 Our understanding of that -- we worked with
11 IDOT a lot and appreciate that, you know, they
12 certainly do control that, and we would be flexible in
13 realigning those if that's ultimately what IDOT wants
14 or what city staff wants for better traffic
15 circulation. I think there are some benefits to it and
16 some impacts, but we would demonstrate that
17 flexibility.

18 So I believe -- I guess I could touch upon we
19 have created -- it's our intent to create and we show
20 it as part of this application a cross-access easement
21 that would go across the northern face of the property
22 and parallel with Main Street. The western terminus of
23 that would be the western curb cut, and then it's our
24 intent to bring that all the way across the front of

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1 the properties.

2 The referenced concept deal with the Rental
3 Max is something that we spent some time with Rental
4 Max negotiating. They do have representatives here if
5 there is any questions, and we believe that that's
6 something that is ready to be executed and completed
7 upon approval of the applications.

8 So that cross-access easement would come
9 across to the extent of their expanded lot, the eastern
10 32,000 square feet of the Deck Yard property to the
11 existing entrance that they have on 64.

12 Again, the intent in part there was speaking
13 to some of the references made by city staff and cited
14 in your comprehensive plan that idealistically over
15 time as there is some potential redevelopment for the
16 properties to the east and updating, that that could at
17 some point in time extend all the way to the main
18 entrance servicing the Harley-Davidson and Costco
19 development.

20 So I believe those --

21 CHAIRMAN WALLACE: Hold on one second.
22 Okay.

23 MEMBER KESSLER: I'll let you finish.

24 MR. HAGUE: So the site is served by a

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1 detention -- a stormwater detention facility that we
2 have located at the south end of the site. It's
3 approximately 22 1/2 thousand square feet. I believe
4 the approximate calculation is slightly under 1.5 acre
5 feet of detention capacity.

6 We're intending to do that in a depressed
7 detention area that would have a retaining wall on the
8 west, south, and the east side, and then we would have
9 a sloped face to it on the north side, and that would
10 be serviced and fed by three inlets through the
11 collective pipe system, and then that would out flow
12 north to Main Street through a sewer line and an
13 easement that would be contained within Lot 1.

14 That, again, concludes the site plan summary.

15 Then give me one minute to -- so this is our
16 proposed plat of subdivision. Again, it's expanded to
17 cover a little bit more property than the Deck Yard and
18 include the existing Rental Max property. So Lot 1 is
19 the combination of the existing Rental Max and then
20 approximately 32,000 square feet of the eastern
21 portion. Lot 2, again, would combine the parcel
22 allocated for the Buona restaurant as well as the
23 stormwater detention area, and then Lot 3 being the
24 west line is where we show the proposed multi tenant

1 building.

2 This plat also identifies the cross-access
3 easement that goes across the front of the building as
4 well as that easement that is identified on Lot 1 that
5 is an outflow of the sewer returning back to the Main
6 Street inlet, and then we picked up the requirement of
7 the 10-foot perimeter easements on the lots.

8 I'll just make a brief commentary to the
9 architectural. As part of the application, we
10 submitted the building elevations for the Buona
11 restaurant building. We have not submitted the
12 building elevations for the proposed multi tenant
13 building just because we didn't know who those tenants
14 were.

15 What we like to try to do with tenants is we
16 like to let them express some architectural description
17 on the exterior of the building. I think one of the
18 best examples of that is what Pot Belly Sandwiches does
19 is they like to incorporate certain features that make
20 it unique to what they do. We kind of embrace that
21 approach. So we have not developed those elevations
22 yet.

23 But the Buona building is -- it's all face
24 brick and decorative stone on the exterior. This would

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1 be the west elevation that we're looking at now that
2 shows the metal canopy that is the protective awning
3 for the outdoor seating, outdoor patio. The entrance
4 to the building would be at the northwest corner which
5 is highlighted with a raised tower, and that's a
6 decorative smooth-faced stone, and the balance of the
7 building is face brick.

8 This would be the east elevation. So this is
9 where the drive-through function is happening. The
10 drive-through is served by two windows. The customers
11 would approach a menu board, place the order at the
12 menu board, proceed to the first window and pay for the
13 order, and then proceed to the second window to pick up
14 the order.

15 All the orders at Buona restaurant are made
16 fresh. There's no premade orders that sit under heat
17 lamps. Sometimes this creates a bit of a queuing
18 delay. So what they do now -- I'll go back to the site
19 plan and show you where we accomplish this -- is they
20 have three waiting stalls where they -- on longer lead
21 time orders where they ask the patrons to pull up to
22 those stalls, and then hand deliver their food out
23 to them.

24 The bottom elevation is the south elevation.

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1 This is the back of the building. There's not much to
2 touch upon here. All entrances to the building and on
3 the east side are highlighted by fabric awnings that
4 are black in color, similar material. All deliveries
5 come through the rear door.

6 I think I owe you a look at the north
7 elevation, which is the front of the building, which
8 again is highlighted by our entrance tower. There is
9 no canopy, decorative canopy features above the
10 entrance on the northwest corner of the building and
11 then three large windows on this north facade.

12 Sorry. I'm trying to get back to the
13 architectural s.

14 Okay. So this is the architectural site
15 plan, and then along the northeast corner of the Buona
16 restaurant lot, you'll see that we have actually drawn
17 in three vehicles. Those would be the spaces
18 identified, if they had longer lead time items, where
19 the patrons would need to pull forward as they would be
20 directed. Then that door on the north facade along the
21 east edge is where the Buona employee would bring
22 the -- would enter and exit to bring the food out to
23 the patrons.

24 We have received the staff reports and

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1 comments. As of last Friday, we had the opportunity to
2 go through them in detail with our architect, our
3 landscape architect, and our civil engineer. And we
4 don't object to any of the comments, and we fully
5 intend on complying with all issues raised.

6 So I guess that would conclude my Buona
7 presentation. Hopefully, it was good.

8 CHAIRMAN WALLACE: All right. Any
9 questions?

10 MEMBER KESSLER: Yes.

11 CHAIRMAN WALLACE: Tim.

12 MEMBER KESSLER: I have a couple. First
13 of all, let's talk about cross-easement access for a
14 minute. Just a couple questions. Have you contacted
15 the owner to the east of Rental Max?

16 MR. HAGUE: Yes. And this is not the
17 standard applicant answer like your earlier
18 presentation. I have stopped there twice in person,
19 and I didn't make any progress at their other facility.
20 I have called Melrose Park three times, and I have not
21 been successful.

22 MEMBER KESSLER: So you haven't talked
23 with anybody?

24 MR. HAGUE: I haven't made any contact

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1 with them.

2 MEMBER KESSLER: Okay. That's the
3 vending repair.

4 MR. HAGUE: Right.

5 MEMBER KESSLER: If you were able to
6 contact them, would you consider doing a cross-access
7 easement all the way across that property?

8 MR. HAGUE: Yes. We're not opposed to
9 our cross-access easement being available to those two
10 properties to the east.

11 MEMBER KESSLER: Okay. This is a long
12 shot. What about the post office?

13 MR. HAGUE: The post office we did not
14 approach. We did look at that, and we would not be
15 opposed to that. We would be happy to -- if the city
16 feels it's appropriate, we would be happy to extend
17 that cross-access easement to the western terminus of
18 our property. It's odd in that the post office has a
19 very expansive landscape area, and then they have this
20 one-way drive that circulates around; but, you know, if
21 desired, we would extend that cross-access easement all
22 the way to that corner.

23 MEMBER KESSLER: The only reason I bring
24 it up is one of the difficulties of that site is it

1 being so close to the intersection of Randall and 64,
2 and I appreciate the fact that you did put the road,
3 the frontage road across all three lots because that's
4 what it's going to take. It's very difficult to get in
5 and out. At certain times of the day, it's virtually
6 impossible. I mean even if you're going in the
7 direction to make a right turn, it's difficult to do
8 because there's so much traffic.

9 And then my other question on the easement
10 is -- I don't know if you've thought of this at all,
11 but what about a cross easement across the south edge
12 of the property? I suppose that would entail
13 contacting the owner of that property, but I know you
14 have potential --

15 MR. HAGUE: Yeah.

16 MEMBER KESSLER: But one thing I thought
17 of and that was if you came in off of that drive into
18 the Harley drive, it's a divided entrance. Right at
19 the entrance, you have to come in some, you know,
20 50 feet at least to get into there. But I guess I'm
21 just struggling with just that whole property because I
22 know what's it like to try and get in and out of there.

23 MR. HAGUE: We're all for cross access.
24 We think it makes sense. We view this as Summer Yards

1 has an outlot lot parcel to that larger development
2 albeit somewhat disconnected. If I'm picturing it
3 right, there is the stormwater detention facility
4 before that development that backs up to ours.

5 MEMBER KESSLER: Right.

6 MR. HAGUE: So I don't know how exactly
7 we would align that, but, you know, we would be happy
8 to investigate that. If that opportunity is there --
9 you know, we see all those events that they do in the
10 Harley-Davidson parking lot --

11 MEMBER KESSLER: To be connected, that
12 would be fabulous.

13 MR. HAGUE: Those guys have to be
14 getting hungry. So, yeah, we would be amenable to
15 that.

16 MEMBER KESSLER: Okay. Switching gears
17 just for a minute, the undisclosed tenant building, is
18 that two tenants in there?

19 MR. HAGUE: That's what's drawn
20 conceptually. I think that it could be as many as four
21 tenants. You know, there's tenants that occupy those
22 multi-tenant buildings. You know I could say just as an
23 example, we finished a development at Harlem and Cermak
24 in Berwyn. It's about a 20,000-square-foot development

1 about a year and a half ago, and the tenant spaces
2 ranged from 1775 square feet up to 6100.

3 MEMBER KESSLER: But they weren't all
4 drive-throughs.

5 MR. HAGUE: We actually have no
6 drive-throughs in that. We've got Buffalo Wild Wings,
7 Five Guys and Chipotle and Verizon and a vitamin shop.

8 The second phase of that conversely does have
9 drive-throughs because we have Star Bucks and Pot Belly
10 and Fifth Third Bank. So we have a lot of
11 drive-throughs. I think in all reality that's probably
12 going to be two to four tenants.

13 MEMBER KESSLER: But I mean is this
14 designed so that you have your -- designed to
15 accommodate drive-throughs for multiple tenants in the
16 same building?

17 MR. HAGUE: No. That would only be for
18 one drive-through in that west building, and that
19 tenancy would happen on the east side of that building.

20 MEMBER KESSLER: Okay.

21 MR. HAGUE: And the inconsistency -- and
22 again our apologies. The inconsistency was redesigning
23 the west edge of that building, reducing the square
24 footage a little so that we could meet the city

1 standard on the 15 cars. Yes, that's solely intended
2 to be one drive-through.

3 MEMBER KESSLER: And you have no
4 objection if you are required to align those entrances
5 there; right?

6 MR. HAGUE: No, we don't. Obviously, we
7 don't want to buy a product and have that being reduced
8 access, which, you know, obviously sometimes works its
9 way into the conversation with IDOT. We would like to
10 have two full access cuts, but we are not opposed to
11 those being realigned with the cuts on --

12 MEMBER KESSLER: Who is in contact with
13 IDOT? Is that staff, or is that you?

14 MR. COLBY: Yes. The city initially
15 contacted IDOT and provided them with a copy of the
16 plans for comment. We got some additional comments
17 back from them and directed the developer's engineer to
18 work with IDOT to resolve the issue.

19 MEMBER KESSLER: Okay. In the response,
20 did they still speak to two entrances, two access
21 points?

22 MR. COLBY: They didn't give a lot of
23 specifics in their response, but they seemed favorable
24 to the idea of aligning the access points. They did

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1 not suggest eliminating any at least thus far.

2 MEMBER KESSLER: Thank you.

3 CHAIRMAN WALLACE: Other questions?

4 Yes, Brian.

5 MEMBER DOYLE: At the very north side of
6 your diagram along Route 64 there, is that diagram
7 showing a sidewalk to be installed along Route 64? Is
8 that white line that's just down --

9 MR. HAGUE: Yes, that is correct. You
10 know, it's -- I believe the existing conditions on 64
11 are kind of like a carriage house. The sidewalks
12 basically go to the right-of-way.

13 So that is correct. We do like the inclusion
14 of a sidewalk regardless of where it leads to. It does
15 extend west. I believe it does extend east. Again,
16 you know, we actually want to catch any activity that's
17 happening at the Harley-Davidson parking lot, having
18 those customers walk over.

19 MEMBER DOYLE: So your proposal is to
20 install sidewalks.

21 MR. HAGUE: Yes.

22 MEMBER DOYLE: Okay. I just want to
23 comment that the architectural drawings for the
24 restaurant are very attractive. What's the style? How

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1 would you describe it?

2 MR. HAGUE: Our project architect is
3 actually my cousin John Hank, and he has met with
4 staff. I apologize he is not here. He is in front of
5 the village council in Glenview tonight. I'm not --

6 CHAIRMAN WALLACE: They're more
7 important than we are?

8 MR. HAGUE: I'm not an architecture
9 student, so I don't know.

10 MEMBER DOYLE: I think it's attractive,
11 so I would like to compliment you on that.

12 MR. HAGUE: Thank you.

13 MEMBER GAUGEL: Do you currently have an
14 agreement with the Rental Max?

15 MR. HAGUE: We have a fully negotiated
16 agreement, and subject to the approval process here
17 with the city, that will be fully executed.

18 MEMBER GAUGEL: Okay.

19 MR. HAGUE: I don't know if I should
20 defer to them, but they are here. Is that more
21 appropriate during the public comment?

22 CHAIRMAN WALLACE: No. That's fine.
23 We're fairly loose with our rules.

24 MR. HAGY: We're very excited about the

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1 opportunity.

2 CHAIRMAN WALLACE: Come on up. Were you
3 sworn in?

4 MR. HAGY: I was not.

5 CHAIRMAN WALLACE: Okay. Would you
6 raise your right hand.

7 (Witness duly sworn.)

8 CHAIRMAN WALLACE: Would you state your
9 name and spell your last name and state your address.

10 MR. HAGY: It's Terry Hagy, H-a-g-y.
11 The address is 525 Blackstone Avenue, LaGrange,
12 Illinois.

13 CHAIRMAN WALLACE: Thank you. Go ahead.

14 MR. HAGY: We have been working with the
15 fellows from -- Tim and his team since probably
16 February, and so we're right there. We're just waiting
17 for attorneys to finalize a couple fine points, and we
18 think it's a great opportunity for us.

19 We've been land locked, and our business has
20 grown, and it just seems like a perfect way for us to
21 help build and serve the community. We've been here
22 since 2000. We bought the business from Lee and Carol
23 Peterson, and so we have been, you know, in the
24 marketplace here serving the community since 2000 and

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1 know it and understand it.

2 And the point about the traffic, that's why
3 when we did the -- Tim talked to us about the
4 crosswalk, it made all the sense in the world, or the
5 cross-access. It has to happen, and for us, as you
6 know, getting in and out of our lot can be a challenge.
7 So this being able to swing back around to be able to
8 U-turn through is just perfect for us.

9 CHAIRMAN WALLACE: All right. Other
10 questions?

11 MR. HAGUE: Thank you.

12 CHAIRMAN WALLACE: Thank you.

13 MEMBER DOYLE: I would move that we
14 close the public hearing.

15 CHAIRMAN WALLACE: Hold on.

16 Was there anything from staff?

17 MR. COLBY: No.

18 CHAIRMAN WALLACE: Okay.

19 MEMBER KESSLER: I do have a concern I
20 want to bring up.

21 MEMBER DOYLE: Okay.

22 MEMBER KESSLER: I do have a concern I
23 want to bring up. That is that this -- a drive-through
24 is a special use that we typically approve or if the

1 company is going to utilize a drive-through, and I see
2 two things here: One is that you want to develop the
3 site with the intention of having a potential
4 drive-through restaurant there, but they don't have a
5 drive-through restaurant. So I have a concern about
6 approving a drive-through without a drive-through
7 restaurant. I think knowing that, you know, it's
8 possible -- I don't know if they would come before us
9 once they found a tenant.

10 CHAIRMAN WALLACE: Well, how did we
11 handle this? Russ, do you recall how we handled this
12 with the Charlestowne property because they were
13 proposing, what was it, four drive-throughs as a
14 special use?

15 MR. COLBY: Yeah. That was a little
16 different because it's a PUD. So the Commission would
17 be required to review the site plan for a PUD. So if
18 there was a drive-through stacking reduction, then it
19 would be considered in connection with that
20 preliminary plan.

21 In this case what's being considered is only
22 a special use approval. So if the Commission were to
23 approve the special use for a drive-through for that
24 second building and its sized for a restaurant use,

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1 then whatever the restaurant use is it could occupy
2 that space. So that's something for the Plan
3 Commission to consider.

4 CHAIRMAN WALLACE: But if somebody comes
5 in and they're requesting a reduction in the number of
6 stacking spaces, what would they have to do?

7 MR. COLBY: They would need to come back
8 before this Commission for that stacking reduction
9 request and then have that voted on at that time by
10 City Council as well.

11 MEMBER KESSLER: Okay.

12 CHAIRMAN WALLACE: As long as they meet
13 our required minimum number of stacking spaces, then
14 they have the right to build that.

15 MR. COLBY: Correct. Correct. If the
16 commission approved it.

17 MEMBER KESSLER: You mentioned that you
18 wanted to start construction when you had the building,
19 did you say, 50 percent?

20 MR. HAGUE: Yeah. For the west building
21 if we had, you know, approximately 50 percent of it
22 preleased we would start construction.

23 MEMBER KESSLER: Is it possible that one
24 tenant would take the whole building, or is that pretty

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1 big for a drive-through restaurant? How big was that
2 building?

3 MR. HAGUE: 7,000 square feet. I think
4 that it's unlikely. I don't know of any examples of a
5 drive-through restaurant that way. It's interesting
6 when we apply this site plan to your parking
7 requirements per the zoning ordinance, I think we reach
8 like a 4,000-square-foot level for the restaurant and
9 then look to fill the balance of the 3,000 square feet
10 with retail because that's the lower four cars per
11 1,000 versus the 10,000 -- per 1,000 restaurant.

12 So, you know, if there was a desire to put a
13 restriction on that, that that drive-through can only
14 be used for a restaurant use no greater than
15 4,000 square feet, we would be fine with that because
16 that covers the vast majority of the logical tenants.

17 MEMBER KESSLER: All right. Thank you.

18 CHAIRMAN WALLACE: Yeah, Brian,
19 questions.

20 MEMBER DOYLE: On the diagram for Lot 3,
21 the parking that is on the periphery of the
22 drive-through lane, am I correct in assuming that there
23 is a sidewalk on the front end of the stall, that a
24 pedestrian could then get to your crosswalk up on the

1 north side of the parcel?

2 MR. HAGUE: No. I believe that's a
3 landscape buffer right now. It is a raised curb. It's
4 a raised curb and gutter, you know, construction,
5 but -- so there is a barrier, you know, raised concrete
6 median there, but I believe it's a landscaped area.

7 MEMBER DOYLE: At the north end of the
8 drive-through lane of either the entrance or the exit,
9 there is a cross -- what looks to me like a crosswalk,
10 two crosswalks. Are those, in fact, crosswalks, or are
11 they something else?

12 MR. HAGUE: They are. It's, you know,
13 markings on the pavement, and then those are typically
14 accompanied with a stop sign. So if a patron is
15 leaving that drive-through function, he pulls up, he
16 sees the stop sign, he sees the crosswalk, and he comes
17 to a stop, and then proceeds on forward.

18 MEMBER DOYLE: Okay. And my question
19 for Russ is if we approve this use, is it -- is this
20 the site plan that needs to be built for the
21 drive-through?

22 MR. COLBY: In terms of the overall site
23 layout and the stacking layout, yes, this is the plan
24 that has to be approved for the drive-through. There

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1 could be some minor modifications to the site plan that
2 don't affect the drive-through use that the applicant
3 could propose. We would review those and make a
4 determination if it was a substantial change to what
5 was originally approved. But there is also a
6 possibility that if there is no drive-through use,
7 then, you know, the site plan could change.

8 MEMBER DOYLE: Understood. I guess what
9 I'm -- the reason I'm asking is, Tim, in terms of your
10 comment about improvements, was essentially your
11 question a special use without there being a tenant
12 yet?

13 MEMBER KESSLER: The special use,
14 correct.

15 MEMBER DOYLE: To me I think about the
16 types of things that we have considered and we have
17 deliberated on for drive-throughs. It mostly relates
18 to site circulation and site layout and particularly
19 pedestrian safety onsite and things of that nature.

20 So I can't imagine -- I mean if this is the
21 site layout and we approve the site circulation in
22 general, then I'm trying to imagine what other factors
23 might come into play that we don't have right now that
24 would change our minds about approving the

1 drive-through, and that's why I asked if this is
2 basically the site layout because if it is, then I feel
3 comfortable.

4 MEMBER KESSLER: There is only one, I
5 would agree, and that is -- the one you alluded to, and
6 that is the parking requirement for drive-throughs and
7 the size of the restaurant. I mean if you had a
8 7,000-square-foot restaurant, drive-through restaurant
9 in here, are we going to meet the parking requirements
10 on this land? You know, if you have lower uses in the
11 rest of the building, maybe you only have a restaurant
12 and retail, that's two different things.

13 MR. COLBY: Yes. You know, I don't know
14 the answer to that question based on the numbers that
15 were just proposed, but the applicant would need to
16 meet the parking requirements regardless of what uses
17 end up being there. So if that's a big, large
18 restaurant user, you know, they would have to --
19 whatever that user occupied in that building, they
20 would have to meet that parking standard.

21 MEMBER KESSLER: So if we approve it as
22 is and it didn't meet the -- so there is a mechanism in
23 place to say this restaurant or this use requires this
24 much parking, and you don't have enough. Even though

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1 it's been approved, there is a mechanism in place to
2 make sure.

3 MR. COLBY: Yes. And some of that would
4 be reviewed in connection with the building permit, for
5 building all the build-outs for the interior space.

6 MEMBER KESSLER: Okay.

7 CHAIRMAN WALLACE: All right. Any other
8 questions?

9 (No response.)

10 CHAIRMAN WALLACE: All right. Anything
11 from members of the audience?

12 (No response.)

13 CHAIRMAN WALLACE: All right. If the
14 Commission feels that they have obtained sufficient
15 evidence to close the public hearing, the motion can
16 now be heard.

17 MEMBER KESSLER: So moved.

18 MEMBER SCHUETZ: Second.

19 CHAIRMAN WALLACE: All right. It's been
20 moved and seconded.

21 Any discussion on the motion?

22 (No response.)

23 MEMBER KESSLER: Amangelo.

24 MEMBER AMATANGELO: Yes.

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1 MEMBER KESSLER: Gaugel .
2 MEMBER GAUGEL: Yes.
3 MEMBER KESSLER: Doyle .
4 MEMBER DOYLE: Yes.
5 MEMBER KESSLER: Schuetz.
6 MEMBER SCHUETZ: Yes.
7 MEMBER KESSLER: Pretz.
8 MEMBER PRETZ: Yes.
9 MEMBER KESSLER: Holderfi el d.
10 MEMBER HOLDERFIELD: Yes.
11 MEMBER KESSLER: Wallace.
12 CHAIRMAN WALLACE: Yes.
13 MEMBER KESSLER: Kessler, yes.
14 CHAIRMAN WALLACE: That motion passes
15 unaniously. The public hearing is now closed.
16 That concludes Item No. 5 on your agenda.
17 Going on to Item No. 7 on the agenda, 2425
18 West Main Street, Buona St. Charles, St. Charles Main
19 Street Partners, LLC, three applications, discussion?
20 Motion?
21 MR. COLBY: I would just make one brief
22 comment. Staff has provided a recommendation for
23 approval with the conditions that we reference in the
24 applicant's findings of fact in their application. So

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1 if the Plan Commission makes a recommendation, it is
2 appropriate to reference those findings.

3 CHAIRMAN WALLACE: All right. Hold on
4 one second.

5 MEMBER KESSLER: Okay. I guess I hate
6 beating a dead horse, but anyway -- so we have talked
7 about the applicant is more than willing, you know,
8 happy to explore and to investigate cross easements
9 through the property to the east of the Rental Max.
10 They're even willing to, you know, for whatever reason
11 contact the post office which may or may not be a long
12 shot, but I think that access property easement is
13 important.

14 I'm happy that they're willing to do it, but
15 where does that leave us? What -- you know, do we say,
16 Oh, please look into that and then what?

17 MR. HAGUE: Can I?

18 CHAIRMAN WALLACE: Sure.

19 MR. HAGUE: I think what we would be
20 willing to do is really to the extent of what we
21 control, and that's to provide that continuous
22 cross-access easement along the entire frontage of our
23 site. We can certainly inquire with the neighboring
24 property owners, and we will do that. We don't control

1 that.

2 MEMBER KESSLER: Right.

3 MR. HAGUE: But here tonight we would
4 commit to continue that across the entire width of our
5 property.

6 MEMBER KESSLER: Which you have.

7 MR. HAGUE: With the exception -- we
8 would extend it, if the city felt it appropriate, all
9 the way to the west end of our property, so that if at
10 some future date the post office or some subsequent use
11 there wanted to connect to that, it would be available.

12 MR. TIEDT: And if I could add one quick
13 thing.

14 CHAIRMAN WALLACE: Yes.

15 MR. TIEDT: To the west of the site, the
16 post office has the detention area in front, and a
17 cross access in the front of their property would not
18 be an easy feat. You would actually be relocating
19 that --

20 MEMBER KESSLER: There would have to
21 be -- the cross-access would have to be south of the
22 site.

23 MR. TIEDT: They would have to look at
24 connecting right to the existing post office parking

1 lot.

2 MEMBER KESSLER: Right.

3 MR. TIEDT: And there's actually a
4 detention facility back there.

5 MEMBER KESSLER: Right.

6 CHAIRMAN WALLACE: Is that owned by the
7 post office or --

8 MR. TIEDT: It was a detention facility
9 as part of the construction of the west side post
10 office.

11 CHAIRMAN WALLACE: Got it.

12 MEMBER DOYLE: Specifically the easement
13 that you would be looking to achieve is an easement to
14 create an internal circulation structure to an internal
15 road that runs north and south?

16 MEMBER KESSLER: Right.

17 MEMBER DOYLE: Okay. So I agree that
18 that would be beneficial, but I've heard that the
19 applicant would benefit from that and it would be in
20 the applicant's own interest to do so.

21 Is that correct, sir.

22 MR. HAGUE: That's correct. I'm not
23 sure from a practical standpoint where we would locate
24 that. I think the more logical opportunity and

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1 movement in my opinion would be that if we're able to
2 continue this cross-access easement further east across
3 the front of those next two properties and then tie
4 into that access drive that's already existing. I
5 think that's probably a more realistic --

6 MEMBER KESSLER: That's what I'm
7 suggesting.

8 MR. HAGUE: Yes. So, again, I would
9 just offer that to the extent of what we can control in
10 this environment, this deal, we're providing that for
11 the full access.

12 MEMBER DOYLE: Worst case scenario --
13 and I have gone through these areas here. If I were
14 coming from Costco or from the new Pep Boys, that is
15 going around the outlot right now --

16 MEMBER KESSLER: By Costco.

17 MR. HAGUE: Discount.

18 MEMBER DOYLE: -- and I wanted to get to
19 this parcel, worst case scenario is you have to go west
20 around the post office out on -- right turn onto North
21 Avenue and in.

22 MEMBER KESSLER: Right.

23 MEMBER DOYLE: Which wouldn't be
24 terrible. I am not inclined to make that easement a

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1 condition of our recommendation, but to maybe get a
2 comment with the application that we would pursue that.

3 MEMBER KESSLER: I agree. I don't think
4 it rises to the level of a condition. I certainly
5 don't.

6 CHAIRMAN WALLACE: So is that a motion?

7 All right. I would like to take action one
8 way or the other on this. So who wants to make a
9 motion?

10 Brian.

11 MEMBER DOYLE: Let me get to the front
12 of the application. I recommend approval for an
13 application for a special use for two drive-through
14 facilities in the subdivision, preliminary plan and
15 final plat of subdivision for Buona Beef with the
16 additional comment that the applicant agree that if he
17 is able, he should pursue cross-easement access to
18 properties east of the parcel in question.

19 CHAIRMAN WALLACE: All right. Is there
20 a second?

21 MEMBER AMATANGELO: Second.

22 CHAIRMAN WALLACE: It's been moved and
23 seconded.

24 Any further discussion on the motion?

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(No response.)

CHAIRMAN WALLACE: Tim.

MEMBER DOYLE: May I amend just to say that the motion is contingent upon resolution of all staff comments.

CHAIRMAN WALLACE: Do you agree to the amendment?

MEMBER AMATANGELO: I do.

CHAIRMAN WALLACE: Okay. Any discussion on the motion?

(No response.)

CHAIRMAN WALLACE: Tim.

MEMBER KESSLER: Amatangelo.

MEMBER AMATANGELO: Yes.

MEMBER KESSLER: Gaugel.

MEMBER GAUGEL: Yes.

MEMBER KESSLER: Doyle.

MEMBER DOYLE: Yes.

MEMBER KESSLER: Schuetz.

MEMBER SCHUETZ: Yes.

MEMBER KESSLER: Pretz.

MEMBER PRETZ: Yes.

MEMBER KESSLER: Holderfield.

MEMBER HOLDERFIELD: Yes.

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1 MEMBER KESSLER: Wallace.

2 CHAIRMAN WALLACE: Yes.

3 MEMBER KESSLER: Kessler, yes.

4 CHAIRMAN WALLACE: All right. That
5 concludes Item No. 7 on the agenda.

6 Item No. 8, meeting announcements -- the next
7 meeting is actually in three weeks on July 8th.

8 MEMBER PRETZ: I will not be here.

9 CHAIRMAN WALLACE: Okay. Tom will not
10 be here on that evening.

11 MEMBER DOYLE: I will not be here on
12 July 22nd.

13 CHAIRMAN WALLACE: Okay. And then we
14 have August 5th.

15 All right. Any additional business from Plan
16 Commission members? Staff? Citizens?

17 (No response.)

18 CHAIRMAN WALLACE: Is there a motion to
19 adjourn?

20 MEMBER KESSLER: So moved.

21 MEMBER SCHUETZ: Second.

22 CHAIRMAN WALLACE: All in favor.

23 (Ayes heard.)

24 CHAIRMAN WALLACE: Opposed.

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(No response.)

MR. HAGUE: Show the St. Charles Plan
Commission is adjourned at 9:46 p.m.

PROCEEDINGS CONCLUDED AT 9:46 P.M.

