

**MINUTES
CITY OF ST. CHARLES, IL
PLAN COMMISSION
TUESDAY, JULY 7, 2015**

Members Present: Chairman Todd Wallace
Vice Chair Tim Kessler
Dan Frio
James Holderfield
Tom Pretz (7:06 p.m.)
Tom Schuetz
Michelle Spruth

Members Absent: Brian Doyle
Laura Macklin-Purdy

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

1. Call to order

Chairman Wallace called the meeting to order at 7:03 p.m.

2. Roll Call

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

3. Presentation of minutes of the June 16, 2015 meeting.

Motion was made by Mr. Kessler, seconded by Mr. Schuetz and unanimously passed by voice vote to accept the minutes of the June 16, 2015 meeting.

4. Plan Commission training session

Mr. Colby said tonight's session will address some of the questions that were raised at the last training session. He went over how Commissioners are expected to participate in meetings. Meeting preparation includes looking at the Weekly Development Report, reviewing meeting packet materials, conducting a site visit, preparing questions for the applicant, and understanding what findings of fact apply to the application. At the meeting, Commissioners listen to testimony that is presented and consider how relevant that testimony is and how it fits within the context of the finding of fact. At the conclusion of the hearing, the Commission deliberates on the findings of fact.

Mr. Colby showed an example of the Weekly Development Report. He explained it is sent out at the end of each week and lists all of the active development applications. The status of each application is noted on the report. The report allows Commissioners to be aware of when an application is filed and when it is scheduled for Plan Commission review. Commissioners can reach out to staff with any questions about the report.

Mr. Kessler asked about the general time frame between when the City gets an application and when it comes to the Plan Commission. Mr. Colby said for applications involving a public hearing, there is a 15-30 day notice period required before the public hearing is held. Given the time it takes

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to process an application, it is usually at least a month before the Plan Commission would review a public hearing item. Applications that are not scheduled yet are also listed on the report, with notes regarding their status. Items are not scheduled until the application materials are complete.

Mr. Colby showed the application reference sheet, which is provided in the meeting reference binders. He said the purpose of the document is to give a short summary of all the different application types that come before the Plan Commission, including what they are, if they require a public hearing, if there are associated findings of fact, and what is considered in the Commission's recommendation.

Mr. Colby walked through the materials provided in the meeting reference binders.

Mr. Scheutz asked about the single finding of fact for PUDs, and whether there is only one response the Commission should look for. Mr. Colby said for PUDs, there are multiple criteria that require responses, but the individual finding that the Plan Commission must make is whether or not the PUD is in the public interest, based on the responses to the criteria.

Mr. Kessler asked why there is no notice required for a General Amendment. Mr. Colby said a public hearing legal notice is put in the newspaper, but there is no mailed notice because no specific property owners are impacted.

Ms. Spruth asked if Commissioners can make a suggestion to improve the applicant's criteria for PUD responses. Mr. Colby confirmed and said that is the Commission's role when reviewing an application. Commissioners can suggest changes to a project based on a finding, or add information to a finding response so that the Commission's stance is clear as to why it is supporting an application.

Mr. Kessler asked how important is it for us to memorize the information in the meeting reference binders. Mr. Colby said it is not important. For the most part, relevant information will be highlighted in the staff materials. Commissioners may want to reference the binders if staff does not provide certain information they have a question about, or if questions come up during meetings about requirements. The purpose is to look at this information during a meeting in the context of what is being reviewed.

Mr. Colby said at the end of the binder is the Plan Commission's Rules of Procedure, which outlines the Commission's process to follow during meetings. He noted that a copy of the Zoning Map and Land Use Plan map are also included in the binders.

Mr. Kessler asked whether the Rules of Procedure document was written by the City or comes from the state. Mr. Colby said it was written by the City and previous Chairman Mark Armstrong.

Mr. Kessler requested that staff point the Commission to things in the reference materials as questions are answered during meetings.

Mr. Colby went through the materials included in the meeting packet. For each agenda item, the first document is a one page executive summary which lists the application that has been filed,

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summarizes the proposal, and provides a suggested action and procedures section which addresses what the Commission should do at the meetings in terms of procedure and what is being considered with the Commission's recommendation. Next is a staff report, which includes three main components: relevant background information, analysis of zoning/subdivision code requirements, and analysis of the Comprehensive Plan, if the Comprehensive Plan is part of the findings of fact. After that, the application(s) filed by the applicant with their findings of fact is provided. Last are the plans and other supporting documents.

Mr. Colby presented examples of the executive summary and walked through the information provided.

Mr. Kessler asked if Chairman Wallace could walk through the executive summary for the Plan Commission prior to considering an item at the meeting. Mr. Colby said it would be appropriate to walk through the procedures portion of the summary.

Mr. Colby went through an example executive summary for a proposal that included multiple applications. In the procedures section, the procedure for each application is provided in the order that they are to be considered.

Mr. Kessler asked about a proposal that includes multiple applications and whether the Commission has to consider the applications as a whole, but make recommendations in the order in which the applications are listed.

Mr. Colby confirmed, but said that a motion could be made to recommend approval of all the applications at once. If it is a more complex or controversial project where some Commissioners might want to vote differently on different aspects of the project, then the applications could be voted on individually.

Ms. Spruth asked if, since a mailed notice is sent, the Commission would receive objections by the time of the public hearing. Mr. Colby said any objections received in the Planning Office prior to the packet posting will be included in the packet. If objections are received after, they will typically be brought to the meeting.

Ms. Spruth asked if there are opportunities for the public to speak at the public hearing. Mr. Colby confirmed.

Mr. Kessler asked if there were multiple applications for one project, could the Commission close the public hearing on one application and leave the hearing open for another. Mr. Colby said that should not be done, because the project is noticed as a single public hearing for both of the applications.

Mr. Schuetz said the Commission seems to struggle with what to do next in the process once the public hearing is over. Mr. Colby said the Plan Commission is not required to do anything during the public hearing other than listen to the testimony and ask any questions of the applicant or others present. Once that is done, the Commission closes the public hearing. During the meeting portion,

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the Commission deliberates over the information that is presented in terms of whether the findings have been met or need to be revised, and then takes action on the application.

Ms. Spruth asked if a motion could be made to end the hearing if something like a concept plan discussion is going on for too long.

Chairman Wallace said the most important thing the Commission does is conduct public hearings. If the Commission does not allow someone to present evidence for or against an application, it opens up the City to someone claiming their rights were infringed upon because they were not given the chance to speak.

Ms. Spruth said a concept plan does not need a public hearing. Mr. Colby said the Commission has more of an opportunity to limit testimony in a non-hearing format.

Chairman Wallace said the Rules of Procedure states testimony should be limited to 10-30 minutes for the initial presentation. He said it is also important for residents to understand that this is not the last step in the process; that the Commission makes a recommendation, not a decision. However, City Council is under no legal obligation to hear public comment.

Mr. Colby went through an example of a typical staff report to show the type of information that is provided and the format. Certain additional information is included depending on the project.

Mr. Schuetz said the staff reports should be as short as possible. Mr. Colby said staff tries to only include necessary information. Reports will be longer for projects that are more complex or have more outstanding issues. He said the executive summary will give Commissioners enough background to review the other information and understand what is important and what is not.

Mr. Frio asked if a Special Use application automatically cannot be recommended for approval if just one of the seven findings of fact is not found in the affirmative. Mr. Colby said the Commission should highlight for the applicant that the Commission does not think there is adequate evidence to support this finding, and allow the applicant to respond to that. It would be appropriate to raise that during the public hearing so that the applicant has a chance to respond. If a motion is made to deny the application, it would need to make reference to that one finding. The only way a Special Use can be recommended for approval is if all findings are in the affirmative.

Mr. Shuetz asked if the Commission can approve the Special Use if the other six findings are really strong and the one remaining finding is not that critical. Mr. Colby said no, not for a Special Use. With a PUD, more value can be placed on certain criteria.

Mr. Colby said staff recommendations on applications are from a technical perspective. Staff also provides some interpretation on whether the proposal meets or does not meet policy such as Comprehensive Plan recommendations.

Ms. Spruth asked if applicants are made aware of any objections received by the City. Mr. Colby said if the City receives objections they are sent immediately to the applicant so they are aware of

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them. Applicants also receive the meeting packet. That way, applicants have an opportunity to respond either through changing the project or by having an explanation ready for the hearing.

Mr. Colby said findings of fact will be discussed at the next training session.

Mr. Schuetz said the most important thing the Commission needs to do first is to look at the procedure and recommendations for the application being considered.

5. Meeting Announcements

a. Plan Commission

Tuesday, July 21, 2015 at 7:00pm Council Chambers

Tuesday, August 4, 2015 at 7:00pm Council Chambers

Monday, August 10, 2015 at 5:30pm Century Station Training Room – Joint meeting with P&D Committee

b. Planning & Development Committee

Monday, July 13, 2015 at 7:00pm Council Chambers

Monday, August 10, 2015 at 7:00pm Council Chambers

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

There was no additional business.

8. Adjournment at 8:27 p.m.