

**MINUTES  
CITY OF ST. CHARLES, IL  
PLAN COMMISSION  
TUESDAY, APRIL 17, 2012**

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Members Present:            Todd Wallace, Chairman  
                                     Brian Doyle  
                                     Curt Henningson  
                                     Tom Schuetz  
                                     Tim Kessler, Vice Chairman/Secretary

Members Absent:            Thomas Pretz  
                                     Sue Amatangelo

Also Present:                Matthew O'Rourke, Planner  
                                     Russell Colby, Planning Division Manager  
                                     Chris Tiedt, Development Engineering Manager  
                                     Rita Tungare, Director of Community Development

**1. Call to order**

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

**2. Roll Call**

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

**3. Presentation of Minutes**

**A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the April 3, 2012 meeting.**

**4. Plan Commission workshop on Subdivisions**

Mr. Colby presented a PowerPoint presentation.

What is a Subdivision

Why do we control Subdivisions

Zoning vs. Subdivisions

Mr. Doyle noted that all subdivisions have an underlying zoning, so zoning and subdivisions are not mutually exclusive. There is always some zoning designation there. Mr. Colby agreed and noted that zoning is not always changed at the same time a lot is being subdivided, although zoning changes have occurred with most subdivisions in St. Charles in recent years.

Mr. Schuetz asked if historically approving a lot of PUDs was a bad thing. Mr. Colby stated no, at the time it was in the City's interest, but over the years, PUDs make zoning administration more complicated, for example when providing basic zoning information to homeowners. Moving forward, the City's policy will be to avoid PUDs for developments that can be built under normal zoning requirements.

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Ms. Tungare stated that previous practices were inconsistent and based on negotiation only, which resulted in a much more complicated system than intended. She noted the City's zoning regulations now substitute for the negotiations by adding more specific standards. Therefore a PUD now has more stringent requirements than in the past.

Mr. Kessler noted that the volume of subdivisions is less today. Mr. Colby agreed but noted that there are smaller subdivisions that continue to be reviewed and approved.

### What is reviewed with a Subdivision Application

#### Legal Framework for Subdivision Review

#### Plat Act Exemptions

Mr. Schuetz asked with a Plat Act exemption, how a subdivider would comply with zoning requirements if the City does not review the subdivision plat. Mr. Colby said the subdivider has to make themselves aware of the zoning requirements, for example minimum lot area. Mr. Schuetz asks who polices this. Mr. Colby said no one does, but at the time of building permit, the applicant has to provide a plat of survey demonstrating the lot meets minimum zoning standards. Ms. Tungare stated that there have been situations where someone has purchased and tried to construct on a substandard lot. She said ideally, the City would be part of the process, but that is not required. She said this situation is not unique to St. Charles.

Mr. Doyle asked about land-locked lots shown in the example subdivision. Mr. Colby indicated the lots are unbuildable separate parcels owned by adjoining owners. Mr. Doyle noted they are unbuildable and inaccessible unless combined with other lots. Mr. Doyle asked if there was a tax benefit to the arrangement. Mr. Colby stated no, the owners may have just acquired the smaller lot later after owning the adjoining property.

### Extra-territorial Jurisdiction

#### Subdivision Process

#### Subdivision process vs. PUD process

Mr. Kessler asked if any subdivisions are reviewed by staff only. Mr. Colby stated no, they all go through the public review process.

Mr. Doyle asked if a site is proposed to be subdivided under existing zoning, we wouldn't be looking at public benefit if the zoning isn't changed. Mr. Colby agreed. The criteria to be considered would depend on what if any zoning changes are required.

### School and Park Land Cash Requirements

Mr. Schuetz asked about who decides if land or cash is donated. Mr. Colby indicated the City Council has the authority to decide but has historically deferred to the school and park district.

Mr. Doyle asked if the requirements come into play with all subdivisions. Mr. Colby stated yes, for any residential subdivision where new lots are created. Mr. Doyle asked about an example with a smaller subdivision. Mr. Colby stated the owner would submit land-cash worksheets with the

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subdivision application and these would be forwarded to the school and park districts to respond. With small subdivisions, cash is usually requested, particularly in developed areas, since the site size for donation would be very small.

Mr. Doyle asked about considering general impacts to traffic or whether the community favors the development in connection with a subdivision. Mr. Colby stated as a part of the subdivision process, we cannot look at land use, but we can look at the impact the development will have on streets and utility systems, and we can require studies of these systems. A subdivision without a zoning change does not require a public hearing.

Mr. Kessler recalled a single-lot subdivision where the school and park districts did not require a land or cash donation. Ms. Tungare indicated that it is the districts' prerogative.

Mr. Schuetz asked about who takes ownership of park land. Mr. Colby indicated that it is usually deeded to the park district and it becomes their responsibility. Mr. O'Rourke noted there is no notice requirement for a subdivision review when no public hearing is held.

Ms. Tungare noted the City will not issue a building permit unless the developer demonstrates the cash contribution has been paid. Mr. Schuetz asked if there was anyone following how the cash contribution is spent, or if there was an audit. Mr. Colby indicated there was not. The spending of the cash is subject to state law and is probably part of the school or park district accounting, but the City does not track the spending of the funds.

### Final Plat of Subdivision

#### Financial Guarantee

Mr. Kessler asked if the City accepts bonds instead of a letter of credit or cash. Mr. Tiedt stated that the City is required by state law to accept a bond, but most bond companies will not agree with the City's standard language for a bond.

### Case Studies: Oates Subdivision, Bucki Subdivision, The Reserve

The Commission asked about the Bucki Subdivision. Mr. O'Rourke indicated the project did not move forward.

Mr. Doyle noted that some subdivisions may not have public improvements. Mr. Colby agreed and pointed to the Oates Subdivision, where no public improvements were required.

Mr. Doyle asked about the Tyler Production Subdivision. Mr. O'Rourke noted no improvements were proposed at the time. Mr. Colby noted that the requirement for a financial guarantee with a subdivision usually occurs when new streets are being constructed to access lots. With existing property or lots, where the lots are simply being split, the improvements do not need to be made at the time the property is subdivided. Mr. Colby noted that when the new lot is developed, utility connections and stormwater improvements for the lot will be required, and a financial guarantee must be posted before a permit is issued to develop the lot.

**5. Presentation of a comprehensive update to Title 16, “Subdivisions and Land Improvement”**

Mr. O’Rourke presented a PowerPoint presentation. Mr. O’Rourke stated the presentation will be a general overview on what is proposed to be changed in Title 16 and staff will return later with more detailed information.

Why do we need to update Title 16

Current Subdivision Process

Examples of Concept Plan, Preliminary Plan, Final Plat

Mr. Schuetz asked if the planning staff reviews plans with engineering and other staff. Mr. O’Rourke stated the Planning Division receives the applications and distributes them for review. The review staff meets as a group as the Development Review Team. Ms. Tungare added that Development Engineering, staffed by Chris Tiedt, is in the Community Development Department and closely collaborates on reviews.

Changes Proposed:

Combined/Joint Preliminary-Final Review Process

Mr. Kessler asked if staff was performing a combined review informally for smaller subdivisions. Mr. O’Rourke said yes, and this would be discussed under the proposal for a Minor Subdivision process.

Final Plat not requiring Plan Commission review

Minor Subdivision Process – directly to Final Plat

Reorganization of content

Traffic and Utility Study Requirements

Ms. Tungare added that traffic and utility studies will be handled on a case-by-case basis. Mr. Kessler asked if the changes will state when a traffic or utility study is required. Mr. O’Rourke said yes. Mr. Henningson asked if the studies will always be required. Mr. O’Rourke stated the code will give staff the ability to determine this, although there are no specific criteria. Mr. Colby added the ordinance will not have numeric criteria but will probably have some generic language that would say that some type of assessment must be made by a traffic engineer or representatives from Public Works that studies are not warranted. For example, if there is no land use change is proposed, then no study would be necessary.

Financial Guarantees- Cost adjustment to increase with CPI

Mr. Kessler asked why not then use a bond, which allows for increases automatically. Mr. Tiedt responded the ordinance states the financial guarantee is for the cost at the time the construction is started and is a set value. Pre-2007, this was not an issue because things were quickly completed. Now, the City holds some financial guarantees that cannot pay for the improvements after 5-6 years, based on deteriorated improvements or increases in material costs. By adjusting by CPI, the value will increase. Mr. Kessler stated that bonds will do this, if they are renewed. Mr. Tiedt stated the

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problem with bonds is that they expire within one year, and the City hasn't found a bond company that will allow a bond to automatically renew, which is what the City requires for a Letter of Credit. Mr. Tiedt said with a bond, the City will have a narrow time frame to pull the bond if it is not renewed. He noted bonds are good for smaller projects, such as a right-of-way permit.

### Template for Financial Guarantees

### Sustainability Initiative- Monumenting included in Financial Guarantee

### Upgraded monumentation standards per the GIS Division

Mr. O'Rourke indicated the draft is in legal review and staff will bring the draft to the Plan Commission in May.

Mr. Henningson asked regarding procedural changes, if an applicant can still follow the existing procedure of a separate Preliminary Plan stage, and not follow the combined process. Mr. Colby clarified yes, that this was the case. The combined review is optional by the developer to fast track an application.

Mr. Kessler commented that a letter of credit may be onerous for a small development, vs. a bond. Mr. Tiedt responded that a bond can be accepted, if they follow the City's requirements. Ms. Tungare clarified that for smaller, simple subdivisions with no public improvements, there will be no financial guarantee required. Mr. O'Rourke noted that a Minor Subdivision would be a situation where there are no extensions of public improvements.

Ms. Tungare indicated that a formal update to Title 16 will be before the Commission for a recommendation. This presentation was also given to Planning and Development Committee the previous week. Ms. Tungare asked that if the Plan Commission had questions over the next two to three weeks, that they contact staff.

## **6. Meeting Announcements**

Tuesday, May 8, 2012 at 7:00pm in the Council Chambers

Tuesday, May 22, 2012 at 7:00pm in the Council Chambers

Tuesday, June 5, 2012 at 7:00pm in the Council Chambers

Chairman Wallace may not attend on June 5.

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

## **8. Adjournment at 8:30PM**