

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, JUNE 2, 2015**

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Members Present: Chairman Todd Wallace  
Vice Chair Tim Kessler  
Dan Frio  
Laura Macklin-Purdy  
Tom Pretz  
Tom Schuetz  
Michelle Spruth

Members Absent: Brian Doyle  
James Holderfield

Also Present: Russell Colby- Planning Division Manager  
Rita Tungare- Community & Economic Development Dir.  
Ellen Johnson- Planner  
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 May 19, 2015 meeting.**

**Motion was made by Mr. Kessler, seconded by Mr. Schuetz and unanimously passed by voice vote to accept the minutes of the May 19, 2015 meeting.**

**4. 1850 Bricher Road (St. Charles Commercial Center PUD)(CIMA Developers)  
Application for PUD Preliminary Plan**

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

**Motion was made by Mr. Kessler to recommend approval of the application for PUD Preliminary Plan for 1850 Bricher Road. Seconded by Mr. Pretz.**

**Roll Call Vote:**

**Ayes: Spruth, Schuetz, Frio, Macklin-Purdy, Pretz, Wallace, Kessler**

**Nays:**

**Absent: Doyle, Holderfield**

**Motion carried: 7-0**

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**5. First Street Redevelopment Subdivision, Resubdivision of Phase III (First Street Redevelopment PUD)(City of St. Charles)**  
Application for Final Plat of Subdivision

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

**Motion was made by Mr. Kessler to recommend approval of the application for Final Plat of Subdivision for the First Street Redevelopment Subdivision, Resubdivision of Phase III (First Street Redevelopment PUD). Seconded by Mr. Schuetz.**

**Roll Call Vote:**

**Ayes: Spruth, Schuetz, Frio, Macklin-Purdy, Pretz, Wallace, Kessler**

**Nays:**

**Absent: Doyle, Holderfield**

**Motion carried: 7-0**

**6. Plan Commission training session**

Mr. Colby said this session is meant to be an introduction to a discussion about the Comprehensive Plan. He will discuss how the development review process works with the Comprehensive Plan recommendations in terms of how the Commission would deal with a significant development proposal. This includes how the Commission would work through the information that is presented, in what context the Commission would consider the Comprehensive Plan, and how the Comprehensive Plan is referenced in the Zoning Ordinance.

Mr. Colby discussed the Plan Commission's review authority in relation to City Council and staff. The Commission is a hearing and recommending body. The Commission applies ordinance findings, interprets and applies the City's policies, and provides recommendations when the City is proposing policy changes. Staff's role is providing advice to the Commission related to technical ordinance standards. City Council are the legislators and policy makers who approve projects and City Code amendments and answer to the constituents.

Mr. Kessler said the only thing the Plan Commission does is provide a recommendation to City Council. He asked why staff does not make the recommendation to City Council.

Mr. Colby said for certain zoning applications, it is a procedural requirement that a Plan Commission hold a public hearing, consider testimony, make findings, and provide a recommendation to City Council. It is part of state zoning law.

Mr. Scheutz said the Commission reviews what staff does, to some degree.

Mr. Colby said for applications that have findings and a public hearing associated with them, the Commission is tasked with hearing testimony and reaching conclusions on the findings of fact. In that case, it is not staff reaching conclusions; it is the Plan Commission that has to do that based on what is presented.

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Mr. Kessler asked why the state requires the Plan Commission to fill that role.

Ms. Tungare said the Plan Commission functions in almost a quasi-judicial setting. The Commission provides neutrality and an objective recommendation.

Mr. Colby said staff are meant to be administrators and technical contributors. We do not make decisions on items in the City Code where there is a process for something to be reviewed by City Council. The Plan Commission is intended to be an unbiased representative group of citizens who make fair judgements of information that is presented, as a service to the City Council and out of fairness to the applicant.

Ms. Spruth asked if providing recommendations to change policy can be done as part of applications that are presented.

Mr. Colby said that comes up most often when a Concept Plan is presented which involves a proposed land use that is different than identified in the Comprehensive Plan. Another situation is if the Commission is reviewing a project and advises staff that a specific code requirement is unworkable or unreasonable and should be changed. Another situation is if we are approached by a property owner who is requesting to have the Comprehensive Plan amended.

Ms. Macklin- Purdy asked if the Hillcroft proposal is an example of that and Mr. Colby confirmed. He said that was a situation where the Comprehensive Plan had classified the property as single-family and the land use being proposed was for townhomes. In that situation, the Commission's support of the project constituted a recommendation to make a certain interpretation of the Comprehensive Plan policy on what the land use should be.

Mr. Frio asked if something the Commission denies goes to City Council and if Council can override that decision. Mr. Colby confirmed.

Mr. Colby said the Plan Commission has both a policy role, in terms of being technical advisors on land use issues and recommending changes to the Comprehensive Plan, and a regulatory role as the formal hearing body that gathers evidence, interprets and applies policy, and makes a recommendation.

Mr. Schuetz asked if the Comprehensive Plan is updated when the Commission makes a recommendation to change the Comprehensive Plan and City Council passes it.

Mr. Colby said it would have to be a specific request to modify the Comprehensive Plan. It is not always necessary to amend the Plan if a project is being proposed and it is interpreted by Council that the project, even though it is a different land use, still fits the Plan. Staff would advise that the Plan should be amended if the proposal deviates from the Plan in a significant way. In those situations, staff would present that information to the Commission and Council to get their feedback, at the concept plan level. It would be Council's decision whether or not they feel it necessary to amend the Comprehensive Plan. They would have to take a specific action and a procedure must be followed to actually amend the Plan.

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Mr. Colby said the policy role of the Plan Commission is related to the Comprehensive Plan. The Comprehensive Plan was adopted in 2013. It is a 20-year plan that sets the City's policies on development, provides guidance on making decisions on development projects, and assists with the City's infrastructure planning. While it is advisory only, it is important because it is an adopted policy, and is referenced in the review criteria for certain zoning applications. That is the connection between the Comprehensive Plan (policy) and zoning applications that are before the Commission.

Mr. Colby said zoning is the regulatory side. The Zoning Ordinance divides the City into zoning districts, with permitted land uses and development standards for each district. Zoning is an exercise of "police power." The state has certain rights to regulate things under the auspices of police power. That power has been delegated to the municipality from the state, so we are subject to the state's procedural requirements, in terms of how we set up a zoning ordinance, how we make changes to the zoning ordinance, how we do public notices, how the Plan Commission conducts hearings and makes recommendations, etc.

Mr. Schuetz asked how Planning & Development Committee differs from the Plan Commission.

Mr. Colby said Planning & Development Committee is the City Council. Council does their work in reviewing projects as a Committee. Instead of discussing all business at a City Council meeting, they discuss more technical things as a Committee and formally vote on ordinances at the City Council meeting.

Mr. Schuetz asked if Planning & Development Committee receives the same information as the Plan Commission. Mr. Colby said yes, along with the Plan Commission's recommendation.

Ms. Tungare said the Plan Commission is a technical review body. You can see yourselves as advisors to the City Council.

Mr. Colby said zoning is not just the City's control over what someone can do with their property; it is also an entitlement for a property owner, in terms of an owner's rights to do something with their property. Zoning is often equated to planning, but they are not the same thing. Zoning is an implementation tool used by the City to try to accomplish planning objectives in the Comprehensive Plan.

Mr. Colby said with large scale development projects, the policy and regulatory considerations are often intermixed. With a large scale project, on the policy side, if the Commission is considering what is an appropriate land use, that comes from the Comprehensive Plan. On the regulatory side, an example would be if the Commission is considering a Map Amendment to change the zoning of a property, or deviations from the zoning standards for a PUD. You also have to consider how the development impacts adjacent property owners and look at adequacy of infrastructure, in terms of transportation and utility impacts. These two areas overlap when considering a large-scale project.

Ms. Macklin-Purdy brought up Heritage Green and how there was a mixture of considerations.

Mr. Colby said in that case, the Commission was looking at the zoning in terms of what had already been approved, what was being requested by the developer, what existed around the site, and the

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impact of changing the zoning, which was regulatory. We also looked at the quality of the development in terms of how well it fit the neighborhood, which related more to the Comprehensive Plan. When considering an application like that, the decision for changing the zoning needs to be based on the findings of fact; it cannot be based on how you perceive the quality of the development, because that does not necessarily relate to the zoning district in which the property is located.

Mr. Colby said the Plan Commission's review process on the regulatory side is outlined in the zoning ordinance. The policy side comes into play when you are reviewing a Concept Plan, and for two types of applications that reference the Comprehensive Plan in the findings of fact: one is a rezoning/map amendment and the other is a Planned Unit Development (PUD).

Mr. Colby said there are often multiple applications presented at the same time for larger projects. The applications need to be considered in a certain order, because one request is necessary for the other requests to be considered. For Heritage Green, the Map Amendment was needed first to change the zoning. The next application was the PUD request in terms of what deviations from the zoning standards the developer was requesting. Finally, after recommending approval of the PUD request, you could consider the PUD Preliminary Plan that demonstrated how the project met the PUD requirements.

Ms. Macklin-Purdy asked if a developer has an idea of whether the City would recommend a land use change.

Mr. Colby said the City requires a developer go through the Concept Plan process for PUDs. For larger projects that require a land use change or that may impact a large area of the community, the City encourages the developer to file for Concept Plan. That way the developer gets some direction from the Plan Commission and Council as to whether there is support for what they are proposing, and how the project might need to be changed to meet the City's expectations.

Mr. Colby said the findings of fact for a map amendment are based on past case law. The Commission's recommendation on those findings are based on a preponderance of evidence; all findings need not be in the affirmative for the Commission to recommend approval. The Comprehensive Plan is just one of the 10 findings to consider.

Mr. Schuetz asked what happens if the first application of multiple applications filed for a larger project is not recommended for approval.

Mr. Colby said the Commission can make different recommendations on different aspects of a project. However, it is not advisable to have a negative recommendation on the Map Amendment and a positive recommendation on the PUD, because the one comes before the other. It would be appropriate for the Commission to recommend approval of the Map Amendment, but then have a different recommendation for the PUD request.

Mr. Kessler asked if the applications are listed on the agenda and in the staff materials in the order in which they should be considered. Mr. Colby confirmed.

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Mr. Schuetz asked what would happen if the Commission finds in the affirmative seven out of ten findings of fact.

Mr. Colby said the Commission would need to weigh each of the findings and reach a decision on whether you think there is evidence to support recommending approval or not. You have to place more importance on some findings than others, depending on each individual situation.

Mr. Colby said for a PUD, the Commission is approving zoning standards that are specific for a project. In many cases that would mean deviating from our standard code requirements. PUDs are the most complex of the applications. They usually have the most information provided, including plans, studies, and testimony. There is often controversy and a land use change associated with it. PUDs are also very powerful in terms of the City accomplishing certain planning goals. It gives the City the ability to negotiate for things that are desirable as a way to demonstrate that there is a public benefit to a project. A PUD is meant to be directly linked to Comprehensive Plan goals.

Ms. Spruth asked if there is a time period before a new application can be presented for a project that has been denied.

Mr. Colby said if the Plan Commission communicates to the applicant during the public hearing that there are concerns that would prevent the Commission from supporting the application, the applicant would have the opportunity to revise their application before the Commission makes their recommendation. In that case, the Commission would continue the public hearing. If the public hearing is closed and the Commission makes a recommendation for denial, the application goes to Planning & Development Committee and then City Council for action. If Council were to deny, the Zoning Ordinance states the same project cannot be presented until at least a year from that decision. The developer can modify the project to respond to the issues and request staff to make a determination as to whether the plan has changed enough to be considered a new application, so they may present the application before the year is up.

Mr. Colby said for a PUD, the single finding is whether the PUD is in the public interest. There is a list of criteria to consider when making that determination. Two of the criteria relate to the Comprehensive Plan. The decision should be based on the preponderance of evidence. Sometimes decision making is somewhat subjective because you are required to weigh the information and reach a conclusion.

Mr. Schuetz said he does not recall the Commission debating the findings of fact.

Mr. Kessler said the Commission has not done a great job of that. If we recommend denial, we should have findings of fact to hang our hat on. We have not spent enough time reviewing the findings of fact, particularly for larger projects. The findings can act as a roadmap for the group when reviewing.

Mr. Colby said as a regular practice, the Commission should discuss the findings of fact during the meeting portion, after the public hearing has been closed. The Commission should decide if the findings submitted by the applicant have been supported. Anytime there are findings required for an

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application, they will be included in the meeting packet. Staff has recently made a point of having paper copies of those findings for Commissioners at the meeting.

Ms. Tungare said in general, if an application involves a public hearing, there are findings of fact and if it does not involve a public hearing, there are no findings of fact.

Ms. Spruth asked if the findings of fact are summarized in the Comprehensive Plan. Mr. Colby said no, they are only referenced in the Zoning Ordinance. The Comprehensive Plan is only referenced in the Zoning Ordinance where the findings of fact specifically call out the Comprehensive Plan as a consideration.

Mr. Frio asked if staff provides comments on the findings of fact. Mr. Colby said no, staff reviews the application for compliance with code requirements. Staff does not assess the findings because that is the Plan Commission's job to do at the hearing. Staff ensures that the information is presented for the Commission to consider.

Ms. Tungare said in the past, staff prepared findings, as did the applicant. This is no longer done because staff should be advising on the technical aspects of an application, and the Plan Commission should be assessing the applicant's findings. She suggested as Commissioners hear testimony during the public hearing to take notes next to the applicable findings, because that will help the deliberations. Relating the testimony back to the findings of fact is the Commission's primary job.

Mr. Schuetz said when an applicant provides a response to a finding, that is the applicant's opinion, and shouldn't they back the findings up with credible information.

Ms. Tungare said yes, the applicant should provide back-up information through the application process. For example, findings about infrastructure would be supported by the engineering plans. If the Commission does not feel there is enough supporting information, they can ask for more information from the applicant.

Mr. Pretz said the Commission should ask the applicant if they can provide other information. If not, we should say this is the additional information we need, and continue the public hearing.

Mr. Colby said if the applicant refuses to provide the information, the Commission can close the public hearing and recommend denial based on inadequate information submitted for that finding.

Ms. Tungare said she sees the Commission's role in two parts. The first is that Commissioners needs to come prepared for the meetings. When you get familiar with the information ahead of time, you already have a head start when you are listening to testimony at the meeting. You know ahead of time what information you need to ask the applicant about. The second part is listening to the information provided during the public hearing.

Mr. Kessler said the third part is spending more time thinking in terms of findings of fact. We need to know what context in which we need to review an application. The findings are a good framework to use when we are reviewing the material and considering an application.

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Ms. Tungare said a site visit prior to the meeting is also a must.

Ms. Spruth asked if a hearing could be continued so the Plan Commission can take a site visit together.

Ms. Tungare said the Open Meetings Act prohibits more than a majority of a quorum from discussing business, unless it is published as a public meeting.

Ms. Spruth asked if it is possible for an applicant to host a site visit with the Commission.

Mr. Colby said the procedural rules and Open Meetings Act would prevent us from doing something like that. The concern is that it would fall outside the Commission's formal review of a project. You cannot discuss an applicant's proposal unless it has been formally listed on the agenda and all the information has been presented. Staff can organize visits with the Commission, but cannot involve the developer.

Mr. Schuetz said it is difficult to do a site visit before the meeting when the information is not provided until Friday.

Mr. Kessler said the reason we do not get the information until Friday is to allow an applicant more time to provide information between meetings. The weekly development report lists projects that will be coming up. That allows more time for a site visit.

Mr. Colby said more training will come when there is time at upcoming meetings.

**7. Meeting Announcements**

- a. Plan Commission
  - Tuesday, June 16, 2015 at 7:00 pm Council Chambers
  - Tuesday, July 7, 2015 at 7:00 pm Council Chambers
  - Tuesday, July 21, 2015 at 7:00 pm Council Chambers
- b. Planning & Development Committee
  - Monday, June 8, 2015 at 7:00 pm Council Chambers
  - Monday, July 13, 2015 at 7:00 pm Council Chambers

**8. Additional Business from Plan Commission Members, Staff, or Citizens.**

Mr. Colby said Todd Bancroft, Planning & Development Committee Chair, has suggested holding a joint meeting of the Plan Commission and Planning & Development Committee for members to get acquainted with each other and the process. It is tentatively scheduled prior the July 13 Planning & Development Committee meeting.

**8. Adjournment at 8:38 p.m.**



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BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

- - - - -x

In Re the Matter of:                   :  
1850 Bricher Road -                   :  
Application for PUD                   :  
Preliminary Plan.                   :

- - - - -x

REPORT OF PROCEEDINGS  
St. Charles, Illinois  
Tuesday, June 2, 2015  
7:01 p.m.

Job No.: 74366A  
Pages: 1 - 19  
Reported By: Paula Quetsch, CSR

1850 BRICHER ROAD  
CONDUCTED ON TUESDAY, JUNE 2, 2015

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Proceedings held at the location of:

CITY OF ST. CHARLES COUNCIL CHAMBERS  
2 East Main Street  
St. Charles, Illinois  
(630) 377-4400

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Member
- DAN FRIO, Member
- LAURA MACKLIN-PURDY, Member
- TOM PRETZ, Member
- TOM SCHUETZ, Member
- MICHELLE SPRUTH, Member

ALSO PRESENT:

- RUSSELL COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner
- RITA TUNGARE, Director of Community &  
Economic Development

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P R O C E E D I N G S

CHAIRMAN WALLACE: St. Charles Plan  
Commission come to order.

Tim.

MEMBER KESSLER: Spruth.

MEMBER SPRUTH: Here.

MEMBER KESSLER: Schuetz.

MEMBER SCHUETZ: Here.

MEMBER KESSLER: Frio.

MEMBER FRIO: Here.

MEMBER KESSLER: Macklin-Purdy.

MEMBER MACKLIN-PURDY: Here.

MEMBER KESSLER: Pretz.

MEMBER PRETZ: Here.

MEMBER KESSLER: Wallace.

CHAIRMAN WALLACE: Here.

MEMBER KESSLER: Kessler, here.

CHAIRMAN WALLACE: All right. Presentation  
of the May 19, 2015, minutes.

MEMBER KESSLER: So moved.

MEMBER SCHUETZ: Second.

CHAIRMAN WALLACE: All in favor.

(Ayes heard.)

CHAIRMAN WALLACE: Opposed.

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1 (No response.)

2 CHAIRMAN WALLACE: All right. That motion  
3 passes unanimously.

4 Item 4.

5 MEMBER KESSLER: Did you hear from Brian?

6 CHAIRMAN WALLACE: No, I did not.

7 Okay. Item 4 on the agenda, 1850 Bricher  
8 Road, St. Charles Commercial Center PUD, CIMA  
9 Developers, application for PUD preliminary plan.

10 MS. JOHNSON: This is the site of the former  
11 Jaws Car Wash. The property is located within the  
12 St. Charles Commercial Center PUD which was originally  
13 established in 1982, and the property was developed  
14 originally for the car wash in 2002, and at that time  
15 a PUD preliminary plan was approved for the site. Now  
16 the Applicant, CIMA Developers, would like to demolish  
17 that existing building and redevelop the site for a  
18 multi-tenant commercial center.

19 This requires approval a new PUD preliminary  
20 plan to ensure that all applicable PUD and zoning  
21 requirements are met. The Plan Commission's  
22 recommendation should be based on conformance of the  
23 plans with the PUD ordinance and the zoning ordinance.

24 So proposed is construction of a three-unit

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1 about 5,000-square-foot commercial building which will  
2 front Route 38. One unit is intended for a restaurant  
3 user, one for a liquor store, and another unit for a  
4 retail user. All of these uses are permitted in  
5 the PUD.

6 Parking is proposed in front of and behind  
7 the building. A total of 26 spaces are required for  
8 the uses and 36 are provided. A sidewalk runs along  
9 the front and the west side of the building, and on  
10 the east side is an outdoor dining area for the  
11 restaurant user.

12 Building foundation landscaping, parking lot  
13 landscaping, and frontage landscaping along Route 38  
14 is provided and meets all landscaping requirements.

15 The two-way cross access on both sides of  
16 the site, cross access with the gas station to the  
17 east and the tire store to the west will remain, and  
18 the existing rear drive at the southeast corner will  
19 be converted to a one-way drive for entrance only, and  
20 a new two-way access drive will be at the southwest  
21 corner. Both of those drives are from the private  
22 drive that runs behind the building.

23 A monument sign is proposed on the north  
24 side of the building, and another is proposed behind

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1 the building. However, only one monument sign is  
2 allowed on the site per the PUD ordinance, while  
3 signage could be added as an option on the back of the  
4 building to provide more visibility for Bricher Road  
5 instead of the monument sign over here.

6 As far as zoning law requirements, the plan  
7 complies with all requirements, setbacks, building  
8 coverage, and height.

9 And regarding building architecture,  
10 proposed is a one-story brick building on all sides.  
11 Glass door fronts will run the width of the front of  
12 the building and then wrap around the sides. The  
13 storefront will be about two-thirds of the height of  
14 the building. Pillars will stand out from the  
15 building separating the storefronts, and a stone belt  
16 course will wrap around the building. The design  
17 meets the requirements of the zoning ordinance design  
18 standards for structures in this zoning district. And  
19 we have -- staff has suggested that awnings be added  
20 above the building entrances to articulate the  
21 entrance and protect visitors from rain and elements.  
22 A cornice could be added as an alternative.

23 Engineering review is ongoing but upon  
24 completion of any outstanding staff comments, the

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1 proposal has the ability to meet all City code  
2 requirements.

3 The applicant is here to introduce himself,  
4 and he can answer any questions that you have.

5 CHAIRMAN WALLACE: Excuse my curiosity. Why  
6 is the City presenting this instead of the applicant?

7 MS. JOHNSON: Because it's not a public  
8 hearing item. So I believe typically staff will  
9 present these items.

10 MR. COLBY: It's a presentation of the staff  
11 report recommendation. It's just a plan review.

12 CHAIRMAN WALLACE: All right. Don't get me  
13 wrong. You did a great job. I have a couple of  
14 questions real quick.

15 The sign off of Bricher Road, is that  
16 actually off of Bricher Road, or is it off of the  
17 private drive?

18 MS. JOHNSON: The private drive. So there's  
19 a piece of land between the private drive and  
20 Bricher Road that separates this side from Bricher.  
21 The address is Bricher Road because I guess the  
22 address is based on the road from which the lot is  
23 accessed. So it has frontage on Route 38 but the  
24 address is Bricher.



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1 CHAIRMAN WALLACE: And then you had said  
2 that they weren't requesting any variances. Is there  
3 a building setback variance on the east side?

4 MS. JOHNSON: That one was -- the original  
5 PUD preliminary plan for the site showed a 7-foot  
6 setback on that side, on the east side, and there's  
7 some language in the PUD ordinance that's in the staff  
8 report that basically states that if City Council has  
9 determined that a setback less than required in the  
10 zoning ordinance is permissible, then we interpreted  
11 that that can continue. So now they're showing a  
12 10-foot setback on the east side.

13 CHAIRMAN WALLACE: Questions?

14 MEMBER SCHUETZ: I just had a question on  
15 that setback you answered. And then on the awnings,  
16 was there any comment from the applicant?

17 MS. JOHNSON: No. But they're here tonight  
18 to respond.

19 MEMBER SCHUETZ: Just curious. I'd like to  
20 hear the comment.

21 MEMBER MACKLIN-PURDY: I had a question  
22 about the one-way versus the two-way and why is that  
23 being turned into a one-way?

24 MS. JOHNSON: The access drive, the access

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1 point off of the private drive, for circulation  
2 purposes, the parking in the rear will be one-way. So  
3 vehicles will enter that one-way drive and circulate  
4 to the left to the one-way parking, and then they'll  
5 also have the option of exiting and entering via the  
6 new drive at the other corner of the site.

7 MR. SPINA: I can show you on the site plan  
8 if you'd like.

9 MEMBER MACKLIN-PURDY: Okay. Great.

10 MR. SPINA: My name is Mario Spina.

11 THE COURT REPORTER: Will you repeat your  
12 name, please?

13 MR. SPINA: Mario Spina, S-p-i-n-a.

14 So we're construction project management for  
15 the property, so if you have any questions, I can  
16 answer them.

17 But regarding the circulation of the back,  
18 originally -- or currently there's a two-way lane on  
19 that entrance on the southeast corner. We converted  
20 it to a one-way so that we could just have parking in  
21 the rear for employees, and there's still a two-lane  
22 entrance off of the frontage road off of Bricher; it's  
23 just now it's moved to the west of the property  
24 instead of the east. So that'll allow traffic in the

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1 front, but you'll still get access to the back road,  
2 or somebody can come in off the back road and go  
3 directly to the front without having to go through the  
4 back area where the employees park.

5 CHAIRMAN WALLACE: Is there any issue with  
6 the cross-access easement to the adjoining owners for  
7 on-site use?

8 MR. SPINA: Well, we also own the BP  
9 station. We're okay. There's existing cross-access  
10 easements. This whole property was developed with  
11 Shodeen, I think back in the early '80s. So they have  
12 a whole cross access.

13 CHAIRMAN WALLACE: But there aren't any  
14 conditions on use that would -- the reason that we're  
15 concerned at this level is for circulation purposes,  
16 and if all of a sudden the property owner to the west  
17 decides they're going to shut down the cross access,  
18 that may create a problem.

19 MR. SPINA: We're not shutting down any  
20 cross access. Actually, the cross-access lanes that  
21 you see currently are on the east going to the station  
22 on the west going to the tire facility are being  
23 maintained. Nothing is being done with those at all.  
24 Those are actually in the same exact spots that

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1 they're in currently.

2 CHAIRMAN WALLACE: Other questions?

3 MEMBER SPRUTH: Do you know how many vehicle  
4 movements for this property?

5 MR. SPINA: You mean how much traffic we'd  
6 get to the site?

7 MEMBER SPRUTH: Yeah.

8 MR. SPINA: Not exactly. I know the station  
9 currently has a traffic count of around 2,000 cars --  
10 or 2,000 customers a day.

11 MEMBER SPRUTH: And the uses you said were a  
12 liquor store?

13 MR. SPINA: We have a food concept called  
14 Urban Counter. There's three locations currently.  
15 There's one in Aurora, one in Chicago, and one in  
16 Hinsdale, and that's going to be occupying the east  
17 end cap.

18 MEMBER SPRUTH: And what is that?

19 MR. SPINA: It's kind of like higher end  
20 food service food. We've got half-pound burgers hand  
21 pressed; it has breakfast, as well, salads, wraps,  
22 fresh sandwiches, milk shakes.

23 MEMBER KESSLER: Sit-down or cafeteria?

24 MR. SPINA: It's not cafeteria. It's a

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1 self-service restaurant. It's kind of like a  
2 Smashburger-type.

3 MEMBER MACKLIN-PURDY: Is there going to be  
4 an outdoor seating area?

5 MR. SPINA: Yeah. It's a little bit hard to  
6 see. The hashed area to the east of the building is  
7 actually all outdoor seating.

8 CHAIRMAN WALLACE: What did you say about  
9 2,000 cars a day?

10 MR. SPINA: The current gas station.

11 CHAIRMAN WALLACE: Oh, I thought you were  
12 talking about one of your potential tenants.

13 MR. SPINA: I hope so.

14 The liquor store actually in the middle is  
15 run by us, as well. It's a -- it's going to be beer,  
16 wine and spirits, try to do higher end very nice  
17 liquor store. We have six other locations -- stations  
18 that actually have beer and wine, but this will be our  
19 first freestanding beer, wine and spirits location.

20 MEMBER KESSLER: Do you have a liquor  
21 license already?

22 MR. SPINA: No. We're going through the  
23 board right now. Everything seems to be okay, but  
24 we're going through that process right now.

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1 MEMBER MACKLIN-PURDY: And the restaurant is  
2 not going to serve alcohol?

3 MR. SPINA: We're actually submitting for a  
4 pouring license to do five beers and five wines and  
5 tap to pair with the foods. We have like a blue  
6 cheese burger with arugula we can pair with -- and  
7 other items that we could try and do food pairings  
8 with beer and wine on. So that's kind of what we're  
9 proposing to do. That's also in that application,  
10 as well.

11 MEMBER SPRUTH: What was the seating at the  
12 restaurant?

13 MR. SPINA: The seating at the restaurant --  
14 I have the floor plan here. I'm sorry. Let me check  
15 real quick. I believe it's 30.

16 This is the current floor plan for the  
17 restaurant that's here and also the liquor store in  
18 the middle.

19 MEMBER SPRUTH: Is there a use for the -- is  
20 there a proposed --

21 MR. SPINA: No, there's not a proposed use  
22 currently for this. It leaves about 1100-, 1200-square  
23 feet rental.

24 MEMBER SCHUETZ: Would you possibly expand

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1 into that?

2 MR. SPINA: We'll see. We could if we  
3 needed to. It depends on the volume we're going to  
4 do. We're hoping we're going to be okay with the size  
5 that we currently have but we'll see.

6 MEMBER KESSLER: What are the awnings that  
7 are being proposed? Is that on the north elevation,  
8 and is that over all of the glass?

9 MR. SPINA: The suggested awnings -- the  
10 reason we didn't do awnings at this site is we did a  
11 2 1/2 foot overhang of the building over the actual  
12 entrances. So actually -- every entrance is actually  
13 protected, and then there's piers actually out in  
14 between each unit on the elevation.

15 MEMBER KESSLER: So you say on these  
16 elevations, this glass on the elevations is --

17 MR. SPINA: It's set back 2 1/2 feet --

18 MEMBER KESSLER: 2 1/2 feet?

19 MR. SPINA: -- from the piers and the top  
20 portion of the building. We did that intentionally  
21 just to kind of showcase brick patterns more than have  
22 awnings. So if you see right here, we did like a  
23 45-degree herringbone on the top. We did a prairie  
24 stone band around the top, too, as well, above the

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1 windows. But these areas here are actually set back  
2 2 1/2 feet, and then the pillars are actually out. So  
3 the entrances are all covered. That's what we did  
4 instead of awnings.

5 And we're going to have custom wall sconces  
6 in all the piers and also on the sides, as well, for  
7 lighting.

8 CHAIRMAN WALLACE: What additional  
9 articulation do you think would be needed on the front  
10 of the building?

11 MS. JOHNSON: They have met all the design  
12 standard requirements. The awnings were just a  
13 suggestion to kind of elevate the appearance but it's  
14 not a requirement. They've met all the standards.

15 CHAIRMAN WALLACE: All right. Any other  
16 questions?

17 MEMBER KESSLER: I have one comment.

18 CHAIRMAN WALLACE: Go ahead.

19 MEMBER KESSLER: It's Bricher. I have to  
20 keep bringing that up because the family still lives  
21 in the area. That was Bricher farm.

22 MEMBER MACKLIN-PURDY: Just so you know.

23 CHAIRMAN WALLACE: Tim's a native.

24 MEMBER KESSLER: Why change the family's



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1 name, six generations?

2 MR. SPINA: Especially if they're still  
3 around. Everybody mispronounces my name, too.

4 MEMBER KESSLER: But you've got to keep  
5 correcting them. Right?

6 CHAIRMAN WALLACE: All right. Any other  
7 questions, comments?

8 (No response.)

9 CHAIRMAN WALLACE: All right. Do we have a  
10 motion?

11 MEMBER KESSLER: I would make a motion to  
12 recommend approval for the application for PUD  
13 preliminary plan at 1850 Bricher Road St. Charles  
14 commercial center PUD, CIMA Developers.

15 MEMBER PRETZ: I'll second.

16 CHAIRMAN WALLACE: Moved and seconded. Any  
17 discussion on the motion?

18 (No response.)

19 CHAIRMAN WALLACE: Tim.

20 MEMBER KESSLER: Spruth.

21 MEMBER SPRUTH: Yes.

22 MEMBER KESSLER: Schuetz.

23 MEMBER SCHUETZ: Yes.

24 MEMBER KESSLER: Frio.

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MEMBER FRIO: Yes.

MEMBER KESSLER: Macklin-Purdy.

MEMBER MACKLIN-PURDY: Yes.

MEMBER KESSLER: Pretz.

MEMBER PRETZ: Yes.

MEMBER KESSLER: Wallace.

CHAIRMAN WALLACE: Yes.

MEMBER KESSLER: Kessler, yes.

CHAIRMAN WALLACE: That motion passes  
unanimously. That concludes Item 4 on the agenda.

Thank you.

(Off the record at 7:17 p.m.)

BEFORE THE PLAN COMMISSION  
OF THE CITY OF ST. CHARLES

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In Re the Matter of: :  
First Street Redevelopment :  
Subdivision, Resubdivision of :  
Phase III (First Street :  
Redevelopment PUD) (City of :  
St. Charles) Application for :  
Final Plat Subdivision. :

- - - - -x

REPORT OF PROCEEDINGS  
St. Charles, Illinois  
Tuesday, June 2, 2015  
7:17 p.m.

Job No.: 74366B  
Pages: 1 - 17  
Reported By: Paula Quetsch, CSR

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Proceedings held at the location of:

CITY OF ST. CHARLES COUNCIL CHAMBERS  
2 East Main Street  
St. Charles, Illinois  
(630) 377-4400

Before Paula Quetsch, CSR, and Notary Public in  
and for the State of Illinois.

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PRESENT:

- TODD WALLACE, Chairman
- TIM KESSLER, Member
- DAN FRIO, Member
- LAURA MACKLIN-PURDY, Member
- TOM PRETZ, Member
- TOM SCHUETZ, Member
- MICHELLE SPRUTH, Member

ALSO PRESENT:

- RUSSELL COLBY, Planning Division Manager
- ELLEN JOHNSON, Planner
- RITA TUNGARE, Director of Community &  
Economic Development

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1 CHAIRMAN WALLACE: Item 5 on the agenda is  
2 First Street Redevelopment Subdivision, Resubdivision  
3 of Phase III (First Street Redevelopment PUD) (City of  
4 St. Charles) application for final plat subdivision.

5 Russ.

6 MR. COLBY: Yes. The Commission will recall  
7 that you reviewed and recommended approval of a PUD  
8 preliminary plan for First Street Phase III, which is  
9 the riverfront property, and that was before the  
10 Commission back in December.

11 The project was approved by the City Council  
12 in early March of this year, and what's being  
13 presented tonight is a final plat of subdivision  
14 application that would create building lots for each  
15 of those buildings and the proposed parking deck that  
16 were approved with the preliminary plan. There's also  
17 an area of First Street that is dedicated right-of-way  
18 that would need to be vacated to accommodate the  
19 footprint of one of the buildings, Building 2. So the  
20 property line that's proposed follows the footprint of  
21 that building.

22 These lots are being created for the  
23 individual buildings, and the City will continue to  
24 own Lot 4, which is the lot for the parking deck, and

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1 then Lot 5, which is the lot for the future river walk  
2 and east plaza. Designs for the streetscape  
3 improvements around the site of the river walk and the  
4 east plaza will be coming later. All that's been  
5 approved so far are the buildings themselves. So this  
6 subdivision will facilitate the creation of the lots  
7 for construction to start up the project. This summer  
8 the lots will be conveyed as the buildings are being  
9 developed by the developer of the project.

10 Staff has reviewed the plan for conformance  
11 with the approved preliminary plan and has found that  
12 they conform with what was approved. The footprints  
13 match the buildings that were approved, and the plan  
14 otherwise meets our requirements for subdivision plats.

15 So staff is recommending approval of the  
16 final plat of subdivision and I'll take any questions.

17 MEMBER KESSLER: Just remind me. Lot 4 is  
18 going to be owned by the City?

19 MR. COLBY: Correct. Lot 4 will remain --  
20 all of the property right now is owned by the City.  
21 Lot 4 will remain owned by the City and will be a  
22 parking deck lot. Lot 5 will also remain owned by the  
23 City, which is the lot for the river walk and the east  
24 plaza.

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1 CHAIRMAN WALLACE: It's my understanding  
2 that Lot 5 would include these triangular outdoor  
3 dining areas and those would continue to be under  
4 public ownership as opposed to private. Is that not  
5 correct?

6 MR. COLBY: That's not correct. Those lots  
7 will be part of the building lots. Those will be  
8 privately-owned outdoor dining areas.

9 Under the old plan that was approved in  
10 2006, the outdoor dining actually would have been on  
11 what is now Lot 5. The outdoor dining was going to be  
12 out within the river walk. So with this new plan  
13 those outdoor spaces now will be privately controlled  
14 for the use of those restaurants. So then there will  
15 be less -- or there will be no outdoor dining on the  
16 river walk itself.

17 CHAIRMAN WALLACE: Is there any instrument  
18 that the City has to ensure that those remain kind of  
19 semipublic use? I guess it's not semipublic if it's  
20 an outdoor dining area specific for restaurants.

21 MR. COLBY: It will be privately owned and  
22 maintained. So there won't be public access to those  
23 triangular pieces.

24 CHAIRMAN WALLACE: So it would only be



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1 accessed from within those restaurants?

2 MR. COLBY: Correct.

3 MS. TUNGARE: And that's how we would like  
4 to keep it. We would like to keep it that way because  
5 we do not want to allow exclusive private use of  
6 public space. So we would rather not have private  
7 dining on public space. It has to do with how the  
8 project is being financed.

9 CHAIRMAN WALLACE: But I guess the question  
10 is, wouldn't it be within the City's interest to  
11 ensure that that continues to be outdoor dining space  
12 as opposed to, I don't know, putting in a garbage  
13 enclosure or something like that?

14 MS. TUNGARE: You know, that would be  
15 accomplished with the PUD preliminary plan which has  
16 been approved that. That has been indicated as  
17 outdoor dining space in the PUD preliminary plan.

18 CHAIRMAN WALLACE: So that would be the  
19 legal instrument that would -- if they did try to  
20 change the use in such a way, that would allow the  
21 City to be able to enforce that use?

22 MS. TUNGARE: That is correct. That is  
23 correct.

24 MEMBER KESSLER: And Lot 4, even though it's

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1 owned by the City will be developed by the developer  
2 of this property?

3 MR. COLBY: Correct. As part of the  
4 developer's redevelopment, the developer will be  
5 constructing the parking deck for the City.

6 MEMBER FRIO: Will it be open to the public,  
7 the parking?

8 MR. COLBY: Yes. It will be a public  
9 parking deck that's on Lot 4 and also provide access  
10 to private under-building parking to be located  
11 underneath buildings on Lots 1, 2, and 3.

12 MEMBER KESSLER: This is a really dumb  
13 question, but part of Lot 4, that entrance off of  
14 First Street is not shaded like the rest of it. Is  
15 there a reason for that?

16 MR. COLBY: The shaded area is an access  
17 easement that will provide access for vehicles to go  
18 through the parking deck to access that basement level  
19 parking. So that easement is more or less on the  
20 ground level. I think that's where the access  
21 points are.

22 MEMBER KESSLER: Interesting. Okay.

23 MEMBER MACKLIN-PURDY: What does it mean to  
24 vacate a portion of the First Street right-of-way to

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1 accommodate bump-outs?

2 MR. COLBY: So that area, when the project  
3 was first subdivided and the lots were created, there  
4 was an area that was considered publicly dedicated,  
5 which means it was made part of the street. So the  
6 street was widened to accommodate a wider street and  
7 more sidewalk area.

8 So the building plan that they proposed, the  
9 building footprint would bump out into that area that  
10 was dedicated for the street.

11 MEMBER MACKLIN-PURDY: So the street is not  
12 going to be as wide?

13 MR. COLBY: Correct. So these bump-outs  
14 shown here, they're minimal bump-outs. They're within  
15 a couple of feet. It's the articulation in the front  
16 of the building that needs to be accommodated because  
17 the City would not want the building to be constructed  
18 on the street or to have an easement to allow that to  
19 be on the street.

20 CHAIRMAN WALLACE: It wasn't as wide as what  
21 was originally proposed.

22 MEMBER MACKLIN-PURDY: I remember that. Okay.

23 MR. COLBY: So the building line on the  
24 front face of the buildings is essentially the same as

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1 previously planned; it's just accommodating these  
2 articulations on the front of the facade.

3 MEMBER SCHUETZ: Russ, when we saw this  
4 before, were there any outstanding issues that we're  
5 forgetting?

6 MR. COLBY: Well, relative to the site plan,  
7 no. We're in the -- staff is in the process of  
8 reviewing final engineering plans for the site.  
9 That's an administrative review and approval. So we  
10 are working through some of the technical issues that  
11 were identified, but the overall site layouts, where  
12 the buildings are located, where the lot lines are  
13 located, there aren't any open questions on the issues  
14 related to this project.

15 MEMBER SPRUTH: To confirm that turning  
16 radius, Lot 4, that narrow Lot 4, that's an access to  
17 the parking garage; right?

18 MR. COLBY: Yes. Are you talking about this  
19 portion here?

20 MEMBER SPRUTH: Yeah.

21 MR. COLBY: So that is a ramp that goes from  
22 First Street up to the second level of the parking deck.

23 MEMBER SPRUTH: Okay. They're working on  
24 identifying turning radiuses going onto that ramp?

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1 MR. COLBY: Yes. Actually, the streetscape  
2 area -- so outside of the buildings ringing around the  
3 site, the City will be drawing up plans for those  
4 areas, and those plans will come before the Plan  
5 Commission for review. And so we'll be looking at the  
6 design of the sidewalks, the on-street parking, the  
7 landscaping, lighting, all of those things are going  
8 to occur in the streetscape. There's adequate space  
9 based on the location where the access is, but the  
10 designs on the streets haven't been finalized.

11 MEMBER SPRUTH: Okay. Sorry, one more  
12 question.

13 It doesn't say the elevations, but the  
14 elevation -- proposed elevation of the parking garage  
15 will be the same elevation as the surrounding  
16 buildings?

17 MR. COLBY: The lower level of the parking  
18 deck will actually -- you would enter from this side,  
19 and the parking deck would go slightly below grade  
20 over to this end. So the overall height, even though  
21 that's a two-story deck, will be about 9 feet out of  
22 the ground. So the lower level will be partially  
23 below grade to allow access to under-building parking,  
24 and so the upper level would be about at a 9-foot

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1 level, the top of the wall. So this ramp won't be all  
2 the way up to what we consider second level; it would  
3 go up a few feet in the air just to get clearance.

4 MEMBER SPRUTH: The parking garage is a  
5 two-story so is it the same level as -- like will you  
6 be able to see cars parked on the top level from the  
7 street?

8 MR. COLBY: There will be walls around the  
9 outside. So if you're on the lower level, you won't  
10 be able to directly see them. You'll probably see the  
11 top of the cars over the top of the wall, the parapet.

12 And there's the plans here if that helps.  
13 I'm not sure if I have --

14 MEMBER KESSLER: Michelle, the top of the  
15 parking deck is below the top of the building. The  
16 buildings are all taller than the parking garage, but  
17 if you are at a spot you can see between the  
18 buildings, you'll be able to see the top.

19 MEMBER SPRUTH: I'm just wondering --

20 MEMBER KESSLER: If you can see the parking  
21 garage, you'll be able to see a car at the top because  
22 it's only two stories -- not even. It's about a story  
23 and a half. So you will be able to see it.

24 MR. COLBY: The plans are posted on the

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1 First Street project website, and I think some of  
2 these drawings might help. These are the perspective  
3 drawings. This shows a view from the Main Street  
4 bridge, and you can see the parking deck here. So  
5 it's not far.

6 This is on First Street looking out that  
7 ramp --

8 MEMBER SPRUTH: Well --

9 MR. COLBY: -- and this is sort of a  
10 perspective that shows overall how the parking deck is  
11 there.

12 MEMBER SPRUTH: So going onto those ramps,  
13 for vehicles coming out onto the road and pedestrians  
14 walking across, will there be traffic measures put  
15 inside the garage so that basically somebody doesn't  
16 come zooming out and hit somebody?

17 MR. COLBY: There will be traffic control.  
18 One thing that we need to review as part of the final  
19 design for the parking deck is the signage, and things  
20 like that are going to be provided for. That will  
21 also be part of the review of the streetscape in terms  
22 of how the surface is treated, in terms of notifying  
23 the driver that they're crossing a pedestrian path.  
24 So that's something in the streetscape plans.

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1 MEMBER FRIO: Quick question. Is the  
2 residential piece of this presold, or do they have  
3 major tenants coming in yet? Because there's so much  
4 vacancy throughout downtown that -- is it going to  
5 fill up? There's a lot of units there.

6 MR. COLBY: This initial first building,  
7 Building 1 here, the upper levels are all office, and  
8 they have an office tenant that is taking all of that  
9 space. So the upper floors are occupied.

10 Building 2 which is here, this will be an  
11 upper-level rental residential building. So,  
12 obviously, they'd have preleases.

13 But then this area here, this is Building 3  
14 which hasn't been designed. That's the building  
15 that's envisioned to be an owned condo building on the  
16 upper levels. And so depending on how strong the  
17 condo market is, that building can happen sooner or  
18 later, but that's going to be a factor when that  
19 building happens. But the other two are likely to  
20 proceed in the near future based on the schedule that  
21 the developers present over the next couple years.

22 CHAIRMAN WALLACE: All right. Any other  
23 questions?

24 (No response.)



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1 CHAIRMAN WALLACE: All right. Tim.

2 MEMBER KESSLER: I'd make a motion to  
3 recommend approval of the application for the First  
4 Street Redevelopment Subdivision, Resubdivision of  
5 Phase III (First Street Redevelopment PUD) (City of  
6 St. Charles).

7 MEMBER SCHUETZ: I will second.

8 CHAIRMAN WALLACE: Okay. It's been moved  
9 and seconded to recommend approval. Is there any  
10 discussion on the motion?

11 (No response.)

12 CHAIRMAN WALLACE: Seeing none.

13 MEMBER KESSLER: Spruth.

14 MEMBER SPRUTH: Yes.

15 MEMBER KESSLER: Schuetz.

16 MEMBER SCHUETZ: Yes.

17 MEMBER KESSLER: Frio.

18 MEMBER FRIO: Yes.

19 MEMBER KESSLER: Purdy.

20 MEMBER MACKLIN-PURDY: Yes.

21 MEMBER KESSLER: Pretz.

22 MEMBER PRETZ: Yes.

23 MEMBER KESSLER: Wallace.

24 CHAIRMAN WALLACE: Yes.

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MEMBER KESSLER: Kessler, yes.

CHAIRMAN WALLACE: All right. That motion passes unanimously, and that concludes Item 5 on our agenda.

(Off the record at 7:31 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

I, Paula M. Quetsch, Certified Shorthand Reporter No. 084-003733, CSR, RPR, and a Notary Public in and for the County of Kane, State of Illinois, the officer before whom the foregoing proceedings were taken, do certify that the foregoing transcript is a true and correct record of the proceedings, that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision, and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 6th day of June, 2015.

My commission expires: October 16, 2017



Notary Public in and for the  
State of Illinois