

**MINUTES  
CITY OF ST. CHARLES, IL  
ST. CHARLES PLAN COMMISSION  
TUESDAY, MAY 17, 2011 7:00 P.M.**

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Members Present:            Todd Wallace, Chairman  
                                      Tim Kessler, Vice Chairman/Secretary  
                                      Sue Amatangelo  
                                      Curt Henningson  
                                      Thomas Pretz  
                                      Tom Schuetz

Members Absent:            Brian Doyle

Also Present:                Russell Colby, Planner  
                                      Matthew O'Rourke, Planner  
                                      Colleen Johnson, Recording Secretary

**1. Call to order**

A meeting of the St. Charles Plan Commission was called to order at 7:00 p.m. by Chairman Wallace.

**2. Roll Call**

**3. Presentation of Minutes**

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the May 3, 2011 meeting.

**MEETING**

**4. Election of Officers**

**Mr. Kessler made a motion to re-elect Todd Wallace as Chairman of the Plan Commission.** The motion was seconded by Mr. Schuetz.

Voice Vote:

Ayes:                    Schuetz, Pretz, Henningson, Amatangelo, Kessler

Nays:                    None

Abstained:            Wallace

Absent:                Doyle

Motion Carried.

**Mr. Schuetz made a motion to re-elect Tim Kessler as Vice-Chairman/Secretary of the Plan Commission.** The motion was seconded by Mr. Pretz.

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Voice Vote:

Ayes: Schuetz, Pretz, Henningson Amatangelo, Wallace

Nays: None

Abstained: Kessler

Absent: Doyle

Motion Carried.

Ms. Amatangelo asked who would chair the meeting if both the Chairman and Vice Chairman were absent. Chairman Wallace advised that the Plan Commission members in attendance would elect an Acting Chairperson to conduct the meeting that night.

### **5. Plan Commission Workshop**

Mr. Colby continued the Plan Commission Workshop power point presentation.

#### **Development Review**

##### **App. Review Process before Formal Application (Pre-Application, Concept Plan)**

Mr. Schuetz asked if pre-application meetings are required. Mr. Colby said they are not required, but this is a service that is strongly recommended in the ordinance for particular applications.

Mr. Kessler referred to situations where the Plan Commission and Council did not agree on a concept development petition. Mr. Colby acknowledged that has happened and explained the purpose of the Plan Commission review is more technical per ordinance and policy of the Comprehensive Plan, and the Council may be more policy oriented. Mr. Kessler said it appears in those situations that the Comprehensive Plan and/or ordinance do not matter. Mr. Colby said it is the job of staff to highlight those issues and explain why it is not advisable and he further noted that the Comprehensive Plan is outdated. He said that once the Comprehensive Plan is updated the recommendation differences between the Council and Commission may be resolved. Mr. Kessler asked if training has ever been conducted for the Council regarding the role of the Plan Commission. Mr. Colby said formal training has not been done but staff would do that if it were requested. He added that when items are presented that are more technical in nature the Plan Commission has enough background to understand the review process but additional basic information is presented to the Council members as they do not have the experience dealing with these issues as frequently.

##### **Formal Process – Staff Review and Studies**

Mr. Schuetz asked if staff has had meetings with surrounding communities (Geneva/Batavia) for dialog on how they handle development review. Mr. Colby said he is unaware if there have been any formal meetings, but assured there is communication with neighboring communities and the processes are similar per state requirements for hearings. However, the plan review process before the hearing may differ. Mr. Schuetz said there may be something to learn from some developments that have been successful as some of the adjoining communities have excellent development that St. Charles seems

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to struggle with. Mr. Colby stated some unique projects require a unique process. He said often these processes are discussed between communities as to how they reviewed a project and the process. Mr. Schuetz noted situations that were anticipated to be approved and that it was upsetting when they were not and he questioned if something different could be done. Mr. Colby reiterated the outdated Comprehensive Plan presents a problem with making recommendations relating to the vision of the community. He said there has been an inconsistent view between the Council and Commissions because there is not an updated policy in place for guidance. He advised the Council approved the funding for a consultant to begin the Comprehensive Plan rewrite and the process would be approximately 18 months. He said the Comprehensive Plan was originally rewritten in 1990 with updates in amendments. The new plan would be a 20 year plan, however may become somewhat outdated after 10 years and usable for approximately 15 years.

### **Formal Process – Hearing**

#### **Typical PD CC Approval Process**

#### **Zoning Applications**

Mr. Kessler asked if the recent 1 ½ story definition issue was a legislative application. Mr. Colby said it was the City establishing a zoning policy. Mr. Kessler asked if the applicant wants a legislation decision. Mr. Colby explained that the change being discussed is regarding building coverage and the only way to consider this change under ordinance is through a legislative form of text amendment. He said a variance request was possible to the building coverage which would be an administrative matter, but the applicant would have to prove a hardship and meet the standards of the ordinance. Mr. Kessler said the Plan Commission was considering a legislative matter but that legislative decision would not have done anything to help the applicant and the only legislative decision that would help him is if they were changing the building coverage. Mr. Colby agreed.

#### **General (Text) Amendments**

Mr. Schuetz clarified that all applications go through the same process regarding staff recommendation and Plan Commission review and recommendation. Mr. Colby agreed and stated the process follows state statute. Mr. Henningson asked if the Findings of Fact are required by state statute. Mr. Colby said with changing the text of the ordinance they are not required by state law to make findings, but our ordinance asks that they be made as part of the process. It is a process that has been imposed in our own Zoning Ordinance. The Commission reviewed the case study for a General Amendment to add Banks as a Special Use in CBD2 District. Mr. Schuetz asked that when a special use is granted does this now allow that special use for any situation within that district. Mr. Colby said they would first have to have the use listed as a special list within the district. He said once that is done that is setting a precedence that the particular use in the district will need to meet the criteria, which is the findings. He said if someone submits an application and meets the criteria they are bound by law to be approved. Mr. Schuetz asked how to handle a situation if the Comprehensive Plan differs from the request. Mr. Colby said the Comprehensive Plan is a policy that the City adopts but the Zoning Ordinance is law. He said even if the petition is contrary to the Comprehensive Plan that

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may not be a significant consideration. He said if the Comprehensive Plan is strongly recommending against a certain land use in a certain area, the Zoning Ordinance should be amended to reflect this recommendation. Mr. Schuetz clarified the Comprehensive Plan could be amended as well. Mr. Colby agreed. Mr. Colby said staff would advise an applicant who submitted a petition contrary to something established as policy but staff cannot prevent them from submitting an application, and the decision would depend entirely on the findings for that particular application. Mr. O'Rourke added that staff may also suggest having specific use standards attached to an approved ordinance or use. The Commission discussed the St. Charles Bank and Trust application process and development.

### **Map Amendment - Findings**

#### **Oliver-Hoffmann Property**

The Commission discussed how the Oliver-Hoffmann property rezoning was approved and what happened during the process. Mr. Schuetz noted that several opportunities for development of the site were reviewed but not approved. Mr. Colby said that was correct. Mr. Kessler noted some of the petitions were not appropriate for the site. The Commission discussed the case study 1003 W. Main Street and the process and development.

### **Special Use**

#### **Jaws Car Wash**

Chairman Wallace expressed his views about issues with the procedure for reviewing this specific petition. He noted the Commission gave very specific reasons for their denial and identified six different points of conflict. He recalled at the Council meeting it was stated that an engineer reviewed the concerns of the Commission and all had been addressed. Chairman Wallace advised staff that the signage that was to be installed has not been done. He asked how the City now handles this situation. He also noted that the originally approved restaurant was removed and dryers were put in place. He commented that now the site layout has changed. Mr. Colby said this is a compliance issue and is a zoning ordinance violation. He said a significant change of circulation on the site constitutes an amendment and requires a review process, especially if these changes contradicted what was shown on the original plan and cause issues not identified in the original approval. Mr. Kessler asked how this is identified. Mr. Colby said it depends if a building permit was applied for when the changes were made. Mr. Kessler said a complaint should be submitted to the Building and Code Enforcement Department. Chairman Wallace discussed the problems with the layout of the site plan for this use and the reason for the long drive aisle. He noted the aisle around the building is not there any longer and there are parking spaces instead. Mr. Colby said discussing this issue regarding the car wash alerts the Plan Commission on what they are to look for in a special use application, having everything documented on the plan and listed in the findings, which gives staff more ability to enforce the approval if the site changes. Chairman Wallace asked staff to research this issue as it would be helpful for the Commission to know what the outcome is. Mr. Colby said often enforcing a zoning violation does not lead to the use being shut down, but rather leads to fines. Chairman Wallace asked if there is a procedure for communication between Planning and Building

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and Code Enforcement Divisions. Mr. Colby said an initial review of plans is completed by the Planning Division to ensure they are complying with the zoning requirements. As part of inspections for a permit they are making sure everything is as it was approved on the original plans. After something has been changed it then becomes an enforcement issue. Mr. Kessler said it has been discussed during Plan Commission meetings that the only way to enforce what the Commission would like to see enforced, is through complaint. Chairman Wallace expressed the importance of enforcement stating that issues not addressed make a mockery of the City process.

### **6. Meeting Announcements**

**Plan Commission** Tuesday, June 7, 2011 at 7:00pm in the Council Chambers

**Plan Commission** Tuesday, June 21, 2011 at 7:00pm in the Council Chambers

**Plan Commission** Tuesday, July 5, 2011 at 7:00pm in the Council Chambers