

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, SEPTEMBER 16, 2014**

Members Present: Chairman Todd Wallace
Vice Chair Tim Kessler
Sue Amatangelo
Steve Gaugel
James Holderfield
Laura Macklin-Purdy
Tom Pretz
Tom Schuetz

Members Absent: Brian Doyle

Also Present: Russell Colby-Planning Division Manager
Ellen Johnson-Planner

1. Call to order

The meeting was called to order at 7:04 p.m. by Chairman Wallace.

2. Roll Call

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

3. Presentation of minutes of the September 2, 2014 meeting.

A motion was made, seconded and unanimously passed by voice vote to accept the minutes of the September 2, 2014 meeting.

4. Plan Commission Training

Mr. Colby began the third session of Plan Commission training, beginning where the last session stopped at the discussion on PUD applications. He followed the PowerPoint slides provided to the Commissioners. Commissioners were free to ask questions and discuss items throughout the presentation. [Only questions, answers, and discussion have been described in the minutes.]

Mr. Schuetz asked for clarification that the text in bold print on the "Purpose of PUDs" slide are the benefits the City might get from a PUD. Mr. Colby confirmed, and added that a developer proposing a PUD must demonstrate how their project provides these things to the community.

Mr. Schuetz asked how long PUD requirements exist. Mr. Colby explained that PUD requirements exist in perpetuity. The earliest PUDs are from the 1960s and continue to be referenced for zoning information on certain properties.

Vice Chair Kessler asked about how the city was developed prior to the 1960s. Mr. Colby said the City's first zoning ordinance was adopted in 1928. Prior to that, nothing regulated land use other than nuisance ordinances. The City adopted a more stringent zoning ordinance in 1960.

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Vice Chair Kessler asked about structures built prior to 1928 and which ordinance applies to those properties. Mr. Colby explained that when the 2006 Zoning Ordinance was adopted, staff analyzed the older neighborhoods and came up with zoning districts that match what existed. The RT-Traditional Residential Districts essentially follow the 1928 Zoning Ordinance in terms of lot sizes and building setbacks. Requirements from that period live on in that way.

Mr. Schuetz asked if the recent amendment to the Foxfield Commons Special Use for PUD (considered by the Commission at the last meeting) will remain. Mr. Colby said yes, the amendment will remain a permanent change on that property moving forward.

Vice Chair Kessler asked whether the criteria for Special Use for PUD are findings of fact. Mr. Colby explained that the criteria are to be considered by the Commission to determine if the PUD is in the public interest, which is the single finding of fact for a Special Use for PUD.

Vice Chair Kessler asked if a proposed PUD must meet all of the purpose statements. Mr. Colby said that not all purposes need to be met, but the Commission must balance which purposes are and are not met and determine if the proposal will be in the public interest. Vice Chair Kessler clarified that they are discussion points.

Mr. Schuetz pointed out that it is subjective whether the purposes of PUDs are met. Ms. Macklin-Purdy brought up an example of a shooting range; whether a shooting range is for the well-being of the community is subjective. Mr. Colby reminded the Commission that for PUDs, the Commission is not being asked if the type of business is desirable or not; the land uses allowed in a PUD must follow the zoning district of the property. However, often for larger PUD projects, a zoning Map Amendment will be part of the proposal if a rezoning is required for the land use the applicant is proposing. In that case, the Commission would also look at the findings of fact for the map amendment. Mr. Kessler asked what application should be considered first. Mr. Colby explained for a PUD application with a map amendment, the map amendment must be approved first, since the proposed land uses require the proper zoning be in place.

Mr. Gaugel asked about the Fydoland application. Mr. Colby explained that was not a PUD; one application was a General Amendment to change zoning requirements to allow that type of land use, and one was for a Special Use to allow the business to operate on the site. The General Amendment would have to come first because without it, the Special Use could not be requested.

Mr. Scheutz said it would be helpful for staff to remind commissioners which applications need to be considered first. Vice Chair Kessler agreed, especially for complicated projects, and said that a brief review of the procedures would be helpful. Mr. Colby said staff can put a summary sheet together. Ms. Macklin-Purdy said examples would also be helpful as reference material.

Vice Chair Kessler asked for clarification that developers must provide both school and park dedications for residential subdivisions. Mr. Colby confirmed and explained that formulas are used to determine how much land or cash in lieu of land must be given to the school and park districts, based on the type of residential development being built. Developers generally pay cash in lieu for smaller subdivisions.

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Mr. Scheutz asked where the cash in lieu payments go. Mr. Colby said the money goes directly to the school or park district. The district is required to spend the funds on capital improvements that serve the area in which the subdivision is located. Mr. Scheutz asked who regulates how the districts spend the funds and Mr. Colby said they regulate themselves. However, a developer could challenge the school or park district on whether or not they spent the funds correctly. Per the ordinance, if the funds have not been spent after a certain period of time the district must refund the developer.

Vice Chair Kessler said the cash in lieu for schools is only a fraction of the cost incurred by the school district as a result of a subdivision, whereas for the park district, the fee almost pays for new park facilities. Mr. Scheutz asked how the amount of cash in lieu is determined. Mr. Colby explained the park district receives cash for each resident that moves into a development because they serve the entire population. For the school district, only the student population generated by the development is taken into account, thus the school district may end up with a smaller contribution, particularly for a multi-family development.

Mr. Scheutz asked if there is a way to look up past dedications and how the funds have been spent. Mr. Colby said the records are not great. The school district monitors certain developments to compare the actual student generation with what the City projected based on the formula. The City's formulas are fairly standard across communities. They were established in the 1990s and survived court challenges by developers in other communities.

Vice Chair Kessler asked whether developers request the City wave or reduce the dedication, based on their own estimates. Mr. Colby said the City does not make a practice of modifying the requirement. Vice Chair Kessler said there was one case where the developer went directly to the school district and made their own agreement.

Mr. Gaugel asked whether there is ever a point where an application for subdivision meets so few of the required criteria that staff does not bring the application to the Commission, or if the applicant can force it through anyway. Mr. Colby explained the City cannot prevent an applicant who files a complete application from going through the City's process. However, there are certain elements of a plan that must be met to be considered. For example, if proposed lot sizes do not meet the zoning requirement the City cannot approve the subdivision and will tell the applicant so. If the applicant is insistent they want to appear before the Commission and are requesting deviations, they are entitled to do so and go through the process. The issues would be highlighted in the staff report.

Vice Chair Kessler asked about an item in the Rules of Procedure document that states the Chairman can call meetings outside of regularly scheduled meetings. Mr. Colby said the Chairman can call additional meetings, however, public hearings need to be noticed in advanced and are held on scheduled meeting dates.

Mr. Schuetz asked about Plan Commissions in other municipalities and whether commissioners are always volunteers, regardless of the size of the community. Mr. Kessler said most places are volunteer and Mr. Colby said the way St. Charles is structured is very similar to other cities in Illinois.

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Mr. Schuetz stated the challenge in St. Charles is that we are an old community with not much new development; it is easy to follow ordinances for new developments.

Vice Chair Kessler asked whether State Statute requires the City have a Plan Commission. Mr. Colby explained the City must have a Comprehensive Plan and a Plan Commission in order to enforce a zoning ordinance. Chairman Wallace said City Council could act as Plan Commission, as a committee, which probably happens in smaller communities.

Vice Chair Kessler asked what happens if the applicant introduces new testimony at Planning and Development Committee, after the public hearing at Plan Commission has been closed. Mr. Colby said at the Plan Commission recommendation must be based solely on the evidence presented at the public hearing. Sometimes new information is presented to the Committee. That is a concern if the information is completely different than what was presented at Plan Commission, or if a substantive change to the project is proposed. In those situations, the City Attorney is consulted to determine whether the change that is proposed is significant enough to warrant going back for another public hearing. This is mainly done if there is some risk to the City or if we are uncomfortable with a proposed change.

Chairman Wallace added that another issue is if someone presents testimony against the application at Planning & Development Committee that results in the application being denied, but that person was not present at Plan Commission. In that case, the applicant could say his rights were violated because they did not have the ability to cross examine that person within the context of the public hearing.

Vice Chair Kessler expressed concern that sometimes things are shaded differently at Committee based on the Plan Commission's recommendation. Commissioners discussed that developers will shade what is presented based on the Plan Commission's reaction.

Mr. Pretz asked Mr. Colby whether he highlights the differences between what is being presented to Committee compared to Plan Commission. Mr. Colby said yes, and that staff presents the application and Plan Commission's recommendation. The developer is not entitled to an opportunity to present to the Committee, although they are present and can address the Committee if asked by the Chairman. The Committee also does not have to open an item up to public comment as each item is considered, although there is an opportunity for the public to speak near the end of the meeting. This helps prevent the developer from rehashing the proposal in a different light.

Vice Chair Kessler pointed out that using the applicant's findings of fact rather than staff's is a recent change in procedure. Mr. Colby explained that staff was drafting their own findings of fact and providing them to the Plan Commission but decided it is better to place that responsibility on the applicant.

Mr. Schuetz said in the past, the staff recommendation is usually to approve the application, if the Commission feels the findings of fact meet the requirements. Mr. Colby said that previously the findings of fact the Commission was voting on were staff's; staff was essentially assisting the Commission in drafting findings they thought were appropriate. Now it is only the developer's

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findings that are presented. The Commission needs to consider those findings and whether the application as presented meets those findings.

Mr. Schuetz asked whether the Commission can question the applicant about certain findings during the meeting, and Mr. Colby confirmed.

Mr. Colby ended the training for the evening at the discussion on findings of fact.

5. Meeting Announcements

a. Plan Commission

Tuesday, October 7, 2014 at 7:00pm Council Chambers

Tuesday, October 21, 2014 at 7:00pm Council Chambers

Tuesday, November 4, 2014 – Meeting cancelled

b. Planning & Development Committee

Monday, October 13, 2014 at 7:00pm Council Chambers

Monday, November 10, 2014 at 7:00pm Council Chambers

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

- Plan Commission training is scheduled for the October 7 meeting.

7. Adjournment at 8:26 p.m.