CRYSTAL LAKE PLANNING AND ZONING COMMISSION
AND ECONOMIC DEVELOPMENT COMMITTEE
WORKSHOP
WEDNESDAY, FEBRUARY 27, 2013
HELD AT THE CRYSTAL LAKE CITY COUNCIL CHAMBERS

The meeting was called to order by PZC Chairman Hayden at 7:30 p.m. Planning and Zoning Commission members Batastini, Esposito, Goss, Greenman, Jouron, Lembke, Skluzacek, and Hayden were present. Mr. Gavle was absent. Economic Development Committee members Affrunti, DeHaan, Haleblian, Reece, Riley, and Fowler were present. Members Dalzell, Hymes, and Saidler were absent.

Michelle Rentzsch, Director of Planning and Economic Development, James Richter II, Assistant Director of Economic Development, Latika Bhide and Elizabeth Maxwell, both Planners, from staff and Victor Filippini, Special Counsel for the City of Crystal Lake were present.

Ms. Rentzsch thanked everyone for attending and said this is a great opportunity for the two boards to learn more about each others' roles.

Ms. Rentzsch introduced Victor "Vic" Filippini and provided a summary of his background. She said that he will discuss the Open Meetings Act for which all of the members had completed a required on-line course and received their certificate of completion. She added that Mr. Filippini is here to discuss some of the finer points of the Act.

Mr. Filippini said all meetings must be noticed so people are aware of the meetings and their locations. There are a few new requirements that pertain mostly to the Council which he will not go over at this time. He said it is important to remember what constitutes a "meeting": it is a majority of a quorum "gathered" to discuss public business, and a gathering includes e-mails and texts; for any body having nine or fewer members, there can't be more than 2 members together. He offered several rules of thumb for compliance with the Open Meetings Act. First, regarding what is a meeting, the easiest way to remember is that, without proper notices, "Two is company and three can't happen." Also when replying to an e-mail, DO NOT "Reply All" if it is regarding City business. He said reply to the sender only, or wait to reply. Mr. Filippini said if you wait to reply, there is no clear rule, but waiting for 3 or more hours probably won't fall into contemporaneous communication. He suggested the idea of the "spoke-and- hub" approach of communicating, whereby all communication is directed to staff.

Mr. Filippini stated that texts and e-mails pertaining to City business but sent on a personal device are still subject to the Freedom of Information Act (FOIA) requirements. Also, if you are at a City meeting and you use your personal device that is subject to FIOA.

Mr. Batastini asked if there are any "safe" zones such as sometimes members go out to a bar after the meeting is over. Mr. Filippini said they can meet after hours but they can't talk about City business. Mr.

Jouron asked if it is ok if they discuss previous City business. Mr. Filippini said it should be avoided because there could be similar requests/actions in the future or the matter could be sent back to them by the City Council.

Mr. Filippini said there are three general areas of Conflict of Interest. You can't use City resources for election or advocacy. That means you can't discuss elections or referendum while you are being paid by a government agency. Also if the City gives you an iPAD, that can't be used for those purposes either. The second is the Gift Ban Act. It prohibits gifts of value. The only exceptions are gifts that are nominal such as pens and food. If you were to be taken to dinner and it costs more than $75 you are required to donate the amount over $75 to a charity of your choice. The value of a gift is limited to $100 per year. The third is monetary interest in the company or project being presented to the City. If you are not spending the City's money – paying bills, awarding contracts, etc. – there is less of a conflict here. He suggests that if you have a substantial and palpable financial interest in the company - whether by investments, ownership, or employment – coming before the boards you are on, announce it to the other members of the board, recuse yourself from the discussion and don't vote. That is always safe. Mr. Filippini added that if you prefer, you may ask you fellow members if you should recuse yourself.

Ms. Rentzsch said there was a discussion regarding Sam's Club and memberships. Mr. Filippini said that is not a substantial financial interest in the company. He said the law in the State of Illinois has set the bar very low when it comes to such conflicts.

Mr. Goss added that he works for Walgreens and has recused himself from any vote on their requests but he could be CVS' worst nightmare. Mr. Filippini said that, strictly speaking, would not be a conflict under Illinois law, so long as a member could act in a fair manner. He added that, alternatively, if a neighbor comes before the board requesting a variation and you don't particularly like the request, you can recuse yourself from the discussion, step down, and voice your objection to the request as a citizen.

Mr. Filippini said it is always best to give it "the smell test." Ask yourself if it would put the group in a bad light if you were to vote on a project. There is a level of judgment that needs to be exercised. He said the abstention vote goes with the majority vote.

Mr. Hayden asked if you recuse yourself, do you need to leave the room. Mr. Filippini said no and the Chair can still run the meeting. He said if any member has questions, they should run it past staff. There is no reason to put oneself in a bad situation.

Mr. Filippini discussed Zoning Standards. He said when reviewing an amendment to the code, you need to look at what is best for the Community. If there is an appeal to a Zoning Administrator's determination, then the PZC becomes more of a judge. This doesn't happen frequently. Ms. Rentzsch said it has happened only once in Crystal Lake that she can remember.

Mr. Filippini said Special Use Permits (SUP) and variations are more common and there are a series of standards that are looked at. He said that reviewing a SUP request is like looking at a jewel from various angles checking out the various facets. The standards given are to help identify the things to look at to make sure the proposal will not cause adverse impacts. Variations on the other hand are different. They are to "smooth" out the rough edges of the ordinances. It's for things that don't fit neatly into a box. Mr. Filippini said petitioners of variation requests do need to show a hardship or practical difficulty. The courts will generally uphold the decision of the City unless it is unreasonable and capricious. He added that really wanting something is not a practical difficulty. Variations are case specific, but he cautioned that a petitioner can always try to cite to a prior approval of the board so they can receive one as well.

Ms. Rentzsch asked about a large garage for the owner's "toys" that requires a SUP and there are no neighbors objecting at the hearing. Should this be approved? Mr. Filippini said it can and there may be conditions listed for approval. He added that if you want the benefit you must accept the burden of the conditions.

Mr. Greenman said there was a request for rezoning and a Preliminary PUD. The PZC recommended denial to Council but it was approved. When it came before the PZC again, they felt that their hands were tied to approve the final. Mr. Filippini said there is nothing wrong with differing opinions. He said Council looks at things differently and the PZC should not be offended or stop doing its job. It could be possible to deny the request but add that if it is to be considered for approval, you would like to see certain conditions added to the approval. It takes extra time but it is worth it. Mr. Filippini said the members always have a right to change their original vote when voting on the final but that may confuse the Council. It is always wise to include your view point.

Mr. Hayden asked if there is a report from the EDC on projects. Mr. Fowler said that the EDC provides a monthly report to the City Council along with the minutes from their meetings. Ms. Rentzsch said the larger projects can be given to the EDC for their viewpoint.

Mr. Fowler asked if simple variations could be fast-tracked. Mr. Filippini said it could since Crystal Lake is a Home Rule community. There needs to be a process for administrative approvals created and very specific requirements determined. Mr. Batastini asked if people are complaining it takes too long. Mr. Reece said definitely yes. He said recently there was a petition that took several months to get through the City's system and the petitioner complained about it. There should be a way that things could be done internally. Mr. Fowler asked where the system bogs down. Mr. Reece said that the City Council overturned the PZC recommendation. There needs to be common sense used such as having another resale shop within a certain distance from another. Mr. Filippini said the UDO may need to be refined and limits are set. Mr. Reece said these are difficult times and people are doing what they can. Mr. Filippini said these are difficult times but you also don't want to panic. It is hard to reverse something after it is changed. It is possible to have a sunset provision. Mr. Hayden said the PZC did

add that to the conditions. Mr. Batastini said they are trying to be flexible. Mr. Fowler said they may need to keep an open mind about uses in certain districts. Ms. Rentzsch said the City has made great efforts to accommodate non-traditional uses. When the UDO was adopted, uses that were SUPs are now approved administratively as Limited Uses, that don't require public hearings or Council approval. She added that the usual time frame is a 30-day turn around. Mr. Batastini said they get them done as soon as possible but there may be a problem with the date needed to notify the surrounding property owners and get the notice published. Mr. Filippini said there are also incomplete applications that come into play. He said when you hear a complaint you need to take it with a grain of salt. There may be other variables that caused timing problems. Mr. Richter added that in November and December the PZC holds one meeting each month because of the holidays and that may have added to the timing of the petitions that were discussed earlier.

Mr. Hayden said they have always understood that financials should be taken into consideration for a request. Mr. Filippini said that is correct. Mr. Goss said they also look at a request to see how it will impact the neighbors.

Ms. Rentzsch said in the packets there was a recent petition that both bodies had reviewed. She asked if the members were happy with the outcome at Council and added that both the petitioner and neighbors were not happy. Mr. Reece said the City should take into account being more flexible with off-street parking. He recently went to a restaurant in Evanston and parked a few blocks away on a residential street because there was no other parking in a neighborhood full of expensive homes. That is how it should be. He added that Route 14 looks great but it could be dynamic. The petitioner should not have to rent parking. Mr. Jouron said downtown Crystal Lake doesn't have enough parking so variations are always granted. Mr. Reece said parking on the residential streets has to be part of the solution for Route 14. Mr. Goss asked if the area he visited had curb and gutter. Mr. Reece said yes. Mr. Goss said that was part of the objection of the residents in the area is because their parkways were being destroyed. He added that a pedestrian crosswalk with a signal on Route 14 would have been nice but IDOT would not go for that. Mr. Goss said when he voted on the petition, he noted that the Findings of Fact had been met but he was concerned for the neighbors as well as the safety of people crossing Route 14. Mr. Greenman said they were between the rock and the hard place. They could not fix the problem but they did come up with possible solutions for the petitioner. Mr. Reece said the building location lends itself to the solution. Mr. Batastini said there needs to be a better way to cross Route 14. Ms. Rentzsch said they are looking at a comprehensive parking plan for that area. Mr. Fowler said now there is enough parking downtown but it's an education process.

Mr. Fowler asked about posting for a special meeting. Mr. Filippini said it needs to be done 48 hours in advance of the meeting. He added that an e-mail could be sent by Mr. Richter asking for input on something and everyone reply to him – not to all members. He can compile the comments.

Mr. Richter gave a short presentation giving a quick overview of things the City has been working on for the past few years. He said that we all have a lot to be proud of. There are nearly 1 million square feet of new businesses in Crystal Lake with more than 1,000 new jobs that were created in the past two years. Ms. Rentzsch said they have been working for over 6 years with some of the businesses who are now open in Crystal Lake. It's not a quick process. Mr. Reece said those are needed to replace the ones we lost and to keep even.

Mr. Richter reviewed the tools staff has to bring new businesses to Crystal Lake. The Incentives Matching Grant program and the Targeted Development Zones have both been well received.

Mr. Richter said the EDC has implemented a business retention program where they tour a facility, get to know the business and ask how they can assist the business as well as what their future plans are. Ms. Rentzsch said they also do targeted e-mail blasts and are working on an on-line activities area so people can see what is happening in Crystal Lake and create itineraries. Ms. Bhide said she is working on an interactive community portal using GIS.

Mr. Batastini asked how the PZC and EDC can communicate better. Mr. Filippini suggested they contact staff and do it through them.

Mr. Reece said he found out about FWE leaving Crystal Lake too late to do much. He said Illinois doesn't help. Other states are wooing Illinois businesses and we are on our own.

Mr. Goss said he does not want to change manufacturing zoned properties and the uses that have been allowed in the Crystal Lake Business Center have not changed the underlying zoning on the properties. There is only so much land that is zoned for manufacturing.

Mr. Batastini suggested going after office users. Their employees purchase local. Mr. Fowler said it is because there are no major highways here. Mr. Batastini suggested white-collar high tech users. Mr. Reece said they need to look into the future to see what we would want here in 40, 50, or even 60 years from now.

The meeting was adjourned at 9:30 p.m.