

**Special Meeting – Plan Commission/Zoning Board of Appeals  
Gregory J. Bielawski Municipal Center, DuPage County, Carol Stream, Illinois**

**All Matters on the Agenda may be Discussed, Amended and Acted Upon  
January 14, 2019.**

Tom Farace, Planning and Economic Development Manager, called the Special Meeting of the Combined Plan Commission/Zoning Board of Appeals to order at 6:10 p.m. and requested a nomination for Acting Chairman. Commissioner Petella motioned to nominate Commissioner Creighton, which was seconded by Commissioner Meneghini, and was unanimously approved.

The results of the roll call were:

Present: Commissioners Angelo Christopher, Dave Creighton, John Meneghini, Frank Petella, Michael Battisto, and Charlie Tucek.

Absent: Chairman Parisi

Also Present: Don Bastian, Director of Community Development, Tom Farace, Planning and Economic Development Manager, Andy Cross, Highland Park Senior Planner and Chaddick Institute at DePaul, and Laurie Marston, Chaddick Institute at DePaul.

**MINUTES:**

There were no minutes to be approved.

**PUBLIC HEARING:**

There were no notices for Public Hearing.

**PRESENTATION:**

Trainers Laurie Marston and Andy Cross introduced themselves and gave a presentation on Citizen Planners Training, sponsored by the APA of Illinois and the Chaddick Institute at DePaul (see attached).

**OTHER BUSINESS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

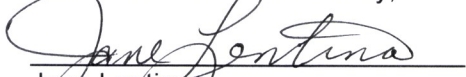
**ADJOURNMENT:**

At 8:46pm Commissioner Petella moved and Commissioner Meneghini seconded the motion to adjourn the meeting.

The motion passed by unanimous vote.

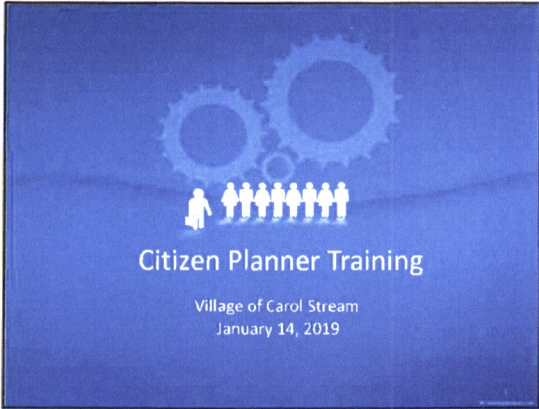
FOR THE COMBINED BOARD

Recorded and transcribed by,

  
Jane Lentino  
Community Development Secretary

Minutes approved by Plan Commission on this 28 day of January, 20 19.

  
Chairman



Citizen Planner Training  
Village of Carol Stream  
January 14, 2019

The slide features a blue background with a graphic of three interlocking gears at the top and a row of white silhouettes of people below them.

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Participating Agencies



Laurie Marston, FAICP Andy Cross, AICP

The slide has a blue background. It displays the logo for APA IL on the left and the logo for DePaul University's Chaddick Institute for Metropolitan Development on the right. The names of the speakers are listed at the bottom.

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Agenda

- Welcome and Introductions
- Planning + Development 101
- Tools of the Trade
- Roles of Others in the Process
- Responsibilities of members of the Commission
- Tricks of the Trade

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## Make No Little Plans

Make no little plans; they have no magic to stir men's blood and probably themselves will not be realized. Make big plans; aim high in hope and work.



○ Daniel Burnham

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## Comprehensive Plan

- The community's vision for its future – a policy guide
- Authority established by:
  - Municipal Code
  - Illinois Constitution
- Plan - *general future* policy
- Zoning - *specific current* regulation



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## Public Participation in the Plan

- Educates and informs the public
- Public ownership of the plan supports implementation



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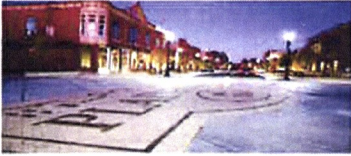
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## Plan Implementation

- Policy: economic, environmental well being of Village
- Financial: CIP, TIF, sales tax rebates
- Regulations: stormwater, residential anti-monotony
- Procedures: design guidelines, façade program
- Improvements: streetscape, pedestrian and bike paths
- Review and revise plan when needed




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## Working with the Public

- Encourage applicant to meet informally with neighborhood
- Use additional means to publicize meeting
  - Village website, consider use of social media
  - Posting in public gathering places (library, train station, park building)
- Provide copies of material for public
  - Before meeting (website, at Village Hall)
  - At meeting
- Public hearings
  - Create atmosphere that welcomes public participation
  - Arrange agenda so simple, non-controversial cases are first

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## Working with the Public

- Schedule meeting at convenient time for public
- Hold meeting in accessible location, with enough seats
- Provide microphones so all can hear
- Use large screens so all can see
- Ensure temperature in room can be adjusted if needed

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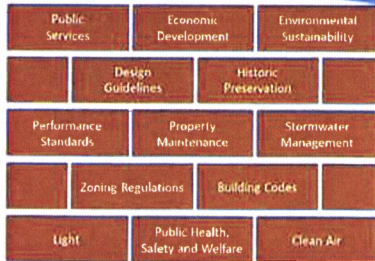
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## Foundations of Zoning and Development Regulations




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## Regulating Development

- Police Power – health, safety, welfare
- Community character & economic development
- Clear structure
- Objective codes applied consistently
- Predictable, fair, timely process




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## Regulating Development

- Regulatory Tools
  - Building Code
  - Sign Code
  - Fence Regulations
  - Subdivision Ordinance
  - Zoning Ordinance
- Advisory Tools
  - Comprehensive Plan
  - Three opportunity areas
  - Commercial Corridor guidelines




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## Your Community's Regulations

- Each community is different
- No right answer
- Legal limitations



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## Questions & Discussion

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## Zoning Ordinance

- Protect residents from others' actions, not intended to limit owner's use
- State statutes *authorize* local governments to zone; case law *limits* how zoning is used
- Tool to implement Plan – regulates:
  - Use of land
  - Amount of open space on lot
  - Land coverage on lot
  - Setbacks of buildings
  - Bulk of buildings



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## Zoning Districts



- One Family
- General Residence
  
- Flood way, flood fringe
- Agricultural
- Retail
- Service
- Office and Institutional
- Research and Development
- Industrial
- Gary/North Avenue Corridor Overlay District

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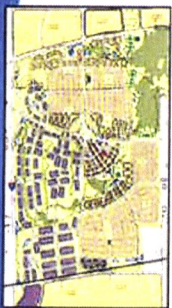
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## Keeping the Zoning Ordinance Current



- Text Amendment
  
- Map Amendment (rezoning)
  
- Often revise parts of zoning text and the map after new Comp Plan adopted

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## Types of Zoning Approval



- Permitted Uses (no hearing)
- Variation
- Special Use
- Planned Unit Development

Conditions

- Must be rational nexus to proposal
- Listed in approving ordinance

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### Planned Unit Development (PUD)

- Benefits to developer
  - Permits flexibility in design
  - Allows construction to be phased
  - Includes variations, if in public interest
- Benefits to the Village
  - Access to valued amenities
  - Provide open space, recreational areas
  - Preserve natural features, environmental resources

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### Planned Unit Development (PUD)

- Procedure
  - Pre-application meeting: sketch plan to Commission
  - Preliminary development plan to Commission for public hearing and Commission recommendation
  - Village Board accepts or rejects preliminary plan
  - Final development plan submitted to Commission who recommends approval or denial to Village Board
  - If Village Board approves plan, building permits then can be issued

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### Planned Unit Development

Items Reviewed by PZC

- Density, bulk, uses
- Architectural design, parking
- Lighting, signs
- Landscaping, open space
- Utilities, drainage
- Streets, sidewalks, street lights
- Consistency with Comprehensive Plan
- Benefits provided to the Village




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### Unified Development Ordinance

- UDO combines zoning, subdivision, sign ordinances
- Engage public in the process
- Internal consistency and cross references are important
- UDO can be more understandable for public
- Modernize list of uses in each district
- Avoid creating new non-conformities
- For frequently granted variations, allow staff to approve, if certain conditions met
- Allow Commission to specify minor changes that must be reviewed by staff before project can be submitted to Village Board for final approval

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### Annexation

- Two goals:
  - Expand a municipality's boundaries (extend services, community growth)
  - Address potential impacts of adjacent properties outside of municipal boundaries
    - Zoning and development of properties within 1.5 miles of existing municipal boundary
    - Annexed property under zoning control of annexing municipality

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### Annexation

- Process may be voluntarily initiated by property owner(s); municipality can negotiate terms in annexation agreement
- Municipality can require annexation as condition for providing utilities
- Forcible annexation authorized in state law
  - Requirements: less than 60 acres, surrounded by municipalities (generally)
  - Owner can appeal to state court

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## Annexation Considerations

- Evaluate both revenues and expenses from area to be annexed
  - Suburban or rural area?
  - Commercial or residential?
- Consider whether a community of interest exists with area to be annexed
  - How will it contribute to existing municipality?
  - What connections exist (school district, others)?

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## Subdivision Regulations

- Procedure to create and record subdivisions
- Technical process to confirm plat meets standards in the ordinance
- Operates with zoning code, building code and other regulations
- Regulates division of land into lots for sale, lease or transfer
- Controls lot location, boundaries, size, shape
- Requirements for access, safety and health
- Affects the look and function of a community



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## Subdivision Regulations

- Public Improvement Standards
  - Roads
  - Street lighting
  - Sidewalks
  - Bike paths
  - Utilities
  - Drainage
  - Land dedication for schools and parks
  - Performance guarantees

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## Building Code and Sign Code

- Building code addressed by staff
- Signs reviewed for time, place, manner
- Sign content and the Constitution
- Signs necessary for commerce
- Signs contribute to community character and visual appeal




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## Questions & Discussion

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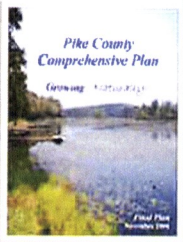
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## Role of Planning and Zoning Commission

- Prepare plans for future of community
- Preserve property values
- Focus on community vision and character
- Keep informed on local issues via Village newsletter, local media
- Current tools and techniques: APA publications, training, state conference
- Visit developments after occupancy




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## Role of Elected Officials

- Numerous non-land use responsibilities
- Final authority on land use matters
- Policy direction to Commission
- Appoint qualified Commission members who will work well together doing their difficult job



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## Working with the Elected Officials

- Clarify reasons for decision differing from commission decision
- Dialogue about common vision for community
- Consider if comp plan needs updating
- Recommend any needed zoning amendments
- Provide insight from cases about current issues in community
- Suggest solutions for potential future problems

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## Role of the Planner

- Educates citizens about purpose and process of planning
- Guides applicant and public regarding codes and hearings
- Fair and consistent with both supporters and objectors
- *Explains the request; applicant advocates for request*

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## Working with the Planner

- Review several past cases to ensure process fair to all
- Suggest changes to hearing procedure when needed
- Hold workshop for training on technical issues
- Suggest informal meeting with related Village committees

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## Staff Report

- Facts of case
- Background data
- Comprehensive Plan objectives
- Zoning requirements
- Standards of review
- Provide commission adequate time to read it



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## Roles of Other Key Actors

- Village Attorney
  - Provides guidance on hearing procedure
  - Might or might not attend hearing
  - Clarifies zoning provisions for Commission
- Public
  - Listen
  - Ask questions, provide testimony
  - Be courteous to all

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## Developer's Role

- Help to implement (build) the community's plan
- Focus on certain types of development forms (a developer is not always in a position to provide all land uses)
- Provide the municipality complete, current, accurate information about the project (especially if seeking local funds or zoning relief)
- Work with the municipality to answer questions and resolve conflicts throughout the development process
- Conform to requirements of approval




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## Developer's Perspective

- Can spend "6 figures" to be told no
- Must meet the bottom line - there can be no vision nor any development without profit
- Need to talk to the municipality early to understand the process - not all do
- Communities have lots of rules, which change from community to community
- Not all municipalities can explain the rules they have or why they have them
- Financing is an essential element of the process - just as important as zoning approval

Development Stakeholders



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## Questions & Discussion

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### Responsibilities of Commission members

**Be prepared**

- Understand Comp Plan and Zoning Ordinance
- Read packet
- Visit site
- Understand proposal
- Contact staff with questions (before hearing if possible)

**Play active part**

- Attend; alert staff if will be absent
- Arrive on time
- Listen to staff, applicant, public, other commissioners
- Ask questions
- Consider project's relation to Plan

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### Responsibilities of Commission members

- **Hearing Procedures**
  - Generally follow Robert's Rules to give structure to hearing
  - Avoid esoteric details of parliamentary procedure
  - Impose conditions to mitigate impacts raised by public
  - Request specific improvements in proposal when appropriate
  - Avoid debates-ask public questions but make comments later
  - Obtain all information needed to make decision
  - Continue hearing if necessary to obtain information

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### Responsibilities of Commission members

- **Professionally perform duties**
  - Be consistent, fair and impartial
  - Make all comments on the record
  - Not necessary to repeat comments by other commissioners
  - Avoid jargon - use terms understandable to public
  - Be patient, courteous and respectful
  - Remain calm; model appropriate behavior for all

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### Responsibilities of Commission members

- Vote based on standards
  - Explain how vote relates to standards of review
  - Give appropriate weight to staff recommendations (if any)
  - Recognize audience may not represent all views in Village
  - Discuss with the other members only during the hearing
  - Keep an open mind
  - Do not exceed authority granted by Code or Statute

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### Responsibilities of the Chair

- Efficient, effective meeting
  - Quality decisions by Commission depend on strong leadership by Chair
  - Ensures all interested parties have input
  - Focuses discussion on the topic
  - Expedites action
  - Votes

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### Taking Testimony

- Fair hearing so all views heard
  - Ensure that all have the right to speak
  - Weigh relevance of testimony to standards of review
  - Consider all the testimony in voting
  - Number of people for or against the application is not criteria for decision

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### Typical Hearing Procedure

- Chair states nature of the case
- Chair explains decision is based on standards of review
- Chair describes rules: no clapping, cheering, booing, bullying
- Petitioner presents proposal
- Public asks questions and provides testimony
- Staff presents their report

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### Typical Hearing Procedure

- Chair can reframe any question so relevant to discussion
- Commission members ask questions
- Commission members deliberate about the case
- Chair briefly restates nature of matter
- Commission members vote, based on standards
- Recommend closing hearing *after* vote, not before

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### Ex Parte Contacts

- Contact between Commissioners and others (applicant, members of public) outside public hearings
- Includes in person contact, phone calls, written materials provided by applicant or interested party
- Avoid it as could invalidate ultimate determination
- Suggest the interested party attend the hearing or send comments to staff
- At the site: avoid contact with public if at all possible
- Must disclose any ex parte contact at the hearing

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## Questions & Discussion

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### Findings of Fact

- Basis to ensure fair decisions
- Consistency with the Plan
- Evidence must show standards are met
- Refer to standards when voting

Setting a precedent

- Proposal considered on its merits
- Record clear reason for decision



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### Findings of Fact

The "LaSalle Factors"

- Illinois Supreme Court case: La Salle National Bank of Chicago v Cook County (1957)
- Zoning is constitutional
- Zoning cannot be arbitrary, capricious
- Health, morals, safety, or general welfare of the public



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## Findings of Fact

The "LaSalle Factors"

- Existing uses and zoning of nearby property
- Suitability of property for zoned purpose
- Length of time property has been vacant
- Extent property values diminished
- Decrease in owner's property values promotes public health, safety and welfare
- Gain to public versus hardship to owner



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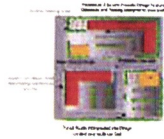
## Special Uses

Uses which, because of their unique character, cannot be properly classified in any particular district without consideration of:

- the impact upon neighboring land
- the public need for the particular use at the particular location
- the ability of the Village to supply municipal services

Special uses are operated by a public agency or public utilities, or uses traditionally affected with a public interest

Or special uses are entirely private in character but their operation may create unique problems with respect to their impact upon neighboring property and public facilities.



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## Special Use Standards

No special use shall be recommended by the Plan Commission unless the special use:

- Is deemed necessary for the public convenience at the location
- Will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare
- Will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood

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## Special Use Standards

No special use shall be recommended by the Plan Commission unless the special use:

- Will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district
- Will provide adequate utilities, access roads, drainage and other important and necessary community facilities
- Will conform to the applicable regulations of the district in which it is located, unless the regulation has been modified by the Board of Trustees.

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### Variations

- Grant relief from strict compliance with the zoning regulations
- Alleviate practical difficulty or particular hardship caused by literal enforcement of the requirements
- Provide site specific relief when ordinance renders land difficult or impossible to use due to unique or special characteristic of the property



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## Variations

The Zoning Board of Appeals shall not recommend a variation unless it shall make findings based upon evidence presented that:

- The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations governing the district in which it is located
- The plight of the owner is due to unique circumstances
- The variation, if granted, will not alter the essential character of the locality
- The plight of the owner is due to the failure of a previous owner of the property to follow then-applicable ordinances or regulations, and where the benefit to health, safety or appearance to be derived from correcting the non-conformity would not justify the cost or difficulty of the correction.

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## Variations

The Zoning Board of Appeals shall not recommend a variation unless it shall make findings based upon evidence presented that:

- The particular physical surroundings, shape or topographical conditions of the specific property involved would bring a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulation were to be carried out
- The conditions upon which the petition for variation is based would not be applicable generally to other property within the same district
- The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

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## Questions & Discussion

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## Ethics

- Intent: serve public interest without opportunity for personal gain
- State Statute 5ILCS 430/1-1 et seq.
- Applies to elected and appointed officers and employees
- Limits specified gifts and certain political activities
- Procedure to follow if a complaint is filed
- For questions, check with staff

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## Ethics

### APA Ethical Principles in Planning

- Continuously and faithfully serve the public interest
- Recognize the rights of citizens to participate in planning decisions
- Give citizens full, clear and accurate information on planning issues
- Clarify community goals, objectives and policies
- Pay attention to the long range consequences of present actions
- Strive to achieve high standards of integrity and proficiency
- Exercise fair, honest and independent judgement in their role
- Only participate in a matter when adequately prepared
- Judgment requires conscientious balancing based on facts of the situation

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## Conflicts of Interest

### Examples:

- Have a business or financial relationship with an applicant as a client or customer
- Have a financial interest in the property or business partner with applicant or own the property

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## Appearance of Impropriety

- No conflict of interest exists but it may impair ability to exercise independent judgment
- A relationship between applicant and Commissioner such that a reasonable person may believe a conflict exists

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### Conflicts – recuse or disclose

- Recuse when an actual conflict of interest exists, do not participate in the hearing and leave the room
- Disclose on the record the relationship when there may be an appearance of impropriety

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### When is it not a conflict of interest?

- Voting on general laws which affect all citizens
- Request from organization in which you are a member
- Commissioner related by blood or marriage to applicant, but has no financial connection

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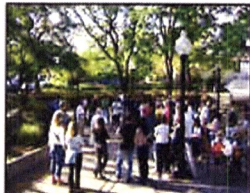
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### Reasons for Open Meetings Act

- Public access to information
- Understand decision making process
- Strengthen transparency
- Hold government accountable



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### Open Meetings Act

- Gathering of a majority of quorum to discuss public business
  - Meetings
  - Phone calls
  - Audio conferences
  - Video conferences
  - Email
  - Instant messaging\*




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### Open Meetings Act

All commission meetings are public meetings

- When commission hears testimony on a specific case, it is a *public hearing*
- When commission meeting is informal workshop, it is a *public meeting*




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### Resources



- Staff, local library
- APA website, magazine, books, podcasts
- APA state and national conferences and webinars
- APA's The Commissioner newsletter
- Mainstream media and newspapers
- Planning Commissioner's Journal ([plannersweb.com](http://plannersweb.com))

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## Resources

- American Planning Association
  - [www.planning.org](http://www.planning.org)
  - [www.ilapa.org](http://www.ilapa.org)
- Websites & Listserves
  - [www.planetizen.com](http://www.planetizen.com)
  - [www.plannersnetwork.org](http://www.plannersnetwork.org)
- Other Organizations
  - <https://las.depaul.edu/centers-and-institutes/chaddick-institute-for-metropolitan-development/pages/default.aspx>
  - [www.strongtowns.org](http://www.strongtowns.org)
  - [www.cnt.org](http://www.cnt.org)
  - [www.landmarks.org](http://www.landmarks.org)
  - [www.preservation.org](http://www.preservation.org)
  - <http://petepointnerplanning.blogspot.com/>

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## Questions & Discussion

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Thank you for attending and  
for serving your community

■ Laurie Marston, FAICP ■ Andy Cross, AICP

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