

**MINUTES
CITY OF ST. CHARLES**

**JOINT MEETING OF
THE PLANNING & DEVELOPMENT COMMITTEE &
ST. CHARLES PLAN COMMISSION
MONDAY NOVEMBER 9, 2015 - 5:30 P.M.**

Planning & Development Committee

Members Present: Chairman Bancroft, Aldr: Stellato, Silkaitis, Payleitner,
Lemke, Gaugel, Krieger, Bessner, Lewis

Members Absent: Aldr. Turner

Plan Commission

Members Present: Spruth, Doyle, Holderfield, Kessler, Pretz, Purdy,

Members Absent: Frio, Wallace, Schuetz

Others Present: Mayor Rogina; Mark Koenen, City Administrator; Rita Tungare,
Director of Community & Economic Development; Russell Colby,
Planning Division Manager

1. Call to Order

The meeting was convened by Chairman Bancroft at 5:38 P.M.

2. Roll Call

Roll was called:

Planning & Development Committee

Members Present: Chairman Bancroft, Aldr: Stellato, Silkaitis, Payleitner,
Lemke (6:40pm), Guagel, Krieger (5:57pm), Bessner, Lewis

Members Absent: Aldr. Turner

Plan Commission

Members Present: Spruth, Doyle, Holderfield, Kessler (5:46pm), Pretz, Purdy

Members Absent: Frio, Wallace, Schuetz

Motion was made and seconded to appoint Mr. Doyle as Acting Chairman for the Plan Commission.

Roll Call:

Ayes: Spruth, Holderfield, Pretz, Purdy

Nays:

Absent:

Abstain: Doyle

Motion Carried. 4-0

3. Staff recap of August 10, 2015 meeting.

Mr. Colby summarized discussion points from the previous meeting:

- Two-way continued communication and the benefits of that between the two groups.
- Recognizing the interplay of politics versus good planning practice and how that impacts decisions made, particularly at the City Council level.
- Value that Plan Commission brings to the process in terms of vetting items before consideration by City Council, and the weight that their recommendation carries.
- Benefits of having Plan Commission representation at the P&D Committee meetings, particularly where there's a split or negative vote on a given project.
- Value of City Council members attending Plan Commission meetings for background on controversial projects.
- Benefits of applicants talking and working with their neighbors before going through the City's review process and how it can help staff's review.
- Factual information versus emotional arguments and how to reconcile those with controversial projects.

Chairman Bancroft moved item #5 to be discussed next.

5. Staff summary of upcoming development projects.

Mr. Colby said staff saw a benefit to scheduling this meeting now because there are some large scale projects coming before the city that have land use changes or are more controversial proposals:

- **The Quad**-more information will be presented as the project evolves over the next year or so.
- **Pheasant Run**-Concept plan has gone before Commission and Committee with some discussion of land use changes.
- **Prairie Center**-Concept Plan proposal for redevelopment of the old St. Charles Mall site; there is an application on file which could be reviewed as soon as this December. He

reminded the group that the Towne Centre proposal for this site was very controversial a few years ago.

Mr. Colby said staff was hoping to start some dialogue to help the groups communicate with each other to improve the process particularly as it relates to the interaction between one step versus the next in reviewing these projects.

4. Continued Discussion on Roles & Responsibilities in the Development Review process.

Chairman Bancroft said he pays attention to what the city's schedule is but he doesn't know that he is necessarily on top of the Plan Commission schedule and one way he thinks Staff could help would be to give P&D Committee a heads up if there were any big project presentation planned for Plan Commission; that may assure better attendance by the P&D Committee members. P&D Committee members agreed. Mr. Pretz said it would be helpful because it would allow for whatever ward to have a representative be there, not to necessarily contribute, but to have first-hand of the discussion and the emotional thought process other than just the written word of what is going on. Aldr. Lewis suggested sharing that type of information sooner, not necessarily with any detail, but more of a heads up to put something on the calendar.

Aldr. Stellato asked if Plan Commission gets a copy of the Weekly Development Report. Mr. Colby said yes. Aldr. Stellato said he and Aldr. Silkaitis had an issue in their ward regarding a property; he asked how projects get on the report, because that particular one was not on there. Ms. Tungare said that was because there is no zoning application on file for the property; the Weekly Development Report pertains only to projects that have zoning applications on file. Aldr. Stellato asked if that could be expanded to have that information to answer resident's questions and he thinks if both groups get that it would be a great way to stay informed. He also mentioned the old clock shop (505 W. Main St.) and stated that a lot of them did not know about it because it was just a building permit; but maybe they could all be made aware of something that significant. Mr. Colby clarified that both groups would like to be made aware of large scale or high visibility construction projects where there would likely be questions received. Aldr. Silkaitis said anything commercial really. Ms. Tungare said regarding 505 W. Main St., right

now they have reinitiated work there within the building but they still need to provide some information before they are authorized to start work on the site itself; there are neighbors behind the project that have some concerns, so staff is working with that more sensitively, but that going forward staff will evaluate how that information can be shared regarding large scale/high visibility commercial projects.

Mr. Kessler said speaking of high visibility, what's going on at the mall, because they receive a lot of questions and he wondered if there is some way to be updated on the progress or upcoming meetings for that project.

Mr. Holderfield said he worries about the timing because Plan Commission receives their materials Friday and they act on it the following Tuesday; P&D Committee then receives it Wednesday to act on it the following Monday. He feels it's hard to get everything processed in such a short span and it's always bothered him. Ms. Tungare said this has come up previously and it is a very valid concern, but staff gets stuck between a rock and a hard place; in the spirit of moving development forward, staff works with the developer right to the last minute in resolving issues to give them a chance to bring information up to the last minute to get it on the docket. She said there are other municipalities that have a certain deadline and past that the developer will have to wait a few weeks to another month; and that is where the culture of St. Charles is different because it is development-friendly and there's a higher focus on customer service. She said the direction staff has received historically has been that flexibility is important to work with the development community to try to accommodate their schedules and to recognize that every day projects get delayed could cost them significant time and money. She said to the extent that the decision of the group is to give the Plan Commission additional time, that can be done, but it does need to be recognized that it could potentially impact the timeline on projects by a couple of weeks. Aldr. Lewis asked if there are certain developers that are consistently last minute, or is it all developers. Ms. Tungare said she thinks it's the nature of all development. Aldr. Stellato said sometimes it's just getting all the engineering reports and the architecture; it's coordinating a whole team of people and there is always legal hold-ups; so to get that all done in time is always tough.

Aldr. Stellato suggested having an Inet/ internal website for the Plan Commission members to notify them of what will be on upcoming agendas ahead of time. Ms. Tungare said that is not set-up right now but is something that could be done. Mr. Holderfield said that would be important with big projects; the more information they can get before the meeting the better.

Mr. Kessler noted he and Chairman Wallace are invited to the Pre-Application meetings.

Aldr. Stellato said it was decided a while back to not invite Committee members to Pre-Application meetings so developers could get together with the Plan Commission and the staff to get items worked out first, but sometimes developers ask to meet with the Alderman regarding bigger developments. Mr. Kessler asked if they would meet with developers as a committee of the whole. Aldr. Stellato said no, because of the Open Meetings Act they can only meet with 2 or 3 Committee members at a time.

Mr. Doyle asked if the whole Plan Commission could meet at a Pre-Application meeting according the Open Meetings act. Ms. Tungare said they could not meet as a Commission; it would be a public meeting then, and Pre-Application meetings are confidential and the minutes are only disseminated to attendees and the elected officials, but that going forward those could also be sent to Plan Commission, but they must remain confidential.

Chairman Bancroft said he thought there was discussion in regard to Committee getting more information from the Pre-Application meetings beside just the minutes without any context. Mr. Colby said in past discussion it was suggested that if there were policy questions where staff was looking for input from Council members, the questions could be posed with the Pre-Application minutes. Ms. Tungare said the minutes can be disseminated to Plan Commission, but it's very important to keep those confidential because there is a liability to the city in doing that; but in terms of keeping the Plan Commission apprised of what is coming before them, staff can post the agenda along with any materials ready ahead of time, especially for larger scale projects.

Mr. Doyle said some of the larger applications come with the packets that are over 100 pages and there is concern finding time to digest that, but even if he received that on a Tuesday or a Wednesday, he honestly wouldn't look at it until the weekend anyways. He said the

counterpoint he would introduce is that the discussion at the meetings, especially with members of the community, you can prepare only so much, and he is of the opinion that if the Commission needs to continue a public hearing, then that is what should be done. He recalled some instances where public hearings were continued and the applicants weren't happy because it threw off their schedules, but due to concerns and the Plan Commission not having enough information, that is just the way it is. He said he feels that the quality and timeliness of information received by staff is there and he never feels pressured to make a decision. Aldr. Lewis said that is a good point and to her there is a difference in being business-friendly and having all the information needed to move forward, and maybe there is a misconception that it goes forward from week to week, but that is not always the case; it's a process that doesn't always go according to the timeline and people may need to be reminded of that. Ms. Spruth added that it should be highlighted to developers as well that if they do provide information a bit sooner there is then more time for review to then get questions answered before the meeting to not have that delay. Mr. Kessler agreed that if it possible, getting information to Commission sooner would be helpful.

Chairman Bancroft said at the last meeting they touched on how the Committee members can get advanced notice as to what's upcoming to Plan Commission to allow planning for schedules, which then led him to the question of; if either one has constituents attending the others meeting, what is their role. He said when he attends a Plan Commission meeting, he sits in back quiet just to get a sense of the meeting and hear the discussion, which is a lot easier to understand where everyone is coming from than just reading the minutes, but he doesn't know if it is appropriate to get up and speak or to call a member from another commission up to speak. Mr. Kessler said Plan Commission has already reviewed it by the time it goes to P&D, so if Commission members are present, it may be to add clarity to their recommendation, to where P&D wouldn't have one yet because it's new. Chairman Bancroft said if that's the case for some of the big ticket items, that would be great to have a Commission member attend P&D in case there are questions. Mr. Kessler said he doesn't go to P&D meetings intending to speak, but if there are questions they are there to answer those. Ms. Tungare said from staff's standpoint, it's a benefit to have Plan Commission representation at the P&D Committee meetings; staff does their best to objectively summarize the Commission recommendation, but it's not appropriate for staff to put

words in their mouth or to editorialize on their comments, and she thinks representation at a public meeting carries a lot more weight. She said there have been instances where Plan Commission discussions have been misrepresented, so she appreciates that in recent months Plan Commission members have made an effort to have at least one member in attendance at P&D meetings. She said for P&D members, it's a bit different because if a member is in attendance at a Plan Commission meeting for a project within their ward, the project has not at that point been vetted through the public process yet, so she thinks to take a back seat and just observe is appropriate. Mr. Pretz noted that if a resident were to suggest that they would like to hear from the Alderman that were present at a meeting, they could gracefully decline because while being an elected official, you are also a resident. Aldr. Silkaitis said he doesn't think you can separate being an Alderman and a resident. Mr. Holderfield added that he feels that Alderman should not be in attendance at any pre Plan Commission meeting briefings held with staff.

Chairman Bancroft stated that the assessment seems to be that it would be helpful to stand up and make the statement that we as a group (P&D Committee) have decided that it is inappropriate to comment at a Plan Commission meeting; which blames the whole as opposed to any one person. Mr. Doyle said there are political issues where the Commission itself is not unanimous on a recommendation, and he thinks it's important that Plan Commission representatives appearing before P&D Committee represent the majority opinion of the Commission. Everyone agreed that attendance is important for Plan Commission members because P&D members do not have transcripts to go off of what happened at Plan Commission, they only have an executive summary, which gives the recommendation but doesn't say who voted what. Mr. Colby said Committee does receive a Plan Commission Resolution that shows the vote. Aldr. Silkaitis said he is always curious when he sees that only one person has voted no and he thinks there should be an explanation. Mr. Kessler said that is true, and in most cases if somebody does vote no, there is a "finding of fact" that they voted against; and often times somebody on a commission will vote "no" just to make a point of their belief in that "finding of fact", just so it goes on record that there could be a question.

Mr. Doyle said one thing he has thought about since last meeting was Aldr. Stellato's comment regarding politics vs. facts and there is a subtext, especially with big applications, which are extremely political. He said we have politics and fact, and policy and regulation; so applications, recommendations or the ruling of the Council can either be a policy recommendation or regulatory recommendation, or a mixture of the two. He said he thinks when something invokes policy, it's appropriate for politics to win out; and to the degree that they can identify something as a regulatory matter, it's appropriate for the facts to at least have equal weight if not more weight because policy is already established. He thinks it would be helpful for both groups to think about when considering an application is to ask the question; is it policy, regulatory or a mixture of the two, and that answer would then be a guiding principle in where politics need to be the prevailing consideration and where findings of fact in regulatory matters need to be given stronger weight. He said if it gets to the point where politics always wins, even when it's clearly regulatory, the unfortunate logical conclusion is, if you want to have an influence over city planning, politicize everything, even if a member of the Commission. Aldr. Stellato clarified the politics vs. facts issue was communicated to him by another Plan Commission member back in 1989 when he was on the Plan Commission and he was frustrated because the Council overruled the Commission. Mr. Doyle said it's just the nature of the beast. Aldr. Stellato said he looks at a residential development backing up to another residential development and it may meet all the criteria, regulations and policy, but if they neighbors do not want it, it comes right to the Council's lap and it's tough.

Mr. Doyle offered a suggestion regarding review of the Prairie Center Concept Plan application. He thinks the biggest question will be whether any residential development on the property will be allowed. He thinks the first thing that should be tackled at the concept plan stage is to establish up front whether or not mixed use is appropriate on that parcel. He said once that decision is made, they can move past the issue; but it will be a stumbling block if we do not have clarity. He said if Council decides that mixed use is not appropriate, then the Commission can take that information knowing they are not a policy making body and analyze the application within that context.

Ms. Spruth asked if there was an opportunity for the developer to provide a presentation ahead of the Concept Plan. Mr. Colby said there isn't an informal way to do that because to pose that question to the Plan Commission, an application would need to be filed. He noted a Concept Plan can be proposed even if the plan doesn't have a lot of detail in it, just to ask policy questions.

Ms. Tungare said this would be similar to what Pheasant Run did, with engaging both Commission and Committee in more of a visioning exercise.

Regarding Prairie Center, the group discussed that hearing from Committee first on the land use could be beneficial for the Plan Commission review; however the process is not set up this way. Mr. Doyle said he thinks the progression as is, is perfectly fine and he doesn't even think most communities have a Concept Plan process. Ms. Tungare said correct, it is not mandatory or required by state law; it's something that the city adopted about 20 years ago in the spirit of being customer friendly to get some early feedback. Mr. Doyle said staff does a good job of presenting seed questions to Commission that they may want to ask, then Chairman Wallace will ask for comment from the public and then Commission will go down the line to give each member an opportunity to state their impressions. He thinks regarding Prairie Center, after Commission gives feedback to P&D committee, a formal resolution might be useful to the applicant, the commission and the public to state the city's vision for the property.

Aldr. Silkaitis there would be no vote, since it's just a concept; but if we start doing that it goes into an actual presentation of the project and he is not sure if that can be done. Chairman Bancroft said all we do is make the applicant count votes; substantively, whether there is a vote or no vote, they will see the positives and the negatives. Mr. Kessler said he keeps going back to Pheasant Run, because he feels both groups left the developer thinking there is a possibility of some residential there. Mr. Doyle said he doesn't know if a resolution is possible just to say the city is receptive to appropriate residential development on a parcel. Ms. Spruth said residents have to weigh in and feel their opinion and words matter, so it would be almost like discounting their voice; and also decisions can change after all the work is done. Mr. Doyle said there is also the opposite problem of fair certainty and how does the applicant know whether or not it's worth their time to invest in anything when it can go through lengthy public hearings and then get

politicized. He said neither a resolution nor the Comprehensive Plan would be binding and the issue is just one of having that fair certainty to say: the city seriously contemplates the proposal as a legitimate or appropriate land use; or no, its absolutely not going to fly, so do not waste your time.

Ms. Tungare said she doesn't think the Concept Plan process is perfect by any means and she also has her share of frustration with the process. She said historically the process had some structure, but not as structured as it is today, and credit goes to Plan Commission, Committee and current staff for formalizing the Concept Plan process. She said historically, the planners would provide their analysis but there were never questions provided for the Plan Commission and P&D Committee. She said the conversation went into too much detail and there was no structured feedback; as a result the comments were completely ambiguous and developers were then scratching their heads as to what they had just heard. She said what it has morphed into now is that in the spirit of directing those conversations and giving the developers some feedback to make informed decisions, the analysis provided gives some guidance, but it is not a perfect science; it's still a hit or miss. She said part of her struggle has been whether there will ever be a way to perfect the process, because although we want to provide feedback, we don't want anything to be binding such that we don't give ourselves room for negotiation or to see how the project shapes up. She said even Pheasant Run, yes at a higher level residential is probably appropriate for that site but what is it going to look like; single-family, multi-family, townhomes; what's the density, what's the height, is it senior housing or affordable housing- a lot of unanswered questions.

Chairman Bancroft said there is a lot of value in a Concept Plan process and one of the most true components is an absolute no, and generally speaking that comes off unambiguously; from his experience, many dollars can be saved on the developer's side of pursue costs, but where it gets complicated is when it's a maybe. Mr. Kessler said the real answer he thinks is giving the developer some level of direction; then they are going back to staff and staff is going to get a level of direction from both the Plan Commission and the P&D Committee, but really staff are the ones that will be doing the work. Ms. Tungare said Commission/Committee comments

supplement our efforts and gives us more leverage to shape the project; so the city definitely gets some benefit from it, but it's not a perfect science. Aldr. Gaugel said the questions in the packet are really important and he tries hard to answer those questions and he suggested everyone be a lot more conscious about asking those questions. He said in asking the questions that we know they will come back with after the fact, at least it can be said that at least those three or so were addressed and he thinks they can come up with some kind of reasoning to say yes or no. He said those questions are very good and if those are the key points that staff along with the developer are concerned with, then it's owed to give a lot more weight when comments are asked for. Ms. Tungare suggested that maybe those questions be typed up on a separate sheet for the chair of both groups at the meeting for the particular project, and rather than having to think about going to the last page of the staff report where they currently are, now they will be placed right in front of the Chairman. Chairman Bancroft said whenever there is a Concept Plan he always reads the questions so they are in the record. Ms. Tungare said staff could even distributed copies to all the members.

Aldr. Stellato noted that they have come a long way; the paper packets used to be delivered on Saturday morning, the letters went out to the neighbors and the Plan Commission and Council got to see it for the first time together that night; so everyone had 48 hours to react to it, and the neighbors all showed up at the same time with questions. He said now in looking at the recent version of the Lexington project, he believes they met with the neighbors before meeting with any committees or commissions; which made it a smoother process.

Ms. Tungare said she has seen some communities do a joint Concept Plan review. Chairman Bancroft said we spend a lot of time thinking about rolls and responsibilities and where the line is and it worries him that the line may become too blurred. He asked if the Plan Commission members are ready to get all the phone calls that Committee members get. Mr. Doyle said if there is no action taken at the meeting and it's just discussion, then he is not certain where the blurring would come in; and in terms of negotiation, he has a sense that on the bigger plans the Commission just sees the tip of the iceberg; they don't know all of the economic development aspects. He said they have no idea whether or not the Commission's comments are helping the

city negotiate the right settlement or just confusing the matter more. He said they have no idea what the city is trying to negotiate or what conversations may have happened in private with an applicant regarding things like TIFs. Mayor Rogina noted Prairie Center has a TIF on the property since 2000, and the city has spent money subsidizing that TIF. Chairman Bancroft said there is sort of purity in not having to deal with any of that stuff in the Plan Commission role and he worries about that separation to look at things very objectively and not get into the fray, especially with projects that will be political. Aldr. Stellato noted that to Mr. Doyle's point, he has been involved in a meeting where an attorney actually told him that he would wait until he had a "no" vote, then he would come back and change the plan; so sometime a "no" helps and sometimes that is part of the negotiation. Chairman Bancroft said we do use each other's recommendations- Commission with their assessments on the objective side provide Committee with analysis and their thought; and then if it is a political decision, Commission can then point to Committee.

Ms. Spruth asked if for larger projects, if the applicants can open up a room and provide the application to discuss it with the public for open discussion with residents. Ms. Tungare said those are neighborhood meetings and staff strongly recommends the applicants do that for larger projects; specifically the Prairie Center project, staff has recommended hosting meetings before moving forward with the Concept Plan, and although 6-7 months has gone by since the last neighborhood meeting, there is probably more information now that can be shared, and most developers see the value in doing that. She added that neighborhood meetings are not attended by City staff specifically because it's an opportunity for the developer to be able to have that open dialogue with the constituency group. Aldr. Stellato stated he has been to one of those as an observer for another community and because there may be no structure at the meeting, they can be tense discussions.

Aldr. Lewis said the Weekly Development Report doesn't show that there are any plans for Prairie Center, but if it did and a resident wanted to see plans, could they come to city hall and see those. Ms. Tungare said for projects of significance, staff posts information and plans on the

website. Mr. Colby said information for Prairie Center will be posted next week, but anyone can come in at any time and look at the zoning application files.

Chairman Bancroft asked if the reporting back from P&D to Plan Commission members issue was solved since last meeting. Mr. Colby said staff started including the Weekly Development Report as a standing item on the Plan Commission agenda, so there is an opportunity for everyone to look at it and ask questions. He said he thinks they also talked about the Commission members who are in attendance reporting back what happened at P&D meetings and he thinks that has happened when there are topics of interest. Mr. Kessler said it has, but it's not everything; only if there is a question about a committee response, then commission has the opportunity to answer it, if it's on the development report or one of the commission members attends the meeting.

Mr. Kessler said he thinks it's a good idea to be discussing the process that is used from beginning to end; however he thinks that if staff has received direction from either the Committee or the Alderman on a particular issue, the Commission should know about that before the item comes before them. He said when there are issues that are Committee-directed, then the Plan Commission should know that. Ms. Tungare said she thinks a good example of that would be an amendment to the Zoning Ordinance because most of the time those are directed by some policy decisions at the Committee level or Council. Mr. Kessler said if it comes before Commission and they don't know anything and come up with a completely different finding, it goes to P&D Committee and it's as if Commission has been ignored. Mr. Doyle said he trusts the staff to represent the commission, but when the city is the applicant, it introduces an element that is more complex, as was the case with the medical marijuana application. He said the Commission was not clear where it came from; there was a police officer at all the public hearings that didn't testify but appeared to have an interest in the outcome, but didn't provide any direct testimony to give the Commission something to hang their hat on and he was really wanted to know their opinion as professionals who are charged to safeguard safety in the city.

Aldr. Bessner asked how much direction is given to applicants on how we might all interact and react to certain developments; is there a base line where you can say no more, or are they given advice if it's a zoning issue, or if it might be political. Ms. Tungare said what she would share is typically based on technical information and policy documents, particularly where the Plan Commission is concerned; but in her capacity, if it involves some history, politics or the expectations of the community, she is comfortable sharing the history and background. She would share what the pros and cons would be and try to prepare them as best as possible to be able to respond to any concerns or questions that will come up from both groups, or rely on comparable projects that may have occurred to gauge the general sentiment of the community. Aldr. Bessner asked if an applicant had ever just been told no based on her own hunch. Ms. Tungare said as a planner, yes, if it's really far-fetched.

Ms. Tungare thanked everyone for their time and said the open dialogue between the two groups really helps staff do their jobs better.

6. Next Steps or Follow Up Items.

7. Adjournment-motion made and seconded to adjourn at 6:50pm. No additional discussion. Approved unanimously by voice vote. Motion carried.