

**MINUTES
CITY OF ST. CHARLES**

**JOINT MEETING OF
THE PLANNING & DEVELOPMENT COMMITTEE &
ST. CHARLES PLAN COMMISSION
MONDAY AUGUST 10, 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: Chairman Wallace, Spruth, Doyle, Holderfield, Kessler, Pretz, Purdy, Schuetz

Members Absent: Frio

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 5:35 P.M.

2. Roll Call

Roll was called:

Planning & Development Committee

Members Present: Chairman Bancroft, Aldr: Stellato, Silkaitis, Payleitner, Bancroft, Guagel, Krieger (5:55pm), Bessner (5:36pm), Lewis

Members Absent: Aldr. Turner

Plan Commission

Members Present: Chairman Wallace, Members: Spruth (5:40pm), Doyle, Holderfield, Kessler, Pretz, Purdy (5:37pm), Schuetz

Members Absent: Frio

3. Introductions

Ms. Tungare welcomed everyone and stated that both the Plan Commission and Planning & Development Committee are really integral to the development process. She said there has not been a joint meeting of the 2 groups in 7-8 years and there was a strong interest expressed by

leadership on both groups to have this meeting. She said there are new members to both groups and tonight's meeting will be a relationship building exercise to get to know each other to work together to shape and define the community. She said the development review process has several aspects: technical issues, external forces, political reality of the community's expectations, state and local regulations and laws, IDOT, KDOT, Boundary Agreements with surrounding communities, etc., which makes for a very complex process that has to be worked on together as a team. She said she hopes that at the end of this exercise everyone will leave with the common understanding of each other's roles and responsibilities to the community.

Introductions were made by all members as to how long they had been on Committee/Commission and what interests them the most in their role.

4. Staff Presentation on Roles & Responsibilities in Development Review process.

Mr. Colby showed a PowerPoint presentation explaining the Development Review Process and the roles and responsibilities of Plan Commission and City Council.

Scope of Review Authority:

- City Council-“Corporate Authority”-Legislators-Policymakers-Public officials; answering to constituents.
- Plan commission-Public Hearing and Recommending Body-Land Use Policy Advisors.
- Staff-Administrator and Technical Advisors.

Development Review:

Policy:

- Long range vision-Comprehensive Plan.
- Decisions on infrastructure/capital improvements
- Decisions on land use changes.

Regulatory:

- City Code-Zoning & Subdivision.
- Administration in accordance with legal procedures.
- Review against established criteria.

Legal Framework:

- **Policy** decisions are “**legislative**”
 - Decision making by elected officials
 - Examples: Annexation, amending the Zoning Ordinance.

- **Regulatory** decisions are “**quasi-judicial**”
 - Based on findings or criteria supported by evidence.
 - Examples: Special Uses, Subdivisions.

Plan Commission:

- **Appointed citizens with special area of interest:**
 - Half with relevant education or job experience.
 - Half with demonstrated interest in community
- **Defined role exists in State Statute**
- **Serve two functions:**
 - **Policy** role in relation to the Comprehensive Plan as community members with specialized interest in development matters.
 - **Regulatory** role to serve as a non-political, fact-finding hearing body for development applications.

City Council:

- **Political body answerable to constituents**
 - Broad responsibilities-development is one aspect, but one of great impact.
- **Plan Commission meant to serve the City Council by providing:**
 - Sound recommendations on how to set/apply policy through the Comprehensive Plan
 - Unbiased, technical review and defensible recommendation where fact-finding is required by Ordinance.

Issues often faced:

- Residents don't understand the difference between the two bodies
- Regulatory matters can become political
 - City still must follow set ordinance criteria
- Policy and regulatory issues can be intermixed for large-scale projects (such as PUDs)
- In practice, many land use decisions are made during the development process.
- City Council must consider broader City goals.

- Goals may be unrelated to the development.

Takeaways:

- Plan Commission is meant to serve as **advisors** to the City Council.
- City Council and Plan Commission may reach different conclusions.
 - Each working within different framework
 - Best to acknowledge different perspectives as part of the process.
- Staff is here to assist and facilitate the process.

5. Discussion.

Aldr. Bancroft said his first 2 objectives were to have the presentation from staff to understand the framework and to allow for both groups to meet each other. He said he has attended 3-4 Plan Commission meetings, mostly related to things going on in his ward, but he never introduced himself and wasn't sure if he should get up and speak or not, so he really felt this was a good meeting to have. He said in thinking about the different roles played here, it comes down to communication, and City Council is very much the beneficiary of communication from the Plan Commission to the Committee because projects go to Plan Commission first, which holds public hearings where the Committee gets the benefit of attending those meetings to hear the questions as well as minutes from those meetings.

Aldr. Bancroft asked the Plan Commission how they hear what has gone on at Planning & Development meetings; he asked if they receive any reports. Plan Commission members said mostly the papers or the Weekly Development Report. Aldr. Bancroft said without burdening staff, maybe there is something that can help to get the information from Committee to Commission before they hear it through an article.

Aldr. Stellato said back in 1989 he was pulled aside by a Plan Commission member who told him to keep one thing in mind- "politics always overrules good planning" and it's so true. He said the 6 years he spent on Plan Commission he was frustrated because you think projects are a good idea and the land use makes sense and then you see the whole thing get reversed; but then once you get to the City Council side you then know why it was reversed. He said not only does the Council and Plan Commission get frustrated but also the people; they think things are done and wonder why are we back here talking about this. He said now half of those steps have been eliminated, some could not be due to the state statute; but at that same time we also now have "concept plans" where they get a quick read from Commission and Council and they then can decide if they would like to move forward and spend money, and he thinks that process seems to work well. He said if we were to draw this community today on a blank piece of paper, everyone would draw it differently; but if you took the perimeter roads of Kirk Rd. and Randall and say "planning 101" says all commercial development goes on the road, and as you get further away, "planning 101" suggests the density get less when the residential uses come into play; which makes perfect sense. He mentioned the AMLI project and how the Plan Commission thought it was not a good idea as a land use to put an apartment complex on a

corner where you have a great commercial development; it then went Council where he had to break the tie for the vote and the developer said “if you let me build AMLI, I’ll give you Jewel on the other corner”, so once again politics over rules good planning. He said years ago Council members decided not speak at Plan Commission to keep the politics out of it and he always felt that was best.

Aldr. Gaugel said Plan Commission finds the facts, and once he started getting email as an Alderman, you quickly realize that you are answering to the people, which is a different spin on things with politics versus planning. He mentioned the Medical Marijuana topic going before Plan Commission, and he thought they took logical arguments and turned it and it kind of fell on deaf ears; but he feels that’s a perfect example where Plan Commission did the due diligence and the Council then says “not a chance”. He thinks it’s good for both sides to understand that.

Aldr. Bessner said he was on Plan Commission for about 3 years, and he always described it as the “body that did all the grunt work” and he never felt any kind of pressure because the findings of fact guided them; but there were a few developments (Walmart and Harley Davidson) that went on for months and the Plan Commission were the ones deciding these big endeavors that nobody really wanted. He said he was brand new to the Plan Commission at that time and he remembers someone there courting people to turn it around because they were going south; so he truly believes to this day that the Plan Commission is more than an extra set of eyes and he appreciates them and being able to meet with them.

Aldr. Gaugel said when he was a Plan Commission member there were many meetings that went really late and he would then read the minutes where it goes to Council and there’s no discussion and it’s gone, so the Plan Commission really spends the time and does much of that vetting and dialogue.

Mr. Kessler said from his perspective and what he hears from other members is that the Plan Commission thinks this is a good idea because we are looking at a disembodied panel who appears to completely ignore what we have worked on, and in looking at each of the Council members and hearing what they have to say makes him realize you do consider it. He said he thinks there have been some procedural changes over the last few months with planning staff and what we have done to present to Council, because for a long time they felt it was not being presented in such a fashion that they were able to consider as much as they probably should. He said seeing everybody here and knowing that they do consider things is a huge change for the Plan Commission and in terms of speaking at meetings, when he came on Plan Commission 7 years ago, it was always kind of thought that they should stay at arms-length of the City Council and maybe that went too far.

Aldr. Lewis said if something were presented and opposed in a vote that is split, she would love to have that person who opposed come speak to Council because we get the recommendation and a synopsis but do not see the minutes until after it’s all done. Aldr. Payleitner agreed and said it is very valuable to hear the conversation rather than what was in the executive summary; and when there are pressing issues, she shows up at Plan Commission and she has learned the value

of that. Mr. Kessler said they are making more of an effort now to have a Commission member in the audience in case there are questions.

Aldr. Lewis asked how much of the Commission's personal opinion comes into the decisions. Mr. Pretz said it shouldn't come into it and he stays neutral and listens to the facts and tries to keep his emotions and personal agenda out of it, and unless he has a personal agenda, it's at that time that he has to say "I'm going to speak as a resident." Aldr. Lewis said there is some confusion because it's always a vote to "recommend approval" versus "we found the facts; and they are right". Mr. Doyle said the findings of fact gives them the framework for the different things that have to be considered; for instance if it's an application for special use for a drive-through, the Commission needs to find that there is sufficient infrastructure which includes surrounding traffic-lights and patterns. He said they may have difference of opinion as to whether or not the situation is sufficient or not; but they have to make a good faith effort to consider those questions to say, "I am basing my recommendation on what I feel is or is not a good faith assessment, not just because I like that store". Aldr. Lewis said when residents come up and argue against something, even though it meets the criteria, she thinks that's where the breakdown comes in and asked how we can get the community to understand. Chairman Wallace said years ago there was a lot more of "I don't like that company" so we don't want them to go in and there really wasn't any focus on findings of fact. He said one of those ways we have transitioned, largely due to Russ and Rita, is turning this into a body that is technical in nature. He said in the past people would get really upset because they didn't understand the process or what the Commission role was- they thought we were a junior City Council; but he thinks once people understand the role they are willing to accept it. He said he feels the Commission has done an excellent job of not looking at things from a popular or political perspective; we have very stringent standards. Mr. Pretz said they have made a point to state the role of the Commission to the audience as well as the method by which they would come to a conclusion/recommendation based on the findings of fact criteria, which really helps, and when the meeting ends there is no hostility.

Ms. Spruth said commercial applicants should be speaking to their neighbors to communicate what the plan is, and if there are a lot of objections then somebody is not talking; the objections should be resolved before it comes to the Plan Commission, concerns should be addressed. Chairman Bancroft said to the extent that at the Plan Commission level as objections come up, that encouragement of talking to neighbors and people involved goes such a long way, and really experienced developers already do that. Ms. Spruth said it fosters community and businesses are part of this community, so they should speak to their neighbors as well. Chairman Bancroft mentioned a recent situation where he met with an applicant and suggested she speak with her neighbors regarding concerns.

Mr. Doyle said with all of the analysis that is done by staff, traffic consultants and civil engineers, there is a sense that all that information and deliberation pales in comparison to citizens standing in front of you at Planning & Development saying, "Don't do this to us and stand by us". He asked if the Committee can recall a time where there was material in the packet with a Plan Commission recommendation that gave cause to say to the citizens, "We have a significant body of analysis here alongside with testimony". He said his concern is not being

there in front of you to say, "This is what we found", and that all of that testimony and analysis will wither in the face of an impassioned citizen. Aldr. Lewis said she thinks it does when you have that impassioned person in front of you, even though everything is legal.

Mr. Doyle said it irks him when residents come forward and put forth concerns that are not at all germane to the application and it makes him wonder if he'd be more effective promoting good policy to be a citizen activist rather than a Plan Commission member. Chairman Bancroft used the Firethorne Apartments as an example and said absolutely not; what Plan Commission and the Fire Dept. did was everything he had in his quiver to try to move the neighbors in the right direction but what happened there was the time it was taking to get that settlement and get the neighbors to talk just took too long. He said if the city didn't have this process, he doesn't know what would have happened. Aldr. Lewis asked if there is any way to get some follow-up information when projects do not go forward like they are supposed to. Chairman Bancroft said he looks at it as a respect thing because a ton of time is spent on these items at meetings and we should know how it ends up. He said that's what bothers him about Plan Commission because they spend so much time and effort on projects and getting the results from City Council through the paper the next day is not right and there has to be a way to give Commission that consideration. Ms. Tungare said that is something at a staff level that can be done to coordinate some type of communication back to the Plan Commission after a project has gone to Planning & Development and City Council; what the final resolution was. Chairman Wallace suggested using the Weekly Development Report and attaching it to the Plan Commission Agenda and adding it as an item. Chairman Bancroft said this is not meant to be another thing to dump on staff; it may just be that we need to be sensitized to it to just communicate between the two groups. Ms. Tungare said the Chairmen can talk to each other as long as there is not a majority of a quorum and staff can kind of play a role as a facilitator to communicate through us; and part of the reason to bring these 2 groups together is to communicate going forward and to feel comfortable reaching out to each other.

Aldr. Stellato suggest scheduling another meeting in about 3 months and allowing for more time. Ms. Tungare said with all the development projects on the horizon staff would appreciate that and it would be valuable to continue the line of communication.

- 6. Adjournment-Aldr. Lemke made a motion to adjourn at 6:50pm. Aldr. Gugel seconded the motion. No additional discussion. Approved unanimously by voice vote. Motion carried.**